

M.C.O.C. SPECIAL CASE NO. 21 OF 2006**DATE:17TH OCTOBER 2011****EXT. NO.1663****DEPOSITION OF WITNESS NO.155 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Sanjeev Krushnarao Tonapi
Age : 50 years
Occupation : PI attached to ATS.
Res. Address : 201, YAC Nagar, Kondivita Road, Andheri (E),
Mumbai 59.

Examination-in-chief by SPP Chimlkar for the State

1. I was posted as PI in the ATS, Mumbai on 11/7/06. There were blasts at seven places in the western local railways in the evening on that day. Therefore, my superiors told me to visit the spots and assist the concerned railway police stations in the investigation. I accompanied ACP Dhawale to the site of the blast at Matunga Railway Station. The D.G.P. Maharashtra gave orders in the same night to hand over the investigation of all the blasts to the A.T.S. Subsequently the investigation of all the blasts was assigned to various officers. C. R. No. 77/06 of Bombay Central Railway police Station was assigned to PI B. D. Rathod. I was assisting him in the

investigation as and when required.

2. PI Rathod directed me on 31/07/2006 to take the house search of an arrested accused Zameer Latiful Rehman Shaikh. I asked a head constable to call two panchas at the ATS Police Station at Kalachowki. When he brought two persons to the police station, I appraised them of the facts of the case and the purpose of the panchanama and asked them whether they are ready to act as panch witness. They said yes. Then, I, PSI Kandharkar, the two panchas, the accused and staff started from the police station in the police vehicle. I told the driver to take the vehicle as per the directions of the accused. I told the panchas to take the searches of the police party and the police vehicle before starting from the police station. They saw the investigation kit that was with us, which included papers, envelopes, gum, thread, plastic bags. The happenings were being written in the panchanama. Thereafter, as per the directions given by the accused the vehicle was taken via Sat Rasta, Worli Naka, Lotus Junction and to the Sardar Vallabbhai Patel Hutment. There is a Mazar of Gulabshah Baba in that area. Accused asked us to halt the vehicle there. We all got down and the accused led us to a house in

a chawl that was near. There was a nameplate on the room bearing the description '100-6/7, L Block, Latifur Rehman'. Accused knocked the door, it was opened by a lady, whom accused identified as his mother. I introduced myself and showed her my identity card and explained to her that house search is to be taken. She gave her name as Raisa Begum on being asked. We offered our search but she declined. Accused led us to a loft in that house. There was a wooden cupboard on the western side of the loft. He opened the cupboard, opened a drawer and took out a passport in his name and photograph. We checked the passport. There were stamps of Mumbai immigration, Mehrabad airport and Visa of Iran. There were two booklets, one Tehrik-e-Millat Atankvad Ka Jimmedar Kaun and the second was titled Tehrik-e-Millat Asia 2004. There was another booklet titled 'Road Map of Mumbai and Navi Mumbai'. It was a road map of only Mumbai. Certain places in the map were marked, like RBI, Rajabai Tower, CST, Mumbadevi, Mahalaxmi and somewhere near Century Bazar. There was another map containing portions of India, Pakistan, Afganistan, Oman and Iran. A route from India to Tehran, Tehran to Zaidan, Zaidan to Quetta, Quetta to Bhawalpur and

Bhawalpur to Muzzafarabad was marked. It also contained an international number 0066 etc. in writing, one e-mail id, 'gudu_sir@yahoo.com'. He also produced a black wallet containing some cash, two Canara Bank ATM-cum-debit cards, one in the name of Z. A. Latifur Rehman and other in the name of Zubair Ansari, one motor driving licence in his name and a small pocket diary containing some names and some figures. I asked the panchas to sign on one page of the two books and on both the maps. I also put my signatures. The cash was put in an envelope and it was labeled with the signatures of panchas and my signature. I recorded all the events in the panchanama. The panchanama was read over and explained to the panchas. They found the contents to be correct and they signed it. All the remaining articles were seized and taken in possession. Copy of the panchanama was given to the accused and his signature was obtained. I will be able to identify the panchanama and the articles. The panchanama Ext.527 now shown to me is the same, it bears signatures of the panchas on all the pages and my countersignatures and its contents are correct. It also bears the signature of the accused. The passport Ext.619/Art.133 is the same,

the label thereon bears my signature and the signatures of the panchas. The map Ext.1489/Art.134 is the same, it bears my signature and the signatures of the panchas. The books Arts.135 & 136 are the same, they bear my signatures and the signatures of the panchas. The map Art.137 is the same, it bears my signature and the signatures of the panchas. (It is marked as **Ext.1664** subject to objection by the Id. Adv.). The booklet Road Map of Mumbai Art.138 is the same, it bears my signature and the signatures of the panchas. (It is marked as **Ext.1665** subject to objection by the Id. Adv.). The wallet Art.139 is the same, it bears my signature and the signatures of the panchas. The driving licence Art.140, the ATM cards Arts. 141 & 142, the pocket diary Art.143, two visiting cards and three chits Arts.144 (1 to 5) are the same. The envelope Art.144-A is the same, the label thereon bears my signature and that of the panchas. The cash amount of Rs.1135/- Art.145 and the envelope Art.145-A is the same, the label on the envelope bears my signature and that of the panchas. The plastic pouch Art.145-B is the same.

3. I directed the station house officer to make station diary entries when we left the police station for the panchanama and after retuning

back from the panchanama. The station diary entries no. 16 and 18 in the original station diary now shown to me are the same. Contents of the true photocopies of the entries now shown to me are as per the contents of the original station diary. (They are marked as **Ext.1666(two pages)**). We returned back to the police station at Kalachowki and after station diary entry I handed over the articles to the muddemal clerk and gave the panchanama to PI Rathod. Accused was put in the lock-up. I will be able to identify him. (Witness looks around the court room and points to the accused no.11 sitting in the dock. He is asked to stand up and tell his name, which he states as Zameer Ahmed Latifur Rehman Shaikh). He was the same accused.

4. Accused Faizal Aatur Rehman Shaikh was being interrogated at the Juhu Unit of the ATS by ACP Dhawale, Sr. PI Deshmukh, myself and staff on 8/10/06 during the course of investigation. During the interrogation, the accused volunteered to make a voluntary statement. Two panchas were called by HC Patil. They were explained the brief facts of the case and the purpose of the panchanama. They consented. They were taken to the room where

the accused was kept. The accused gave his name before the panchas on being asked. He made a voluntary statement in Hindi that he is ready to show the place where he had thrown the remaining articles like pressure cooker rings, whistles and circuit while going to Mira Road by train. His statement in Hindi was recorded verbatim. It was shown to the panchas, they found it to be correct and signed it. ACP Dhawale signed it. ACP Dhawale dictated to me the contents of the memorandum of the statement made by the accused and I wrote the same. The memorandum Ext.1108 now shown to me is the same. It is in my handwriting, it bears the signatures as aforesaid. The panchas took the search of the police party and the vehicle as per our practice. Nothing objectionable was found except the investigation kit and the sealing material. ACP Dhavale, Sr. PI Deshmukh, I, panchas and the accused sat in the police vehicle. The driver of the police vehicle was asked to take the vehicle as per the directions of the accused. The vehicle reached Dahisar sub-way via Link Road. It was stopped at the Dahisar sub-way as per the directions of the accused. We and the accused got down. Accused led us towards the railway tracks. Since there was

no road to go to the railway tracks where the accused wanted to lead us, we went by a kachha road on the railway tracks. There are two railway tracks, one towards the east side and one towards the west side. The western track goes from Borivali to Mira Road and the eastern track is *vice versa*. He led us from the western railway track towards Mira Road. There is a clearance of about 3-4 feet by the side of the track, then there is a slope and then there is marshy land covered with grass. Accused led us for quite a long distance and he pointed out the places where he felt that he had thrown the articles. At one place where there was an electric cabin bearing No.L-16, accused pointed out to a spot in the marshy land where we could see a brown plastic bag partly submerged in the mud. It was taken out from the place, brought to a nearby clearing area. It was torn at some places and covered with mud. When it was opened, a thin white plastic bag was found inside. It was also torn at some places. We found seven black rubber cooker rings inside it, on which the word 'Kanchan' was written in white colour. We measured the diameter of the rings. There were five stainless steel pressure cooker whistles with black plastic caps having the name 'Kanchan' on them.

There were five electric wires with red and white insulation. There was a transparent plastic box with two clamps. When the clamps were opened, we noticed yellow sponge on which a printed circuit board was kept. The board was having three outgoing wires, one was having a red cap, one was having black wire with cylindrical Nokia switch. All these articles were cleaned because there was mud on the same. Each article was put in a separate plastic bag. Labels containing the signatures of panchas and ACP Dhawale were prepared and all the plastic bags were pasted with the labels and sealed. ACP Dhawale was dictating the contents of the panchanama as per the events that were taking place and I wrote them. All the articles were seized and taken in custody. The panchanama was read over and explained to the panchas. They signed on it on being satisfied that it was correctly written. Before we sat in the vehicle, we got a photocopy of the panchanama from a nearby shop and gave it to the accused and took his signature on the original panchanama. I will be able to identify the same if it is shown to me. The panchanama Ext.1109 now shown to me is the same. It is in my handwriting and it bears the signatures of ACP Dhawale, the panchas

and the accused.

(Adjourned for recess).

Date : 17/10/11

SPECIAL JUDGE

Resumed on SA after recess :

5. (Ld. SPP requests that Arts. 331 to 336 be shown to the witness.) The cooker rings Art.331 (1 to 7) now shown to me are the same, the label Art.331A is in my handwriting, it bears the signatures of ACP Dhavale and panchas and its contents are correct. The plastic bag Art.331B is the same. The whistles Arts.332 (1 to 5) are the same. The label Art.332A is in my handwriting, it bears the signatures of ACP Dhavale and panchas and its contents are correct. The plastic pouch Art.332B is the same. The five electric wires with red and white insulation Arts.333 (1 to 5) are the same. The label Art.333A is in my handwriting, it bears the signatures of ACP Dhavale and panchas and its contents are correct. The plastic bag Art.333B is the same. The printed circuit board with wires attached and the circuit thereon Art.334 is the same. The plastic box Art.334A is the same. The label Art.334B is in my handwriting, it bears the signatures of ACP Dhawale and panchas and its contents are correct. The plastic

bag Art.334C is the same. The copper brown bag Art.335 is the same. The white plastic bag Art.336 is the same. The label Art.336A is in my handwriting, it bears the signatures of ACP Dhawale and panchas and its contents are correct. The plastic bag Art.336B is the same. I will be able to identify the accused. (Witness looks around the court room and points to the accused no.3 sitting in the dock. He is asked to stand up and tell his name, which he states as Mohd. Faisal Ataur Rehman Shaikh). He was the same accused. Then we returned to the police station and made station diary entry to that effect. An entry was made before leaving the police station. The station diary entries no. 3 and 7 in the original station diary now shown to me are the same. Contents of the true photocopies of the entries now shown to me are as per the contents of the original station diary. (They are marked as **Ext.1667(two pages)**). After the station diary entry, I handed over articles to the muddemal clerk and gave the panchanama to ACP Patil, the chief IO of this case. Accused was put in the lock-up.

6. During the further investigation of the case, it was revealed that the FSL wanted an original cooker ring and whistle from the Kanchan

cooker company for comparison. A letter addressed to the Manager of Kanchan Cooker Company was prepared on 14/10/06, panchas were called and they were explained the brief facts and the purpose of the panchanama. They agreed to act as panch witnesses. PSI Kandharkar started the writing of the panchanama at the Juhu Unit of the ATS where we were at that time. I then went alongwith PSI Kandharkar and panchas to Raju Industrial Estate, Near Dahisar Check-naka where the office of Kanchan Cooker Company is situated. The office is in two galas, one of them is administrative office. We went there. The administrative head of that unit Prashant Kothari was present. We gave him the request letter which was signed by PI Deshmukh and it was received by Prashant Kothari. The letter Art.341 is the same. It bears his acknowledgment. He produced one sealed packet of pressure cooker ring and one stainless steel whistle. It was taken in possession under panchanama, packed in a brown paper separately, a label containing signatures of the panchas and PSI Kandharkar was pasted on it and it was sealed. Prashant Kothari gave us a deliver challan. It was also taken in possession under the panchanama. Art.340 is the same

delivery challan. I will be able to identify the plastic bag containing the pressure cooker ring and the whistle. The plastic bag of the Kanchan Cooker Company containing a pressure cooker ring Art.342A is the same, the whistle Art.343 is the same, the labels on the brown paper wrapper Arts.342B and 343A are in the handwriting of PSI Kandharkar, it bears his signatures and that of the panchas. The panchanama was completed, read over to the panchas, they signed on it as they found it correct. The panchanama Ext. 1259 is the same. It is in the handwriting of PSI Kandharkar. It bears the signature of PSI Kandharkar and that of the panchas and its contents are correct. We returned to the Juhu Unit, then went to the Police Station at Kalachowki, the articles were handed over to the muddemal clerk and the station diary entries were made. The panchanama was handed over to PI Deshmukh. The station diary entries no. 11 and 17 in the original station diary now shown to me are the same. Contents of the true photocopies of the entries now shown to me are as per the contents of the original station diary. (They are marked as **Ext.1668(two pages)**).

7. During the course of investigation, one of the accused by name

Sajid Margub Ansari was interrogated at Juhu Unit by PI Deshmukh, myself and staff. During interrogation on 23/10/06 he expressed his desire to make a voluntary statement. Two panchas were called by the staff. They were explained the brief facts of the case and the purpose of the panchanama and requested to act as panch witnesses. They agreed. I recorded the events chronologically as dictated by PI Deshmukh. The panchas were taken to the adjoining room where the accused was kept. The accused gave his name as Sajid Margub Ansari on being asked before the panchas. He made a statement in Hindi before the panchas voluntarily disclosing that he would show the place where the articles used for making timer circuit devices are kept. I wrote down his statement in Hindi, it was read over to the panchas, they found it correct and signed on it. PI Deshmukh also signed on it. The memorandum of the statement made by the accused Ext.1479 now shown to me is the same, it is in my handwriting, it bears signatures of PI Deshmukh and the panchas and its contents are correct. After completing the memorandum panchanama, the panchas took the search of police party and the vehicle in which we were to go. Nothing other than investigating kit

and sealing material was noticed by them. PI Deshmukh, myself, staff, panchas and the accused sat in the vehicle. The driver of the vehicle was asked to take the vehicle as per the directions of the accused. Accordingly, the vehicle was taken to Malvani Gate No. 6 via Link Road. The accused asked to stop the vehicle near Mother Teresa School. After getting down the accused led us and the panchas to a nearby structure, which was ground plus one. There was a paper board saying Tanzeem-e-Walidaen in English. Accused led us to the office on the first floor by climbing the staircase. The door was open. We entered behind him. That place was in two parts. The front portion contained some computers on tables. One old man was sitting there. PI Deshmukh introduced himself and told him the purpose of our visit. On being asked, he gave his name as Mushtaq Ali, in-charge of that office. The accused asked him to give the keys of his drawer. Mushtaq Ali gave him a key, by which the accused opened one of the drawers of the computer table. He took out one plastic bag with the name 'Priya Gold'. He took out the articles from that bag and put them on the table. They were one soldering gun, four pieces of soldering wire, soldering paste, one

screw driver, two stainless steel tweezers, one multimeter, one packet of Airtel recharge voucher with a sticker containing Sim number and mobile number and certain electric components like resistors, capacitors, one coil, transistors, LEDs, diodes, etc. These articles were put in separate plastic bags, labels containing the signatures of PI Deshmukh and the panchas were pasted on the plastic bags, the bags were tied with thread and sealed. The articles were seized and taken in possession. The panchanama was completed, read over to the panchas who signed it after seeing that it is correctly written. PI Deshmukh also signed it. Two photocopies were taken from a nearby shop, one was given to the accused and one to Mushtaq Ali and their signatures were obtained. The panchanama Ext.1480 now shown to me is the same, it is in my handwriting, it bears the signatures of PI Deshmukh and panchas and its contents are correct. I will be able to identify the articles if they are shown to me. The polythene bag Art.345 is the same in which all the articles were. The label Art-345A is in my handwriting, it bears the signatures of the panchas and PI Deshmukh. The transparent plastic bag Art-345C is the same. The label Art.346-A in the big transparent plastic bag containing the

soldering gun marked as Ext.2, M-505/06/2 is in my handwriting, it bears the signatures of the panchas and PI Deshmukh. The soldering gun Art.346 is the same. The lac seal with broken white threads Art.346C is the same and the transparent plastic bag Art. 346D is the same. The label in the transparent pouch marked as Ext.3, M-505/06/3 Art.347A is in my handwriting, it bears the signatures of the panchas and PI Deshmukh. The four pieces of soldering wire Art.347 (1 to 4) wrapped in four pieces of white paper are the same. The transparent plastic pouch having lac seals with broken white threads Art. 347C is the same. The label in the pouch containing a round box marked as Ext.4, M-505/06/4 Art. 348A is in my handwriting, it bears the signatures of the panchas and PI Deshmukh. The box containing the soldering flux Art. 348 is the same. The transparent plastic bag Art. 348C is the same. The label in the pouch containing a printed circuit marked as Ext.5, M-505/06/5 Art. 349A is in my handwriting, it bears the signatures of the panchas and PI Deshmukh. The printed circuit board Art. 349 is the same. The two lac seals with broken white threads Art. 349C is the same. The transparent plastic bag Art. 349D is the same. The label in the

pouch containing a yellow multimeter marked as Ext.6, M-505/06/6 Art. 350A is in my handwriting, it bears the signatures of the panchas and PI Deshmukh. The yellow multimeter Art. 350 is the same. One loose lac seal with broken white threads Art. 350C and the transparent plastic bag with a lac seal and broken white threads Art. 350 D are the same. The label in the pouch containing two tweezers marked as Ext.7, M-505/06/7 Art. 351A is in my handwriting, it bears the signatures of the panchas and PI Deshmukh. The tweezers Arts. 351 (1 and 2) are the same. The transparent plastic pouch Art. 351C is the same. The label in the pouch containing a screw driver marked as Ext.8, M-505/06/8 Art. 352A is in my handwriting, it bears the signatures of the panchas and PI Deshmukh. The screw driver Art. 352 is the same. The transparent plastic pouch Art. 352C is the same. The label in the pouch containing empty packet of Airtel recharge card marked as Ex.9, M-505/06/9 Art.353A is in my handwriting, it bears the signatures of the panchas and PI Deshmukh. The empty packet of Airtel recharge card Art. 353 is the same. A lac seal with broken white threads Art. 353C is the same. The transparent plastic bag Art. 353D is the same. The label in the pouch

containing resistors marked as Ex.10, M-505/06/10 Art. 354A is in my handwriting, it bears the signatures of the panchas and PI Deshmukh. The resistors Arts. 354 (1 to 22) are the same. The transparent plastic pouch Art. 354C is the same. The label in the pouch containing two capacitors marked as Ex.11, M-505/06/11 Art.355A is in my handwriting, it bears the signatures of the panchas and PI Deshmukh. The two capacitors Arts. 355 (1 and 2) are the same. The transparent plastic pouch Art. 355C is the same. The label in the pouch containing one coil marked as Ex.12, M-505/06/12 Art.356A is in my handwriting, it bears the signatures of the panchas and PI Deshmukh. The coil Art. 356 is the same. The transparent plastic pouch Art. 356C is the same. The label in the pouch containing transistors marked as Ex.13, M-505/06/13 Art. 357A is in my handwriting, it bears the signatures of the panchas and PI Deshmukh. The transistors Arts. 357 (1 to 8) are the same. The transparent plastic pouch Art. 357C is the same. The label in the pouch containing LEDs marked as Ex.14, M-505/06/14 Art. 358A is in my handwriting, it bears the signatures of the panchas and PI Deshmukh. The 9 LEDs Arts. 358 (1 to 9) are the same. The transparent plastic pouch Art. 358C is the same. The label

in the pouch containing diodes marked as Ex.15, M-505/06/15 Art. 359A is in my handwriting, it bears the signatures of the panchas and PI Deshmukh. The diodes Arts. 359 (1 to 6) are the same. The two loose lac seals with broken white threads Art. 359C and the transparent plastic pouch Art. 359D are the same.

8. Then we returned to the police station, made station diary entry to that effect, handed over muddemal to the muddemal clerk, put the accused in the lock-up and gave the panchanama to chief IO ACP Patil. The station diary entries no. 4 and 9 in the original station diary now shown to me are the same. Contents of the true photocopies of the entries now shown to me are as per the contents of the original station diary. (They are marked as **Ext.1669(two pages)**). I will be able to identify the accused who had led us and at whose instance the articles were seized. (Witness looks around the court room and points to the accused no.7 sitting in the dock. He is asked to stand up and tell his name, which he states as Mohd. Sajid Margub Ansari). He was the same accused.

9. On 31/10/06 one of the witnesses came to our Juhu Unit to hand over a mobile that was given to him by arrested accused Asif

Bashir Khan. He gave his name as Faiz Hullaik on being asked. PI Deshmukh called two panchas and prepared a panchanama as per the events. The panchas were explained the brief facts and the purpose of the panchanama. They were requested to act as panchas to which they consented. The said witness produced a Nokia 2300 mobile handset. There was no sim card in the mobile, because when it was switched on, it displayed the message 'insert sim card'. It was put in a plastic bag, a label containing the signatures of panchas and PI Deshmukh was pasted on it and it was sealed and seized under the panchanama. PSI Kandharkar wrote the panchanama as per the dictation of PI Deshmukh. I was present at that time. It was read over to the panchas and they signed as they found it to be correct. The panchanama now shown to me is the same, it bears the signatures of the panchas and PI Deshmukh and its contents are correct. (It is marked as **Art. 366**). Station diary entry no. 12 was made and the muddemal was handed over to the muddemal clerk and the panchanama was given to chief IO ACP Patil. The station diary entry no. 12 in the original station diary now shown to me is the same. Contents of the true photocopy of the entry now shown to me are as

per the contents of the original station diary. (It is marked as **Ext.1670**). I will be able to identify the mobile handset if shown to me. (Witness is shown a sealed packet having label containing a mobile handset at sr. no. 21 of list ext. 16F). The mobile handset is the same, the label on the plastic bag in which the handset is bears the signatures of PI Deshmukh and panchas. (Mobile handset is marked as **Art.367**, the label is marked as **Art.367A** and the plastic bag is marked as **Art. 367B**).

10. PSI Kandharkar had taken one of the arrested accused Asif Bashir Khan to DCP Zone XI on 29/10/06 for recording his confessional statement. DCP Zone XI informed on 31/10/06 that the said accused had refused to give confessional statement. He directed us to take him back. Accordingly after making station diary entry, I and PSI Kandharkar went to DCP Zone XI office at Borivali. We took custody of the accused from DCP Zone XI, then took him to the Cooper Hospital for medical check-up and put him in the lock-up after we returned back to the police station. Office copy of the letter that I gave to the medical officer of Cooper Hospital is the same now shown to me, it bears my signature and its contents are correct. (It is

marked as **Ext.1671**). The medical certificate issued by the medical officer is the same now shown to me. (It is marked as **Art.368**). Station diary entry about bringing him back was made. Station diary entries about PSI Kandharkar and staff taking the accused to DCP, Zone XI and coming back to the police station were made on 29/10/06 at sr. no. 7 & 11. The station diary entries no. 7 & 11 dtd. 29/10/06 and at sr. no. 9 and 10 dtd. 31/10/06 in the original station diary now shown to me are the same. Contents of the true photocopies of the entries now shown to me are as per the contents of the original station diary. (They are marked as **Ext.1672(five pages)**). I will be able to identify that accused.

11. During the course of investigation, I recorded the statements of four witnesses. They are Afik Rehman, Zahir Khan, Bilal Kadiwala and one more. The first three witnesses were concerning hiring of a flat by accused Sajid Ansari in Amrapali Apt., Shanti Nagar, Mira Road. Bilal Kadiwala was concerned as the accused Sajid Ansari was working in his mobile repairing shop.

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

12. I cannot say why the copies of the station diary entries,

the letter to the MO and the medical certificate were not filed earlier. It is not true that they are prepared during the last 2-3 days. There were units of the ATS at Kalachowki, Juhu and Vikhroli in July to October, 06. There was no other unit in Mumbai. The head office was in Byculla. There was no unit by name ATS, Unit II. There was lock-up in Bhoiwada. There was no office or unit there. Juhu was also known as Chandanchowki. As per my knowledge, the investigation of this crime was not being done by Anti Robbery and Anti Dacoity Cell at Kurla. No superior officer or subordinate officer told me about it. The FIR book was maintained at the office of the police station at Kalachowki. Station diary entries were made at Kalachowki. Muddemal register was also there. Brass seals were received by all units in August, 06 by an allotment letter. It is not true that there was only one seal and it was kept in the head office. No record was kept about movement of the seal. I cannot produce the allotment letter. The seals were in the custody of the unit in-charge. If the officer of that unit wanted to use it, it was not necessary for him to give a requisition letter. Sr. PI Deshmukh was the unit in-charge at Chandanchowki, Juhu and Sr. PI Tajane at Kalachowki police station.

PI Khanwilkar was the in-charge of Kalachowki Unit.

- 13.** None of the station diary entry is in my handwriting. I can tell the names of some of the officers who had made the station diary entries. Entry no. 18 dtd. 31/7/06 is in the handwriting of ASI Ghag. I cannot identify the handwriting of other entries. I was transferred to the ATS on 11/7/06. I was attached to the Control Room before that. I was in the investigation team of this crime, therefore, I was not given any specific unit.

(Adjourned as the court time is over)

Date : 17/10/11

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

Date: 18/10/11

Resumed on SA

14. Sr. PI Deshmukh and PSI Kandharkar were attached to Chandanchowki, Juhu Unit. It is not true that I was not on duty on 31/7/06, 8/10/06 and 23/10/06. It is true that station diary entry is required to be made when one resumes duty, however, if there is a continuous duty there is no question of making any entry. On perusing the station diary of the Kalachowki police station, I cannot point out any entry to show that I was on continuous duty on or before the above three days. It is true that entry no. 2 dtd. 8/10/06 shows that PI Tajane, PSI Awari, PSI K. Gaikwad had resumed duties. Witness volunteers - these officers were attached to Kalachowki police station and Kalachowki Unit, therefore, this entry was made. Same is the case about the entry no.4. It is true that there are entries in Exts.1666 to 1670 and 1672 about officers resuming on duty. I was not attached to Kalachowki Unit of the ATS. I was attached to the ATS police station of Kalachowki. I was not attached to any unit as I had joined the ATS on the day of the blasts. Duties are not assigned one day or two day before in the ATS. I am

not aware whether order book was not maintained in the ATS police station. It is true that as per the police manual duties assigned are written in the order book, which is maintained in a police station. I do not know whether there is mention in the order book about the duties that were assigned to me.

15. I cannot tell the exact date when the accused Zameer was arrested. It is true that immediately on arrest, the arrest form is filled up showing the residential address of the accused. It depends upon the availability of manpower whether search of the residential premises and hiding places of the accused is made immediately after the arrest of the accused in serious crimes. I cannot comment whether there was shortage of manpower in the ATS since beginning. It is true that search is taken after manpower becomes available. Concerned IO might be knowing whether the residential address of this accused was known and it was on record. It is true that the accused did not make a disclosure statement on 31/7/06. It is true that the articles that were seized from him were not sealed. It is true that ATS did not have seal on 31/7/06. It is not true that I had not gone to the house of the accused with panchas on that day. On

going through the panchanama, Ext.527, I say that we had gone in police vehicle no. MH-01-BA-4328. The driver of that vehicle was a police constable having buckle no. 03125. I do not remember whether the vehicle was a Qualis or a Bolero, whether it used to be under PI Khanwilkar, whether it was a Qualis vehicle. I do not whether on 31/7/06 this vehicle went from Kalachowki to Shivaji Park, from there to Andheri Chandan back to Kalachowki, then to Shivaji Park and back to Kalachowki driven by the same driver for office work. I did not see the entries in the log book of that vehicle on that day. I did not specifically direct the driver to make entry about our visit. (Witness is shown certified true copy of log book of the vehicle which is produced by the Id. adv. alongwith an application. As the documents produced include a letter received by the accused no. 7 from the information officer and certified true copy of the log book of the vehicle and their contents are being referred, they are received in evidence and marked as **Exts. 1676 and 1677**). It is true that the entries do not show that I had gone to Worli in that vehicle.

16. The general lock-up of the ATS was at Bhoiwada. It was 15-20 minutes distance by vehicle from Kalachowki police

station. Chandanchowki to Bhoiwada was at a distance of 35-40 minutes by vehicle. I am not aware whether a register was maintained at the lock-up of Bhoiwada about accused being taken out and lodged. One can say whether an accused was lodged in a lock up on a particular date from the record that is kept at the lock-up. I do not remember what record was maintained at the Chandanchowki or Vikhroli Unit or Byculla head office about where a particular accused is kept. There was no ATS office or lock-up at Kurla. I cannot say whether PI Vijay Salaskar of Anti Robbery and Anti dacoity Cell, Kurla was helping in the investigation on this case. It did not happen that the accused were taken out from the lock-up and were continuously interrogated for more than one day without putting them back.

- 17.** It is not true that the books Arts. 135 and 136 were tampered with by hiding some portions, taking out colour photocopies and not attaching some pages. I am not aware whether the original books were seized by Khandwa police in C. R. No.256/06 on 16/4/06, whether the name and signature of the accused from whom they were seized were put on the book by the Khandwa police. It is not

true that we obtained colour photocopies from the Khandwa police. I do not remember whether Khandwa police officers had come to the ATS and whether ATS officers had gone to Khandwa. I cannot say whether the books Arts.135 and 136 are colour photocopies. I cannot say whether the word 'Ashia' on the front page of Art.136 is written by hand. There is a signature below that word. (As the witness is asked to go through the contents of Arts. 135 and 136 and to say whether some portions are underlined, the books are received in evidence and marked as **Exts.1678 & 1679**). I do not know whether the name of accused in the Khandwa case is Ashia and it is her name that is written on the book Art. 136 and it is her signature below her name. Map like Art. 138 is easily available in the market. It is not true that I purchased it from the market and planted it in this case.

18. Kalachowki unit and Kalachowki ATS police station are situated in the same premises. Only one station diary was maintained. It is not necessary that we used to be told about our duties of the day one day before. I did not carry the station diary with me to Chandanchowki. I cannot say when I was directed to go to Chandanchowki Juhu unit for the interrogation of the accused Sajid

Ansari. I was not given any written order for investigation in this case. I am not aware whether entry was made in the station diary or case diary about asking me to interrogate any particular accused. My statement was not recorded in this case. I remember whatever work I had done and about which I deposed yesterday. I do not remember whether I had met the accused Sajid Ansari on 22/10/06, whether he was interrogated on that day and whether I had gone to Chandanchowki on that day. I had not taken the accused outside the Chandanchowki unit on 22/10/06. I do not remember whether any orders were given on that day about the investigation. I had not gone to Mira Road on 22/10/06 via Malad. I had not gone with PI Deshmukh and PSI Kandharkar to Mira Road on that day alongwith staff taking the accused with us. I do not remember whether we had gone at 6.30 p.m. and returned at 9.40 p.m. On that day we had taken the accused to his house at Mira Road. His mother was present there. We had gone there to verify his house. I do not remember whether we had taken the search of his house. I had accompanied PI Deshmukh. I cannot say at whose instructions I had gone there. It is not true that the accused had been beaten severely

and his injuries were evident. I do not know whether his mother had complained to the court that he had been brought to the house and she had seen his injuries. I cannot say whether PI Tajane and Khanwilkar of Kalachowki had beaten him and he had eleven injuries on his body. It is not true that I had not gone to the Malwani Gate No. 6, Malad on 22/10/06. We did not find any explosive substance on 23/10/06. A mobile handset has a circuit. We can confirm that a circuit is of a mobile by showing it to the company or any mechanic. Soldering machine, wire and paste, mobile parts are available in the market. I cannot say on seeing the markings on an electrical part whether it is used or not. It is not true that I planted the PCB, Art.349 on the instructions of my superiors. It is not true that the accused Sajid Ansari did not make any disclosure statement on 23/10/06. It is true that signature of the accused is required to be taken below the memorandum of his statement. Accused did not refuse to sign. I had asked him to sign, but his signature remained to be taken inadvertently.

- 19.** It is not true that PI Sunil Deshmukh was not with me on 22 and 23/10/06. It is not true that I and PSI Kandharkar had

taken the accused to the premises at Malad for showing bogus recovery, that the said institute was closed as it was Sunday, therefore we went to his house to show the recovery there, that we took Art.353 from the house on that day, that we came to know that the house search had been taken before that day, therefore the house search could not be taken on that day, that the accused did not make any statement on 23/10/06 and did not disclose anything, that I and PSI Kandharkar with our staff took the accused to the institute without the panchas on 23/10/06 and collected the mobile repairing articles except Art.349 and 353 and returned to the unit without making any panchanama there, that we prepared a bogus panchanama in the ATS office with the help of bogus panchas. I did not record the statement of the in-charge of that institute Mushtaq Ali. I do not remember in what vehicle we had gone there. We went in one vehicle. We did not bring Mushtaq Ali with us in the vehicle. I did not see anyone taking his statement at the institute. It is not true that station diary entry was not made before going there on that day. It is not true that both the entries are made at the same time at the Kalachowki office after returning. The station diary register that is

with me was not at the Chandanchowki office. The first entry no. 4 was not made in my presence.

20. (Witness is asked to go through the case diary and state whether there is any entry about he examining the witnesses). There is an entry in the case diary dated 08/02/07 about I taking the statement of Bilal Abdul Kadiwala. There is an entry in the case diary dated 28/02/07 about taking the statements of Aafique Rehman Imtiyaz Ahmed, Mohd. Arif Ahmed. Hussain and Mohd. Zakir Mohd. Yunus Khan. I cannot say whether corresponding entry is required to be made in the station diary, but I have not made entries about taking the statements of the witnesses. All these four witnesses are available.

(Adjourned for recess)

Date : 18/10/11

SPECIAL JUDGE

Resumed on SA after recess :

21. I cannot tell the exact time on 8/10/06 when I was told to go to Chandanchowki. The accused Mohd. Faisal was already there when I went there. I cannot say since when he was there. ACP Dhawale and PI Deshmukh were interrogating him when I reached

there. I cannot say since what time they were interrogating him. I reached Chandanchowki at about 8.00 or 8.30 a.m. ACP Dhawale did not tell me since when the accused had been brought there. There is no lock-up there. There is a room there that is locked after keeping the accused in it. The interrogation continued for about half an hour in my presence after I reached there. I do not remember whether ACP Dhawale was writing down whatever they were interrogating with the accused. Accused was answering their questions. Panchas were not present at that time. Station diary entry no. 3 in Ext.1667 was not made in my presence. It is not true that ACP Dhawale and PI Deshmukh were not present at Chandanchowki on 8/10/06. I do not know who made the station diary entry. The names of the officers including the in-charge officer are mentioned in the panchanama. Station diary entry is required to be made about it. I read all the entries before they were produced in court yesterday. I procured original station diary from the ATS police station, Kalachowki and prepared the photocopies. I did not ask for the muddemal register from the ATS police station. I had instructed the person who made the station diary entry that ACP Dhawale is also with me. I cannot assign

any reason why his name is not written in the station diary entry. It is not true that I and the superior ATS officers prepared bogus station diary entries. It is true that the station diary entries do not show from where we started and to where we returned. It should have been mentioned.

22. I cannot tell the names of the officers of other police stations who were deputed to the ATS for the purpose of investigation in this case. I cannot tell the names of the police stations and the units from whom we got help. I cannot tell the numbers of officers and staff from other police stations and units who were helping the ATS. I cannot say whether these officers were helping the ATS.

23. One Pakistani national was arrested during the investigation. I am not aware of his name. I and my team had arrested two Pakistani nationals who had illegally crossed the border. It is not true that one of them was Riyaz Nawabuddin. I am not aware whether he was the third Pakistani national arrested during the investigation of this case. I do not recollect whether he was arrested. It is not true that he was to be planted as an accused in this case. It is not true that I and PI Tajane had tortured him and he was admitted

in the J.J. hospital, because of severe injuries to his testicles. It is not true that then he was implicated in an arms and explosives case and the matter was settled. I do not know whether Ahmedabad ATS was in contact with our ATS during this period. I am not aware whether officer Banjara of ATS, Ahmedabad had come to the ATS office at Kalachowki and had brought a person by name Mohd. Ali. It is not true that the said person was killed in a bogus encounter in the area of Antop Hill.

24. It is not true that I was in the team that was analysing the call details record of the accused. I do not know who was making that investigation. I do not know whether API Bagawe was doing that work. It is not true that I inquired with the accused alongwith API Bagawe about it.

25. I am still in the ATS. We keep a track of terror related cases. It is true that DCP, CID unit of the Crime Branch arrested some boys in September, 08 on the allegation that they are connected to Indian Mujaheddin. It was concerning sending of terror e-mails before blasts. I do not know whether Rakesh Maria had taken a press conference in that connection. It is not true that there

was a tussle between the ATS and the crime branch after those arrests. Rakesh Maria was the Jt. Commissioner of the Crime Branch at that time. I do not know whether he alongwith his other officers claimed in the press conference that those boys had committed all the blasts in Mumbai since 2005. I do not know whether it was reported widely in the print and electronic media. I used to read newspapers in September-October, 08. I used to watch news on the television. It is not true that I am deliberately pleading ignorance on this point. It is not true that I gave false evidence.

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

26. I do not remember the dates on which the accused Mohd. Faisal and Zameer Latifur were arrested. I do not remember how many days prior to 31/7/06, the accused Zameer was arrested. I had no occasion to interrogate him before that day. I did not interrogate him on that day. I did not go through his arrest panchanama before proceeding to his house. I did not verify whether his personal search panchanama was made or not. PI Rathod told me that the statement of the accused was recorded. He did not give me the residential address of the accused. I found the accused in

front of PI Rathod when I went to the Kalachowki office. I do not know from where he was brought and where he was detained and for how long. I did not feel it necessary to ask PI Rathod about the above details regarding the accused. I do not remember in which office I was from 25 to 30/7/06 as I was moving from one place to another constantly. I do not remember the places I visited on 30/7/06 and before that. I do not remember what other places I visited on 31/7/06 other than Kalachowki and the house of the accused.

- 27.** Three panchanamas out of four were written by me and PSI Kandharkar wrote the panchanama of the seizure of specimen cooker ring and whistle. I signed the panchanama dated 31/7/06. Remaining two panchanamas were not signed by me as they were dictated by our superior officers and they were supposed to sign them. None of our superiors accompanied me when I went to the house of accused Zameer. I was PI in July, 06. I joined the police force in 1985. I agree that all important events and the steps that are taken are to be written in the panchanama. I do not think that I have omitted to write in all the panchanamas any step that I took or added anything which was not done. I have written all the important steps.

The important steps are date, time, place, chronological order of events, statement of accused, details of articles as far as possible. I do not remember the name of the constable who had called the panchas. I had made inquiries from where they were brought. The constable came within half an hour with the panchas after I had asked him to bring them. He brought both panchas together. Bhoiwada transit camp and Dahiwalkar Buwa Marg are in Naigaon. I do not remember the name of the place, which the constable told me, from where he had brought the panchas. I did not make any inquiry whether both the panchas were related to each other.

28. I went to the house of the accused to see whether I could find any incriminating article in his house. That is the reason why I offered our searches to the panchas and requested them to search the vehicle. We had not kept the investigation kit in the vehicle, but were carrying it with us. It is not written in the panchanama that the panchas were offered our searches and of the vehicle and they saw only the investigating kit containing the articles described by me. It was important, but it remained to be written. I had asked PI Rathod as to where the house of the accused was. He

told me that it was in Lotus Colony, Worli. It is not a slum area. It is a big residential and commercial area. I cannot say whether it is populated by Muslims. Both the books Exts.1678 & 1679 were in the same condition as they are now. I cannot say on looking at the books Ext.1678 & 1679 as to whether the covers are photocopies. I cannot say whether the inside pages are photocopies. The underlining in some pages in Ext.1679 may be photocopy or it may be off-set printing. The books Exts. 1678 & 1679 cannot be said to be original books as I understand it on the points of printing, binding, etc. The pages in the book Ext.1679 are printed only on one side and the pages start from page 2, after page 3 there is page 16 and after page 23 there is page 27 and thereafter no pages. It is true that one page in Ext.1678 is a loose page and there is no page number on it. The pages are from 35 to 39 and are printed on one side only. I was not investigating this crime, therefore I did not try to obtain the original books of Exts. 1678 and 1679. I had no occasions to compare these two books with any other book. It is not true that these two books were not found in the house of the accused Zameer and that I have planted them on the accused.

29. The map Ext. 1664 is not a colour photocopy. It is an original print. It is printed and published by Shete Bros. Their address and other particulars are not there. It is not true that this map was not found in the house of the accused and it was planted after making various markings. The booklet of map Ext.1665 is also printed and published by Shete Bros.

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

Date : 18/10/11

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

Date: 20/10/11

Resumed on SA

30. I did not make any inquiry when I visited the house of the accused Zameer as to how many persons were residing in that house. I did not make any inquiry as to who had arrested him. I did not make any inquiry whether any article was found with the accused at the time of his arrest and whether it was seized. Generally persons carry their wallets and driving licence with them. I did not put my signatures and did not ask the panchas to sign on the driving licence Art-140, the wallet Art-139, the diary Art-143, ATM Cards Art- 141 and 142, the visiting cards and chits Arts-144 (1 to 5) and the currency notes Arts. 145 (colly.). I did not make any inquiry as to who M Zubair Ansari M Y is, in whose name one of the ATM card stands. The ATM card Art. 142 bears a signature in Hindi. The chits Arts. 144 (4 and 5) have the names Ibrahim I. Yousuf and Farhana I. Yousuf and are on the letterhead of Sun-n-Sand. I did not make any inquiry about these persons.

31. I did not have any chance to interrogate accused Faisal before 08/10/06. I do not remember the exact time when I reached

Chandan Chowki office on 08/10/06, but it must be between 8.00 to 8.30 p.m. I do not know for how long ACP Dhawale and PI Deshmukh were interrogating him before I reached there. I do not know when the accused was arrested and since how long he was in custody. I was a part of the investigation of this case since the first day. I cannot say whether my superiors have kept secret from me some things about the investigation. I never attended remand work of the accused. I do not know whether any identification parade of the accused was conducted prior to 08/10/06. I do not know since when he was detained at Chandan Chowki office. I do not know whether he was detained at Kalachowki office, but he must have been detained in the Bhoiwada general lockup. I do not know during what period he was detained in the Bhoiwada general lockup. I am not sure as to the number of accused that were arrested in this case upto 31/07/06. I cannot tell the name of any accused who was arrested before 31/07/06. I cannot give the exact number of the accused who were arrested before 30/09/06, but I recollect some names. They are Zameer Shaikh, Sajid Ansari, Faisal Shaikh, Muzzammil Shaikh, Ehtesham Siddiqui, Tanveer Ansari, Suhail Shaikh and Kamal Ansari.

I did not interrogate any one of them upto 30/09/06. Kamal Ansari was arrested from Madhubani, Bihar. I cannot tell when he was arrested. I cannot tell when and from where the remaining accused were arrested. I knew on 30/09/06 about the facts that I stated.

32. I do not remember the exact time when I started writing the panchanama regarding Faisal. I will have to see the panchanama. The accused expressed his desire to make a voluntary statement, ACP Dhawale asked me to arrange for the panchas and thereafter I told a head constable to bring panchas. I do not remember whether ACP Dhawale asked me to come to the Chandan Chowki office on that day or the day before. I am not sure whether I went there on the instructions of ACP Dhawale. There were around 3-4 officers and staff when accused Faisal volunteered to make a statement. ACP Dhawale and PI Deshmukh and 3-4 staff members apart from me were present. Numbers of the constables are mentioned in the panchanama. PI Deshmukh is senior to me. HC- Patil, buckle no. 1842 had called the panchas. He was with me upto the end of the panchanama. PI Dhawale and PI Deshmukh were with me upto the completion of the panchanama. I do not remember whether any of

the officer than these two was present at the time of the panchanama. There were six subordinate staff including HC Patil present at the time of the memorandum apart from the officers. Witness volunteers - I think one of them did not accompany us for the panchanama. I cannot tell his name. The panchanama does not show that one of the constable who was present at the time of memorandum did not accompany us for the panchanama. I do not know where the accused Faisal was detained from 3rd to 06/10/06. I was not aware that he was taken before a DCP for recording his confessional statement before 08/10/06. I did not know on that day as to whether his confessional statement had been recorded. The accused made the voluntary statement within 5-10 minutes after the panchas arrived in the Chandan Chowki office. Nobody was asking any questions to him, but he was told to state whatever he wanted to state. ACP Dhawale told him about it. The accused made the statement in Hindi. ACP Dhawale dictated the entire panchanama to me. I wrote whatever he dictated. The accused was within my hearing range when he was making the statement. I did not note down what the accused was saying on a separate piece of paper. The wordings

written in the panchanama are as per the narration by the accused and they were not dictated by ACP Dhawale. I recorded whatever I heard. The accused was making the statement and ACP Dhawale was dictating it to me. The statement of the accused that is written in the panchanama is as per the narration of the accused and as per the dictation by ACP Dhawale. The statement attributed to the accused is written in the same words that he uttered. No words or sentences uttered by him remained to be written.

- 33.** I do not know whether any pressure cooker or any part of pressure cooker had been recovered prior to 08/10/06 from anywhere including the sites of the blasts. I had not gone through the papers of investigation prior to 08/10/06. I am required to go through the papers of investigation as a member of the investigation team. I had not gone through the physical case papers upto 08/10/06. Witness volunteers- I was supposed to assist the concerned investigating officers. During the briefings the details of the investigation were shared and each member of the investigating team was assigned a particular task. Therefore I had not gone through the case papers. Physical case papers means the actual papers of

panchanama, case diary, statements of witnesses, etc. The sharing of information was on daily basis. From the day I joined the ATS upto 08/10/06, the information was being shared on a regular basis. I cannot tell the number of occasions on which it was done upto 08/10/06. Though the information was shared on a regular basis, I cannot say perfectly on what date the accused was arrested, whether his identification parade was conducted and whether he had made a confessional statement. It is true that it is not written in the memorandum that the accused stated about pressure cooker ring. It is not written as the accused had not stated about it. The word 'ring' is written in the memorandum therefore I stated that he had stated 'pressure cooker ring'.

- 34.** I had seen the accused after his arrest and before 08/10/06 in the Bhoiwada lockup. I cannot tell the date on which saw him for the first time. I was aware when I saw him that he was one of the accused in bomb blasts. I did not verify the Bhoiwada lockup register pertaining to ATS accused at any time. I do not know which officers of the ATS had interrogated the accused before 08/10/06. PI Deshmukh told the panchas to take our searches and of the vehicle.

It is not written in the panchanama that the panchas were offered our searches and asked to take the search of the vehicle, that they took the searches and did not find anything objectionable except the investigation kit and the sealing material. As the search is a routine practice, it was not written. It is not true that we did not offer our and vehicle's search and the panchas did not take the searches and therefore, it is not written in the panchanama. I do not know whether any pressure cooker was recovered in this case before 08/10/06. I was not given such information in briefings prior to that.

(Adjourned for recess).

Date : 20/10/11

SPECIAL JUDGE

Resumed on SA after recess :

35. We were near the track at Dahisar for about two and a half hours. The position of the track and the surroundings is clearly described in the panchanama. We police used to search after the accused used to point out the places. I do not exactly remember the number of places the accused pointed out before the actual recovery. The accused had pointed out various places. I cannot say particularly about the distance between two places that he pointed out. I cannot

say whether he had pointed out 5-6 places or more. We did not find anything at the other places except the place from where the plastic bag was taken out. That spot was about 7-8 feet from the track. It was not in the bushes. It was in the marshy land surrounded by grass and bushes. It is not true that there were plastic bags and waste material lying throughout by the side of the track. It was clean throughout.

36. PSI Kandharkar was the officer with me when I went to Kanchan Industries. I was not given any directions by my superiors before 13/10/06 to go there and seize ring and whistle. Sr. PI Deshmukh had given me a letter in which the address of that company was written. I did not think of going there before that for that purpose. Rings like Art-331 and whistles like Art-332 are easily available in the market in utensil shops. Despite the fact that there is mud on the rings, the word 'Kanchan' is very much visible. Witness volunteers - the rings were not submerged in mud, but the plastic bag in which the rings were, was submerged in mud. I do not recollect whether mud had gone in the plastic bag. The bag was smeared with mud, but it was not liquid mud. There are stains of mud

on the rings Arts-131 (1 to 7), the whistles Arts. 132 (1 to 5) and the plastic box Art-334A. It is true that all the articles were inside a transparent plastic bag and this plastic bag was inside the copper brown plastic bag. It is true that the circuit Art-334 is not fixed to the plastic box Art-334A. The piece of sponge is also not fixed in the plastic box. (The piece of sponge is marked as a separate article now as **Art-334D**). I cannot say whether the circuit Art-334 and the cord attached to it is of a mobile. I had measured the length of the wires Arts-333 (1 to 5) and had written the length in the panchanama. Such types of wires are easily available in any electrical shop. They are electric wires as per my knowledge. Art-333(1) is about 4-5 cms longer than the Art-333(5). There is a difference of about one and a half cms length between Art. 333 (1) and Art. 333 (2). Arts. 333 (3 and 4) are comparatively longer than the other three wires. There is a difference of about two cms length between them. Their length may be 50-60 cms. It is not true that all these articles were not recovered at the instance of the accused no. 3. It is not true that the accused no. 3 Faisal did not make any voluntary statement and did not lead us to any place. I cannot say which out of Arts. 333 (3 and 4) is 60 cms

long. I cannot say whether it cannot be 82 cms. (Witness is given an iron scale that is with the sheristedar and asked to measure the wires). Art. 333 (4) is 60 cms long and Art. 333 (3) is 58 cms long. Art. 333 (1) is 28 cms long, Art. 333 (2) is 30 cms long and Art. 333 (5) is 22 cms long. Plastic bags like Arts. 335 and 336 are found near any railway track or in garbage.

37. (Witness is shown the cooker Art.303). I had not seen it during the investigation. I saw it for the first time today. The name 'Kanchan' is engraved on the lid and the handle and on the bottom. I cannot say whether the cooker is brand new and the ring Art.337 is unused. (Witness is asked to look inside the cooker and say whether it is new or used). It is an unused cooker. It is true that the word 'Kanchan' which is in white paint on the rings Arts-331 (1 to 7) is not there on the ring Art.337. The word 'Kanchan' is not printed or embossed on the ring Art.337. There is ISI marking, three '+' markings in circles and No. CM/L-7461980 embossed on the inner surface of the ring Art.337. There is no such embossing on any of the rings Arts. 331 (1 to 7). I did not take the statement of the manager or supervisor of Kanchan Industries. They were not confronted with the

rings Arts. 331 (1 to 7) to say whether they were manufactured in their unit.

38. It is not true that I deposed falsely in order to assure success of our case.

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

(Adopted cross-examination by advs Wahab Khan and Shetty).

No re-examination.

R.O.

Special Judge

Date:-20/10/2011

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