

M.C.O.C. SPECIAL CASE NO. 21 OF 2006**DATE:21ST OCTOBER 2011****EXT. NO.1683****DEPOSITION OF WITNESS NO.157 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Mahesh Digambar Bagwe

Age : 41 years

Occupation : Service (PN-5041, ATS, Mumbai)

Res. Address : Room No. 24, Bldg. No. A/5, Marol Police Camp,
Andheri(E), Mumbai-59.

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

1. I was deputed to the ATS from 2004 to 2007. ACP S. L. Patil called me in his office on 26/10/06 and gave me a letter addressed to the FSL, Kalina and told me to take six sealed packets from the muddemal section and to take Maruti 800 car no. MH-01-V-9568, which was in the compound of the ATS office at Kalachowki, to the FSL. I took the sealed packets in my custody and the key of the car from the muddemal clerk, made station diary entry to that effect and along with HC Patil, buckle no. 20543, I drove the car to the FSL, Kalina. I gave the letter to the inward clerk of the FSL, deposited the six sealed packets. He gave an acknowledgment on the copy of the

letter. The office copy of the letter now shown to me is the same, it bears the acknowledgment of the inward clerk of the FSL and my buckle number. (It is marked as **Ext. 1686**).

2. I will be able to identify the six sealed packets. Arts. 265B, 266B, 267B, 268B, 269B and 270B now shown to me are the same. The key Art. 271 now shown to me is the same. An expert officer from the FSL came with me to the car and inspected the boot, the seat behind the driver seat and the space in between the front seats and the back seat. All these places were covered by brown paper. The officer removed the papers and made the inspection with magnifying glass. He then took swabs of some spots by cotton from these places. They then asked me to take back the car. I took back the car to the office, parked it in the office compound, gave the key to the muddemal clerk and made station diary entry. PI Khanvilkar took my statement.
3. The station diary entries no. 7 and 10 in the original station diary now shown to me are the same. They were made by a head constable. 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.1688(two pages)**).

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

4. I was given six separate packets. I and the HC went in the said Maruti car to the FSL and returned in the same car to the office. I cannot tell the name of the expert officer who inspected the car. I opened the driver side door for getting in the car. I was given the direction at about 11.00 a.m. on 26/10/06. The car was parked in the open in the compound of the ATS office. The brown paper was fixed on the borders of the floor of the boot. The door of the boot could be opened without disturbing the brown paper. I cannot tell the size of the brown paper. The brown paper behind the driver seat was of the size of the space between that seat and the rear seat. The brown paper was fixed on the seat behind the driver seat and on the floor in the space between that seat and the rear seat. I was in the FSL office for about one hour and fifteen minutes. The FSL officer took the brown papers after they removed them. The clerk to whom I handed over the packets told me that the officer who was there is an expert officer and he will come with me and check the vehicle. I do not know the names of both these persons. I had seen the brown paper

carefully. I do not remember whether anything was written on the brown papers including the date, signatures, seal, etc. I do not know what the expert officer did with those brown papers. They are not shown to me today. I can read English. (Witness is shown Arts. 266B and 267B). The words on the red seals on the front side of Arts. 266B and 267B are Anti Terrorism Squad, MS, Mumbai. All words are not visible on the seals. One seal has the word 'Anti' and one seal has the words 'MS, Mumbai'. The words 'Anti Terrorism' are on the seal on the front side of Arts. 266B and 267B. It is not true that I deposed falsely.

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

5. It is not true that I had taken the articles to the FSL on many occasions. This was my first and last time. I cannot tell the distance between the Kalachowki office and the FSL, but I required about 45 minutes. I was attached to MIDC Police Station before 2004. I cannot tell the names of the officers attached to police stations, who were deputed to the ATS. My taking the key of the car and depositing it back are important things. As I had taken the car and brought it back, it is not mentioned that the key was taken and deposited back. I did

not state these things in my statement. One can start a vehicle without key. The key and the car were not at one place. It is not true that I did not take the car and the packets to the FSL, that I deposed falsely that I took the key of the car from the muddemal clerk and deposited it back after returning.

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

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

No re-examination.

R.O.

Special Judge

Date:-21/10/2011

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