

M.C.O.C. SPECIAL CASE NO. 21 OF 2006**DATE:4TH NOVEMBER 2011****EXT. NO.1712****DEPOSITION OF WITNESS NO.161 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Vasant Maruti Tajne

Age : 53 years

Occupation : Service (Sr. PI)

Res. Address : 3rd Floor, D. B. Marg Police Station Building, D. B. Marg, Mumbai-7.

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

1. I am attached to Worli Police Station as Sr PI at present. I was attached to the ATS from August 2004 to December 2007 as PI. I was working at the Kalachowki Unit. The ATS headquarters was at Traffic Institute Building, Sir. J. J. Road, Byculla, Mumbai-27. There were four units of the ATS in Mumbai and four units outside Mumbai. PI Khanwilkar, API Dinesh Kadam, PSI Sachin Kadam, PSI Awari and PSI Gaikwad were attached to Kalachowki Unit with me.
2. There were serial bomb blasts in the western local railways on 11/07/06 and seven different crimes were registered by the concerned railway police stations. The officers and the staff of the

ATS were immediately directed to visit the sites of the blasts after they took place. I and my team accordingly visited some blast sites. The DG office issued an order on the same day for handing over investigation of the blasts to the ATS. As there was shortage of officers in the ATS, officers of the rank of ACP, PI, PSI and subordinate staff were called on deputation to the ATS to assist in the investigation. Different teams were formed for making the investigations into the blasts. I was also assisting the investigating officers in CR No. 77/06 of Mumbai Central Railway Police Station. I visited number of places for collection of information and contacted my sources during the course of investigation.

3. I gathered information from a reliable source on 19/07/06 that the user of mobile no. 9934610679 namely Kamal hailing from Basupatti, Bihar is having his complicity in Mumbai Central Railway Police Station, CR No. 77/06. I passed on this information to my superiors and they directed me to proceed for investigation to Patna. I along with API Kolhatkar and PSI Sachin Kadam left Mumbai to Patna, Bihar on that day for investigation. I made station diary entry to that effect while leaving. The contents of the station diary entry no. 6 in the original station diary now shown to me are correct. The contents

of the true photocopy of the entry are as per the contents of the original. (It is marked as Ext.1713). We went to Patna by air. I contacted Sr. Supdt. of Police of Patna city on reaching there and requested him to provide assistance and vehicle. He directed Kotwali Police Station to provide assistance and vehicle to me. Kotwali Police Station provided PSI Ranjan Kumar, one more officer probably by name Anad Kumar, PSI Chowdhary and staff and vehicle. We along with the local staff left Patna in the vehicle at about 8.00 p.m. and reached Basupatti at about 2.00 a.m. on 20/07/06. We reported to the local Basupatti Police Station and requested PSI Rajan Prasad Singh of that police station for assistance. We along with PSI Rajan Singh left the police station at about 3.30 a.m. for inquiry. We arranged a trap near the Prasad Cinema Hall in Basupatti after preliminary inquiry. We noticed two persons at about 3.50 a.m. coming towards the city from outside. PSI Rajan identified one of them as the suspect Kamal. Hence, we accosted them. They disclosed their names on being asked as Kamal and Khalid. I confirmed the identity of suspect Kamal. Then we called two panchas from the locality in order to carry out their personal searches. I made inquiry with the panchas and requested them to act as panchas. They

consented. We carried out the personal search of suspect Kamal first in their presence. He disclosed his name on being asked as Kamal Ahmed Ansari. He was found in possession of Nokia make mobile handset during his personal search. He gave the sim number as 9934610679. He was also found in possession of cash amount of Rs.460/- in different denominations. On checking the phone book of the mobile handset we found four missed calls, two received calls and nineteen dialed calls. I noted the said numbers in the panchanama. Thereafter we carried out the personal search of the other person Khalid. He was also found in possession of Nokia mobile handset. He disclosed its sim number as 9934027715. I also noted the missed, dialed and received calls in that mobile in the panchanama. He was found in possession of cash amount of Rs. 260/- in different denominations. The two mobile handsets and cash amounts were separately packed and labeled with panchas signatures and sealed at the spot. They were marked as Exbs. A, B and C, D and taken in possession under the panchanama. I prepared a detailed panchanama under the street light. I read over the contents of the panchanama to the panchas and explained the contents to them in Hindi. They admitted that it was correctly

recorded. Then I obtained their signatures on the panchanama and I also signed it. The panchanama Ext. 467 now shown to me is the same, it is in the handwriting of API Kolhatkar, it contains my signature and the signatures of the panchas on every page and its contents are correct. I gave copies of the panchanama to both the persons. I will be able to identify the articles that were seized. The mobile handset Art. 37 is the same that was found with the suspect Kamal. The mobile handset Art. 38 is the same that was found with the suspect Khalid. I will be able to identify the suspect Kamal. (Witness looks around the court hall and points towards the accused no. 1, who is sitting in the dock. He is asked to stand up and tell his name, which he states as Kamal Ahmed Mohd. Vakil Ansari). He was the same person.

4. After the panchanama was over, I made inquiries with the accused Kamal about his residence and thereafter, he led us to his residence on foot. His residence was situated near bhaji market, it was single storied. As we wanted to carry out his house search, we summoned two panchas. I made inquiry with panchas and requested them to act as panchas for the house search. They consented. We introduced the accused to the panchas, he disclosed his name to them as Kamal

Ahmed Ansari. Then the accused went to the door of his residence, which we noticed to be latched from the inside. The accused knocked on the door. A lady opened the door. Accused Kamal identified her as his wife. We introduced ourselves as police and panchas to her. We also disclosed to her that the purpose of our visit was to take the house search. She agreed for it. She disclosed her name as Tabassum Sultana. We along with the accused and panchas entered the house. We noticed the room on the ground floor to be 10x15 feet.

(Adjourned for recess).

Date : 04/11/11

Special Judge

Resumed on SA after recess

5. We had offered our personal searches and the searches of the panchas to the wife of the accused before entering the room, but she declined. We noticed a wooden cot, table, landline telephone instrument and household articles in that room. We minutely observed the room and started searching the same. We found old clothes, empty oil box kept below the wooden cot. They were taken out for inspection. We noticed a plastic bag behind these articles. It was taken out and we found that the plastic bag was containing black coloured powder weighing about 500 gms. On suspicion we inquired

about the powder with the accused Kamal, but he failed to give any satisfactory account of the powder. We suspected that the powder was explosive substance. Hence, we took out about 10 gms powder as sample in a small plastic bag, wrapped it in a khaki paper. Remaining powder was kept in a plastic jar. It was also packed in a khaki paper. It was tied with thread and a label containing signatures of panchas and my signature was pasted on the jar. The sample was also tied with thread and a label containing my signature and that of the panchas was pasted on it. The packet containing the sample was sealed. The jar was marked as Exb-A and the sample was marked as Exb-A1. I will be able to identify the jar, the sample packet and the powder. The jar Art-39 is the same now shown to me. The label thereon bears my signature and that of the panchas. The powder in the small plastic bag Art-40, the small plastic bag Art-40A, plastic pouch Art- 40B now shown to me are the same. The label on the envelop Art-40C bears my signature and that of the panchas. The jar was tied across the top and bottom by thread and a label was pasted across the lid covering some part of the jar, so that it could not be opened. I also made inquiry about the land-line telephone instrument. The wife of the accused disclosed the number of the

telephone as 273679. We also searched the upper room of the house, but did not find anything incriminating. All the above articles were taken in possession under a panchanama, which was written by PSI Sachin Kadam on my dictation. I then read over and explained the contents of the panchanama in Hindi to the panchas and obtained their signatures. I also signed on it. The panchanama Ext. 500 now shown to me is the same, it bears my signatures and that of the panchas on all pages and its contents are correct. We gave copies of the panchanama to the accused and his wife and obtained their signatures of having received the copies. The panchanama bears their signatures.

6. I put both the persons, i.e., Kamal and Khalid under arrest and gave an intimation to the wife of the accused Kamal that they are being taken to Mumbai. I also intimated PSI Rajan of Police Station Basupatti about taking the two persons to Mumbai. The panchanama was concluded at 5.30 a.m.
7. Thereafter, I took the accused Khalid to his residence at Malmal and carried out his house search. Nothing incriminating was found at his house. I prepared a panchanama accordingly. After the investigation at Basupatti was over, we left Basupatti along with the

accused for Patna. After reaching the Kotwali Police Station I made entry about arrest of the accused. I deputed API Kolhatkar to carry the seized explosive powder by road as we wanted to come back to Mumbai by air and it was not possible to carry the explosive powder in the aeroplane. I and PSI Sachin Kadam brought both those accused to Mumbai by air. I reported to the Chief IO about their arrest on returning to the ATS office. I also handed over the original panchanama and seized articles, i.e., mobile and cash amount to him. I also made necessary entry in the station diary. The contents of the station diary entry no. 14 in the original station diary now shown to me are correct. The contents of the true photocopy of the entry are as per the contents of the original. (It is marked as **Ext.1714(2 pages)**).

8. I was directed on 24/07/06 to go to Patna, Bihar for verifying the information given by the accused. I along with two constables left Mumbai in the morning on that day for Patna. I made station diary entry to that effect. The contents of the station diary entry no. 6 in the original station diary now shown to me are correct. The contents of the true photocopy of the entry are as per the contents of the original. (It is marked as **Ext.1715**). I visited Madhubani on 26/07/06 for

inquiry at Shanti Communication Cyber Cafe. I made inquiry with the owner. The owner informed me that the accused Kamal used to visit his internet cafe many times since long time for operating internet and sending e-mails. I recorded his statement. I also visited a number of places for tracing the associates of the accused Kamal, but nobody was traced. I returned to Mumbai on 29/07/06, made necessary entry in the station diary and handed over the statement to the Chief IO. The contents of the station diary entry no. 8 in the original station diary now shown to me are correct. The contents of the true photocopy of the entry are as per the contents of the original. (It is marked as **Ext.1716**).

9. Chief IO ACP S. L. Patil gave me a copy of the FSL report about the sample black powder on 05/09/06. The report was that the black powder was high explosive RDX. Hence, I recorded the statement of API Kolhatkar as an FIR and case was registered against the accused Kamal Ahmed Ansari at sr. no. 0 dated 05/09/06 as the powder was found in Bihar. The report of the FSL, Ext. 469, is the same now shown to me. The FIR, Ext. 468, is the same now shown to me, it bears the signatures of API Kolhatkar and my counter signatures on all pages. I submitted a report to my superior to transfer

the investigation of this crime to the Police Station Basupatti. I made station diary entry about registration of the crime. The contents of the station diary entry no. 9 in the original station diary now shown to me are correct. The contents of the true photocopy of the entry are as per the contents of the original. (It is marked as **Ext.1717**).

10. I was continuing assisting the investigating officers in the investigation of the blasts. I was instructed on 28/09/06 to locate one Sajid Ansari, whose name was disclosed in the interrogation of earlier arrested accused. I along with API Kolhatkar, PSI Kadam and staff left for inquiry in CR No. 156/06 of Borivali Railway Police Station. I made station diary entry to that effect. The contents of the station diary entry no. 14 in the original station diary now shown to me are correct. The contents of the true photocopy of the entry are as per the contents of the original. (It is marked as **Ext.1718**). After contacting my sources I was able to locate the said Sajid Ansari at Malad Malvani on 29/09/06. I caught him and brought him to the ATS office. I placed him before the Chief IO ACP Patil. ACP Patil and PI R. R. Joshi interrogated him and arrested him after being confirmed about his complicity. Necessary station diary entry was made to that effect. The contents of the station diary entry no. 6 in the original station

diary now shown to me are correct. The contents of the true photocopy of the entry are as per the contents of the original. (It is marked as **Ext.1719(3 pages)**). I will be able to identify the accused Sajid Ansari. (Witness looks around the court hall and points towards the accused no. 7, who is 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 person.

11. The accused Mohd. Ali was in custody in CR no. 156/06 of Borivali Railway Police Station on 29/09/06. I along with ACP Shengal, PI Khanvilkar, PSI Sachin Kadam and staff took the accused to his residence at Govandi for his house search at 6.00 p.m. on that day. We left the office at 6.00 p.m. before which I made station diary entry. The contents of the station diary entry no. 15 in the original station diary now shown to me are correct. The contents of the true photocopy of the entry are as per the contents of the original. (It is marked as **Ext.1720**). The accused pointed out his residence at Shivaji Nagar, Plot No. 33, T-2. We summoned two panchas and requested them to act as panchas for the house search. They consented. We introduced the accused Mohd. Ali to the panchas and explained the brief facts of the case. The accused

knocked the door of his room. A lady opened the door. The accused introduced her as his wife. We explained the purpose of our visit to her and disclosed our identity and then offered our and panchas personal searches, but she declined. We then along with panchas and the accused entered in the said house. The ground floor was admeasuring 15x10 feet. It was divided into two parts. The front portion was used as a hall and the rear portion was used as kitchen and bathroom. We observed the hall and saw one wooden box bed, one showcase and other household articles kept in the hall. We took the search of the wooden box and found it to contain old clothes, suitcase and one Kanchan pressure cooker. It was taken out for inspection. On further minute observation of the bed, we noticed black and white spots on the inner side of the bed. We suspected the spots to be of some explosive substance. Hence, we wiped those white and black spots with the help of clean and dry separate cotton swabs. They were put in small plastic bags, wrapped in khaki paper, labeled with panchas and our signatures and sealed at the spot. The pressure cooker was kept in a plastic bag and seized. The packets of the cotton swabs were marked as Exb- A and B and the cooker was marked as Exb-C. I will be able to identify those articles. The cotton

swab Art-301 and the plastic pouch Art-301A are the same now shown to me. The label Art-301B bears my signature and that of the panchas. The cotton swab Art-302 and the plastic pouch Art-302A are the same now shown to me. The label Art-302B bears my signature and that of the panchas. The pressure cooker Art 303 with the lid, whistle and steam plate is the same, the label on the khaki wrapper Art-303A, bears my signature and that of the panchas. The rubber ring Art-337 is the same. Thereafter we searched the bathroom and kitchen portion, but did not find anything incriminating. Thereafter the accused lead us to the 1st floor by a ladder fitted on the backside. The first floor room was also admeasuring 10x15 feet. Brother of the accused and his wife Zarina were in that room. That room was also having kitchen platform and other household articles. The room was searched, but we did not find anything incriminating. I prepared a detailed panchanama about the happenings at the spot. I dictated the contents. After it was written I read over and explained its contents to the panchas and then obtained their signatures. I also put my signatures. I gave a copy of the panchanama to the accused and obtained his signatures. The panchanama Ext. 716 is the same now shown to me, it bears the signatures of the panchas, my signature

and the signature of the accused and its contents are correct. The panchanama was concluded at 2030 hours. I will be able to identify the accused Mohd. Ali. (Witness looks around the court hall and points towards the accused no. 6, who is sitting in the dock. He is asked to stand up and tell his name, which he states as Shaikh Mohd. Ali Alam Shaikh). He was the same person. Then we came back to the ATS office along with the accused and the seized articles. I reported the happenings to the Chief IO and station diary entry was made to that effect. The contents of the station diary entry no. 22 in the original station diary now shown to me are correct. The contents of the true photocopy of the entry are as per the contents of the original. (It is marked as **Ext.1721 (2 pages)**).

12. The Chief IO gave me a memo on 07/10/06 for interrogating the accused Asif Bashir Khan. Accordingly I was interrogating him. While I was interrogating him along with ACP Tawde, PSI Kadam and staff on 09/10/06 the accused Asif Bashir Khan expressed his desire to make a voluntary statement. Hence, we immediately summoned two panchas from the locality. I requested the panchas to act as panchas for recording memorandum of the statement that the accused was going to make. They consented. The accused made a voluntary

statement in Hindi in the presence of the panchas that he is ready to show the remaining material. I recorded his statement verbatim in the memorandum. Thereafter I took the signatures of the panchas and put my signature. The accused also signed it. The memorandum Ext. 664 now shown to me is the same, it bears my signatures and that of the panchas and that of the accused and its contents are correct. I made a station diary entry before leaving the ATS office. The contents of the station diary entry no. 8 in the original station diary now shown to me are correct. The contents of the true photocopy of the entry are as per the contents of the original. (It is marked as **Ext.1722**). I asked the panchas to search the police party and the police vehicle before leaving the ATS office. They searched us and the vehicle, but did not find anything objectionable. We were carrying an investigation kit with us. Thereafter I along with ACP Tawde, API Shelke, PSI Aware, the accused, the panchas and staff sat in two vehicles. The accused lead us towards Mira Road. On reaching near Naya Nagar, Haidar Chowk, near Poonam Park, the accused asked to stop the vehicle and we got down from the vehicles. There were four wings of Poonam Park apartments, A, B, C and D. A watchman was present there. The accused led us to the first floor in the A wing

and pointed out flat no. 101, where he used to reside. The flat was locked from outside. On inquiry with the accused he disclosed that the key was lost. I deputed a constable to bring a keymaker. Accordingly the constable brought a keymaker. He came with instruments, prepared a duplicate key and opened the lock and door. I took the duplicate key in my possession. We along with panchas and the accused entered in the said flat. We noticed that the windows of the hall were latched from inside. A mattress and bedsheet were lying scattered in the hall. The accused took us and the panchas to the bedroom that was inside and took out one rexine bag that was kept below suitcases and other bags in the bedroom. He opened the zip of the rexine bag and took out one white plastic bag. On examining the contents of the plastic bag we found white granules in it. It was weighing about 2.7 kgs. We asked the accused about the granules, but he did not give any reply. The smell of the granules was strong. We suspected them to be explosives. Hence, we took out two samples of 10 gms each and put them in small separate plastic pouches. Thereafter he took out a blue coloured plastic bag from the other side of the rexine bag. It was containing 10 aluminum tubes to which wires were joined. On examination we found them to be

electronic detonators. We carefully kept those detonators in plastic bottles. I pasted labels containing my and panchas signatures on the samples of granules and the plastic bottle containing detonators and sealed them. The rexine bag was also seized. Thereafter the accused took us to another bedroom where we noticed 23 books in Urdu language and 2 files containing some documents. I also seized them under panchanama. We noticed one computer set and CPU while searching the hall. A copy of leave and licence agreement of that flat, Reliance electric bills and some newspaper cuttings were in the hall. I seized them. In the meanwhile, the secretary and the chairman of that building came there. They introduced themselves to us. They identified the accused who was with us as the tenant of that flat. I prepared the detailed panchanama by dictating its contents. I dictated the description of the books and all the articles that were found and seized. After panchanama was completed, I read it over and explained the contents to the panchas in Hindi. I then obtained their signatures and put my signatures on the panchanama. Then we went out of the flat, locked it with the duplicate key. The key was put in a plastic pouch, wrapped in a khaki paper, labeled with my and panchas signatures and sealed. We then went down, obtained a

photocopy of the panchanama, gave it to the accused and obtained his signature. The panchanama Ext. 665 now shown to me is the same, it bears my signatures and signatures of the panchas on all pages, signature of the accused at the end and its contents are correct. I will be able to identify the articles that were seized. The rexine bag Art-279 is the same now shown to me. The khaki wrapper with label in which the bag was kept Art-279A is the same, the label bears my signature and that of the panchas. The slight white powder Art-280, the plastic pouch Art-280A, the wrapper with the label Art-280B are the same. The label bears my signature and signatures of the panchas. The ten wires with the ends of detonators Art-281 colly, the khaki wrapper with label Art-282D are the same. The label contains my signature and that of the panchas. The slight white powder Art-283, the plastic pouch Art-283A, the wrapper with the label Art-283B are the same. The label bears my signature and signatures of the panchas. The white granules Art-284, the plastic bag Art-284A, the khaki wrapper with label Art-284B are the same. The label bears my signature and signatures of the panchas. The 22 books in Urdu Art-285, the book in English Art-286, the outer cover of Frontline weekly Art-287, the pamphlet of Vector Classes Art-288,

visiting card of Bombino Collection Art-289, plastic bag Art-289A, Art-290(1to26), file and documents, Urdu newspaper Art-290A, plastic bag Art-290B, file and handwritten documents therein Art-291colly, the file and its contents Art-292colly, CPU Art-293, another CPU Art-294, the laser printer Art-295, computer monitor Art-296, application for NOC along with the agreement of leave and licence Art-297colly, Reliance Energy bill Art-298 are the same now shown to me. The key Art-299, plastic pouch Art-299A are the same. The label on the wrapper Art-299B bears my signature and that of the panchas. The wedding invitation card in an envelope Art-300 is the same now shown to me. I will be able to identify the accused Asif Bashir Khan. (Witness looks around the court hall and points towards the accused no. 13, who is sitting in the dock. He is asked to stand up and tell his name, which he states as Asif Bashir Khan). He was the same person. I instructed the same panchas to remain present in the ATS office after two hours as I wanted to get the detonators and the granules inspected by the BDDS. Thereafter we all along with the accused and the seized articles returned back to the ATS office. I reported the happenings to the Chief IO and gave him the original panchanama and the articles. A station diary entry about the work

that we had done was made. The contents of the station diary entry no. 13 in the original station diary now shown to me are correct. The contents of the true photocopy of the entry are as per the contents of the original. (It is marked as **Ext.1723**).

(Adjourned as court time is over).

(Y.D. SHINDE)

Date: 04/11/11

SPECIAL JUDGE

Date : 05/11/11**Resumed on SA**

13. While we were returning from Mira Road, I intimated ACP Patil about seizing explosive substance and detonators and had requested him to call the BDDS team to the Kalachowki office. The BDDS team arrived at the Kalachowki office at about 1930 hours after we reached. The team was comprising of PSI Revle, other officers and staff and the dog Max. The same two panchas came to the office and in their presence I handed over sealed khaki packet containing the granules to PSI Revle. He took us and panchas to the open space behind the ATS office. The accused Asif Bashir Khan was also with us. PSI Revle opened the packet and kept it in open ground. He asked the dog handler to direct the dog Max to sniff the packet. The dog went there, sniffed the packet and gave a positive signal by barking that the packet contained explosives. PSI Revle took a small quantity of granules and burnt it. We noticed that it melted while burning. We again packed the granule packet in another khaki paper and affixed label containing my and panchas signatures and sealed it. Thereafter, I handed over the plastic jar containing the detonators to PSI Revle. He took out the detonators from the jar and after examination he informed us that they are electronic detonators. Then

he divided the ten detonators in two parts of five each and kept them in another half cut plastic bottles. The said bottles were pasted with labels containing my and panchas signatures. I seized the sealed packet and the half cut plastic bottles under a panchanama, which I prepared at the spot in the presence of the panchas. I read over the panchanama to the panchas and they signed on it. I also signed the panchanama. The panchanama Ext. 667 now shown to me is the same, it bears my signature and signatures of the panchas. PSI Revle submitted report about his inspection to the Chief IO. I handed over the original panchanama and the articles to the Chief IO and made station diary entry. The contents of the station diary entry no. 16 in the original station diary now shown to me are correct. The contents of the true photocopy of the entry are as per the contents of the original. (It is marked as **Ext.1727**). The contents of the station diary entry no. 14 about the BDDS team having arrived now shown to me are correct. The contents of the true photocopy of the entry are as per the contents of the original. (It is marked as **Ext.1728**).

14. ACP Patil gave me a letter on 13/10/06 along with order of the court for destroying the detonators. I summoned the BDDS team on 20/10/06 for destroying the detonators. PSI Revle and staff arrived at

the Kalachowki office of the ATS. I handed over the two plastic bottles containing the detonators to him and we took them to Girgaon Chowpaty for destroying them. I made the necessary station diary entry while leaving the office. The contents of the station diary entry no. 8 in the original station diary now shown to me are correct. The contents of the true photocopy of the entry are as per the contents of the original. (It is marked as **Ext.1729**). PSI Kisan Gaikwad was also with us. We summoned two panchas at Girgaon Chowpaty and explained to them the purpose of calling them to act as panchas for the destruction of the detonators. They consented. I showed them the court order about the disposal of the detonators. I showed the court order to PSI Revle also. PSI Revle and his staff took the detonators towards the sea. He took one detonator. He created a pit in the sand and put the detonator in the pit. He joined the two wires of the detonator to two copper wires that were attached to a dynamo that he had brought with him. He put a sandbag on the detonator. From a distance of about 25 feet, he cranked the handle of the dynamo to generate electricity. The detonator burst in the pit after the electric current reached it. By the same method he destroyed the remaining nine detonators. Thereafter we went near the pit and collected all the

remaining pieces of detonators and wires. All articles were packed in brown paper, pasted with label containing signature of PSI Gaikwad and that of the panchas and sealed. PSI Gaikwad prepared a detailed panchanama in my presence. The panchanama Ext. 1692 now shown to me is the same, it bears his signature, which I know and identify as he was working with me and that of the panchas and its contents are correct. Thereafter we returned back to the Kalachowki office. PSI Gaikwad made station diary entry. The contents of the station diary entry no. 9 in the original station diary now shown to me are correct. The contents of the true photocopy of the entry are as per the contents of the original. (It is marked as **Ext.1730**). I participated in the investigation till filing of the chargesheet.

Cross-examination by Adv Wahab Khan for A2, 7, 10, 12 & 13

(Adjourned to 08/11/11 as per the request of learned advocate)

(Y.D. SHINDE)

Date: 05/11/11

SPECIAL JUDGE

Date : 08/11/11**Resumed on SA****Cross-examination by Adv Rasal for A1 & 4 to 6**

15. There were units of the ATS at Kalachowki, Chandan Juhu, Vikroli and Thane. It is not true that all officers of all units used to come together after the blasts for discussing the strategy of the investigation. Pls Deshmukh, Tonpi and PSI Kandharkar were attached to Chandan Juhu Unit. PI Khaire, PSI More and PSI Gaikwad were attached to Vikroli Unit. Thane Unit was newly formed. I do not remember the names of the officers attached to it. Jt. CP. K. P. Raghuvanshi was the head of the ATS. I was directed to assist in the investigation of this case from the first day itself. I was the head of the Kalachowki Unit. On the same day night I came to know that seven crimes were registered in connection with the blasts. Concerned railway police stations were investigating those crimes till their transfer to the ATS. I was not directed to take a particular crime number for investigation. PI Rathod, PI Wadhankar, PI Khandekar, PI Vijay Kadam and PI Agarwal were assigned the other crimes. We were also assisting them. There were some more officers who were assisting in the investigation. I cannot say whether none of the investigating officers of the railway police arrested any accused.

Officers from local police stations were taken on deputation to the ATS for assisting in the investigation by various teams. Local police stations have information about the criminals in their area. I cannot say whether we were taking the help of that information for our investigation. API Kolhatkar of Kurla Police Station was taken on deputation to the ATS. PI Vijay Salaskar was attached to the Crime Branch, DCB CID Unit. I cannot say whether he was attached to Kurla Unit or Ghatkopar Unit.

- 16.** I do not know whether local police stations had arrested or called persons in their area having criminal antecedents or attachment with certain organizations for inquiry. My superiors might have called for such information. I cannot say whether copies of the station diary entries about the work that I did were attached to the chargesheet. I did not make any inquiry at the local police station at Shivaji Nagar Govandi about the accused, whom I had taken there. I had made inquiry with the local police station Basupatti about the accused no.1. I did not come to know about any criminal antecedents of the accused no.1 on that day. I had received information before I went to Basupatti that the user of the mobile phone number had complicity in this crime. There is no document about the information

of the accused no.1's complicity that I had received. I did not make any efforts to collect information about the mobile number from the mobile company.

17. When we go for investigation in the area of any police station in Maharashtra, we do not take assistance of the local police station as we have jurisdiction. If we go out of Maharashtra, we take assistance of the local police station. We take assistance even in Maharashtra, if it is necessary. If there is a suspicion against an accused, but there is no incriminating evidence against any accused who is arrested or is in our custody, we take him in custody for further interrogation and collecting more evidence. My superiors had inquired with me after 19/07/06 about my reliable source of information about the accused no.1. My superiors did not call him for inquiry and statement. It is true that there is no document on record about the said reliable source.

18. I cannot tell the population of Basupatti. I was there for about 5-6 hours from 2.00 a.m. to 7.00 a.m. PSI Rajan of Basupatti Police Station was with me during this period. I did not find it necessary, therefore I did not ask him about the population of Basupatti. I did not ask him about persons having the name Kamal, as I was trying to find out only the person who was using that mobile number. We were not

aware when we reached Basupatti as to which Kamal was using that number, but on making preliminary inquiry we came to know. I came to know it from one local chowkidar constable. I do not remember his name. It was an important clue for us and he was an important person giving such information. I did not record his statement. I do not know whether PSI Rajan made any entry in the station diary about it. He made an entry when we reached there. At that time I did not take copies of the entries that were made in that police station about we reaching there and the work that we did. I now again say that I think so that I had collected copies of the entries. I had handed them over to the Chief IO. I did not see when I came to give evidence whether they are filed with the chargesheet. The preliminary inquiry that I made was with the local police station officers and the staff. I cannot tell the name of the other staff members, except PSI Rajan and ASI Chowdhary. I do not know whether the statement of ASI Chowdhary was recorded. Statement of PSI Rajan was recorded by Police Station Basuptatti later on in the transferred crime No. 0/06. The accused no.1 and the other person Khalid were coming to Basupatti from Nepal border side. I did not make inquiry at that time as to when they had gone to Nepal and for how many days they were

there. The panchas were called by local staff from the vicinity. They were walking by. There were no other persons on the road at that time. The accused no. 1 was searched on the road and panchanama was prepared at that place. I did not find any other incriminating articles in his search than the mobile handset and the cash amount. I did not ask him there as to from where he had purchased the mobile handset, what documents he had given and in whose name he had purchased it. I made these inquiries with him at Mumbai. He had stated that he had purchased the mobile handset from Nepal, therefore it was not possible to take the statement of that witness. I did not come to know during what period he had purchased it. The purpose behind checking the phone book of a mobile handset is to know about the phone calls that were received and made. I mentioned the 19 dialed numbers, 4 missed calls and 2 received calls in the panchanama, but cannot tell the numbers now. I did not call the persons holding the said numbers. The work of the panchanama was going on upto 4.30 a.m. Some persons were walking on the road during this period. I did not call any such person and take his statement about the work of the panchanama that I had done. The panchas were talking in Maithili language. They knew Hindi. I did not

ask the panchas about their acquaintance with the constable who had called them.

19. We were carrying the sealing and writing material with us when we went to Basupatti. The ATS did not have the brass seal on that day. I did not carry any seal with me. I used only lac seal there. Basupatti Police Station had a rubber seal, but not a brass seal. I did not use that rubber seal.

20. The constable chowkidar, who had the information about the accused no.1, was knowing him. I came to know from him that the accused used to stay in Basupatti and used to go to Nepal sometimes. I did not ask him about the occupation of the accused. He knew the house of the accused. I did not inquire with him and he did not tell me as to why the accused goes to Nepal. It is true that mobile handsets like Arts. 37 and 38 are easily available in the market. We went to the house of the accused after about 35-40 minutes after meeting him. The constable chowkidar who knew the accused was present with us during the entire proceedings. I do not remember whether I had asked for the ration card to know about the members residing in the house of the accused. I was at the house of the accused upto about 5.30 a.m. I had not called the panchas when I

started from the first place. When I decided to go to the house of the accused, the panchas of the first panchanama were not present. The house of the accused was about five minutes walking distance from the first spot. There were other houses adjoining the house of the accused. People from adjoining houses had gathered outside when I left the house of the accused. I did not record statement of any such person. It is true that I did not make any inquiry with any neighbour about the occupation of the accused. The local staff had summoned the panchas at the house of the accused. Therefore, I do not know from where they were brought. I realized that one of them was present at the time of the first panchanama. I did not feel it necessary to drop him and to call for another one. It is not true that the articles that I found were lying scattered. They were kept hidden under the bed. The cot had space below for keeping articles. There were household articles other than the plastic bag below the cot. The plastic bag was lying there as per the other household articles that were lying there. I say that the plastic bag was hidden as the other household articles were ahead of the plastic bag. I did not have weighing machine. I took the samples of the powder approximately. The panchanama Ext.500 was written in the house. We went to the

first floor during the course of the panchanama. PSI Sachin Kadam and API Kolhatkar were on the ground floor when I went to the first floor. Wife of the accused was on the ground floor. It is not true that I did not feel it necessary to call a lady constable. I had inquired at the police station and had come to know that no lady constable was available. Other than the members in my team and the panchas, no other person had the information about taking the accused in our custody. It is not true that I could have waited till sunrise for taking the search of the house. It is true that the local police did not ask for the sample of the black powder and I did not give any sample to them. I did not know upto 05/09/06 about the exact nature of the black powder, but I had suspicion that it was explosive substance. I was aware that possessing explosive substance without licence is banned in Bihar. It is so banned throughout India. This is my personal knowledge. It is not true that I did not make any further investigation concerning that powder at that time. I had knowledge about it. I had made the station diary entry in the Police Station Kotwali about seizure of the black powder. I had given intimation to the Basupatti Police Station also. I did not give samples of the black powder at both places.

21. The panchanamas were written in Marathi. I and my team members knew Hindi. I knew that the panchas did not know Marathi. I dictated the first panchanama to API Kolhatkar and the second panchanama to PSI Sachin Kadam. I cannot tell whether the panchanamas were written by ink pen or ball pen. The two panchanamas were written at two different times once. We left Basupatti on that day at about 6.30 or 7.00 a.m. I cannot say whether the market in Basupatti was closed at that time. PSI Rajan did not tell me to give the accused no. 1 and the seized powder in his custody for investigation. Kotwali Police Station officers did not ask me to give the custody of the accused and the powder.

22. It is not true that I had not prepared any panchanamas on that day there, that no powder was found, that I purposely decided to involve the accused in this crime and I involved him accordingly and that I had no material with me on 20/07/06 to arrest the accused. It is true that the offence was registered for the first time on 05/09/06 after finding the powder on 20/07/06. The accused was in the custody of the ATS during this period and was being interrogated by the concerned IO as and when required. The Chief IO was ACP S. L. Patil. I had also personally interrogated the accused. I had

interrogated some other accused also during this period, but I do not remember their names. It is not true that there is no record about the interrogation of the accused by the investigating officers.

(Learned advocate requests that his cross-examination be deferred till tomorrow as he is not able to continue in view of his health and he does not have objection if the other advocates begin their cross-examination).

(Adjourned for recess).

Date : 08/11/11

Special Judge

Resumed on SA after recess

Cross-examination by Adv Wahab Khan for A2, 7, 10, 12 & 13

23. I had received the information about the accused no.1 from my sources. I am aware that it is not necessary to disclose the source. It was an information about an accused involved in a serious crime. I had received the information on 18/07/06 during the day time when I was at the unit office, but I cannot tell the exact time. I do not want to disclose whether the informant came personally or gave the information on phone. I did not make any station diary entry about it. I am not aware whether this was mentioned in the case diary. (Witness is asked to go through the case diary of CR No. 77/06). It is not mentioned in the case diary of 19/07/06. It is not true that I had not

received any information on 19/07/06 and therefore, it is not mentioned in the case diary.

- 24.** My statement was not recorded. I cannot say now what work of investigation was given to what team of the ATS officers by the superiors. I cannot say what team was monitoring the STD and ISD incoming and outgoing calls and SMS from and to Mumbai. However, such work might have been going on. The ATS was having technical staff for doing this. PI Wadke was looking after the technical wing at that time. I do not know whether API S. A. Bagwe was also doing the work. I do not know the names of the officers who were doing that work at that time as it was confidential and known only to superiors. I do not know whether the ATS was suspecting a particular SMS of 10/07/06 that was sent from mobile No. 9934610679, whether it was received on two mobile numbers, one on 10/07/06 of Qamruzza and second on 07/07/06 of mobile of Mumtaz Chaudhary. It is true that Mumtaz Chaudhary was arrested in this case. I do not know whether he is accused no. 1's brother-in-law, whether it was a religious message. I did not make any request to the superiors when I passed on the information to them. I was told on 18/07/06 by Addl. CP Jayjeet Singh that I should go to Patna with a team. We were given

boarding tickets at the airport. We were given some amount for traveling expenses. I was given Rs. 10,000/- for expenses. No letter was given to me. Blank letter containing the stamp of the ATS was not given to me. I was not aware that I would be required to seize some articles there. A traveling agent gave me the boarding passes. I do not know who paid the charges and when. It is not mentioned in the case dairy. The flight was full, but I cannot tell the total number of passengers. It did not happen that only the police officers and the crew of the aeroplane were on the flight. It was a flight of Jet Airways or Sahara Airways. I am sure that it was one of these. It was a flight in the afternoon. Counterfoil of the boarding pass is given to the passenger. I cannot tell the flight number or seat number. The flight number, seat number, name of the airways, departure time is not mentioned in the case diary. I am not remembering these particulars as I do not have the boarding pass. I do not remember whether I returned the boarding pass to the IO.

- 25.** We reached Patna at about 6.00 p.m. I went to the office of the Sr. SP at Patna on reaching there. He directed us to go to Police Station Kotwali. Kotwali Police Station provided private vehicle. I do not know what charges were paid. I do not remember the number of

that vehicle or the name of the driver and the owner of that vehicle. I gave a letter at the office of the Sr. SP at Patna and obtained acknowledgment. I gave it after 6.00 p.m., but I cannot tell the exact time. Office copy of that letter is not shown to me in my chief-examination. It is not true that I left Patna at 6.30 or 7.00 p.m. It was a journey of about six hours to Basupatti. It is not true that we reached the house of the accused at Basupatti at 10.30 or 10.45 p.m. on 19/07/06 and took him in custody. We caught the return flight at about 3.00 p.m. from Patna. It was most probably Sahara Airways. There were other passengers in it. We got four boarding passes at Patna Airport as they were arranged for. My higher ups arranged for them. The boarding passes were for two officers and two accused. I do not know when the tickets were booked. I intimated my superiors immediately after the arrest of the accused in the morning on 20/07/06 from my mobile no. 9324282188. It was not in my name. It was in my friend's name. I do not remember his name. I was receiving and making calls from my mobile number on 19th and 20/07/06. There was no sim card in my name at that time. I am not using this number now. I cannot say for what period it was with me. I cannot assign any reason why I was using that mobile number at that

time. I do not know where that friend used to reside. He was a businessman. I had met him when I was at L. T. Marg Police Station during the period from 05/04/01 to 13/07/04. I do not know whether his name was Kishore Popatlal Shah, whether he had a cloth business, whether he was arrested in CR No. 129/02 of L. T. Marg Police Station for the offences under sections 406, 409, 420 r/w 34. It is not true that this person, an accused in that CR, was my friend and I introduced him as an eye witness when I was in the ATS in this case. I am not aware whether the said person is a witness in this case. It is not true that to hide my connection with him, I asked PI Ahir to take his statement.

26. I do not know what amount was spent for the four tickets. I do not know from what account money was spent for purchase of the tickets to and fro. I do not know whether it was from official account. The boarding pass was in my name. I do not have both the boarding passes with me. I had given them to the IO when I returned.

27. We did not have photograph of the accused no.1 when we went to Basupatti. We had a part description of his body. One of the constable chowkidar was knowing him. We were in the house of the accused no.1 for about 50-55 minutes. I did not take photographs of

any articles before touching or taking it. I did not take the statement of any person from that house on that day in connection with the plastic bag, as to who had brought it and when it was brought. Some other team recorded their statements subsequently. I was already investigating CR no. 77/06, therefore, I did not immediately lodge FIR. I did not feel it necessary to do so. Report of the FSL, which I wanted to confirm, was a part of the investigation. It did not happen that I went to lodge report at Police Station Basuptatti, but they refused. I did not feel it necessary to obtain transit remand of the accused. I was not sure about the exact contents of the plastic bag, but I suspected it to be explosive substance. I had asked the accused no.1 and the family members about the plastic bag. I did not use brass seal for sealing the samples. As a routine practice we carry the sealing material including lac seal whenever we go for search. It is true that impression of the seal on the sample is required to be given on the requisition letter. I do not know whether the impression of the brass seal of the ATS was sent in the requisition letter accompanying the samples that I had taken.

28. I was under suspension in 1989-1990. I may be under suspension from 21/03/89 to 04/03/91 when I was in the Crime

Branch. There was a departmental inquiry. It was a false anti-corruption case. It is so mentioned in the judgment. I was honorably acquitted in that case. It is proved on record that I was not involved. I do not know whether the witnesses in that case turned hostile. I do not remember when the judgment was given, but it was given when I had resumed duty.

29. The ATS can lodge a complaint in a police station about an offence that is committed within its jurisdiction, if it is not related to terrorism. If it is a terrorist related offence, then the FIR is registered in our police station. There is no special category of offences in which complaint is given in police station.

30. There used to be seminars conducted by senior officers in which *modus operandi* of terrorist organizations used to be discussed for the purpose of guidance. I do not remember whether such seminars were conducted by officers from other than police departments. I do not remember whether Lt. Col. Purohit used to come for giving lectures. I did not take part in the investigation of the bomb blast at Malegaon in 2006. I was not in the ATS in 2008. I do not remember having attended any lecture given by Lt. Col. Purohit.

31. I do not remember whether I had gone to Gujarat in 2006. The

ATS Chief Vanjara had visited our office at Mumbai. I do not know whether he had interrogated the accused in this case. He had visited the head office. I do not know for what work he visited. I do not know whether he had brought a person by name Mohd. Ali. I do not remember whether he had come on 21/08/06. It is not true that the person by name Mohd. Ali was kept in the detection room at Kalachowki Unit with the accused no. 4 Ehtesham on 21/08/06. It is true that one Pakistani national was killed in an encounter at Antop Hill on 22/08/06. I was the complainant in that case. I lodged the complaint in that case on 22/08/06 at Police Station Antop Hill for the offences under sections 4 and 5 of the Explosive Substances Act, 3 and 25 of the Arms Act and 307, 353, 224 of the IPC. I do not think that the articles that were found at the spot had any concern with this case. An AK 47 rifle was found. (Witness is shown certified copy of the chargesheet in CR No. 195/06 of Police Station Antop Hill). It is true that explosive was found at that place. I do not know whether it was RDX. It was not I that found the explosives. The investigation was done by Antop Hill Police Station. The spot panchanama was done by them in my presence. A bag containing explosives was found there. I do not know the colour or the nature of the explosive. Officers

Sunil Deshmukh, PSI Sachin Kadam, PSI Kandharkar were with me. The AK 47 found there was in working condition as that person had fired from it. I do not remember whether the panchanama was prepared before or after the complaint was lodged. The Pakistani national by name Mohd. Ali, who was killed in that encounter, was a suspected accused in this case. His hideout was shown by another Pakistani national by name Riyaz Nawabuddin. It is true that 1520 gms black sticky powder, suspected to be explosive substance, along with seven detonators, firearm and five live cartridges were found with Riyaz Nawabuddin. I and my team had arrested Riyaz on 22/08/06. I did not wait for the FSL report for lodging complaint against Riyaz as he was found in possession of firearm and explosive together. Arms Act and Explosive Act were alleged in that case. I did not test fire the firearm. We did not find any concern of the said Riyaz with this case. I say this on the basis of the investigation conducted before submitting chargesheet. I did not find him to be concerned with this case when I investigated the case, therefore I did not arrest him in this case. I do not remember whether he was admitted in the J. J. hospital because of kick given to his private parts, because of which his testicles had gone inside the body. I do not know whether

his judicial custody was taken on the day he was beaten and then he was admitted in the hospital. It is not true there was a deal between me and him that he should not complain about the ill-treatment and we would not involve him in this case, that because of this deal he completed his five years sentence and the ATS dropped him at the border. It is not true that the ATS Chief D. G. Vanjara of Gujarat had brought Mohd. Ali on 21/08/06 to Mumbai and we killed him in a bogus encounter. I had fired on him. I do not remember how many bullets had hit him. No policeman sustained any injury. The firing took place across the door, therefore, I cannot say whether we fired above the waist.

32. It is true that the ATS was using Bolero jeep no. MH-01-BA-4236. I do not remember whether I had visited the Esplanade Court in this vehicle on 5th, 6th and 07/10/06 and whether I had signed the log book of that vehicle. I will be able to tell about it if I am shown the log book and my signature on it. (Witness is shown certified true photocopy of log book of the said vehicle obtained by the accused no.4 under the RTI as per the covering letter attached to it. Hence, the letter is marked as **Ext.1737** and the certified true photocopy of a page of a log book is marked as **Ext. 1738**). It is true

that Ext.1738 contains the facsimile of my signatures. I cannot say whether I had gone inside the Killa Court. The description of the places in the entries shows the movement of the vehicle. It is true that the name of the Killa Court is mentioned there. I was staying at the given address in Grant Road in 2006. K. P. Raghuvanshi had his office at Sir J. J. Road, Byculla. The office is at one place. Some say that it is at Byculla and some say that it is at Nagpada. My driver used to stay at Colaba, therefore he used to start from Colaba. It is true that the entry dated 05/10/06 in Ext. 1738 shows that the vehicle started from Colaba on that day, then it went to Grant Road, then to Nagpada, Kalachowki and Bhoiwada where ATS offices are situated, from there to Killa court where the court of the CMM is located, from there to Kalachowki to Sion, from there to CP office to Thane to Worli to Grant Road and to Colaba. It is true that Sion and Matunga Police Stations are adjacent to each other in the same compound. It is true that the office of DCP, Zone-IV is in that compound. I do not know whether DCP Karale was posted there at that time. I had not gone to his office on 05/10/06 taking the accused no.4 Ehtesham to him. (Witness is shown Ext. 1078). I do not remember whether I had taken the accused no. 4 Ehtesham to DCP Karale on 05/10/06. It is not true

that I had taken the accused to DCP Karale on 05/10/06 for recording his confessional statement, that he refused, therefore, I tortured him.

It is not true that I had met the CMM on 5th, 6th and 07/10/06, that I had requested the CMM not to open the sealed envelopes containing the confessional statements of the accused.

33. I had not obtained printout of the mobile number of the accused no.1 after his arrest. I do not know whether in 2006 the printout details of mobiles showed their location with reference to a tower. Such is the position now. I do not know whether printouts of the mobile phones seized from the accused have been preserved till the end of this case and appeal.

34. I did not note the date and time of the calls in the mobile of the accused no.1 in the panchanama. I did not ask the accused from where he had used his mobile on 10/07/06.

(Adjourned as court time is over).

Date: 08/11/11

(Y.D. SHINDE)
SPECIAL JUDGE

Date : 09/11/11**Resumed on SA****Cross-examination by Adv Rasal for A1 & 4 to 6 continued...**

35. Entry is made in the station diary or case diary if a suspect is brought for inquiry. There were different investigating officers, therefore, I cannot say how many suspects were brought to the ATS office and whether entries are taken. Initially seven different investigating officers attached to the ATS were entrusted with the investigation of the seven different crimes. I do not remember the exact date of the office order by which they were entrusted with the investigation. Number of officers were deputed to assist them apart from the investigating officers. I was entrusted with the investigation of CR No. 00/06 on 05/09/06. API Kolhatkar and PSI Kadam were assisting me in the investigation of CR No. 00/06.

36. I dictated the panchanamas at Basupatti. As I was the investigating officer, I did not lodge the FIR after receiving the FSL report on 05/09/10. I recorded the FIR of API Kolhatkar, who was my subordinate. It is not true that at my instance he lodged the FIR. There was a discussion with the Chief IO before lodging the FIR. He gave me the FSL report and directed me to take action. Offering our

personal searches was an important fact. It is true that this is not mentioned in the panchanama Ext.500. I did not see that the house of the accused was under construction. After taking the accused in custody, it was in my mind that I had to produce him before a court within 24 hours. When I started from Mumbai there was no time limit within which I had to return back. There was no court at Basupatti. There was a court at Madhubani, which was about 40 kms from Basupatti.

Q. You could have produced him in the court at Madhubani and obtain transit remand.

A. I did not feel it necessary.

Prior to the arrest of the accused I had not decided to immediately return to Mumbai. I do not know whether the air services from Patna to Mumbai are always busy and whether on money is required to be paid to obtain tickets. Addl. CP Jayjeet Singh informed me on phone that he had arranged for the return tickets. His office was at Nagpada at that time. PI Salaskar did not have his office at Nagpada. I cannot say whether he had taken part in the investigation of the bomb blasts. It is true that there is no entry in the station diaries about my giving the boarding passes to the Chief IO.

37. Malmal was about 9-10 kms from Basupatti. I had brought

Khalid also with me. There was a gap of about 15 minutes between the panchanama Ext.500 and the panchanama at Malmal. I was at the house of Khalid for about 50-55 minutes. I do not remember the number of his family members present there. Some neighbours had gathered when I went to his house. I did not record the statement of any of them.

38. It is not true that no panchanamas were drawn on 20/07/06, that the accused no. 1 was in my custody prior to 20/07/06 and that as per the plan chalked out by the ATS I prepared the panchanamas and the station diary entries.

39. I had again gone to Patna on 24/07/06 by air. I gathered the information about the cyber cafe in between 21st to 24/07/06. I did not have the telephone numbers of the police officers of the local police stations within whose jurisdiction the cyber cafe was. I did not contact any local police officer on that day. I had collected bills from the cyber cafe other than recording the statement of the owner. I do not know whether they are a part of the chargesheet. I was in the cyber cafe for about 4-5 hours. Customers did not attend the cafe during this period. Two persons were working there when I visited it. There were cabins in which there were computers. I do not remember

the exact number, but there were 3-4 cabins. I operated the computers to check them, but I do not have much technical knowledge. I did not prepare any panchanama there. It is not true that the accused no.1 has no knowledge of operating computers, that the cyber cafe was meant only for game purposes in 2006, that at my instance the cyber cafe owner was made to say that Kamal used to operate the computers, used the internet and send e-mails.

- 40.** PI Khandekar was the initial investigating officer of CR 156/06. I cannot tell till what time he continued with the investigation. I do not remember the exact date when the Chief IO took over the investigation. I had taken information on 29/09/06 as to since when the accused no. 6 Mohd. Ali was in our custody. It is not true that I came to know that PI Vijay Salaskar had taken him in his custody on 31/07/06 and the accused was in his custody upto 09/09/06. I did not contact PI Dinesh Ahir in connection with the arrest of the accused no. 6. I cannot say whether the accused no. 6 was in custody from 31/07/06 and it is only on 29/09/06 that he was shown arrested. House of the accused no. 6 is about 9-10 kms from the office of the DCB CID in Kurla (W). Shivaji Nagar Police Station is about half a kilometer from his house. There is a police chowki on the main road

from which one turns to the road going to the house of the accused. It is non- operational. It is close to the house of the accused. The road by which I proceeded to his house is a private road. I parked my vehicle in the by-lane. There are shops and residential houses in the lane. I cannot tell about the distance between the masjid and the house of the accused. I cannot say whether it was in front of the house of the accused. It is true that there is a masjid at some distance on the other side of the lane, but I cannot tell the distance. The lane is attached to the main road. It is not in front of the house of the accused. I cannot tell the number of shops that I saw. The house was having room no.2. Room no. 1 was a residential house. I do not know who was staying in that house. I did not make inquiry with the inmates of the house no.2 about earlier visits of police. Our staff member called the panchas. They were taken from Bhoiwada. I did not do any writing at Bhoiwada when I started. There was no special reason for taking the panchas from Bhoiwada, but as I was going for house search, I instructed my staff members to bring the panchas. There were people there from whom I could have taken the panchas. When I reached the house no.2, neighbouring people did not gather there. They gathered outside when I started the house search. It is

true that the houses are in a thickly populated area. There are houses opposite to the house of the accused. Doors of some houses are facing the door of the house of the accused. There is lane between them. There may be 15-20 houses in the row in which the house of the accused was. Similar number of houses are in the opposite row. Some of the houses were ground plus one and some were only ground floor. There is a staircase after the kitchen, which is from inside and outside, for going to the first floor. The male member present was the brother of the accused on the first floor. He did not appear before me when I entered the ground floor. It is not true that I realized that both brothers reside jointly. I do not remember having asked for the ration card to ascertain this. The cot was on the left side after entering the room. There was a showcase on the opposite side of the door. The entry to the kitchen was by the side of the showcase. I do not remember the type of flooring. It will not be correct to say that the cot was of iron. It was a wooden box. There were cooking utensils in the kitchen, like plates, utensils, etc. I did not notice whether there was any cooked food. It will not be correct to say that the open space in the hall was about 4x4 feet. I dictated the panchanama as the events were progressing. The articles in the cot

were of household use. I saw the black and white patches on the inner side on the floor of the cot. The patches were towards the wall side. One was black and one was white. They were of the size of 2-3 inches. It is true that it was necessary to describe the dimensions of the spots in the panchanama. The cot was about 6 feet long. It was not occupying the entire length of the wall. There was some gap between the wall of the door and the cot. There was no window to the wall by the side of which the cot was. The patches were towards the kitchen side in the cot. I cannot tell the exact location of the patches. We all officers became suspicious of the patches. The household articles in the cot were on the patches. I checked the articles to see whether there were any patches, but I did not find anything. The cooker was amongst household articles. I did not find any other cooker than this. There was cotton with us in the investigating material. I was in that house for about one hour and 15-20 minutes. I did not record the statements of the brother and wife of the brother of the accused on that day. I did not take their signatures on the panchanama to show that the panchanama was prepared in their presence.

41. I cannot say whether it was the month of Ramzan at that time.

Muslims break their fast at the time of sunset. I cannot say whether before that they go to masjid for prayer. I do not remember whether when I reached there, I saw people going to the Kokani Masjid. It is not true that wife of the accused was not present in the house when I reached there, that I had gone to Nagpada Police Station as PI Salaskar had called the wife of the accused and their son on the pretext of releasing the accused on that day, that no panchanama was prepared on that day, that I did not seize any article from the house of the accused, that we had not seen any black and white patches and that I deposed falsely on the say of my superiors and the entries in the station diary were made accordingly.

- 42.** Telephone register is not maintained in the ATS office. Telephone messages are entered in a register. Station diary entry about my message to ACP Patil when I started from Mira Road on 07/10/06 was made. I do not know whether copy of that station diary entry was not filed with the chargesheet. I did not take the statement of PSI Revle, staff and the dog handler on that day. I did not mention in the panchanama about the signals that the sniffer dogs give and their interpretation. I did not write in the panchanama about the meaning of the melting of the white granules.

(Adjourned for recess).

Date : 09/11/11

Special Judge

After recess

Cross-examination by Adv Wahab Khan for A2, 7, 10, 12 & 13

- 43.** (Adv Fakruddin Khan h/f Wahab Khan submits that adv Wahab Khan is busy in a confirmation matter before the High Court and may not be able to come upto 5.00 p.m. He has requested for adjourning the cross-examination. Learned SPP has no objection. Hence, adjourned to 14/11/11).

(Y.D. SHINDE)

Date : 09/11/11

SPECIAL JUDGE

Date : 14/11/11**Resumed on SA**

44. The malkhana of the ATS was at the Kalachowki Unit. Muddemal register was maintained there. Station diary was maintained at the Kalachowki Unit. Station diary was not maintained at the other units. However, movement diaries were maintained. Most of the time station diary entries are made when officers leave the office for official work. The station diary entries Exts. 1713 and 1717 are in my handwriting. The station diary entries Exts. 1719 and 1721 are in the handwriting of PI Joshi. The station diary entry Ext. 1729 is in the handwriting of PSI Gaikwad. Except for secret work, I used to sometimes make station diary entries of the other work describing it in short. Station diary entry was made sometimes about my reporting on duty.
45. I do not recollect the exact date when the accused no. 13 Asif Bashir Khan was arrested. I do not know how many days before he had been arrested before 07/10/06. I cannot say whether the memo that the Chief IO gave to me on 07/10/06 for interrogating the said accused is filed with the chargesheet. It is not mentioned in the station diary, memorandum of the statement or panchanama. I cannot

say whether it is mentioned in the case diary. (Witness is called upon to go through the case diary). It is mentioned in the case diary dated 07/10/06. The accused no. 13 was at Bhoiwada lockup on 07/10/06. I interrogated him at Bhoiwada. There was no specific unit at Bhoiwada at that time. The additional space was used for the purpose of office work and investigation. ACP Patil and ACP Tawde were in-charge. I do not remember the exact time when I took out the accused no. 13 from the lockup. ACP Tawde was with me. He was not taken out on that day. I do not remember for how many hours I interrogated him on that day and till what time. I did not maintain any official record about it. I did not interrogate him on 08/10/06 as I was busy in other work. I interrogated him on 09/10/06. I had taken him out of the lockup at about 11.30 or 11.45 a.m. I did not take him to the Kalachowki unit. He was interrogated at Bhoiwada. It did not happen that the accused did not give any statement before me on that day and I had not taken him out for seizure panchanama. The station diary entry of that day was not made before me. I do not remember having read the station diary entry of 09/10/06 before I gave evidence. I have seen some station diary entries before I gave evidence. I had read the station diary entry after I returned back on

that day. It is true that it is not mentioned in the entry Ext. 1722 that the accused no. 13 made a voluntary statement in the presence of panch witnesses pursuant to which we had left along with the accused and panchas. I had intimated that ACP Tawde and PSI Kadam were with me. I had also intimated the names of API Shelke and PSI Awari. Except my name, the names of the other officers in the team are not mentioned in the entry. These things are missing from the entry. It is not a mistake committed while making the entry, but there was an omission about which I came to know on that day. I did not give a written memo to the person who made the entry. ACP Patil was not present when I interrogated the accused on 07/10/06 and 09/10/06. I interrogated the accused for about 10 minutes on 09/10/06. We left the Bhoiwada office after about half an hour. We had not gone to the Kalachowki unit during this period. The accused was not taken to the Kalachowki unit. I did not ask for additional staff from Kalachowki. I had not sent any staff to the Kalachowki during this half hour period. At that time the brass seal was at Bhoiwada unit. I cannot say that there was no brass seal at the Kalachowki unit on that day. It is not true that the ATS was given only one seal. Three or four seals were given. All seals were not at Kalachowki unit. They

were distributed at Kalachowki, Vikroli and Juhu. The seal used to be in my or PI Khanwilkar's possession at Kalachowki. There was no seal at Bhoiwada. There used to be a station diary entry when seal was taken out. (Witness is asked to see from the original station diary whether there is any station diary entry on 09/10/06 about taking the seal outside). There is no such entry. There is no entry about I or my staff depositing the seal and sealing material at the Kalachowki unit on that day. No separate seal movement register was maintained. There was no necessity to give a written requisition to the senior officer for taking out the seal. There is no specific reason why entries about taking the seal and depositing it back are not made. I cannot say whether I had taken out the accused no. 13 out of the lockup before 09/10/06 and taken him to the Chandanchowki office.

- 46.** I did not come to know from the accused no.13 during his interrogation on 07/10/06 as to where he works. I did not interrogate him as to whether he had gone for the work on 11/07/06. I had not taken him to his place of work before 09/10/06. I do not know whether the accused was working in Mumbai at that time. The memorandum panchanama Ext. 664 is not in my handwriting. It is in the handwriting of API Shelke. I dictated it. I did not write it as it was not necessary.

The panchas were brought before me at about 12.15 p.m. I made inquiry with them. I do not remember whether the panch witness Jitendra Champalal Jain was known to me before that day. I was one of the investigating officers of CR No. 01/06 of the ATS. It was earlier to this case. I do not remember whether this panch witness was used as a panch witness in my case, whether I had asked him whether he had worked as a panch witness for the ATS before. It is not true that the other panch witness Kevalkumar Tarchand Jain was provided by the Vikroli Unit. I do not remember whether I had asked him whether he had worked as a panch witness for the ATS before. I had inquired with him whether there was any criminal case against him. I do not remember whether he had replied that he was arrested by Park Site Police Station in CR No. 80/06 for the offence of cheating. I avoid taking a person as panch witness, if I come to know that he is involved in any crime. If a panch witness has a good reputation and record, we can use him again. Such reputation and record is the general reputation of that person. It is not true that both the panchas were known to me as they are our regular panchas.

- 47.** We went in two vehicles. They were our own police vehicles and they were waiting. The accused sat in my vehicle. One panch witness

was in my vehicle, the other was in the other vehicle. ACP Tawde was in the other vehicle. API Shelke was in my vehicle. I do not remember in which vehicle PSI Kadam was. The panch Kevalchand was in my vehicle. We required about one hour and ten minutes for the travel. The accused was veiled during transit. I did not have his photograph with me. The panchanama was not being written in the vehicle during travel. I had noted the route roughly. I had not written in the panchanama that I noted the route during the travel. We reached Mira Road at 1415 or 1420 hours. I had not gone to the said housing society at Mira Road with my team before 09/10/06. There was a watchman cabin at the entrance. I do not know whether a visitors book was maintained at the watchman cabin. I did not make any entry in any such book. I did not call the chairman, secretary or owner of the flat. We had taken a camera with us while leaving the office. We took some photographs. Photograph was not taken when the lock was being opened. Photographs about the accused being present in the flat were taken. PSI Awari took the photographs. ACP Tawde told him to take photographs. I do not know how many photographs were taken. I did not see any printout of the photographs upto now. I came to know later on that they were not developed. It was a digital

camera. I do not know whether it is not necessary to develop the photographs taken by a digital camera.

- 48.** I took the search of the flat. ACP Tawde was giving directions. PSI Awari and Kadam assisted me and API Shelke was writing the panchanama. We required about two hours and fifteen minutes to search the house. We did not try to lift any fingerprints. I did not call the chairman, secretary or owner of the flat before starting the search. I did not examine the hard disks of the CPUs at the spot. They were got examined later on. I cannot say whether there was any document in the room having the photograph and the name of the accused. It did happen that when we reached the flat I came to know that the accused did not have its key. I had given Rs. 15/- from my pocket to the key maker for preparing the duplicate key. I did not claim reimbursement of that amount. This fact is not written in the panchanama. It did happen that signatures of the panchas on the panchanama were not taken inside the flat. I also did not sign it inside the flat and the signature of the accused was also not taken.
- 49.** The chairman and secretary of that building came there when the articles from the first bedroom were taken in possession and we were moving to the other bedroom. I do not know at what distance

the local police station was. No local police officer came there during the panchanama. BDDS officer was not called. The books were shown to the chairman and secretary. Sealed packets and articles were shown. I only asked the names of the books to the chairman and secretary, but I did not get the entire books translated. I cannot say whether some of them were religious books. One of the books disclosed that it was concerning terrorism in India. Mira Road is in Thane district. I did not inform the local police station before going there. I came to know from the agreement that one lady was the owner of that flat. I cannot say to whom the flat was rented.

Q. Did you show the face of the accused to the chairman and secretary?

A. I had not called them, but when they came they saw the accused.

I did not record statements of any witness at that time. I recorded the statement of estate agent. I do not remember his name. (Witness is asked to refer the case diary and state about it). On going through the case diary I say that I had recorded the statement of Amir Khan Karamat Khan on 11/10/06. (Learned advocate calls upon the prosecution to produce the said statement. The learned SPP submits that he will have to take instructions by showing the statement of the witness PW-49 to the witness). There is no mention in the case diary of 10/10/06 about taking

the statement of that witness by me or any other officer.

(Adjourned for recess).

Date : 14/11/11

Special Judge

Resumed on SA after recess

50. I did not give any written notice to the chairman, secretary or watchman of the society for coming for giving statement. I had orally inquired about the tenant of that flat. I made inquiries with the neighbours of that flat, chairman, secretary, etc., of that society as to when the flat was lastly opened and who locked it. It is not true that I did not get any important information. I did not write it down. I took mental note of it. I did not check the membership register or the visitors book of that society and did not take it in custody.

51. I did not seal the books that were found in the flat. I sealed the plastic bag containing the granules and the samples that I took. I did not feel it necessary to seal the documents and the CPU. The wires are described as 5' 6" long. There were 20 wires. It did not happen that there were 21 wires. (Witness is asked to count the wires Art-281 (colly)). The single wire in Art-281 (3) might be so as they were bundled up after the detonators were destroyed and collected. The wires Art-281 (1 and 2) may be 5' 6". (Witness is given a scale and

asked to whether the length of the wire). The wires are 5 ' 4". It is not true that it is wrongly written in the panchanama Ext. 664 that the wires are 5' 6".

52. It is not true that I had not gone to the flat with my staff on 08/10/06, that on 09/10/06 accused did not make a voluntary statement, did not lead us to the flat at Mira Road, did not produce any articles as described by me. It is not true that I am telling a concocted story that a key maker was called, a duplicate key was prepared, that the chairman and secretary of the society had come. It is not true that the accused was threatened that he would be implicated in the Malegaon 2006 blast and was forced to sign on the panchanama in the ATS office, that I obtained the signatures of the regular panchas in the ATS office, that I along with my superiors planted the granules, detonators, books, powder and bag.

53. The accused no. 13 is also an accused in the case of Malegaon blast of 2006 initially investigated by the ATS. I was not in the investigating team of that blast. It may be that three panchanamas were prepared in my presence, two on 13/12/06 and one on 19/12/06. I may have prepared panchanamas in the Aurangabad Arms Haul case. I cannot say as to on what dates and concerning

which accused the panchanamas were prepared in both the cases. I was associated with the investigation of CR No. 01/06. I do not remember the exact dates of the panchanamas prepared in that case. The only reason for this is not that because of the passing of time I have forgotten the details. I have not thought about those cases and the diary is not before the court. I had seen the photocopies of the station diary entries at the Bhoiwada office on the day I gave evidence. I myself visited that office, because I wanted to refer the case diary. It is not true that the station diary entries were prepared on that day.

- 54.** (Witness is shown letter Ext. 596). I had not used the seal, the impression of which is on Ext. 596. The seal impression is of Police Station Kalachowki. We used to use the seal of that police station till we received our own seal. It is true that brass seal is used for sealing on the lac when the lac is hot. The impression of the brass seal cannot be put after 4-5 hours after the lac seal is affixed to any article. ACP Patil did not ask me for copy of impression of the lac seal that I used at Basupatti. I cannot say whether HC-14438 of the ATS had used the brass seal of Police Station Kalachowki only once on 07/07/06 at 7.10 a.m. in the period in between 01/07/06 to 30/11/06.

The accused no.1 was not shown arrested in CR No. 00/06. I do not know whether his remand was taken in that case. A separate chargesheet is filed against him. I do not know whether Basupatti police officers demanded the custody of the accused no.1. I had recorded the statement of Nitishkumar Mishra (PW-68) on 26/07/06. (Witness is asked to go through the case diary and say whether there is an entry about it). There is an entry about it in the case diary dated 29/07/06 after I returned back to Mumbai. The case diary does not mention the date on which I recorded the statement of that witness. The statement of the witness was typed on the computer in the cyber cafe. I did not seal the cyber cafe and did not ask to keep it closed till further order. I personally typed the statement. I cannot tell the exact time in the afternoon when I reached the cafe. I do not remember whether there were any customers there. I checked the computers with the help of the operator to see whether there was internet connection. I may have taken some documents for verification. I do not remember whether I have seized the hard disk on that day or thereafter. I knew on that day that electronic data is stored in the hard disk. I did not prepare any panchanama there. I was there for about 3-4 hours. I did not find it necessary to take the printout of any data

as I did not find anything incriminating. I do not know whether the cyber cafe was sealed and closed for one week and I took the key with me. I had told the owner that a team will come to inspect the hard disk. I did not deposit the key in the Town Thana. It did happen that Nitishkumar Mishra called me after a week and I told him to collect the key from the local police station in case they have taken it.

55. Nitishkumar Mishra (PW-68) had stated before me that he had come to know about the railway bomb blasts in Mumbai in 2006 from the TV and as many of his relatives are in Mumbai, he had contacted them to inquire about their well being, that the accused no.1 used to come once or twice in a week or ten days, that then there used to be a break of three-four months and sometimes more than a year, that when he returned after a gap of about one or one and a half years, he was changed and he came on a white coloured bike. It is not written in his statement. I cannot assign any reason why these things are not written in his statement. These were important things. I had taken mental note of it. It is not true that I have prepared his false statement of 26/07/06.

56. I recorded the statements of 2-3 more witnesses at Basupatti, but I do not remember their names. I do not remember whether I took

mental note of the dates and the names of the witnesses. The names of the witnesses are not mentioned in the case diary. I do not remember whether I told ACP Patil about taking the statements of particular witnesses on particular dates. It is not true that those statements were removed and torn.

57. I was not given a memo to arrest the accused no. 7 Sajid. His name was disclosed by other accused before ACP Patil. He did not show me any document or memorandum. I am not aware whether any entry was made about his name. It is true that the interrogation of suspects brought to the unit was going on. I can say this about Kalchowki unit and not about other units. If a person was arrested then only station diary entry was made. It is not true that on 18/08/06 the accused no. 7 Sajid Ansari was called to the Nagpada ATS office by PI Dinesh Ahir, PSI Sunil Mane and PSI Shailesh Gaikwad. I do not know whether he was detained there and interrogated upto 22/08/06, that he was released on 22/08/06 and asked to attend everyday. It is not true that he was brought to the Kalachowki unit on 25/09/06, that he was illegally detained upto 29/09/06 and arrested on that day. ACP Patil had told me that he lives in Mira Road, but he had not given the exact address and had not told me that he

conducts classes at Malad Malvani. I did not prepare a pre-trap panchanama. I was given instructions to locate him on 28/09/06 in the morning at Kalachowki. I did not make station diary entry about the instructions. I started at 11.00 p.m. on 28/09/06. Station diary entry was not made about going in search of this particular accused to a particular area. I do not know whether Crime Branch, Unit-X at Andheri had called the accused on 21/07/06 and had recorded his statement. I do not remember whether I prepared his arrest panchanama. (Witness is shown panchanama dated 29/09/06). I now remember that I had prepared this panchanama at the Bhoiwada office on that day. (It is marked as **Ext.1742**). It bears my signature and its contents are correct. It is not in my handwriting. I did not prepare arrest panchanama at the place where I took the accused in my custody. I took him in my custody at about 8.00 a.m. on 29/09/06. It is not true that I and ACP Patil contacted Addl. CP Jaiswal and he gave the signal to arrest the accused. I did not dictate the contents of the station diary entry about it. (Witness is shown Ext. 1719). It is not in my handwriting. I do not remember whether it was written in my presence. The accused was got medically examined at KEM Hospital. Personal search of the accused was taken when the arrest

panchanama was prepared. It is true that no incriminating articles were found. It is true that on examining his body no visible mark of injury was noticed. (Witness is shown true photocopy of letter dated 26/10/06 from the office of the Dean, J. J. Hospital, to the Asst. Registrar of this court. It is marked as **Ext. 1744**). The injuries mentioned in this letter are not there in the panchanama. It is not true that after the accused was arrested I along with other officers including K. P. Raghuvanshi tortured him and because of the torture he sustained the injuries mentioned in the letter.

58. I had picked up the accused for inquiry at Malad Malvani, therefore, I did not prepare his arrest panchanama there. I got the residential address of the accused during the arrest panchanama. I did not come to know about his place of work. ACP Patil had told me on 28/09/06 to locate the accused and to bring him before him. I did not make any station diary entry about it. I maintained a prolonged watch for the purpose of locating the accused. I did not inquire with him when I picked him up. I inquired with him only when he was brought to the ATS office. I cannot say whether the panchas in the arrest panchanama Ext. 1742 are the regular panchas in the investigations that I and PI Joshi have done including Aurangabad

Arms Haul Case, Malegaon blast 2006 Case and CR 01/06. (Witness is shown Exts. 833 and 834). The name of one panch witness Sachin Krishnaji Koltharkar in the arrest panchanama Ext. 1742 is there in Exts. 833 and 834, but I cannot say whether they are the same persons, because their addresses and signatures are different. I do not know whether the panch witness in Ext. 1742 Sachin Koltharkar is available. I cannot say whether I had used the other panch Mahindrakar in Ext. 1742 for the arrest panchanama of the accused Mohd. Zahid in the Malegaon blast case of 2006.

59. It is not true that I am deposing falsely that I was instructed on 28/09/06 to locate the accused, that I was able to locate him on 29/09/06 at Malad Malvani and I caught him and brought him to the ATS office, that on the say of Addl. CP Jaiswal and Jt. CP K. P. Raghuvanshi I falsely involved the accused no. 7. It is not true that the accused no.7 was in illegal detention and I and my superiors took his signatures on blank papers during that period.

(Adjourned as court time is over).

(Y.D. SHINDE)

Date: 14/11/11

SPECIAL JUDGE

Date : 15/11/11
Resumed on SA

60. PI Vijay Salaskar and his team may be assisting the ATS during the investigation of this crime. Crime Branch Units and local police stations used to convey information about the leads in the case that they got, if any and about accosting suspects, if any. No station diary entry was made when the accused were taken out from the lockup for being taken to other units or to crime branch.

61. Accused no. 6 Mohd. Ali was arrested on 29/09/06. I have not seen his arrest panchanama. I do not know from where he was arrested. As per my knowledge no accused in this case was sent to the unit of PI Vijay Salaskar. I do not know whether the accused no. 2 Tanveer, accused no. 3 Faisal, accused no. 4 Ehtesham, accused no. 6 Mohd. Ali, accused no.9 Muzzammil, accused no.10 Suhail were sent to the office of PI Vijay Salaskar at Kurla on 14th, 15th and 16/08/06, whether the accused no.5 Majid was there from 2nd to 22/10/06. It is not true that they were sent there for torturing them. I do not know whether they were treated at the adjacent Bhabha Hospital for their injuries that they had sustained in the torture. It is not true that the accused no. 6 Mohd. Ali was illegally detained in the office of

PI Vijay Salaskar from 31/07/06 to 29/09/06. I had not read any news item concerning him during this period. (Witness is shown Ext. 810). I do not remember whether I have read this news item during the investigation. I did not know the address of the house of this accused before I went for his house search on 29/09/06. Chief IO ACP Patil asked me to take his house search. Pressure cooker is generally available in every house. There was no specific instruction that a pressure cooker is to be seized. In the earlier investigation I had not come across the mention of use of pressure cooker. There was no self developed story in my mind before going for search that pressure cooker was used in this case.

62. I took out the accused from the lockup on 29/09/06 at about 6.00 p.m. I did not interrogate him, but I asked him his address. ACP Patil had given the instructions for his house search at 5.00 p.m. He did not inform me about the address of the house of the accused. I did not ask him about it after he told me the name of the accused. I required about five minutes to ask the accused his address. I did not ask it before panchas. I did not call panchas there. The accused did not make any statement. I did not ask him whether he wanted to make a statement. I did not feel it necessary to prepare a pre-search

panchanama before leaving the office. I asked the address to the accused at the Bhoiwada office. I had gone to the Bhoiwada office from Kalachowki in the morning. I did not make any station diary entry at that time about going for the search of the house of the accused. I had instructed Kalachowki unit to make station diary entry before leaving for search. The entry was not made in my presence. There is no entry in the station diary about taking brass seal from the Kalachowki unit and bringing it back. There is no official record about taking the brass seal out of the Kalachowki unit. As the panchas were required at the residence of the accused, I did not call them at the Bhoiwada office before going for search. I decided to call the panchas at the house of the accused. I saw one of the panchas in the vehicle while going to the house of the accused as my constable had taken one panch witness with him. He picked up the panch after our vehicle started from Bhoiwada. The panch was Pritam Mhatre. I had seen him once, but I did not know him personally. He had acted as a panch witness in another case some time before. I do not remember in what case, on what date and concerning which accused. It was prior to some months. It was a panchanama made by some other officer. I cannot tell his name, but it was at the ATS office. I do not remember

whether he had acted as a panch witness in one of my cases. He was a good person, therefore, I used him again. I am not sure, but he used to work in a garage. I do not know whether he was working as a mechanic. The garage was somewhere in Dadar or Bhoiwada area. I do not know whether he was working with some builder. It did not happen that I deliberately called him as I knew him and had used him earlier. (Witness is shown Ext. 748). It is true that this panchanama is prepared by me. The panch witness Pritam Mhatre was used for this panchanama on 12/07/06. I cannot say whether I remembered that I had used him earlier, when I saw him in the vehicle on that day. I did not talk with him in the vehicle. When I started the panchanama, I realized that I had used him earlier. We used to face difficulties for obtaining panch witnesses at the spot. It is true that he was used as a panch witness for recording a transcript on 17/06/06 at the ATS office and he was there for two days. (Witness is shown Ext. 749). It is true that he is the same panch witness. I do not remember, but he may have been used during the investigation of CR No. 01/06.

- 63.** The other panch Mukesh Walji Rabadiya was also a reputed person. I cannot say what work he used to do. I say that he was a reputed person after I made inquiry with him. I do not remember

where he used to reside. It is true that both the panchas were not the residents of the locality in which the house of the accused is situated. (Witness is shown Ext. 716). Their houses were at a distance about 8-10 kms from the house of the accused. They were not within the area of half km from the Bhoiwada lockup. One was residing near Arthur Road Prison, which is about 3-4 kms and the other is of Dadar, which is about 2 kms from the Bhoiwada lockup. It is not true that the other panch Mukesh was called from his house. I do not remember whether he had acted as a panch witness for me. He had not acted as a panch witness for me when I was at N. M. Joshi Marg Police Station as Sr. PI. The house of that witness is within the jurisdiction of that police station. Witness volunteers - I was at N. M. Joshi Marg Police Station from January 2008 onwards. I have worked in the Crime Branch, DCB CID from 1996 to 2001 along with officers Kolhatkar and Kadam. We had arrested one Abdul Latif in a hijacking case. I do not remember whether it was on 31/12/99. I do not remember whether I had used Mukesh Rabadiya as panch witness in that case. I cannot say whether I had used him in CR No. 01/06 and in Aurangabad Arms Haul Case. I do not know Vishal Kishor Parmar, an employee of the panch witness Mukesh Rabadiya. I do not

remember whether I had come to court on 03/11/06 along with Vishal Kishor Parmar (PW-74) and Mukesh Rabadiya. It is not true that I had so come with them and showed the accused no. 4 Ehtesham to them for being identified in the identification parade.

- 64.** We reached the house of the accused no. 6 Mohd. Ali at about 7.00 p.m. We had not taken camera with us. We went in police vehicle may be MH-01-BA-4236. There was another vehicle with us, but I cannot tell its number. Numbers of the vehicles were not mentioned in the station diary entry or in the panchanama. I did not call neighbours of the accused. On seeing Mukesh Rabadiya there, I did not realize that I have used him in many cases earlier. I did not ask him whether he had earlier worked for the ATS and for me. I did not feel it necessary to call the BDDS or the FSL persons at the spot. The black and white spots were irregular. They were not of the same size. I do not remember whether the black spot was bigger than the white spot. I and PI Khanwilkar both located the spots when the articles were removed. The spots were about a foot apart. There was no dust on the spots. I took the swabs of the patches. Dry cotton was dampened with some water. There was no reagent with us. I am not aware whether some liquid is used to dampen a dry cotton swab

before swab of dry patches is taken. The cotton swabs were in the investigation kit bag with the staff. After taking the swabs, some portion of the patches remained, including the stain of the patch. Wife and two small children of the accused were present. I did not ask the wife of the accused about the patches, but I had asked the accused. I had asked his wife about the persons residing in the house. My asking the accused about the patches was an important thing. He kept mum. It is true that it is not written in the panchanama. I cannot say why it is not written. I did not collect the dust on the floor and the wall and did not think it necessary to do so. It is not true that I did not go to the house of the accused no. 6 on 29/09/06, that I did not take the search of the house of the accused, that I did not seize anything there. I did not obtain signature of the wife of the accused on the panchanama. It is not true that I prepared the panchanama at the ATS office on the instructions of my superiors by using our regular panchas. It is not true that I planted the pressure cooker. (Witness is shown certified true copies of four panchanamas that is filed with Ext. 719). It is true that the panch witness Pritam Mhatre is used as a panch witness for all the panchanamas in CR No. 01/06. (They are marked as **Exts.1745 (1 to 4)**).

65. I had interrogated some of the accused in this case at Kalachowki office. There is no separate room for interrogation. There is no air conditioner in any room. I did not give any instructions about any apprehension or anxiety about any panch witness to ACP Patil. After they had acted as panch witnesses, the panchas were worried about any danger to them. I did not give a written report about it to ACP Patil and did not make any station diary entry.

66. I cannot say from which police stations the officers were deputed to the ATS. Some were deputed from the Crime Branch and some from other police stations.

67. I was not called and I had not visited the CP office in connection with this case. (Witness is shown Ext. 1738). The contents of the log book show the route and not that I visited the CP office. I may have gone to some places mentioned in that route, but not all. I will not go via CP office if I want to go to Thane from Sion. It is true that the CP office is mentioned in between Sion and Thane. The vehicle was used for office purposes and not exclusively for me. The driver used to take my signatures at the end of the day. The officers who take the vehicle signed the log book sometimes, but generally the driver took my signatures in the evenings. It is not true that on 05/10/06 I had

gone to Sion to DCP Karale's office and then to the CP office for discussing the present case. (Witness is shown the label Art-301B and Art-302B). Four threads are coming out of the lac seal. I now again say that seven threads are coming out of the lac seals. (Witness is shown Ext. 796). I cannot say as to how many threads are seen to be coming out of the lac seal impression in the photocopy of that lac seal impression. I cannot say whether they are three.

68. The DG had issued the order about handing over investigation of the blasts to the ATS on 11/07/06 itself. The papers of investigation from the railway police stations were not received on the same day by the ATS. It is true that till the papers were handed over, we as well as they were investigating. I cannot say whether the railway police station officers used to give us information about recording statements of witnesses.

(Adjourned for recess).

Date : 15/11/11

Special Judge

Resumed on SA after recess

69. It is true that there is a prescribed procedure for sealing articles that are seized during investigation, to rule out the possibility of tampering. At Basupatti, after taking charge of the articles, I put the

samples of the black powder in separate small plastic bags, wrapped them in separate khaki papers, pasted labels containing my and panchas signatures, tied thread and put lac seal. The lac seal was covering the knot. It is not true that I did not paste the labels. It did not happen that I only tied thread on the khaki packets. The lac seal should be covering the knot and it is not necessary that it should be on the knot, label and the packet. (Witness is shown Art-40C). It is true that thread is tied on this packet first and then label is pasted.

70. We returned from Mira Road directly to the Kalachowki office on 09/10/06 via Bhoiwada, but we did not stop there. I do not remember whether any lockup diary entry was made at Bhoiwada, whether accused was shown to be put in the lockup in the record at Bhoiwada lockup. The accused no. 13 Asif Bashir Khan was not put in the Bhoiwada lockup before going to Kalachowki office. The panchas were in other vehicle when we came to the Kalachowki office. I had instructed them to come to Kalachowki office after two hours. I thought that the same panchas might be useful, therefore, I called them. I did not think it necessary to call them again on 20/10/06. We reached Kalachowki office at about 7.00 p.m. ACP Patil was not present there. ACP Tawde and I decided to check the detonators and

the granules from the BDDS. The panchanama Ext. 667 is in the handwriting of API Shelke. The BDDS officer did not give report to me. I was not present when PSI Revle submitted his inspection report to the Chief IO on the same day. I cannot tell the time. I did not take his statement. The panchanama Ext. 667 is not in my handwriting. It is not true that the accused no. 13 Asif Khan was not with us at the Kalachowki office on 09/10/06, that the BDDS did not inspect the granules and the detonators and did not give any report. I am not aware whether muddemal register is not before the court. There is no entry in the station diary about depositing the detonators and granules in the muddemal room after they were inspected. (Witness is shown Ext. 1729). It is true that it is not mentioned in this station diary entry that the articles were taken from the muddemal clerk. There is no station diary entry about depositing the remaining articles in the muddemal room after the detonators were blasted on 20/10/06. We started from the ATS office on 20/10/06 at about 3.30 p.m. The panchas were not in my vehicle. I had seen them with my staff when I left the office. I found them reputed and respectable when I inquired with them at the Girgaon Chowpaty. I did not ask them whether they had acted as panch witnesses for the ATS before that day. I do not

remember whether they had acted as panch witnesses for me in the ATS before that day. It is true that maintenance of the Chowpaty is with the BMC. I did not intimate the BMC or the local police station. PSI Kisan Gaikwad wrote the panchanama there. It did not happen that constable Jadhav wrote it. The writing of the panchanama started after introduction of the panchas. It did not happen that writing of the panchanama started after all the ten detonators were blasted. People had not gathered at the spot. There are shops in one corner of the Chowpaty. I did not take the statement of any shopkeeper or any person who was there. Two constables were deputed for preventing the persons from the public from coming to the spot throughout the process. I was moving in between the pit and the dynamo. PSI Gaikwad was also moving with me. There was no smoke after the dynamo was operated and sand was not thrown up. I cannot say whether the sand bag was displaced. There was a sound of explosion. I cannot say whether the spot of the explosion had blackened or changed colour. I did not collect samples of the sand. I do not remember whether the ends of the wires attached to the detonators had blackened. The ends of the wires Arts-281 now shown to me have not blackened. The insulation of the wires has not

melted. It is not true that the detonators were not exploded and destroyed on 20/10/06, that we were not having any detonators, that I prepared panchanamas on 9th and 20/10/06 in the ATS office on the say of my superiors without doing anything.

71. It is true that after the blasts on 11/07/06 there was pressure of workload, therefore, we were gathering information from different agencies. It is not true that Crime Branch Unit-X had provided the information about the accused no.7 Sajid in the last week of the July 2006 and on that basis he was picked up and kept in illegal detention and shown arrested later on. It is not true that the accused no.6 Mohd. Ali was illegally detained by PI Vijay Salaskar and his team and thereafter he was handed over to us, that I and my officers had planted the incriminating articles, that I prepared the false panchanamas at the instance of my superiors and that I gave false evidence to please my superiors.

72. A group of boys was arrested by the Crime Branch, DCB CID Unit headed by Rakesh Maria in 2008 on the allegation that they belong to the Indian Mujaheddin. I do not know whether later on they were shown arrested in number of cases of blasts in India. I do not know whether my superiors including Rakesh Maria, Hasan Gafur

and the Commissioner of Police had stated in a media interview that these boys had committed all the blasts in Mumbai and other places after 2005, that one of the accused in that case had confessed accordingly, that two sanctioning authorities in that case have mentioned accordingly in their orders. It is not true that I along with my team falsely implicated all the accused in this case and two accused along with others in the Malegaon blasts case of 2006.

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

- 73.** As per my knowledge PI Vijay Salaskar was not part of the ATS at that time. I cannot say whether he was a police inspector attached to the ATS during the investigation of this case. He was never posted to the ATS during that period. (Learned advocate asks the accused no. 8 to stand up and asks the witness to look at him). I had not called the said accused to the ATS office. I have not seized his passport. I remember that he was at Kalachowki unit. I cannot give the date on which I saw him. It was in October 2006 and not in July or August 2006.

(Witness submits that he has to look after security arrangements regarding a police function within the jurisdiction of his police station where the CM and Home Minister are coming and requests for adjourning the cross-

examination. Hence, adjourned at 4.00 p.m.)

(Y.D. SHINDE)

Date: 15/11/11

SPECIAL JUDGE

Date : 16/11/11**Resumed on SA**

74. I had not seen the passport of the accused no. 8 Abdul Wahiddin at any time. It is not true that I took his passport before his arrest and retained it with me. I might have interrogated him during the course of interrogation, but I cannot say on how many occasions. I cannot tell the dates, but it was sometime in the month of October 2006. I must have recorded his interrogation statement. I do not remember where he was working and as what. I did not have any occasion to visit his school where he was working as a teacher.

75. It is an offence under the Passport Act if a foreign citizen is found in India without any valid documents. As per the information received we kept a watch on 21/08/06 at Wadala Truck Terminus and traced a Maruti Van GJ-17-AB-3976. One Pakistani national Mohd. Riyaz Nawabuddin was found in that vehicle and arrested. He was found in possession of firearm. I do not remember whether the pistol that was found with him was loaded with five live cartridges. He was the only person in that vehicle. Black sticky powder suspected to be explosive substance weighing about 1520 gms and seven detonators were found in that vehicle. I did not lodge the complaint with the ATS

against him. It is true that CR No. 04/06 of the ATS was registered against him on 22/08/06. I think PSI Kandharkar was the complainant in that case. I investigated that crime. I cannot tell the exact place in Pakistan to which Mohd. Ali and Riyaz Nawabuddin belonged. Provisions of the Passport Act were not applied in the FIR against Riyaz, but were applied when the chargesheet was filed. When we nabbed him, we came to know before lodging the FIR that he was a Pakistani national. We did not get any valid passport from him at that time. He had no document with him to show that he was a citizen of India or a permanent resident of any place in India.

76. The hideout of the Pakistani national in Antop Hill was in a vacant building. That building was of Central Government Staff Quarters. I do not know whether it was allotted to any person, because further investigation was carried out by Antop Hill Police Station. We do not know whether Riyaz and Mohd. Ali were associates. I cannot say whether both were staying in that premises. I cannot give the exact period, but for sometime Mohd. Ali was in India. The owner of the vehicle in which Riyaz was found was not traced as after were called report from the RTO, Gujarat, it was found that the number plate was fake. I think that that report was submitted with the

chargesheet. I cannot say whether charge of theft of that vehicle was included in that crime. I do not know whether Riyaz and Mohd. Ali came to India together. I did not visit Gujarat as the investigating officer of CR No. 04/06. I do not remember, as the investigation was done by Antop Hill Police Station, as to whether black sticky powder suspected to be explosive substance, white granules, batteries and wall clock were found in the premises where Mohd. Ali used to reside. (Witness is shown certified true copy of the FIR that is with the advocate). It is true that it is in the FIR that these things were found. That person was not found with any valid passport. We did not find any document to show that he was a citizen of India or a permanent resident of any place in India. We went to Antop Hill in search of that person after 3-4 hours after tracing Riyaz. In between, complaint was lodged, the accused was arrested and interrogation was made. From Wadala TT we went to Kalachowki office and not to Bhoiwada. We were there for about one and a half hours, but I cannot say exactly. We did not interrogate Riyaz for a sufficiently long time before proceeding to Antop Hill in search Mohd. Ali. He had disclosed during the investigation that he was a Pakistani national. He had also disclosed that Mohd. Ali was also a Pakistani national and had

disclosed hideout of his associate. It is true that before proceeding to Antop Hill we knew that the person who was staying there was a Pakistani national. I did not lodge the case under UA (P) Act. I do not remember whether I lodged complaint under Passport Act. When I lodged the FIR in both the cases, I was not sure about any documents, therefore, it was not lodged under the Passport Act. We had sent the explosive substance that was seized to the FSL. FSL report was received showing it to be explosive substance. I do not remember the ingredients of the explosive substance reported in the FSL report.

77. My staff had brought the panch witness Sachin Krishnaji Koltharkar in connection with the accused no. 7 Sajid. I did not know him earlier. I do not know whether the said panch witness is served with witness summons. It is not true that the same panch witness was made available on 07/11/06 for an identification parade.

78. I had handed over the to and fro boarding passes of my travel to Patna to the Chief IO. API Kolhatkar came by road transport. I cannot say by which vehicle he came. He reached on 22/07/06. I cannot tell the exact time when he reached. He handed over the black powder to the Chief IO ACP Shengal. I was present at that time.

No panchanama was drawn at that time about handing over the plastic jar and samples. After seeing the black powder in the house of the accused no.1, I realized that it is some explosive. I asked API Kolhatkar to bring it to Mumbai by road for the reason of safety. API Kolhatkar was the only person from my team who traveled from Bihar to Mumbai by road. Possession of explosive substance without valid documents is an offence. The offence was disclosed to have been committed within the jurisdiction of Police Station Basupatti when the accused no. 1 was found in possession of the explosive substance at Basupatti. I did not choose to lodge the complaint at Basupatti immediately even then. I interrogated the accused no. 1 two-three times before 05/09/06 after returning to Mumbai. I also recorded his interrogation statement. I arrested him at Basupatti and made diary entry at Kotwali Police Station, Patna. The concerned officer of that police station made that entry. I do not remember his name. I recorded the interrogation statement of the accused no.1 for the first time on 23/07/06. The officer and the staff of Police Station Basupatti did not give any information regarding the residence of the accused no. 1 on reaching there. Our team was in Basupatti Police station in between 2.00 to 3.00 a.m. We left for the trap at 3.00 a.m. The

market area starts from the Basupatti Police Station. Prasad Cinema Hall may be 2 kms from the police station. We arranged the trap near Prasad Cinema Hall. We were required to wait for about half an hour before the accused came there. There was no movement of people during that time. I cannot say whether the accused no.1 and the other person with him were the first persons whom we came across after we had laid the trap. I gathered the information about the user of particular mobile number 9934610679 a day or two before 19/07/06. I did not collect any data about the mobile number before proceeding to Bihar. I had inquired about the residential address of the accused no.1 when I reached the Police Station Basupatti. They did not give me his address. It will be correct to say that I came to know about his residential address when the accused no. 1 was traced and it was known from him and the chowkidar constable also knew it. I do not remember the number of persons in the house of the accused no.1. A Muslim woman observing purdah can take the search of a male person, if she wants or she can call any male person. They were 5-6 persons in the search party. Four were policemen and two were panchas. Accused no. 1's mother was the other woman other than the wife of the accused. There were houses near the house of the

accused. The neighbours were sleeping. It is not true that I had not offered our searches and the wife of the accused no. 1 had not declined. I do not know the name of the mother of the accused. I did not mention her name in the panchanama. Witness volunteers – she went out of the house when we entered the house. I do not know where she went. I did not see her thereafter on that day. I did not take the statements of any neighbour to ascertain the number of members residing in that house. Basupatti is a developed area. It is true that both the panchanamas at Basupatti were written as the events were happening. Messages received and sent from mobile can be seen. I did not make further inquiry about the missed, dialed and received calls in the mobile of the accused no.1. I did not check the messages on that day. Timings of calls are there in the mobile. I had seen the timings of the calls, but I did not mention them in the panchanamas. I cannot say at what time before his arrest the accused had received a call or missed call or he had made a call. I do not remember whether I had checked the numbers of the names that were displayed in the calls.

(Adjourned for recess).

Date : 16/11/11

Special Judge

Resumed on SA after recess

79. I cannot say when the accused no. 5 Mohd. Majid was arrested and from where and whether PI Vijay Salaskar arrested him from West Bengal. I have not seen his memo of arrest during the investigation. I do not remember having seen his inspection memo. The main investigating officer of this case was ACP S. L. Patil. Before that ACP Tawde was also the Chief IO. ACP Shengal was supervising the investigation by different IOs initially for some days upto 26th or 27/07/06. He was in the capacity of supervisory cadre. ACP Patil was the Chief IO after application of the provisions of the MCOC Act. ACP Tawde and ACP Shengal were assisting him in the investigation thereafter. I cannot say whether these two were associated with the investigation till the chargesheet was filed. I have seen the fax communicating the order of the DG for handing over investigation of the blasts to the ATS on 11/07/06. I did not see the original order. It had come from the DG office to the ATS office, but I cannot tell from which fax number to which fax number it was sent.
80. ACP Patil had directed me to interrogate the accused no. 13 Asif Bashir Khan. I had not gone through the entire papers of investigation before I interrogated him. On that day I had come to know on what

date he was arrested. I cannot tell the exact date now. I did not come to know his place of residence as per the papers on 07/10/06. I interrogated the accused once on that day for about two hours approximately. ACP Tawde was with me at that time. PSI Kadam was not with me. PSI Kadam joined me for the first time for the interrogation of the accused on 09/10/06. I do not remember the name or the number of the staff member who called the panchas. I wrote most of the things in the panchanama as per the events that took place. I may not have written some minute things like the kilometers that we traveled, how much time we took for each event, etc. I did not take the statement of Zakir Umar Shaikh, whose name plate was on the front door of the accused. I did not verify about the relation between him and Khurshid Begum (PW-51). On entering the room I realized that it was not used for some days as there was dust on the floor. I did not think that it was an important fact. It is not mentioned in the panchanama. It is not true that the fact that the bed sheet and mattress were lying scattered indicated the fact that some person was continuously living in that room. There were no clothes hung or lying in the rooms. There was no wardrobe. I did not notice clothes other than in the bag. I cannot say the number and type of

clothes in the bag. Plastic bag containing granules and detonators were found in one of the bags. The books were found in a corner in that room lying on the floor. I listed in the panchanama all the books that were found. I could not make out from all the material that I saw in the flat that more than one person must be living there. The book Art-286 is not described in the panchanama Ext. 665. The first page of the book bears the rubber stamp of Dr. M. Hatif Iqbal Quraishi. I did not notice several chits in the books including a reference by Dr. Rupa Birhade or an entry form of the Government Dental College and Hospital, Mumbai in the name of Hatif Iqbal. I cannot say whether the said book and the contents of the chits show that they belong to some medical practitioner. It is true that the envelop Art-300 containing the marriage invitation card is addressed to Br. Hatif Imran. I did not find any document in the name of the accused no. 13 Asif Bashir Khan in the entire flat. (Witness is shown Art-285 (16)). It is true that it bears the rubber stamp of Iqra Public Library, Jamun – Bhadohi on the first page and handwritten name of Hilal Ahmed Rather son of Mohd. Shafi Rather, book no. 130 and handwritten mobile no. 9415268909 and the name Daish on the last page. (Witness is shown Arts- 287 to 289). I seized these articles as they

were lying in the room and not because I found them relevant at that time. I cannot say now whether they are relevant. I did not seize a single wearing apparel as I did not find it necessary. As per my knowledge all the books are in Urdu language. Today I cannot point out the book that was concerning terrorism in India. I cannot say whether all the books are religious books and some are concerning guidance about religion. It is true that the books show that they are Indian publications. It is true that Art- 285 (4) also shows that it is of Iqra Public Library. I do not remember whether all the books and newspapers that were found were in Urdu or English. I cannot tell the number of newspapers and from what date in July to September they were.

81. I had attended some seminars and lectures about bomb detection, handling and disposal during my service when I was in crime branch during 1996 to 2001 and also when I was in the ATS during 2004-2005. So, I could handle detonators and explosives due to my experience. I did not record the statement of Mohd. Irshad Mohd. Quasim. It is not true that I did not make any further investigation in respect of the visit to the flat at Mira Road after the visit. I had recorded the statement of one witness, an estate agent,

whose name I do not remember. I also interrogated the accused thereafter. I did not seize the originals of the leave and licence agreement and the NOC from the secretary, Art-297. The concerned persons did not produce the originals before me. It is true that I did not take the signatures of the panchas on any book or document. I did not go through the files Arts-290 and 291 colly. It is true that the name Al Hira Girls Inter College, Nafees Colony, Patna, Electric bills is mentioned on the cover of the file Art-291. I did not examine the contents. I seized the files to see whether any incriminating material can be found. It is true that the documents in the file Art-290 are the original school record of Mohd. Imran Hidis. I do not know who was that person. I cannot say whether both these files are irrelevant for the purpose of investigation.

82. I visited the sites of the blasts at Mahim and Matunga after the blasts. I was at the Matunga blast site for about 2-3 hours after 8.00 p.m. I went to the blast site at Mahim after about 10.30-11.00 p.m. and was there upto about 2.00 a.m. The affected trains were standing at both sites when I went there. At both places people were taking the injured persons to the hospitals. I cannot say whether the spot panchanamas at both places were over. I cannot say whether FSL

persons or BDDS people were at the spots. I did not inspect the affected bogies. I did not enter them. I did not give any guidance to the railway police officers as to what they should do during the investigation. I had occasion to inspect the affected bogies after 2-3 days when they were in the Kandivali yard. There were 2-3 bogies. I did not prepare any panchanama about it.

83. There were several household articles in the house of the accused no. 6 Mohd. Ali. Except the two patches that we noticed, we did not find patches at any other place in the house. It was a box type bed. There were doors by the sides. The inside measurement was about 6'x3'. The bed was not opening from the upper side. I wrote in the panchanama most of the important things that took place there. The hall portion was about 10'x10'. The cot was placed in the direction of the front door to the partition of the kitchen by the side of the wall.

84. It is not true that I deposed falsely to support the false case built up by the ATS.

No re-examination.

R.O.

(Y.D. SHINDE)

MCOC SPL.21/06

PW 161/101

Ext.1712

Special Judge

Date:-16/11/2011

**SPECIAL JUDGE
UNDER MCOC ACT,99,
MUMBAI.**

Date : 24/08/2012
Resumed on SA

Further cross-examination by adv Sharif Shaikh for A4 and A5 in view of order below Ext. 3041

(Learned advocate asks the witness whether he had used Bollero vehicle no. MH-01-DA-4236 about which he deposed earlier, on 28th and 29/09/06 also). I had used the same vehicle on 28th and 29/09/06. The drivers of the vehicle make entries in the log book. The user of the vehicles signs the log book. (Learned advocate asks the witness to go through certified true copy of log book produced by the A7 along with his application dated 11/07/12 filed with his statement u/s 313 of the Cr. P. C.). The entries of 28th and 29/09/06 bear the facsimiles of my signatures. (The certified true copy in two pages is marked as **Ext.3044**). I cannot say whether all the places that I visited in this vehicle on these two days are mentioned in the entries. It is not true that on those two days I did not visit Malad Malvani area for arresting the accused no.7. No re-examination.

R.O.

Special Judge

Date:-24/08/2012

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

