

M.C.O.C. SPECIAL CASE NO. 21 OF 2006**DATE:23RD NOVEMBER 2011****EXT. NO.1767****DEPOSITION OF WITNESS NO.167 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Arvind Narayan Wadhankar

Age : 47 years

Occupation : Service (Sr. PI EOW)

Res. Address : Block No.6, 2nd Floor, Stone Building, Princess
Street, Mumbai-2

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

1. I was attached to the EOW on 11/07/06 as PI when the bomb blasts in the local trains took place. I received a telephone message from the ATS office to report to the ATS Nagpada unit immediately. I accordingly reported to the ATS office at Nagpada on the same day. A team consisting of me, one API, two PSIs and staff was constituted on 12/07/06 for making the investigation of CR No. 41/06 of Andheri Railway Police Station pertaining to the blast that had taken place at Jogeshwari Railway Station. We immediately went to the Andheri Railway Police Station and took information about the crime from Sr. PI Raskar who was investigating the crime. We went to the Kandivali

Car Shed and inspected the affected bogie no. 634A. BDDS people were with us at that time and they also inspected the bogie. I received the case papers of the investigation of this crime on 20/07/06 as per the instructions of the superiors. We started investigation. We recorded statements of witnesses as well as the injured who were in the hospitals. Total seven teams were investigating the seven crimes. Some accused had been arrested in Mumbai Central Railway Police Station CR No. 77/06. We strongly believed that the nine accused that were arrested in that crime were involved in the crime that we were investigating, on the basis of the interrogation done by the investigating officer of that crime and the inputs that we received. I arrested accused Kamal Ansari first, then Khalid, Mumtaz Choudhary, Dr. Tanveer Ahmed, Zameer, Suhail Shaikh, Muzzammil, Ehtesham Siddhiqui and Faisal in my crime. I obtained their remands from time to time and interrogated them in connection with the crime. I followed the guidelines of the Supreme Court when I arrested them.

2. The investigating officer of the crime registered with Borivali Railway Police Station CR No. 166/06 applied for application of

provisions of the MCOC Act to his crime. All the crimes were clubbed together and CR No. 05/06 of the ATS was registered. I applied to the magistrate on 13/10/06 for discharging the accused Khalid and Mumtaz Choudhary as there was no evidence against them and got terminated remands of the other accused from the magistrate court. I then assisted the Chief IO ACP Patil in the further investigation.

3. Teams were also constituted at the zonal level for investigating the crime. One of such teams from Bandra Police Station informed us that in May 2006 a suspected Kashmiri youth had purchased pressure cookers on a large scale from two shops in Bandra. Accordingly we inquired with the owners and salesmen of the shops. We got prepared sketches of the suspects on the information given by them. The shop owners and the salesmen had informed us that the said person was continuously making calls from his mobile. Therefore, we tried to get the cell ID of that mobile with the help of mobile service providers and technical team of the ATS, but we were not able to get any lead from it. Thereafter I was helping ACP Patil till the filing of the chargesheet.

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

4. (Learned advocate requests that he be given time for cross-examination as the prosecution had informed about some other witness to be examined today. Adjourned to 25/11/11 as per the order on adjournment application Ext.1768).

(Y.D.Shinde)

Date : 24/11/11

Special Judge

Date : 25/11/11
Resumed on SA

5. I used to maintain case diary. Case diary is to be completed as per the Police Manual at the end of every day in the evening and if it was late, then in the morning on the next day. Entry is made in the case diary about recording statements of witnesses. We do not make a corresponding entry in the station diary. (Witness is asked to go through the case diary of ACP Patil and state when his statement was recorded). On going through the case diary I say that my statement was recorded on 14/10/06. The investigation of CR No. 41/06 of Andheri Railway Police Station was with me on 05/08/06. It is not true that I had found an eye-witness on that day. I recorded the statement of Vijaykumar Babanna Rayappa on that day. (Witness is asked to go through the case diary of CR No. 41/06 and state as to on what date the statement of this witness was recorded). There is no case diary of 05/08/06. There is no mention in the case diary about recording of his statement. It is not true that false case diary is prepared before producing it in the court. (Witness is shown statement of that witness). The statement is recorded by PSI Umesh Kadam on

05/08/06. I had inquired with the witness. It is not true that it was revealed that the witness was traveling in the same bogie in which the blast took place. He was traveling in the same train. It was revealed during his interrogation that he had seen two travelers, looking like Muslims having Urdu newspaper with them and whose movements were suspicious. He had given the description of those persons. (Learned SPP objects to the questions on the grounds that they are hit by Section 162 of the Code of Criminal Procedure and hence, cannot be asked). I did not feel that the information given by the said witness was important. It is not true that therefore, I did not mention about it in the case diary. It remained to be mentioned inadvertently. I had handed over the statement to the next investigating officer. I had informed my superiors about the witness in the discussion with ACP Patil and ACP Tawde. They did not tell me to bring the witness before them for inquiry. They did not opine that he is not an important witness. I did not feel it necessary to take the identification parade with the help of this witness. ACP Patil and ACP Tawde also did not tell me to do so. It is not true that sketch drawers are available for the police round the clock. It is not true that names

and contact numbers of sketch drawers are provided to every department of the police. I do not know whether names and contact numbers of sketch drawers were not available with the ATS in July and August 2006. I did not feel it necessary to get sketches drawn with the help of this witness. My superiors also did not give me such instructions. It is not true that I had shown all the accused to the witness when they were in my custody. It is not true that I thought that the witness was giving false information. His information was not credible. I cannot say whether the witness is available now. I did not feel that his information was credible when he came before me and gave his statement, as he was traveling in the second class compartment and the description that he gave was a general description. It is not true that he was an important witness in my case, that through oversight his statement was given to the defence.

6. It is not true that the accused were taken in custody in the seven crimes, only to avail of their custody with the police for maximum period. It is not true that the concerned investigating officers were not interrogating the accused. It did not happen that when the accused were in my custody, I did not give them for

interrogation to other investigating officers or unit. I had daily interrogated all the accused that were arrested in my crime. Arrest panchanama/memo is required to be prepared as per the directions of the Supreme Court. I do not remember whether I had prepared the arrest memos in this case. I do not know whether arrest panchanamas of the accused in my crime are not filed in the court. I used to interrogate one accused on a day for 3-4 hours. No accused expressed his desire to make a confessional statement or a voluntary statement of discovery. I did not get any evidence against the accused in my crime till the investigation was with me. I had conveyed this status to the superiors when I handed over the papers to the next investigating officer. I did not check their call details record. I felt that they should be checked. One can get to know the location of the person from the call details record. I did not do it as there was a special technical team for doing it. One PI was incharge of that team and there were 3-4 officers. PI Vadke was the incharge. I do not remember the names of the other officers. The process of verifying the call details record was going on before, during and after the investigation in my crime. Mobile numbers of the accused were

disclosed during investigation. Some of them were seized. It is not true that I came to know that they were in the names of the accused. It is true that if necessary the accused are given medical aid during police custody. They are medically examined every 48 hours. The necessity of medical examination is as per the Supreme Court guidelines and if the accused complain about any injury. I do not know whether PI Vijay Salaskar and his team were experts in interrogating accused. I interrogated the accused when they were in my custody in the Bhoiwada lockup and not at other places. I had not handed over the accused for interrogation to PI Vijay Salaskar and his team. My superiors had not done so with my consent and knowledge. On 13/08/06 the accused Kamal was remanded to judicial custody. The other accused except Ehtesham were in my custody from 13/08/06 to 16/08/06. It is not within my knowledge that the accused Tanveer, Faisal, Muzzammil, Suhail and Zameer were sent to the office of PI Salaskar during this period. My superiors did not inform me that the accused have been sent there. There is an entry in the lockup register about the location of the accused. I can produce the lockup register of that period to show that the accused

were in the Bhoiwada lockup during that period and also the medical record from the hospitals where I got the accused medically examined. The accused were got examined for most of the times at KEM hospital. (Learned advocate calls upon the witness to produce lockup register and medical papers). It is true that PI Salaskar's office was at Kurla. I do not know whether the accused Tanveer, Faisal, Muzzammil, Suhail and Zameer were sent to and kept in the office of PI Salaskar during this period and their injuries were treated in the adjacent Bhabha Hospital.

7. Reasons are necessary to be mentioned in the remand application. I had written the reason in the remand application about checking the call details record of the accused and confronting the accused with it. It is not true that it was a false reason given to the court. It was not as per the instructions of the superiors. I did not interrogate the accused about their call details. It is not true that I had examined all the call details of the accused and it was revealed that the information that the accused had given was true and that they were at their normal place of residence or work on the day of the incident. It is not true that I am saying that I did not examine the call

details as they are contradictory to the ATS story. Two young Kashmiris were suspects as they had purchased cookers in Santacruz (w). Mahendrabhai Dedhia and Arvind Umarshi Shah were the witnesses in that connection and their statements were recorded. They had given detailed description of those two Kashmiris and their sketches were prepared. (Witness is asked to go through the case diary of CR No. 41/06 and state as to on what dates the statement of the witnesses were recorded). The case diary of 28/09/06 mentions about making inquiry with them, but there is no mention about taking their statements. It did not happen that my superiors told me not to make the mention in the case diary. It remained to be written inadvertently. We came to know from the witnesses that the Kashmiris had made many calls. It is not true that it was confirmed by the cell caller ID of the location. I had stated that the identity of the cell towers were confirmed. The technical team had asked the mobile service providers to inform whether several calls were made during that particular period from a particular mobile number to Pakistan or elsewhere. However, we did not obtain any lead. I had stated when I gave my statement that cell caller IDs of the location were confirmed

since the witness had informed that the suspects had made several phone calls from this location. It is true that the sketches prepared with the help of the two witnesses did not tally with any of the accused. I had handed over the statements of Arvind Umarshi Shah and Mahendrabhai Dedhia. (Learned advocate calls upon the prosecution to produce those statements. Sheristedar reports that Vol-E-III is not found in the sessions department). It is true that these two witnesses were found by PI Kathkhede of Bandra Police Station. I did not record his statement.

8. It is true that I had taken the accused for narco analysis to Bangalore. First I had taken Kamal Ahmed and then Dr. Tanveer. I do not know whether their innocence was proved in those tests. I did not receive their reports. I do not remember whether I had taken the ground in the remand report of the accused that I want to confront them with the report of the narco tests.
9. There was no investigating officer above me. It did not happen that a chief investigating officer was above all the seven investigating officers. ACP Tawde was not the chief investigating officer. I had not stated that seven ATS officers were investigating the seven different

crimes and it was being supervised by the chief investigating officer ACP Tawde. I had not stated so to ACP Patil. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as 'A'). (Emphasis on 'under the supervision of chief IO ACP Shri Tawde'). I cannot assign any reason why it is so written in my statement.

10. Khalid and Mumtaz had been taken in custody in other crimes, but I do not know whether they were taken in custody in all crimes. I did not take them for narco tests. I do not know whether their narco tests were done by other officers. Narco test facility was not available at FSL, Kalina in 2006. I do not know who suggested about FSL, Bangalore.

11. DNA fingerprinting is required to be done if there is dispute about identity of claimant of a body. For this purpose DNA fingerprinting of the parents of that body and of that body also is required to be done. An inquiry is required to be made about the basis of the claim made by any claimant. No person came before me for claiming a body and I did not make an inquiry about it. I came to know from the case papers of Andheri Railway Police Station that a

body was wrongly claimed and the person who had taken the body had performed the funeral. It is true that a crime was registered against a person who had wrongly claimed a body. I did not get to peruse the case papers and I do not know the decision of that case.

(Adjourned for recess).

Date : 25/11/11

Special Judge

Resumed on SA after recess

12. PSI Yadav recorded the statement of Mohanlal Kumawat, shop owner on 28/09/06, from whose shop the pressure cookers were purchased. It is not mentioned in the case diary. This was during the period of my investigation. The entry remained to be taken in the case diary inadvertently. It was revealed from this witness that the persons had kept the cookers in white coloured Santro car and he had given the description of the persons. Sketch was prepared. It was not circulated for finding that person. I cannot say whether the witness had stated that the sketch is incorrect. I did not find the statements of Arvind Shah, Mahendrabhai Dedhia and Mohanlal Kumawat to be credible. I did not feel that they gave false information. I had informed my superiors about the information that

they gave. I did not think of calling them for the identification parade and they were not called. It was revealed from the statements of these three witnesses that eight pressure cookers were purchased and loaded in white Santro car. I did not feel it necessary to search for white Santro car. I did not find during my interrogation of the arrested accused that they had any concern with the shops, the pressure cookers, the two persons and the car. I did not feel that the purchase of eight pressure cookers by those two persons was concerned with this case. I conveyed this view to my superiors. I had personally gone to those shops. I went once or twice in the last week of September 2006. These three witnesses were called to the ATS office for inquiry in the last week of September 2006. I did not record their statements. The accused were in police custody at that time. It is not true that accused were shown to the witnesses. It is not true that PI Tajne, API Kolhatkar, PI Khanvilkar and ACP Shengal were with me when I went to the shops. API More, PSI Kadam and PSI Sunil Yadav were with me. We had seen the shop. We did not see the pressure cookers that were available there. We did not bring a pressure cooker as sample.

13. I had minutely seen the articles that were collected from the spot to see if I could get any clue. There was an electronic watch in those articles. I cannot say whether it was suspected that it was used as a timer for triggering the explosives. My team had inquired with the manufacturer of such watch by name Lalit Shantilal Shah and his statement was recorded twice, on 19/09/06 and 28/09/06. I do not remember whether he was called to the ATS office. I did not meet him or interrogate him. API More took his statement, I do not remember whether he took it at the ATS office. The case diary does not mention this, but it mentions about the inquiry with him. The mention about the recording of his statement remained to be written inadvertently. I did not find that statement of this witness is important, as they used to manufacture wall clocks and the production had stopped since long. I did not trace the owner of the watch that was found at the site. I did not send the wrist watch to the FSL to get an opinion as to whether it can be used as a trigger for bomb. I do not remember whether the watch was of Gruen company, whether it was in working condition showing day and date. I thought that the seizure of the watch was important, as well as all other articles that had been

seized. I cannot say whether all the above four witnesses are available.

- 14.** Other officers had forwarded statements of injured witnesses that they had recorded, but were pertaining to my crime. Investigation was with me on 16th , 25th and 29/08/06. (Witness is asked to go through the case diary and tell whether recording of statement of Jayprakash Dhondu Parab is mentioned in the case diary of 16/08/06). It is not mentioned in the case diary. (Witness is asked to go through the case diary and tell whether recording of statements of Ninad Vishnu Katdare and Jagdish Dhirajlal Vyas are mentioned in the case diary of 25/08/06). It is not mentioned in the case diary of 25/08/06, but it is mentioned in the case diary of 27/08/06 that the statements are recorded on 25/08/06. (Witness is shown the statements of above three witnesses and asked to state the names of the officer who recorded their statements). One PSI attached to Zone-XI, Borivali had taken the statement of Jayprakash Dhondu Parab on 16/08/06 and of Ninad Vishnu Katdare on 25/08/06 and PI Tawde attached to Zone-XII, Bomb Special Squad had recorded the statement of Jagdish Dhirajlal Vyas on 25/08/06. A DCP

is the incharge of a zone. I do not remember who were the DCPs of Zone-XI and XII at that time. It is true that the squads that were formed by the DCPs of those zones recorded the statements of these witnesses. Teams or squads were formed in every zone for the purpose of making investigation. Teams of all zones were instructed to make the investigation. It is not true that the teams were headed by the DCPs. I do not remember whether Makrand Ranade was the DCP of Zone-XI. I cannot specifically say whether officers of Azad Maidan, Matunga, Bandra, Borivali, Mahim and L. T. Marg Police Stations were deputed to the ATS for investigation.

- 15.** A mobile had been seized from the accused no. 2 Tanveer. It is not true that the talk time of the mobile was being recharged upto 14/10/06. PI Rathod had taken custody of the accused before I took their custody. I did not have discussion with him about the progress of investigation in his crime or in my crime. I did not convey the progress in my crime to the other investigating officers. We were coordinating with each other. Superiors officers like Commissioner of Police used to come to the ATS office. I do not know whether they used to come in connection with the investigation.

CP A. N. Roy came once or twice. I did not have any discussion with him about the progress of the investigation. He used to have discussion with ACPs Tawde, Patil, Shengal, Bhat and above rank officers. I cannot say whether this was the most serious case with these ACPs at that time. I do not know about their discussions. It is not true that the CP interrogated the accused during my investigation.

16. I did not record the statement of PI Raskar. He had handed over photographs and video clips to me. I had handed them over to the subsequent investigating officer. PI Raskar did not give me the details of the schedule of the train on that day and its actual timings of arrival and departure at different stations on that day. I did not gather these details.

17. I do not know whether all police stations in Maharashtra were given instructions to make inquiry with the criminals on record and with suspicious persons. I do not know whether all suspicious local as well as international calls were being monitored during this period. I do not know whether there was reference to pressure cooker in the earlier investigation.

18. It is not true that it was revealed during my investigation

that all the accused are falsely involved and that I manipulated and tampered the case diary on the instructions of my superiors

Cross-examination by Adv Rasal for A1 & 4 to 6

19. I do not remember the name of the ATS constable who gave me the message about reporting to the ATS office. I had not received any written orders before I joined. I went to the spot on the next day at about 3. 30 p.m. It is true that that period was rainy season. It is not true that it was raining continuously. API More, PSIs Kadam and Yadav were with me when I went to the car shed. There was no one from the railway police station. I had intimated PI Raskar about going to the car shed when I first went to the police station. On that day I just visited and inspected the bogie and came back. I did not take any article in my possession. When I went to the railway police station I had seen what investigation was done by the railway officers. After registering the crime the investigating officer had prepared the panchanama of spot, recorded statements of injured and the relatives of the deceased. I saw this at about 1.00 or 1.30 p.m. I was at the car shed for about 2-2 ½ hours. I did not do any writing there. It was in my mind when I gave my statement that BDDS

people had also came to the car shed. I cannot assign any reason why it is written in my statement. PI Raskar had prepared the spot panchanama. I did not see at that time the articles that he had collected from the spot. It came to my notice that he had collected some articles. I do not know whether the officers from the BDDS had handed over the articles to the railway police. I had not stated so to ACP Patil when I gave my statement. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as '**B**'). I had stated to ACP Patil about seeing the case papers, which included the panchanama of the articles handed over by the officers of the BDDS to the Andheri Railway Police dated 12/07/06.

- 20.** I had handed over the entire case papers with an index of the papers, including remand applications, to the subsequent investigating officer. I arrested the accused Kamal on 31/07/06 in my crime. I had a strong suspicion against him at that time. This suspicion continued upto the time I handed over the case papers to ACP Patil. This suspicion is mentioned in remand application.
- (Adjourned at the request of learned advocate at 5.00 p.m.).

MCOC SPL.21/06

PW 167/22

Ext.1767

Date : 25/11/11

(Y.D.Shinde)

Special Judge

Date : 08/12/11
Resumed on SA

21. I cannot say how many teams were formed at the zonal level for the purpose of investigation, when and at what stage of my investigation they were formed and who were the officers in those teams.
22. I did not inquire as to who was the in-charge of the car shed when I visited it. My team and the BDDS persons were with me. PI Anthony was the officer of the BDDS team. I did not make any writing at the spot. The BDDS team did not write anything at the spot. I do not know whether it was the first visit of the BDDS. I did not collect anything from the spot. There was a written order of 12/07/06 for doing the investigation. I do not exactly remember whether there was a written order for handing over the investigation to ACP Patil. I made the first arrest on 31/07/06 and on the next day I took remand of the accused. I cannot produce the copy of the remand application. Same is the case with the remand applications of the remaining accused whom I had arrested. It is not true that therefore, I am not in a position to state about the grounds that were mentioned in the

remand applications. I remember some. It is not true that I am purposely withholding the remand applications. It is not true that without any material I showed the arrest of the accused on the say of my superiors.

23. I did not visit the shops of Mohanlal Kumawat and Arvind Shah. I did not summon them and Lalit Shah. It is not true that I did not have any talk with PI Katkade of Bandra Police Station. I did not record his statement. I was aware that the statements of the shop owners had been recorded. I was a part of the investigating team when the statements were recorded. The shopkeeper had given the make and capacity of the cookers that were purchased. I had given this information to ACP Patil. I do not remember whether the officer had also summoned Lalit Shah when he had recorded the statements of Kumawat and Arvind Shah. On going through the statements I say that API More had recorded one statement of Lalit Shah on 28/09/06 and API Deore of BKC Police Station had recorded one statement on 19/09/06. I was aware as to in what connection the said witness was examined. He was concerned with the watches Copwud Arts. I had an occasion to see the watches that were

collected by the railway police. It is not true that all the watches were of that company. I do not know whether Lalit Shsh is available. I did not make any further efforts to contact him.

24. The seven teams of the ATS used to operate from the office at Bhoiwada. All the teams came into existence at the same time. The teams used to inform the progress of their investigation to each other. API More was in my team.

Q. Whether Lalit Shah was inquired with in connection with the watch that was taken charge from the bogie and in order to determine its use?

A. Every possibility was being explored.

Lalit Shah was examined in connection with the type of watches that he used to manufacture. I do not remember what type of watch was seized. It cannot be said that I was not aware as to what type of watch was recovered by the Andheri Railway Police. They had seized a wrist watch, but I do not remember of what company. I cannot say whether it will be wrong to say that it was a Copwud company watch. I do not know for what purpose it was used.

25. It is not true that I falsely involved the accused in this

case at the instance of my superiors. It is not true that I had no power to arrest the accused under Sections 307 and 307 of the IPC, the Explosive Substances Act and the Unlawful Activities (Prevention) Act, therefore, their arrest was wrongful and this was done at the behest of my superiors.

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

26. I do not remember whether API Deore was attached to the ATS at that time. There was no office of the ATS at Kurla. PI Vijay Salaskar was in the Crime Branch and his office was at Kurla. I do not know whether he was also involved in the investigation. I did not interrogate Lalit Shah. I was investigating the crime on 19/09/06 and 28/09/06. I had an occasion to see the statements of Lalit Shah during the period of my investigation. I had seen both of his statements. I did not feel that he was an important witness in the case. At that time I felt that his statement was inconsequential as there was no related evidence. During my investigation I did not come to know about any clue about the material that was used to prepare the bomb. PI Katkade had given me the information about the cookers in the last week of September 2006. He did not give me

a written report. I did not record his information anywhere. At that time I had only received the information that a suspected Kashmiri youth had purchased pressure cookers on a large scale from two shops in Bandra in May 2006. I did not feel that the information was too vague. I did not feel at that time that the purchase of cookers had a nexus with the bomb blast. I did not get any hint during my investigation that the pressure cooker was used for the bomb blasts. I visited the site of the blast at Jogeshwari Railway Station at about 11.00 a.m. on 12/07/06. I did not visit any other blast site. I was at the spot for about 20-25 minutes. I visited it as an investigating officer. I did not inspect the site carefully and meticulously. I did not make any effort at that time to see whether I can get any clue about the planting of bomb, which would have helped me in my further investigation. The affected bogie was not there at that time. I first inspected the bogie on the same day at Kandivali Car Shed. I was there for about 1-2 hours. I did not count the exact affected bogies that were there, but probably all the affected bogies were there. I inspected the affected bogie in my case bearing no. 634A. The adjoining bogies were also there. It cannot be said that I carefully and meticulously

examined the bogie. As the BDDS experts were there, I did not feel that I should try to get any clue about the blast to help my investigation. I did not prepare panchanamas at the site of the blast and of the bogie. The BDDS teams was not with me at the blast site, but it was with me at the car shed.

27. It cannot be said that I did not find the information about the sale of cookers in May 2006 to be relevant, therefore, I did not make any entry about it anywhere. We do not record such information. On the day I received the information, I did not come to know how many and what make cookers were purchased from which shop. They were purchased from two shops. I cannot tell the exact date when I received the information. I visited the two shops after I had received the information. I do not now remember the names of the shops. They were in Santacruz (E). I do not know whether the owners of the two shops were related to each other. I did not record the statements of the shop owners when I visited the shops. I visited the shops on 26th or 27/09/06. I did not seize anything from the shops and prepare panchanamas at the shops. I did not verify the cash memos, purchase register, bills or any documents. I do not now

remember the makes of the cookers that were available in those shops. I was at both the shops for about 45 minutes each.

Q. Whether the information regarding purchase of cookers from Bandra as deposed in chief-examination and from Santacruz as deposed today was given to you by PI Katkade?

A. I wrongly stated about the information regarding purchase of cookers from Bandra. In fact it should be from Santacruz. PI Katkade had given me the information. PI Katkade had handed over the statements and documents afterwards. One of my team members had recorded the statement of one of the shop owners. I went to the shops 3-4 days after receiving the information from PI Katkade. During this period I did not have any talk with him. It is not true that he did not give me any more information during this period. He sent statements and documents. He sent the statements of the shop owners, copies of shop licence and receipts. I do not know the name of the officer from his team who recorded the statements. There was no panchanama with the documents. The statements were typed on computer. PI Katkade was not a member of the ATS team. I do not remember whether the initials of the sketch drawer or the officer in

whose presence it was prepared were on the sketches. I cannot say whether the documents were endorsed as true copies under the signature of an officer. I do not remember the dates of the statements that were sent by the railway police. We of the ATS team did not record the statements of the shop owners till the time the investigation was with me. PSI Yadav of my team had recorded the statement of a shop employee by name Kumawat. I do not remember the date of the statement. It was recorded after my visit, but I cannot tell after how many days. I had handed over to ACP Patil all the papers that were given by the railway police. PSI Yadav is an API now attached to Vakola Police Station. He did not record the statement of any other person regarding visit to the shop. API More recorded the statement of Lalit Shah as per my directions. (Witness is shown the file Vol-IIIE containing original statements). It is not true that the file does not contain the statements of the shop owners recorded by Bandra Police Station. They are the statements of Arvind Shah and Mahendrabhai Dedhia. These statements are signed by PI attached to the ATS. I cannot identify the officer from the signatures below the statements. It is true that both the statements do not show

that they were recorded by Bandra Police Station. Signature of PSI Yadav appears below the statement of Kumawat. I cannot say whether the fonts of all the three statements are from the same computer. All three statements are dated 28/09/06. It is not true that all the statements show that they are signed by one person. Other than this there is no statement recorded by Bandra Police Station.

28. I did not get information upto 13/10/06 about use of cooker in the blasts and even thereafter. I came to know subsequently that RDX was used for the explosion of the bombs. I did not come to know in what articles the bombs were brought and kept and the devices that were used. I did not make any inquiry with and record the statement of API Deore. I do not remember whether API Deore was taken in the ATS afterwards. I did not have any talk with him concerning the investigation. He also did not offer to make any statement before me. On going through the statement of Lalit Shah, I did not feel that API Deore had vital information about the origin of the blasts.

29. The accused were originally arrested in CR No. 77/06 of Mumbai Central Railway Police Station. I cannot tell the dates of

arrests of accused nos. 3 and 9.

(Adjourned for recess)

Date : 08/12/11

Special Judge

Resumed on SA after recess

30. I do not know when the accused no. 11 Zameer was arrested in CR No. 77/06. I arrested accused Faisal and Muzzammil in my crime on 08/08/06. They were in police custody upto 21/08/06. They were kept in Bhoiwada lockup during this period. Accused Zameer was arrested on 06/08/06 and was in police custody for 14 days. They were remanded to judicial custody after the police custody period was over in my crime. They were entirely in my custody during the police custody period. I do not remember the name of the police officer who took their custody from my custody and the crime number. They continued to remain in police custody at Bhoiwada lockup after the custody period in my crime. I interrogated the accused Faisal practically everyday for 2-3 hours during the period he was in my custody. I used to interrogate him sometimes twice or thrice during the day for one or two hours. Same is the case about the above remaining two accused and about the remaining six

accused also. I did not get any clue from the interrogation of any accused. It is true that there is no discovery, disclosure and recovery from any accused in my crime. My colleagues in my team also interrogated the accused. They used to help me in the interrogation. The provisions of the MCOC Act were invoked in September 2006, but I do not remember the exact date. Even then I continued the investigation upto 13/10/06. I handed over the papers of investigation on 13/10/06 as ACP Patil directed me to do so. I do not remember whether the accused remained in police custody upto 13/10/06. I did not interrogate the accused after their police custody in my crime was over.

Q. Did you not feel it necessary to interrogate them?

A. They were not in my custody and were in judicial custody in my case.

As per my knowledge an accused in judicial custody can be interrogated with the permission of the court. I did not apply to the court after the police custody period in my crime for permission to interrogate them. It cannot be said that I did not feel it necessary, therefore, I did not ask for permission. The accused did not express

their desire during their police custody period to make a confessional statement.

31. I do not know from where Khalid and Mumtaz were arrested. I arrested them in my crime on 02/08/06. They were in police custody for 14 days. They were in judicial custody in my case from 16/08/06. I interrogated them daily as per the time that was possible. I did not interrogate them from 16/08/06 to 13/10/06. I got them discharged on 13/10/06 as there was no sufficient material against them for filing chargesheet. When I asked for their judicial custody on 16/08/06 I had no evidence against them. I did not inform the court on that day that I did not have any evidence against them. I did not apply to court for taking their custody during the period from 16/08/06 to 13/10/06. I made inquiry with the witnesses and whether any information can be obtained from the other accused during this period. No person came before me as an eye-witness during the period from 12/07/06 to 13/10/06 and I did not interrogate any such person. I did not get any information from my sources also. No person came to me as a witness of circumstances during this period and I did not come across any such person. I interrogated about 60-

70 persons during this period other than victims. I did not record the statements of any of such persons. I cannot tell the name of any such person. I have mentioned about their interrogation in the case diary. It was a continuous process of inquiry. I cannot say whether any other officer had taken the statement of any such person before or after my inquiry with them. I do not remember whether I had interrogated Devendra Lahu Patil, Vishal Parmar and Kishore Popatlal Shah.

32. It is not true that I deposed falsely and that though there was no evidence against the accused, we kept on extending their period of police custody by involving them in all the cases.

No re-examination.

R.O.

Special Judge

Date:-08/12/2011

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