

M.C.O.C. SPECIAL CASE NO. 21 OF 2006**DATE:8TH DECEMBER 2011****EXT. NO.1776****DEPOSITION OF WITNESS NO.168 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Arun Sambhaji Khanvilkar

Age : 56 years

Occupation : Service (PI, LA-I)

Res. Address : Flat No. 902, Landmark Tower, G. D. Ambekar
Marg, Naigaon, Mumbai-14.

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

1. I was attached to Kalachowki Unit of the ATS as PI in July 2006. Sr. PI Vasant Tajne was the in-charge of the unit. API Dinesh Kadam, PSI Sachin Kadam, PSI Awari, PSI Gaikwad and HCs and PCs were in our team. I was on day duty on 11/07/06 when the bomb blasts in the western railways took place. Addl. CP gave us orders after the bomb blasts to visit the sites. Accordingly PI Tajne, I, API Dinesh Kadam, PSI Sachin Kadam and staff went to Matunga and Mahim Railway Station blasts sites. We gathered some information at the sites and from our informants in Mahim area. We were in the Mahim and Matunga area upto the dawn of 12/07/06 gathering

information. We returned to the Kalachowki office at 5.00 a.m. and I made station diary entry no. 1. On the same day the Director General of Police issued orders about transferring the investigations of all the seven railway blasts to the ATS. As the strength of the ATS was quite less at that time, many ACPs, PIs, APIs, PSIs and subordinate staff were deputed to the ATS for the purpose of this investigation. About ten teams were formed for the investigation. I was in the team headed by Sr. PI Tajne. We used to verify the information, go to the spot for verification and contact the informants as per the directions given by ACP Patil.

2. ACP Patil gave me an information on 28/09/06 that a suspect by name Wahiddin Shaikh in CR No. 156/06 of Borivali Railway Police Station, resides in Ghatkopar area and he asked us to verify and locate the accused and to take him in custody and bring him to the Bhoiwada office, if found. Accordingly I, API Dinesh Kadam, PSI Varpe and staff went to Ghatkopar in the evening on that day. I had made the station diary entry to that effect. The station diary entry no. 15 in the station diary register now shown to me is the same and its contents are correct. The contents of the photocopy of that entry are

as per the contents of the original entry. (It is marked as **Ext. 1777**).

We could trace the accused in Ghatkopar (E) in the morning on the next day and we found him near the railway station on the east side. We took him in custody and brought him to the Bhoiwada office and produced him before ACP Patil. ACP Patil interrogated him and after finding that he was involved in the case, he directed me to arrest the accused and prepared the arrest panchanama. Accordingly I called two panchas, checked their antecedents, gave them brief information about CR No. 156/06 and asked them whether they are ready to act as panch witnesses for the personal search and arrest of the accused. They consented. I then asked the accused whether he wanted to search the police or the panchas. He declined. I asked the accused his name before the panchas. He stated it as Wahiddin Mohd. Shaikh. On his personal search I found a Nokia company mobile handset in his shirt pocket. On opening the handset I found it to contain sim card of BPL company. I noted the EMIE number of the mobile handset and the number of the sim card in the panchanama. On asking, the accused told the mobile number as 9870383933. I found an amount of Rs. 1270/-, an ID card of central railway

containing his photo and name, a railway pass from Mumbai to Mumbra and two small telephone diaries in a plastic cover in his pant pocket. I wrapped the mobile handset in a khaki paper, affixed label containing my and panchas signatures and sealed the packet. I put the other articles in a separate packet, affixed label containing my and panchas signatures and sealed the packet. I took the accused by the side and inspected his person. I did not notice any injury on his person. I prepared the panchanama, read it over to the panchas, they signed on it as they found it to be correctly written and then I counter signed it. I gave a copy to the accused and took his signature of acknowledgment. The panchanama now shown to me is the same, it bears the signatures of the panchas and my counter signatures, the signature of the accused and its contents are correct. (It is marked as **Ext.1778**). I will be able to identify the mobile handset. (Witness is shown the packet at sr. no. 1 of list Ext. 16F). The label on the packet bears the signatures of the panchas and my counter signature. (The packet is given to the learned advocates for inspection. It is opened and found to contain a mobile handset of Nokia company). The mobile handset is the same. (It is marked as

Art. 370 and the wrapper with label is marked as **Art.370A**). I gave the accused, panchanama and the articles in the custody of ACP Patil, who made station diary entry. The station diary entry no. 7 in the station diary register now shown to me is the same and its contents are correct. The contents of the photocopy of that entry are as per the contents of the original entry. (It is marked as **Ext. 1779**). I will be able to identify the accused. (Witness looks around the court hall and points to the accused no.8 sitting in the dock. He is asked to stand up and tell his name, which he states as Abdul Wahiddin Mohd. Shaikh). He is the same accused.

3. We then inquired with the accused about the railway pass of Mumbra. He told us that he had taken a house on rent at Mumbra. I made inquiry and called the owner of that flat by name Abdul Naeem Siddhiqui to the Bhoiwada office on 05/10/06. On inquiry he told me that he has two flats in Moonlight building at Mumbra and had given flat no. 202 to the accused Wahiddin on leave and licence basis for 11 months and the lease period was from 03/12/05 to 02/11/06. He told me that he had given the flat to the accused as Mehmood Azim Qureshi, his brother-in-law was known to him. He produced a

photocopy of the leave and licence agreement. I recorded his statement. I called Mehmood Azim Qureshi on the same day and recorded his statement. The statement now shown to me is the same, it bears my signature and its contents are correct. He had stated before me the contents of the portions marked A to G. (They are marked as **Exts. 1780 (1 to 7)**). Abdul Naeem Siddiqui had also produced the original leave and licence agreement as I had asked him to do so. The original leave and licence agreement now shown to me is the same. (It is marked as **Art.371**).

4. I, API Dudhgaokar, PSI Sachin Kadam and my staff were inquiring with the accused Naveed Hussain Khan on 22/10/06. He was arrested in CR No. 05/06 of ATS Police Station, Mumbai. He expressed his desire to disclose certain important information concerning the crime. Therefore, I directed HC Ghag – 2327 to call two panchas. He brought two panchas before me. I checked their antecedents, gave them brief information about the crime and told them that the accused is in my custody and he is making a voluntary statement and I am going to record it and prepare a panchanama and whether they are ready to act as panchas. They consented. I

introduced the accused to them and asked the accused his name. He told his name as Naveed Rasheed Hussain Khan. I asked the accused whether he wanted to take the searches of the panchas. He declined. Then he gave a statement in Hindi that he is ready to show the places where he had gone, to show the spot where he had kept the car and to show the person to whom he had given the key of the car on the instructions of the accused Sajid. I recorded his statement as given by him in Hindi, read it over to the panchas, they signed on the memorandum and I also signed. The memorandum of the statement, Ext. 636, now shown to me is the same, it bears the signatures of the panchas, my countersignature and its contents are correct. It is in my handwriting. I will be able to identify the accused. (Witness looks around the court hall and points to the accused no.12 sitting in the dock. He is asked to stand up and tell his name, which he states as Naveed Hussain Khan). He is the same accused. (Adjourned at the request of learned advocate at 5.00 p.m.)

(Y.D.Shinde)

Date : 08/12/11

Special Judge

Date : 09/12/11
Resumed on SA

5. I then made station diary entry about leaving the office. The station diary entry no.8 dated 22/10/06 in the station diary register now shown to me is the same, it is in my handwriting and its contents are correct. The contents of the photocopy of that entry are as per the contents of the original entry. (It is marked as **Ext. 1782**). After we all came out of the office, I asked the panchas to take the search of our Bolero vehicle no. MH-01-SA-167 in the presence of the accused. Panchas took the search of the vehicle, but did not find anything objectionable. I asked the accused whether he wants to take our searches and the searches of the panchas. He declined. HC Ghag-2327 had the kit of sealing material with him. I asked the accused to take his search. Accused took his search, but did not find anything objectionable. We all, i.e., police officers, panchas and the accused sat in the vehicle and I asked the driver to take the vehicle as per the directions that the accused would give. We went to Shivaji Nagar, Govandi via RAK Marg, Sion Hospital, Eastern Express Highway, Ghatkopar Junction, Mankhurd Link Road and took left on the

Mankhurd link road to Lotus Junction, took a right turn at the Lotus Junction, proceeded towards Geeta Vikas Beat Police Chowki and in the lane ahead of the chowki. At some distance in the lane, the accused asked us to stop the vehicle. We all got down and the accused led us on foot towards Sandeep Tailor and told us that he had halted the Maruti car there and accused Faisal, Sajid and two Pakistani nationals had got down there. He told us that he remained standing near the car. There is Konkani Masjid in front of the Sandeep Tailor shop. That shop was closed, therefore, we could not gather any information there. The residents there told us that that locality is in plot no. 23 and 24. I asked PSI Sachin Kadam to prepare a rough sketch of the spot. He prepared it and I obtained the signatures of the panchas, put my signature on it and also obtained the signature of the accused. The rough sketch, Ext.637, now shown to me is the same, it bears the signatures of the panchas, my counter signatures and the signature of the accused and its contents are correct.

6. We then all sat in the vehicle and as per the directions of the accused the vehicle was taken to Bandra Perry Cross Road via Sion

Junction by the same route, Dharavi Link Road, Ali Yawar Jung Marg, S. V. Road, Bandra (W), Carter Road and then to the Perry Cross Road, where the vehicle was stopped as per his instructions. We all got down. We saw a board of Perry Cross Road. Accused led us and we followed him and after crossing three 'baithi chawls', he pointed to a building and informed us that it was the Lucky Villa building where accused Faisal used to reside. We went by the staircase to the terrace of the building. There was a temporary structure room on the terrace and accused pointed to it and informed us that this was the residence of the accused Faisal where two Pakistanis used to reside with him. (Learned advocates object to the evidence of this witness about the statements made by the accused, submitting that they are hit by section 27 of the Indian Evidence Act). The room was locked. We inquired with the nearby residents about the key, but did not get any information. I asked PSI Sachin Kadam to prepare a rough sketch of the spot. He prepared it and I obtained the signatures of the panchas, put my signature on it and also obtained the signature of the accused. The rough sketch, Ext.638, now shown to me is the same, it bears the signatures of the panchas, my counter signatures

and the signature of the accused and its contents are correct.

7. We all climbed down the building, sat in the vehicle and as per the directions of the accused went to Millat Nagar, Andheri via Khar Danda, Santacruz, Juhu Chowpati, D. N. Nagar and Oshiwara Junction. Accused instructed to take the vehicle in the lane to the left of Pizza Hut hotel and asked to halt the vehicle when we entered the lane. We all got down from the vehicle. Accused informed us that that area is known as Millat Nagar. He led us to a compound in which there was Ocaz Shopping Center. There was a four storied building in front of the shopping center to which he pointed out and informed us that he had dropped accused Faisal below that building and accused Faisal had gone to meet the Pakistani guests in that building. There is an iron gate behind the building. The accused informed us that he had halted the Maruti 800 vehicle near that gate and had waited there for Faisal. On inquiry it was revealed that he did not know where accused Faisal had gone in that building. I asked PSI Sachin Kadam to prepare a rough sketch of the spot. He prepared it and I obtained the signatures of the panchas, put my signature on it and also obtained the signature of the accused. The rough sketch, Ext.639,

now shown to me is the same, it bears the signatures of the panchas, my counter signatures and the signature of the accused and its contents are correct.

8. Then as per the directions of the accused we came out on foot with him out of the Ocaz Shopping Center compound. He led us to the compound of Al Hatim Building. It was a seven storied building. He pointed out to a white Maruti 800 car amongst other cars that were parked by the side of the south compound wall and said that it was the car of accused Faisal. We went to the car and found it to be locked. Accused told us that the person who has the key of the car resides in that building. He led us to the 4th floor of that building by lift and to the flat no. 403. I had instructed HC Ghag -2327 to remain near the car and guard it. Accused rang the door bell, a person opened the door and accused informed us that he was Rizwan Khot. I confirmed from that person that he is Rizwan Khot. I introduced myself, my staff and panchas and informed him about the purpose of the visit. Accused asked him to handover the key to us. He produced the key and gave it to me. Then we all along with Rizwan Khot came down to the car. I opened the car with the key that was given by

Rizwan Khot and searched it. We found documents of the vehicle in the glove compartment. There was a registration certificate book of that vehicle no. MH-01-V-9568. On going through it, we found that it was issued by RTO, Mumbai in the name of Gulamreza Badam. We found a policy of insurance of the car in the same name, a PUC certificate and a receipt of servicing the vehicle. There were three audio cassettes, one was titled 'Murder', second was 'Imran Hits' and the third was of English tunes. I seized these articles. I minutely examined the vehicle and in the boot compartment I saw blackish spots. Similar spots were there in between the driver seat and the rear seat. I wiped the spots from three places in the boot with the help of cotton swabs that were in the investigation kit, put them in three separate plastic pouches, wrapped them in separate khaki papers, affixed labels containing the description of the contents of the pouches and my and panchas signatures and sealed them with the ATS seal. I marked the pouches on the labels as Ex. A (v), A1(v1) and A2 (v2) in Marathi. I similarly wiped the spots from three places in the boot with the help of cotton swabs that were in the investigation kit, put them in three separate plastic pouches, wrapped them in

separate khaki papers, affixed labels containing the description of the contents of the pouches and my and panchas signatures and sealed them with the ATS seal. I marked the pouches on the labels as Ex. B (c), B1(c1) and B2 (c2) in Marathi. I wrapped the documents in khaki paper, affixed labels containing the description of the contents of the packet and my and panchas signatures and sealed them with the ATS seal. I marked the label on the packet as Ex. C (d) in Marathi. I wrapped the audio cassettes in khaki paper, affixed labels containing the description of the contents of the packet and my and panchas signatures and sealed them with the ATS seal. I marked the label on the packet as Ex. D (**M**) in Marathi. I verified the engine and chassis numbers of the vehicle by chalk and wrote the numbers in the panchanama. The words 'East West' were written on the front glass. Label of the service center was found on the rear glass. There were registration number plates on the front and the rear sides. I covered the spots in the boot and in between the driver seat and the rear seat by khaki paper. I affixed label containing the description of the car and other details and my and panchas signatures. I marked the label as Ex. E (b) in Marathi. I seized the key of the car and affixed a

label to it containing my and panchas signatures. I did not seal the key. I seized the car and completed the panchanama there. I asked PSI Sachin Kadam to prepare a rough sketch of the spot. He prepared it and I obtained the signatures of the panchas, put my signature on it and also obtained the signature of the accused. The rough sketch, Ext. 640, now shown to me is the same, it bears the signatures of the panchas, my counter signature and the signature of the accused and its contents are correct. I obtained the signatures of the panchas and put my signatures on the panchanama, gave a photocopy to the accused and obtained his signature. The panchanama Ext. 641 now shown to me is the same, it bears the signatures of the panchas, my counter signatures and the signature of the accused and its contents are correct.

9. I will be able to identify the articles. The labels on the khaki envelopes Arts. 265B, 266B, 267B, 268B, 269B, 270B bear my signatures and the signatures of the panchas, the plastic bags Arts. 265A, 266A, 267A, 268A, 269A, 270A and the cotton swabs in the plastic bags Arts. 265 to 270 are the same now shown to me. The label on the khaki envelope Art. 271A bears my signature and the

signatures of the panchas and the key Art. 271 are the same now shown to me. The label on the khaki envelope Art. 275A bears my signature and the signatures of the panchas and the registration certificate Art. 272 / Ext. 641, insurance certificate Art. 273, PUC Certificate Art. 274 and service center receipt Art. 275 are the same now shown to me. The label on the khaki envelope Art. 276A bears my signature and the signatures of the panchas and the audio cassettes Arts. 276 (1 to 3) are the same now shown to me. The photographs Arts. 278 (1 to 3) are of the same car.

10. The panchanama was over at 1945 hours. I asked Rizwan Khot to come to the ATS office for statement. Panchas went away from the spot. I returned with the accused and the seized articles to Kalachowki office and handed over the seized articles to the muddemal clerk, made an entry in the muddemal register by my own hand at sr. no. 67. I also made the station diary entry to that effect. The station diary entry no. 12 in the station diary register now shown to me is the same and its contents are correct. The contents of the photocopy of that entry are as per the contents of the original entry. (It is marked as **Ext. 1783**). I handed over the accused and the

panchanama to ACP Patil. Rizwan Khot came to the office on the same day. I recorded his statement about the car.

11. ACP Patil directed me on 26/10/06 to send the seized car to the FSL office at Kalina. I appointed HC- Sanjay Patil and PC- Mahesh Bagwe to take the car to the FSL office along with a forwarding letter and the articles Exs. A to C2 that had been seized. Accordingly they went to the FSL office and returned back with the car after having deposited the above articles with the FSL. I recorded the statement of PC- Mahesh Bagwe-5041.

12. I gave a letter to the RTO, Mumbai on 27/10/06 on the instructions of ACP Patil to get information about the ownership of the Maruti 800 car. Office copy of the letter now shown to me is the same, it bears my signature and its contents are correct. (It is marked as **Ext.1784**). The RTO gave a report on the same day. It is the same now shown to me. (It is marked as **Ext. 1785**). The RTO report confirmed the ownership of the car as that of Gulamraze M. Badam. Therefore, I called that person to the Kalachowki office and recorded his statement. He produced photocopies of transfer forms that he had given to accused Muzzammil and the receipt of Muzzammil having

paid the amount. The photocopies of the receipt and the transfer forms are the same now shown to me. (They are marked as **Ext.1786 (1 to 10)**)

(Learned SPP requests for deferring the examination-in-chief of the witness upto 2.45 p.m. as the witness is required to attend the 13th day post-funeral rites of his brother-in-law. Hence, adjourned till 2.45 p.m.)

Date : 25/11/11

Special Judge

Resumed on SA after recess

13. I had called Ataur Rehman Shaikh, father of accused Faisal and Muzzammil, on the same day and recorded his statement in connection with the car. On 02/11/06 I had called Afzal Hussain Alwani, who had arranged for selling the car. I recorded his statement.
14. ACP Patil called me on 02/11/06 at the Bhoiwada office. I went there and met him and he told me to record the statement of Vishal Kishore Parmar, who was there. I recorded his statement. I had called Mohd. Abul, garage owner on 03/11/06 and recorded his statement in connection with the car. My staff was deputed for going

to Carter Road and they used to go to the Carter Road, Bandra for making inquiries about taxi drivers, who may have taken passengers from there to Churchgate on the day of the incident, as ACP Patil had told me about the information. The staff brought taxi driver Rajesh Chandrakant Satpute on 03/11/06. I and the staff took him before ACP Patil, who inquired with him and then I took his statement.

15. On 04/11/06 I called the broker Mohd. Rasheed @ Amir, who had facilitated the sale of the Maruti car and recorded his statement. I was assisting ACP Patil in the investigation upto the filing of the chargesheet and doing the work that he directed.

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

16. I am posted in the LA-I since February 2010 at Naigaon. I joined the police force at Mumbai in 1975 as a constable. My statement as investigating officer was not recorded. I was associated with the investigation of this case from the first day. Seven crimes were registered for the seven blasts. All the blasts took place after 6.20 p.m.. I cannot tell upto what time the seven blasts took place. The blasts took place within a span of 20-25 minutes. I first visited the Matunga blast site. I cannot tell at what time I reached

there. After halting there for 10 minutes I proceeded to the Mahim blasts site, where I was for 10 minutes. I did not visit the blast sites thereafter. I did not go to the Kandivali Car Shed. I did not go to the affected bogies at both the places. Therefore, I cannot say how many bogies were affected at both places. When I went at the blasts sites, the work of removing the injured was going on. I, API Dinesh Kadam, PSI Sachin Kadam and some staff were at the sites for 10 minutes each, but the other officers who were with us stayed there longer. We had gone to Mahim Kapad bazar area on the instructions of ACP Dhawale for making inquiries and to contact the informants in connection with the blasts. Therefore, I cannot say whether any panchanamas were drawn at the blasts sites and whether any other steps were taken. We were in the Mahim Kapad Bazar area till we left for going to the office in the early hours of 12/07/06. I cannot disclose the places I visited in that area. We did not get any lead on that day. ACP Dhawle and PI Tajne were my superiors. ACP Patil was not attached to the ATS on that day. I do not know where he was. Mahim Kapad Bazar area is a predominantly Muslim populated area. I went there on my own as my informants were there. I had worked in the

Mahim area when I was attached to the Crime Branch, Unit-IV. I cannot tell in which period I was there.

17. There were four units of the ATS in Mumbai in 2006, Kalachowki, Nagpada, Juhu and Vikroli. I do not remember the name of the PI at Vikroli unit. PI Deshmukh was at Juhu unit. PI Ahir was at Nagpada unit. I did not visit the Vikroli unit during the investigation of this case. PI Vijay Salaskar was not attached to any unit of the ATS. I do not know whether he assisted in the investigation of this case and whether he had arrested any accused in this case. I cannot say where he was posted in Mumbai during July to October 2006.

18. Accused Abdul Wahiddin was arrested on 29/09/06. I had not called him for inquiry to the ATS office before that day. I did not record his statement after arresting him. I did not fill up his arrest memo. I do not know when he was produced before the magistrate for the first time, because ACP Patil took him. I came to know after his arrest that he is a teacher by profession. It is not true that he was brought to the Kalachowki office on 16/08/06 and detained there upto 22/08/06, that he was illegally detained there and I interrogated him and tortured him and then he was allowed to go with a strict direction

to report to PI Tajne everyday and accordingly he reported to the Kalachowki office everyday, that he was detained at Kalachowki office from 14/09/06 to 26/09/06, that during this period he was compelled to give statements on the assurance that he will not be arrested in this case and if he does not attend the office, he will be involved in this case, that from 27/09/06 to 29/09/06 he was compelled to attend the Kalachowki office, that he was called to the Kalachowki office in the morning on 29/09/06 on the pretext of showing some photographs and at that time he was arrested. I cannot say for how long he was in police custody from 29/09/06. I cannot say when the provisions of the MCOC Act were applied to this case. The accused Wahiddin was arrested after the said provisions were applied to this case. I do not know who took him to the court for remand on the first day. I did not accompany the officer who took him to the court. I did not attend the court at the time of any remand of this accused. I cannot say whether he had engaged any advocate during his custody period. The panchanama Ext. 1778 is in my handwriting. We traced the accused at 9.00 a.m. After apprehending the accused we directly took him to the Bhoiwada office. Ext. 1778 is the personal search

panchanama of the accused no.8 Wahiddin and not the arrest panchanama. I did not visit his house after his arrest. I do not know whether any other officer had visited it. I do not remember whether PSI Sachin Kadam was with me when I prepared this panchanama. I correctly wrote all the things that happened in the panchanama. It is true that it is not written in the panchanama that I caught the accused near the Ghatkopar railway station. The ATS office is in the compound of Kalachowki Police Station. I do not know at what distance Jijamata Nagar is from Kalachowki Police Station. I do not know whether T. J. Road, Sewree is in the jurisdiction of Kalachowki Police Station. I asked the panchas as to where they reside, whether there is any crime registered against them and whether they have acted as panch witness previously. I did not realize when they came that they were residing within the jurisdiction of Kalachowki Police Station. Bhoiwada ATS office is in the compound of Bhoiwada Police Station. Its pin code is 400014. Pin code of the area of the Kalachowki Police Station is 400033. It is true that the address of the first panch in the panchanama shows the pin code as 400033. The pin code of the second panch is 400035 and the last two digits are

overwritten. It is not true that they are scored. Earlier the last two digits were 25 and they were overwritten and made 35. It is not true that the last digit was 3 and it was converted into 5. I did it at the same time, but did not initial the corrections. Asking antecedents to panchas is an important thing during the panchanama. I did not write this in both the panchanamas as I did not feel it necessary. I took the signature of the accused on the panchanama, then sent the panchanama for photocopy and thereafter gave the photocopy to the accused. The words 'Prat milali' on the second page are in my handwriting. Initially I thought that it was necessary to take the signature of the accused on that page also, but subsequently I did not feel it necessary. All the officers of my team were with me when we traced the accused at 9.00 a.m. The accused did not resist arrest. We asked him to accompany us and he did so. I did not arrest him there as ACP Patil had directed me to produce him before him. I had visited Pant Nagar, Ramabai Ambedkar Nagar, Lokmanya Tilak Nagar, etc., in Ghatkopar on 28/09/06. We did not visit any house, shop, lodge or restaurant, etc. Our visits from the night of 28/09/06 upto the morning of 29/09/06 were for the purpose of nabbing the accused. We could

not trace him upto 9.00 a.m. inspite of all these efforts. I did not record the statement of any person during this period or question any person. ACP Patil used to sit in the Bhoiwada office during this period. The ATS headquarter was at Nagpada. Jt. CP, Addl. CP and DCP had their offices there. Jaijeet Singh was the only DCP at that time. ACP Patil did not have his office at Nagpada. It is not true that I prepared a false panchanama Ext. 1778, that therefore, I took the persons of my confidence from that area as panchas. I had interrogated the accused once for about half an hour after his arrest, but I do not remember the time and date. It was four days after his arrest. That was done when ACP Patil called me and the accused was before him and ACP Patil asked me to interrogate him. I did not feel it necessary to interrogate him and obtain information other than on this occasion. I had taken the accused to Bangalore for polygraph test. I took him probably on 17th September and brought him back on 18th or 19th September. Necessary permission had been obtained from the court. I do not know who conducted the polygraph test. The accused was continuously detained in the Bhoiwada lockup from the date of his arrest. I did not take the accused anywhere else other

than Bangalore. I had recorded the statements of witnesses in connection with the accused no. 8. They were Abdul Naeem Siddiqui, the landlord of the flat at Mumbra that the accused had taken on leave and licence from him and Mehmood Azim Qureshi, brother-in-law of the accused, who was an intermediary in this transaction. That flat was taken for the period from 03/12/05 to 02/11/06. The deposit was Rs. 20,000/- and the rent was Rs. 1800/- per month. I had not visited that flat. I do not know whether any member of the ATS visited it. The witness had produced the documents during his statement, but I did not seize them under the panchanama. I handed over all the documents to ACP Patil. From the statements of the two witnesses I gathered that the accused used to reside in the flat at Mumbra. I was working under the directions of the ACP, therefore, there was no question of I finding it necessary to visit that flat. As an investigating officer I felt that it was necessary to go and visit that flat. There was no necessity of obtaining permission from ACP Patil about doing so. I did not suggest about doing so to ACP Patil as he was my superior. I did not come to know after I arrested the accused that he had one more house somewhere. I had come to know that his entire family

was residing at Mumbra. It is not true that the accused no. 8 Wahiddin was unnecessarily involved in this case though there was no evidence against him.

(Adjourned at the request of learned advocate at 1655 hours).

(Y.D.Shinde)

Date : 09/12/11

Special Judge

Date : 12/12/11
Resumed on SA

19. (Adv Shetty had intimated on the last date that he would be coming late today and submitted that he has no objection if adv Wahab Khan begins his cross-examination).

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

20. It is not true that entries are required to be made in the station diary about recording of statements of witnesses. It is true that it is necessary to be mentioned in the case diary. I did not make entry in the case diary. ACP Patil did not make any entry in the case diary in my presence. (Learned advocate asks the witness to go through the case diary and tell about the dates on which he had recorded the statements of witnesses). There is an entry in the case diary dated 05/10/06 of I recording the statement of Abdul Naeem Siddiqui. There is no entry in the case diary dated 22/10/06 upto 24/10/06 or in further case diaries of I recording the statement of Rizwan Khot. There is an entry in the case diary dated 30/10/06 of I recording the statement of Gulam Raza M. Badam. There is an entry in the case diary dated 03/11/06 of I recording the statement of Mohd.

Abul. There is an entry in the case diary dated 02/11/06 of I recording the statement of Vishal Kishore Parmar. There is an entry in the case diary dated 03/11/06 of I recording the statement of Rajesh Chandrakant Satpute. I cannot say why there is no entry in the case diary about recording the statement of Rizwan Khot. It is not true that a bogus case diary is prepared.

21. The BDDS squad had given a special training of three days to the ATS in which they had given instructions about tracing and collecting swabs of stains. I have traced and collected swabs of stains in many cases, like Manchekar murder case, a murder case in which Parag Chavan was an accused, etc. Other than this case I have not traced such stains and collected swabs in any other bomb blast case. My colleague or subordinate officer have traced and collected such stains in other bomb blasts case. It is not true that I have an expertise in planting such stains.

22. The investigation of Malegaon Bomb Blast Case of 2006 is with the NIA. I have read in the newspapers that all nine accused are granted bail. The investigation of this case was initially with the ATS. I did not take part in that investigation. It is not true that

I had traced such type of stains in that case. I do not remember whether I had arrested accused Dr. Samlam Farsi from his clinic on 06/11/06 between 2135 to 2330 hours in that case, whether I had found objectionable books and similar suspicious stains at two places, whether panchanama was prepared about seizing the books and taking swabs of the stains, whether API Kolhatkar, PSIs Shailesh Gaikwad, Kisan Gaikwad and Awari and staff were with me. It is true that I had gone to plot no. 15, T' line, room no.3, Shivaji Nagar, Govandi, Mumbai. I do not remember whether it was on 06/11/06. I had gone to the clinic of Dr. Salman Farsi. Provocative and objectionable books were seized. I do not remember whether swabs of two suspicious stains were taken. ACP Kisan Shengal, IO of Malegaon Bomb Blast Case, 2006 had given me the instructions for going there. I do not remember whether I had searched the house of Dr. Salman Farsi on 08/11/06 and had seized books and CDs. CR No. 96/06 of Azad Nagar Police Station, Malegaon, Dist. Nasik was in connection with the Malegaon Bomb Blast 2006. I do not remember whether I had prepared a panchanama on 06/11/06 and 08/11/06, whether I had did some work in that crime on 13/11/06, whether I had

interrogated accused Dr. Salman Farsi in the presence of panchas, whether he had made a statement before me, whether he had led us to a cyber cafe, whether the accused forgot his password, therefore the site could not be opened. I do not know accused Maulana Mohd. Zahid Abdul Majid Ansari. I have not heard the name of village Fulsawangi, Dist. Yavatmal. I do not know whether it is 600 kms from Malegaon. I do not remember whether I had arrested Mohd. Zahid on 22/09/06 in the Malegaon Bomb Blasts Case 2006 and who filled up his arrest form, whether I had signed on the arrest form, whether I had recorded his voice sample in the presence of panchas on 13/12/06. I may have prepared some documents in that case. There is no specific reason why I do not remember the details of that case. I do not know whether Shabbir Masiullah was arrested in that case. I do not remember whether such types of stains were found in his garage. I do not remember whether any panchanama was made in my presence, whether I had recorded the statements of any witnesses in that case.

23. I read Loksatta newspaper. Every item in the newspaper is of interest to me. It is not true that crime related news

are of more interest. I left the ATS on 18/02/10 and joined the LA-I on that day. There was no departmental inquiry before I transferred to the LA-I. There was no complaint against me about extorting money from CD sellers by threatening them that the CDs are Pakistani CDs. I have not read any such news item. My seniors and colleagues have not informed me about such news item. I was suspended on 18/02/10 as there was an anti-corruption case against me in which there was an allegation that I had demanded money from a gangster Manoj Shivyagnyaprasad Singh alleged to be involved in narcotics business. I was suspended for six months and reinstated on 18/08/10. Witness volunteers – no chargesheet is filed as yet and the proposal is not yet sent for sanction. It is not true that I was suspended on 07/02/10. This is the first time that I was suspended from service. I was on continuous duty from the time I joined upto this instance. It is not true that earlier also I was trapped by the ACB and it had registered CR no. 72/03 against me and one PC Tendulkar on 03/09/03 u/s 7 and 12 of Prevention of Corruption Act. I was attached to Bhoiwada Police Station in September 2003. It is not true that a complaint was lodged against me by Kirti Prabhakar Shetty, manager

of Karishma Restaurant and Bar that I had demanded a bribe of Rs. 15,000/-. ACB officers did not record my statement in September 2003. (Witness submits that he wants to explain about the case. Permitted). This case was filed by the ACB as a false case as on the date of the alleged incident I was on leave and at my native place.

24. It is true that after the blasts all police stations in Mumbai were asked to interrogate, make inquiry about suspected persons and persons who were under observation or having police record and to send the information to the ATS. The police stations were sending reports. ATS was inquiring about the local and international calls and SMS before and after the blasts. I do not know whether the first lead that we got in this case was an SMS sent from Bihar on the day before the blasts. I do not know whether DCPs in Mumbai had formed teams for making independent investigation in the blasts. ATS was also interrogating and making inquiries with suspects, history sheeters and persons under observation, independent of the police stations at all units of the ATS. Station diary register, muddemal register and FIR proforma book was available only at Kalachowki unit and not at other units. I do not know whether

there was no malkhana at Bhoiwada and muddemal register was not maintained there. I cannot tell what record was being maintained by the ATS units at other than at Kalachowki in respect of interrogation and inquiry of suspects. It is not true that the entries were made in the station diary about some persons only. I do not remember the name or face of suspects who were called at the ATS office for inquiry on more than one occasion. (Learned advocate asks the witness to go through the case diary of ACP Patil and state as to since when the accused no. 8 Abdul Wahiddin was shown wanted or absconding). The involvement of the accused was disclosed on 28/09/06 itself. It is not true that the said accused was kept in illegal custody before this date and false station diary entries were made to show that he was called and allowed to go with directions to come on the next day. The residential address of the accused is of Ghatkopar. (Witness is shown station diary entry no. 22 dated 13/09/06). It is true that the entry shows that the accused Abdul Wahiddin Mohd. Shaikh, was called for inquiry and allowed to go with the instructions to remain present on the next day. (Learned advocate asks the witness to go through the station diary entry no. 13 dated 14/09/06). It is true that

the entry shows that the accused Abdul Wahiddin Mohd. Shaikh, was called for inquiry and allowed to go after giving him instructions to remain present on the next day. The entry is in the handwriting of HC Ghag, 2327. (Learned advocate asks the witness to go through the station diary entry no. 8 dated 15/09/06). It is true that the entry shows that the accused Abdul Wahiddin Mohd. Shaikh, 29 years, occupation-teacher, resident of 6/7, Khan and Sanghavi Chawl, GS Colony, Amrut Nagar, Ghatkopar (W), Mumbai, had remained present for inquiry. (Learned advocate asks the witness to go through the station diary entry no. 4 dated 16/09/06). It is true that the entry shows that the accused Abdul Wahiddin Mohd. Shaikh, had remained present for inquiry as called. (Learned advocate asks the witness to go through the station diary entry no. 4 dated 17/09/06, entry no. 17 of 18/09/06, entry no. 8 of 19/09/06, entry no. 5 of 20/09/06, entry no. 7 of 21/09/06, entry no. 6 of 22/09/06). It is true that the entries show that the accused Abdul Wahiddin Mohd. Shaikh, was called for inquiry and he remained present and was allowed to go. (Learned advocate asks the witness to go through the station diary entry no. 8 dated 23/09/06). It is true that the entry shows that the accused Abdul

Wahiddin Mohd. Shaikh, remained present and was inquired with by certain officers. (Learned advocate submits that all these entries be received in evidence. Prosecution is directed to produce true photocopies of the entries). It is not true that bogus entries are made in the station diary showing that he was allowed to go. I cannot say whether from these entries it can be said that he was a wanted accused. I cannot say for what purpose he was being inquired with from 13/09/06 to 23/09/06. There is no mention in the case diary of ACP Patil during this period about calling the accused for inquiry. It is true that statements of suspects are recorded during inquiry. There is no mention in the case diary of that period about taking the statement of the said accused.

- 25.** I cannot state specifically whether officers and staff from L. T. Marg, Borivali, Matunga, Mahim, Azad Maidan and Bandra Police Stations were deputed to the ATS. I do not know whether PI Vijay Salaskar was also investigating along with the ATS, whether he had arrested an accused from Kolkata, whether some of the accused were handed over to him for interrogation in his Kurla office. I was not given independent investigation of any crime out of the seven that

were registered.

26. The lockup of the ATS is at Bhoiwada. Accused were kept in this lockup after investigation of the day was completed. Lockup register and lockup diaries were maintained there. Accused of local police stations are also kept there. Charge of the lockup is with the officer of the Bhoiwada police station. If an officer wants an accused in his custody for investigation, he gives a memo to the SHO of Bhoiwada Police Station, who makes the necessary endorsement and then that memo is given to the lockup incharge and the accused is taken out from the custody. I did not see any such memo during the investigation period. (Learned advocate asks the witness to go through the case diary of ACP Patil and suggested that there is no entry anywhere in the case diary about taking out accused from the lockup and keeping him back). It is true that there is no such entry. It is true that it is an important thing. I cannot say why it is not mentioned in the case diary. It is not true that entries about taking out the accused from the lockup and keeping them back are required to be made in the case diary. One head constable was the incharge of the malkhana at Kalachowki. Station diary used to be in the

possession of the station house officer. I did not have charge of any department in the police station. The seal of the police station is in the custody of Sr. PI. There is no separate register for recording the movement of the seal outside the police station. There was no necessity of giving memo to take the seal.

27. I had interrogated the accused Abdul Wahiddin. He did not make a voluntary statement about disclosure or desire to make a confessional statement before me. I did not record his statement. I did not check the details in the phone book of the mobile handset that was seized from him. I did not suggest ACP Patil to send the mobile to the FSL. I had interrogated the accused concerning the crime. I did not inquire with him about his location on the day of the incident. I and my team along with ACP Patil had not checked the call details of all mobiles of all accused. I did not come to know that all the accused were using mobiles. I do not know whether the ATS was having the CDRs of all accused. My seniors or subordinates did not inform me that all the CDRs are received. It is not true that I and the other officers in the ATS were afraid of arresting the accused. It did not happen that we used to arrest the accused after getting approval from

the superiors. It is not true that we used to take approval from the Addl. CP Jaiswal and then arrest the accused. I had read the station diary entries that I produced before they were filed in the court.

Q. Accused no. 8 was arrested after taking the approval of Addl. CP Jaiswal?

A. I will have to see the station diary entry.

(Learned advocate asks the witness to go through the station diary entry Ext. 1779). It is true that it is so written in this entry.

28. Accused no. 12 Naveed was probably arrested on 30/09/06. He was in police custody for about 20-22 days in CR No. 05/06 of Police Station Borivali being investigated by Sr. PI. R.R. Joshi before I interrogated him. (Learned advocate asks the witness to go through the case diary of ACP Patil and state about the number of times he was interrogated before 22/10/06). He was interrogated twice, on 30/09/06 and 21/10/06. There was no statement of disclosure before 22/10/06. The accused was lodged in the Bhoiwada lockup after arrest. He was brought to the ATS office on 21/10/06 and 22/10/06. He was not sent back to the lockup till I went home on 21/10/06. I cannot say at what time he was brought from the lockup

and sent back on 21/10/06 from my memory or on going through the case diary. I cannot produce the lockup diary, lockup register and memos of taking out the accused from the lockup and putting him back on 21/10/06. I have recorded memorandums of statements of disclosures in many cases. Signature of the accused is taken below the memorandum and if he refuses such an endorsement is made there and also in the case diary. I did not take the signature of the accused below Ext. 636. I did not feel it necessary to do so. It was written at Kalachowki unit. It is true that there is no mention in the station diary entry no. 12 of 22/10/06 of preparing sketches. It did not happen that I forgot or did not feel it necessary. There is a mention in the case diary about preparation of maps. I do not know whether the ATS officers had gone to the places shown in the sketches Ext. 637 at Govandi and Ext. 638 at Bandra. However, they had gone to the place at Govandi.

(Adjourned for recess).

Date : 12/12/11

Special Judge

Resumed on SA after recess

29. The places at Govandi and Shivaji Nagar were open

and public places. I did not find any witness there. I did not take photographs of those places. *En route* I took notes only but did not prepare a panchanama. I took the signatures of the panchas below Ext. 636 as the statement of the accused was over at that stage. Therefore, I showed the bifurcation. I did not bifurcate the panchanama at Govandi and Bandra. I did not feel it necessary to obtain the signatures of the panchas after the visit at Govandi and Bandra were over as the panchanama was continuing. It is true that it is not written at the end of the panchanama Ext. 641 as to at what place it was over. The place at Andheri was an open public place. I did not get any eye-witness there as to who had brought the car there and when. I do not know whether Rizwan Khot is available or not. It is not true that I wrote the memorandum Ext. 636 and the panchanama Ext. 641 at the ATS office on the instructions of my superiors and took signatures of regular panchas on them and the labels at the ATS office. I did not send the seized articles to the FSL under my signatures as ACP Patil was the investigating officer and I had given them to him. I do not remember whether I had sent the seized articles from accused Salman Farsi in the Malegaon Bomb Blasts case 2006

on 17/12/06.

30. I had taken the accused Abdul Wahiddin and Naveed for narco tests on 16th or 17/10/06 to Bangalore. I cannot say how many times the tests were conducted. I did not read the reports. They were not handed over to me. I do not know about the contents of the reports. Chief IO ACP Patil had directed me to take the accused there. I may have gone on one or two occasions to the courts for remand of the accused. I do not know whether police custody of the accused was obtained on the grounds of confronting them with the CDRs.

31. I do not know whether superior officers of the police gave guidance about the investigation. It is not true that I had a discussion with the Commissioner of Police A. N. Roy. I did not see him coming to the ATS office in connection with this case and no one told me about he having come.

32. It is not true that we were not getting panchas and witnesses in the case, therefore, we introduced witnesses and panchas who were known to me and my colleagues since long. PSI Dnyaneshwar Pandharinath Awari was with me in the ATS and also

when I was attached to Police Station Bhoiwada. He was assisting in the investigation in this case. I do not remember whether I had prepared a panchanama on 31/12/03 in CR no. 277/03 when I was at Police Station Bhoiwada with the help of panch witnesses Suresh Shambhu Mahindrakar and Subhash Ganpat Kadam. (Learned advocate wants to show a certified true photocopy of the panchanama of that day received by the accused under RTI. Learned SPP submits that the covering letter of the information officer dated 03/12/11 refers to letter dated 30/12/11 from PI, Police Station Bhoiwada. He submits that if the panchanama is of 31/12/03, the chargesheet of that case must have been filed and it is not known as to from what document the PI, Police Station Bhoiwada has certified it as true copy. The document is permitted to be shown subject to the objection by the learned SPP and provided it is produced). It is true that the panchanama mentions my name. It is signed by PSI Patil who was with me at Bhoiwada Police Station. I do not know where is he now. It is not true that with the help of PSI Patil I got the panchas to act as panch witnesses in this case. It is true that I was the investigating officer in this case and I filed the final report and PSI

Patil was assisting me. (Learned advocate shows a panchanama dated 03/01/03 to the witness). It is true that Suresh Shambhu Mahindrakar is used as panch witness for this panchanama. (Learned advocate shows a panchanama dated 03/01/04 to the witness). It is true that Sachin Krishna Koltharkar is used as a panch witness for this panchanama. It is not true that I provided these panchas for this case for preparing bogus panchanamas.

33. I had helped in the investigation of Aurangabad Arms Haul case. It is not true that I provided panch witnesses of my acquaintance. I was not acquainted with Pritam Pradeep Mhatre. It is not true that I provided him as a panch witnesses in that case, that he was in my contact since 2003. A panchanama of the transcript of conversation running in 109 pages was prepared in that case on 17/06/06. (Learned advocate shows Ext. 749 to the witness). It is true that I was present and Pritam Pradip Mhatre was used as panch witness. I do not remember whether I had used him as a panch witness for the first time on 26/12/03 for two panchanamas and for one panchanama on 27/12/03 in CR No. 1540/03 of Bhoiwada Police Station. (Learned advocate prays for permission to confront the

witness with photocopies of the panchanamas submitting that the accused has the certified copies with him in the prison and would produce them tomorrow. Permission granted). It is true that the three panchanamas show that I am present and the said person had acted as panch witness. I do not know whether Koltharkar and Mhatre were in contact with PSI Awari. (Learned advocate asks the witness to go through the station diary dated 03/11/06). There is no mention in the station diary that my staff was deputed for going to Carter Road and they used to go to the Carter Road, Bandra for making inquiries about taxi drivers, who may have taken passengers from there to Churchgate on the day of the incident as ACP Patil had told me about the information. There is no endorsement about particular staff having searched and found a particular taxi driver. (Learned advocate asks the witness to verify whether this is mentioned in the case diary). There is an entry in the case diary dated 03/11/06 about this. The witness Rajesh Chandrakant Satpute met my staff PN Vijay Salvi, 25610 first. I did not record his statement. He brought the witness before me at about 1800-1830 hours at Kalachowki office. ACP Patil was not present at that time. I do not know where he had gone at that

time. The witness was produced before him on the same day. ACP Patil inquired with him, but did not record his statement. He directed me to do so. I do not remember who were with me when I did so. I do not remember whether ACP Patil was in the room. His statement now shown to me is the same, it bears my signature. He had stated before me that 'he was the person who had the bag in his hands and who caught the handles of the bag in the taxi'. He had stated the portion in his statement 'tyanantar churchgate station yeiparyant dusrya ismane eka hatane magchya sit varun tya bageche handle ghatta pakdun thevale hote'. He had stated that 'he was the person who had the bag in his hands and who caught the handles of the bag in the taxi', but it remained to be written. He had stated before me the contents of portion marked-A from his statement. (It is marked as **Ext.1791**). The witness had not brought his taxi to the office on that day. I did not inspect his taxi. I did not feel it necessary nor my superiors suggested me. I did not feel that there would be some objectionable stains in it, because it was a public vehicle and he had come after four months. My role was limited to taking his statement. It was for the investigating officer to consider it. I did not send the taxi

for opinion of the forensic expert. I have not seen that taxi till today. I do not know whether it is in existence now. The witness had told the name of the owner of that taxi, but I do not remember it now. I did not find it necessary to seize the documents of that taxi. I did not direct him to produce the documents of the taxi. I did not take his licence or batch and did not ask him to produce their copies. Police vehicles are having log book. I do not know whether there are log books in taxis. Taxi drivers ply the taxis in shifts. I do not know which driver used to ply the taxi no. MH-01-J-4066 in what shift. I did not examine the log book of that taxi. I did not record the statement of the taxi driver. The said taxi driver used to reside in the jurisdiction of Kalachowki Police Station. I do not remember whether I used him as a panch witness in another case, whether I had met him earlier. I did not ask him to show the place from where the passengers had sat in the vehicle and where he had left them. I did not seize the taxi. I did not call the owner of the taxi. I did not detain the taxi for some days. The witness did not give me his licence number or badge number. I had asked him about it. It is not true that he was not a taxi driver, therefore, he did not give me his licence number and badge number. It is not true

that he was not plying a taxi in 2006, that it was not his occupation.

34. I do not know Mukesh Walji Rabadia. He had acted as a panch witness when I was with PI Tajne at Shivaji Nagar, Govandi. Vishal Kishore Parmar was his employee. It is not true that Mukesh Rabadia had provided Vishal Parmar as panch witness. I do not remember whether Mukesh Rabadia has acted as panch witness in the Aurangabad Arms Haul case. I do not know whether he had so acted in the ATS CR no. 01/06. I had assisted in the investigation of that crime. I do not know whether there was a criminal case against Mukesh for attempt to commit murder. I do not know whether he has expired.

35. Vishal Parmar met me for the first time on 02/11/06 at Bhoiwada office. Sr. PI R. R. Joshi was present at that time. I do not remember the other officers who were present. I do not remember whether PI Khandekar was present. It did not happen that he recorded the statement of Vishal Parmar. He had stated before me that he had gone to the ENT hospital for some work to meet some person. He had stated that he had gone to meet some person, but it remained to be written. He had stated to me that after the work there

was over, he got a call from his employer who directed him to go to the BMC Bank at Dadar, that therefore, at 5.15 p.m. he went to the Churchgate Station, but it remained to be written in his statement. He had stated to me that he stood near the first class bogie that was in front, that the indicator on the platform was showing a train of 5.19 p.m, that two persons came there and asked him whether Virar fast train would go from there, that he looked at the indicator and told them that such a train is going from there. It is so written in his statement except that 'he stood near the first class bogie that was in front and that the indicator on the platform was showing a train of 5.19 p.m'. He had stated to me that after two or three minutes the train came there. It is written in the statement that the train came there after some minutes. I cannot say whether if a person reaches late at a station by even half a minute, he misses the train, because I have never traveled by train. He had stated before me that two-three persons got down and he was about to board it. This is not written in the statement, but it is written that all passengers got down from the train. I did not change the words of the witness on my own, but I took whatever was important. It did not happen that I did not write some

things that the witness told as they were not important. There is no other record other than the statement and my memory about what the witness actually stated. He had stated to me that out of those two persons, the person other than the person who had asked him about the train and the time, had a black rexine bag with him. It is not written in those words, but it is written in the statement as 'tyapaiki dusrya ismachya hatat kalya rangachi handbag hoti'. I do not remember whether he had stated to me that they had started to board the train before him. He had stated to me that when he was boarding the train, the rexine bag hit his leg. It is in the statement. I do not remember whether he had stated to me that after the train started he looked at the bag and thought that it was a big bag being carried in the first class compartment. It is not in the statement. There is no mention of rexine bag in the statement. He had stated to me that the two persons got down in front of him at Dadar and were walking fast empty handed. It is in the statement, but not in these exact words. He had stated to me that at Dadar he went to the BMC Bank in front of Plaza Cinema and met the client, but it is not in the statement. It remained to be written not because it was not important, but because

I told him to state about it in the court. I remember such important things even after five years. He had stated to me that he searched in the news papers as to who is making the inquiry about the blasts, that he learnt that the ATS police of Bhoiwada are doing the inquiry, but it is not in the statement as it remained to be written. I did not verify with the ENT Hospital and with the client whom he met in the BMC bank at Dadar. I did not try to collect the time table of the train.

36. After I took the statement of Vishal Parmar, I got an idea as to where he was sitting in the bogie. He was sitting facing towards Churchgate on the seven seat bench on the seat no. 3. I do not know whether Kiran Kini, friend of Devendra Chauhan, PW-123 was sitting at that place in that train. I was not interacting with the other officers about the progress of the investigation. I have not seen the statement of Ramanand Marutirao Machewar. I do not know whether this witness had seen one suspect boarding the train at Andheri and keeping a handbag in suspicious circumstances on the rack and disappearing at Mira Road Station. It is not true that Vishal Parmar and Rajesh Satpute are the false witnesses that I planted in this case.

37. I do not know who was supervising the investigation when it started on 12/07/06. PI Khandekar was the investigating officer when I prepared the arrest panchanama and recorded the memorandum under section 27. I arrested accused no. 8 and interrogated the accused no. 12 on the directions of ACP Patil. It is not true that I along with PI Tajne, Awari, Kolhatkar, Sachin Kadam and Raghuvanshi kept accused no. 7 Sajid Ansari in illegal detention from 25/09/06 to 29/09/06 at Kalachowki. I do not know whether he was arrested in this case. It is not true that I and my staff tortured him and he sustained visible injury marks on his person, that we obtained his signatures on written and blank papers, that I provided regular panhas Koltharkar and Mahindrakar to PI Tajne at the time of his arrest. It is not in the case diary of 02/11/06 that I had recorded the statement of Afzal Hussain Alwani on that day. It is not in the case diary of 30/10/06. It depends upon the investigating office to take entries of recording statements of the witness. I cannot say why there is no reference about recording his statement and of Rizwan Khot in the case diary. It is not true that I prepared ready-made statements on the say of my superiors.

38. I have heard of Indian Mujaheedin. DCB CID had arrested some boys on the allegation that they belong to that group. I do not know whether there is allegation that they had sent threatening e-mails and whether they are charged with committing bomb blasts in the country. It is not true that crime branch chief Rakesh Maria had stated in his press briefing that this group had committed the blasts in this case. It is not true that I prepared false documents, that I planted the stains, that accused Abdul Wahiddin was not wanted, but was in illegal detention, that accused Naveed did not give any disclosure statement, did not take us anywhere and did not show us anything, that I falsely involved the accused and gave false evidence.

(Adjourned as court time is over).

(Y.D.Shinde)

Date : 12/12/11

Special Judge

Date : 13/12/11
Resumed on SA

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

39. I do not know from where and who arrested the accused no. 12 Naveed. All the seven crimes were clubbed together by the time he was arrested and were being investigated under the MCOC Act. I had interrogated him before 22/10/06. It was on 21/10/06. That was the first occasion. I interrogated him from 11.00 a.m. to 4.00 p.m. API Dudhgaonkar, PSI Sachin Kadam, one head constable and one constable assisted me in the interrogation. I did not take his statement. He did not volunteer to make any voluntary statement on that day or to make a confessional statement. I do not know which of the officers of the ATS interrogated him before 21/10/06. He was kept in the Bhoiwada lockup from the date of his arrest upto 21/10/06. I escorted him only once on 17/10/06 to Bangalore. We went by plane. I gave him in the custody of API Dinesh Kadam at Bangalore and I returned on 18/10/06. He was with me from about 5.00 a.m. to 12.30 p.m. He did not express his desire to make the voluntary statement at any time before 22/10/06.

40. There are 2-3 shops in the lane at Govandi where we had gone. There are baithi chawl houses in that area. The houses in the lane where we parked our vehicle do not have doors facing the lane. I had no occasion to go to that spot before 22/10/06. I had gone to the house of accused Mohd. Ali in Govandi on 29/09/06 at about 1830 to 1900 hours. I was there for about one and a half to one hour and forty five minutes. I did not take the statements of his family members or any neighbours. I was in the lane near the Konkani Masjid in Govandi on 22/10/06 for about 35-40 minutes. I did not leave the lane during that period.

41. I honestly and diligently mentioned in the panchanama all the events that took place and the steps that I took. I recorded all the important things relating to the case during the recording of the statements of witnesses. I did not record the things which I did not find important. The statements were recorded about 5 ½ years before. The visit to the house of the accused Mohd. Ali on 29/09/06 was the only occasion on which I visited his house.

42. I had not gone to Perry Cross Road, Bandra before 22/10/06 and even after that day. I was on the 3rd floor of the building

Lucky Villa for about 35-40 minutes. There was one more room other than the locked room on the 3rd floor. It was also locked. When we went there both the rooms on the third floor were locked. That building had only one staircase. I cannot say how many tenements were there on each floor. We had inquired on the 2nd floor about the key of the room. I do not remember the number of the tenement and the name of the person with whom we inquired. I did not record the statement of any person from any tenement of that building. I did not make efforts to call any such person and record his statement after 22/10/06. I did not inquire about the owner of the building and of the concerned tenement on the 3rd floor.

43. We reached Millat Nagar in Andheri at about 5.30 p.m. I cannot say at what time the sun set on that day. I started the inspection of the car at 1805 hours. There was ample daylight at that time. I required about 20-25 minutes to inspect the entire vehicle. I inspected it with the help of natural light. Wherever there were cavities in the car, I called for the torch in the kit and with the help of the torch I inspected the cavities. I required the torch for inspecting the portions below the front and rear seats. I did not find anything

there. We went to the 4th floor of Al Hatim building. We did not go in the Al Mizab building. Both these buildings were in different compounds. We went in the Al Hatim building first, took the key and then inspected the car. There was no watchman in the compound. I have no idea whether there were watchmen in the compound. The car was parked inside the compound of the Al Hatim building. There were about 6-7 cars in the compound at that time. The building was of seven floors. The 4th floor had three flats. We were at the spot in the Al Hatim and Al Mizab buildings for about two hours. We did not go in the compound of Al Mizab building. We were near that building for about 35 minutes. I mentioned in the panchanama all the steps that I took near the Al Mizab building. I did not inquire with and take the statements of the residents or watchmen of that building. The road in between the two buildings is about 8-10 feet wide. I did not make any inquiry with any resident of the Al Hatim building except Rizwan Khot. I started recording the statement of Rizwan Khot on the same day at about 9.45 p.m. and it was finished within 20-25 minutes. We returned to Kalachowki office at about 8.45-9.00 p.m. The writing on the four maps Exts. 637 to 640 is mine. Except the

writing rest of the things are done by PSI Sachin Kadam.

44. When I came to the office at about 9.00 a.m. on 22/10/06 the accused was being interrogated. API Dhudhgaonkar, PSI Sachin Kadam and staff were interrogating him. I do not know from what time he was being interrogated. I joined the interrogation immediately on arrival and we were interrogating for about 3 -3 ½ hours thereafter. During that period he expressed his desire to disclose certain important information. I instructed my staff at about 1235-1240 hours to bring the panchas. They brought the panchas in ten minutes. I cannot say for how long the statement of the accused continued. It may be for about 10-15 minutes. I wrote his statement directly in the panchanama. The panchas and my colleagues did not make any notes anywhere during the statement. I honestly recorded the statement made by the accused in the memorandum. Chinchpokali is near our Kalachowki office. As per my memory nothing that had taken place remained to be written in the memorandum Ext. 636 and the panchanama Ext. 641. It is not true that we used persons of our acquaintance as the panchas in this case.

45. We did not offer the search of the vehicle to the accused. Our entire team except HC Ghag, who was kept near the vehicle, went to the 4th floor of Al Hatim building. It did not happen that on reaching the house of Khot, the accused told him that he has come with the police and that Khot gave the keys of the car to the accused. I did not write in the panchanama that I used a torch for searching cavities in the car. I wrote the panchanama as the events took place. I wrote the last line of the first paragraph on page 8 of the panchanama Ext. 641 at that time itself. It is not true that it is an interpolation made subsequently.

46. It is not true that the accused no. 12 did not make any statement, did not lead us anywhere and the car was not recovered at his instance. I did not take the statement of any person in connection with the parking of that car and since when it was parked there. I took the statement of the owner of the vehicle Gulam Reza Badami on 30/10/06.

47. Chandan Chowki office of the ATS is about 5-6 minutes from Millat Nagar. I did not go to that office on 22/10/06. I did not feel like calling Muzzammil Bagdadi and taking his statement after taking

the statement of Mehmood Azim Qureshi, as there were no instructions to do so.

48. I had recorded the statement of Vishal Kishore Parmar.

It is the same now shown to me, it bears my signature. He had stated the portions marked A to F from his statement. (They are marked as Exts. **1792 (1 to 6)**). Vishal Parmar used to travel in the train regularly. I did not inquire with him about his railway pass and ask him to produce it. I cannot tell the distance between Lucky Villa in Bandra and the taxi stand of Perry Cross Road as I have not visited the taxi stand. I did not instruct PN Vijay Salvi to visit the Perry Cross Road. ACP Patil had given the instructions. I do not know on what date the instructions were given, but he was regularly visiting the taxi stand at Perry Cross Road for 10-15 days. He could not get any important clue during the said period. He gave the clue to me only on 03/11/06 when he brought the witness.

49. I was using the Qualis vehicle of the ATS for about 1 or 1 ½ years, but I do not remember its registration number. I cannot say whether its registration number was MH-01-BA-4328. My driver used to make entries in the log book. (Learned advocate shows the

witness the certified true photocopy of log book Ext. 1677). This log book is of my vehicle. As per the entry of 31/07/06, I went to the Kalachowki office in the morning, then went to my house at Shivaji Park, Dadar for taking some documents, then I went to Chandan Chowki, then returned to Kalachowki office, then again went to my house and then went to Kalachowki office at about 2.30 p.m.. I was in the office thereafter. The timings of going to the Kalachowki office is not written in the log book. It is necessary to enter the movements of the vehicle in the log book. The entries of officers and other staff, who use the vehicle for office work are made in the log book. The entries from 27/07/06 to 31/07/06 show that only I have used the vehicle. The entry of 01/08/06 shown that HC Ghag, 2327 had used the vehicle on that day.

50. I do not know whether Abdul Naeem Siddhiqui is available. It is not true that he had not produced the leave and licence agreement and Mehmood Azim Qureshi had not produced its photocopy. It is not true that I deposed falsely.

(Adjourned for recess)

Date : 13/12/11

Special Judge

Resumed on SA after recess**Cross-examination by Adv Rasal for A1 & 4 to 6**

51. I was attached to the ATS since August 2004. All the officers mentioned by me initially were attached to the ATS with me since August 2004. There were no written orders on 11/07/06 and 12/07/06 about going to the blasts sites. I do not know which officers of the ATS were sent to the other blast sites. Teams of the ATS officers were formed after four days. They were operating mainly from Bhoiwada office and used to operate from their units. All teams were required to report to ACP Patil. The teams used to visit Kalachowki office for preparing station diary entries and depositing muddemal. There used to be meetings in the evenings at Bhoiwada and give and take of the information of the investigation that had been done. I came to know about the first arrest in this case on the day the accused no. 1 Kamal Ahmed was arrested. I do not know in what crime he was arrested. I came to know about the arrest of the remaining accused on the days of their arrest. The accused arrested in one crime were arrested in the other crimes also. I did not take any articles in my possession at the Matunga and Mahim blast sites. I

cannot tell the names of the officers who were in the three teams other than the seven teams. I do not know what investigation they did. Except our team no other team was operating from Kalachowki. ACP Patil, PI Khandekar, PI Agarwal, PI Rathod, PI Wadhankar, PI Vijay Kadam and PSI Bagwe used to sit at the Bhoiwada office. I was attached to Bhoiwada Police Station as PI, Crimes. I assisted in the investigation of murder case of Mahendra Khanwilkar. I had recorded the statement of an important witness Sachin Koltharkar in that case. I was at Bhoiwada Police Station for two years and eight months. I investigated many important cases during this period. It is not true that Sachin Koltharkar's father used to bring tea in the police station and he was involved in supplying narcotics. I was attached to the ATS on 6th to 08/11/06. I do not know anything about the identification parades that were conducted during these three days.

52. I do not know the residential address of the SEO Purandare. Mahatma Phule Road is about one or one and a half kilometers from Bhoiwada Police Station. Parel Village is about two and a half kilometers from Bhoiwada Police Station. I was on duty on 07/11/06. It is not true that panch witnesses of the identification

parade of 07/11/06 by name Sachin Koltharkar and Siddharth Jadhav were taken at my instance, that they had good relations with the police and were under my influence.

53. It is true that the area in Govandi where we had gone, is a crowded area. There is a police chowki on a corner of the turning from the main road to Sandeep Tailor's lane. I cannot tell the distance between the chowki and the tailor shop. I did not take information about the police officer who was in the chowki on that day. Kokani Masjid is opposite Sandeep Tailor. I do not know how many floors the Masjid has. I did not know where the Masjid was when I visited the house of the accused Mohd. Ali on 29/09/06. I cannot tell the distance between the house of the accused Mohd. Ali and the Sandeep Tailor. There are some shops in the lane of the house of accused Mohd. Ali. I did not come to know as to who resides by the side and in front of his house. It was the second house in that lane. I do not know what was in the first house and how many persons lived there. I did not take the statement of any person till the time I was there. It did not come to my notice that it was the month of roja. I did not see people having gathered there for roja on both occasions, i.e., on 29/09/06

and 22/10/06. It is not true that I had never gone to that area, therefore, I am not able to give any information about that area. Witness Vishal Parmar had met ACP Patil on that day, but I do not know where he had met him. I had the power to investigate independently as I was an assisting investigating officer. I did not make any inquiry as to where the witness was working. I did not call his employer in order to find out whether he was working on 11/07/06. I did not visit the ENT Hospital to find out about the procedure they follow in respect of visitors. I did not inquire as to whom he had met in the ENT Hospital and whether the said person was present in the hospital on that day. I did not ascertain whether the person whom the witness had gone to meet in the BMC Bank at Dadar, was present on that day. I cannot say whether both these persons were not present in the hospital and the bank on that day. It is not true that the witness had not gone there on that day and he is under the thumb of our officers.

- 54.** I did not inquire with Rajesh Satpute as to on how many occasions he had parked his taxi at that spot before 03/11/06 and he also did not tell me about it. I did not inquire about any other taxi

drivers who were present during the occasions when Rajesh Satpute was at the taxi stand. It is not true that said witness is my acquaintance and he was not at the taxi stand and had not carried any passengers on that day.

55. Vishal Parmar had stated to me that he had gone to the ENT hospital for some work to meet some person (emphasis on 'to meet some person'), that after the work there was over, he got a call from my employer who directed him to go to the BMC Bank at Dadar, that therefore, at 5.15 p.m. he went to the Churchgate Station. These things are not written in the statement. I have done investigation in many cases from 2006 to 2011. I cannot tell the number of statements that I recorded. I remember what a witness had stated to me when I give evidence in the court or if the witness comes before me. I am stating about the witness having stated the above things on the basis of my memory. It is not true that I am stating so to make my evidence believable, that the witness had not stated these things to me. I did not ask the witness whether he had worked as a panch witness in any case earlier and whether his employer had worked as such for the police. It is not true that I deposed falsely at the instance

of my superiors to please them.

No re-examination.

R.O.

Special Judge

Date:-13/12/2011

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

Date :10/02/14
Resumed on SA

Further cross-examination by adv Khan Abdul Wahab for accused as per the order of the High Court dated 30/01/14 in Cri. Appeal No. 1194/13

Q. You had written a letter to the Home Ministry on 15/10/11 for reinstating you in service?

A. I will have to see the letter. I do not remember about it. I do not remember whether I wrote the letter after I got the summons in this case stating that the defence may grill me on this issue. (Learned advocate requests permission to show an attested photocopy of the said letter, Ext. 3851 (70) to the witness. Permitted). It is true that I had sent the said letter. I had got a message for remaining present in the court for giving evidence, but not summons. The ATS had given me the message. I do not remember the name of the person who gave me the message. I do not remember whether PI Mohite gave me the message. I was under suspension on 15/10/11. It is correct that my suspension order was revoked on 03/07/12. (Learned advocate requests permission to show Ext. 3851 (82) to the witness). It is true that the suspension order was revoked as per this order. It is not true that I had stated falsely that I was suspended for six months

and reinstated on 18/08/10. Witness volunteers – I was reinstated on 11/08/10 as per the order of the D.G. of police. It is true that when I gave evidence, my order of reinstatement was canceled by the Home Ministry. I was under suspension for one and a half years. I did not know when I gave evidence as to what further action was taken by the DG and the order that was passed by the Home Ministry. It is not true that I knew before 15/10/11 that my reinstatement was canceled.

(Adjourned for recess).

Date : 10/02/14

Special Judge

Resumed on SA after recess

- 56.** My suspension was first canceled on 11/08/10. It is true that I say so on the basis of letter Ext. 3060 now shown to me. This was the letter sent by the Home Ministry to the DG office for passing an order for reinstating me. (Learned advocate asks permission to show the letter dated 07/09/10 Ext. 3851 (50) to the witness. Permitted). It is true that this was the communication that was sent by the DG office to Home Ministry in connection with the letter dated 11/08/10. It is true that by this letter the DG office requested reconsideration of the revocation of the suspension order. (Learned advocate asks

permission to show the letter dated 03/11/10 Ext. 3851 (53) to the witness. Permitted. Learned SPP objects on the ground that the witness is not a party to the letter, therefore, there is no question of the witness having knowledge about it). I do not know what the Home Ministry wrote to the DG office. (Learned advocate asks permission to show the letter dated 03/11/10 Ext. 3851 (53) to the witness and to state whether it is in respect of the Home Ministry revoking the decision of 11/08/10. Permitted). It is true that by this letter the Home Ministry revoked the decision of 11/08/10. I did not know about the correspondence dated 07/09/10 and 03/11/10 now shown to me. The letter dated 11/08/10 was communicated to me. I was under suspension for one year and ten months from 20/02/10 to 03/07/12. It is true that the DG office had the power to reinstate me. It is not true that I had approached opposition leader Ramdas Kadam for revoking the suspension. It is not true that Ext. 3060 is not an order reinstating me. It is true that I was not reinstated from 11/08/10 to 03/10/10. It is true that I was chargesheeted in that case and after trial was convicted. Witness volunteers- I filed an appeal in the High Court and the appeal is admitted and the conviction is suspended.

57. (Learned advocate requests permission to confront the witness with two pages of log book Ext. 3928 on the ground that access to the log book to the accused was blocked by PI Mohite and when the accused no. 4 entered the witness box, learned SPP produced the log book and therefore, it could not be confronted to the witness. Learned SPP objects on the ground that it is not permissible in view of the paragraph 23.B.(ii) of the order of the High Court in Cri. Appeal No. 1194/13. The request is rejected as it is beyond the scope of the order of recall of this witness passed by the High Court in the said appeal).

No re-examination.

R.O.

Special Judge

Date:-10/02/2014

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