

**M.C.O.C. SPECIAL CASE NO. 21 OF 2006****DATE:13TH DECEMBER 2011****EXT. NO.1795****DEPOSITION OF WITNESS NO.169 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Arjun Vitthal Gaikwad

Age : 48 years

Occupation : Service (PSI, Crime Branch, EOW)

Res. Address : 29/12, Worli Police Camp, Sir Pochkhanwala Road,  
Worli, Mumbai-30

-----

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

1. I was attached to Sewree Police Station as PSI in 2006. After the blasts in the western railways on 11/07/06, the Commissioner of Police sent wireless message no. 397 on 12/07/06 deputing me and other officers from various police stations in Mumbai to the ATS. We were directed to report at 10.30 a.m. at the ATS office Nagpada on 12/07/06. Accordingly I reported to the head office of the ATS at Nagpada. The senior officers of the ATS took a meeting at 10.30 a.m. of all the officers who had reported on deputation, including me. In that meeting I was attached to the team of Sr. PI B. B. Rathod for the purpose of investigating CR no. 77/06 of Mumbai Central Railway

Police Station. Accordingly I went to the Kalachowki office and a station diary entry was made. 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. 1796**).

2. I recorded the statements of sixteen persons injured in the blast for which CR No. 77/06 was registered, as per the instructions of Sr. PI Rathod. I went with him on 26/07/06 to take the search of the house of the arrested accused Dr. Tanveer Ahmed Ansari in Room No. 31, 2<sup>nd</sup> Floor, BIT Chawl No.4, Siddhiq Ansari Marg, Agripada, Mumbai-18. A station diary entry was made before leaving the office. The station diary entry no. 17 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. 1797**). The accused was taken in veil. On reaching his house two panchas were called. When we knocked an old man moved the curtain and came out. The accused said that he was his father. Sr. PI Rathod introduced us and the panchas and informed him about the purpose of the search and asked him to take our

searches. He declined. We then entered the room. It was approximately 10'x12'. Nothing objectionable was found in that house. Sr. PI Rathod prepared a panchanama. Ext. 448 is the same now shown to me, it bears his signature and that of the panchas and also of the accused. The panchanama mentions that I was present. The panchanama was over at 1830 hours.

3. It was transpired during the panchanama that the accused had given his Indian passport to a travel agency by name International Travel Links in Fort for the purpose of obtaining visa. We veiled the accused in his house and came out of the house. Then we all including the same panchas sat in the police vehicle and as directed by the accused the vehicle was taken to Handloom House, Fort. As per his instructions the vehicle was halted and we went on foot to the back side of the Handloom House. He pointed to building "Three Printing House" and to the board International Trade Links. We went to that office on the ground floor. A person was present there. His name was Prakash Krishna Pillai. When we inquired with him, he told us that he was working as a manager in that travel agency. Sr. PI Rathod asked him whether he wanted to search us and the panchas.

He declined. We then entered the office and removed the veil of the accused. The manager identified the accused and informed us that the accused had given his passport 4-5 months before for obtaining visa of Iran as medical officer. He produced the Indian passport of the accused. Sr. PI Rathod perused the passport. It was bearing no. B0099830. I will be able to identify the passport. The passport Ext. 449 now shown to me is the same. Page no. 12 of that passport had the stamp of immigration department of departure and arrival. I do not remember the dates of the departure and arrival. Page no. 13 contained the stamp of visa of Iran. The passport was seized under panchanama in my presence. The panchanama started at 1900 hours and was over at 1930 hours. The panchanama Ext. 450 is the same now shown to me, it was written in Marathi and explained to the accused and the panchas in Hindi, it bears the signatures of Sr. PI Rathod, the panchas and the manager Prakash Pillai and also of the accused. It was included in the documents. A copy of the panchanama was given to Prakash Pillai. I took his statement of producing the passport in my own handwriting. Sr. PI Rathod signed it. We then returned back to the ATS office with the accused,

deposited the passport with the muddemal section, made an entry in the muddemal register at sr. no. 40. A station diary entry was made about all these things. The station diary entry no. 20 dated 26/07/06 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. 1798**). I will be able to identify the accused. (Witness looks around the court hall and points to the accused no.2 sitting in the dock. He is asked to stand up and tell his name, which he states as Dr. Tanveer Ahmed Ansari). He is the same accused.

(Adjourned as court time is over).

**(Y.D.Shinde)**

**Date : 13/12/11**

**Special Judge**

**Date : 14/12/11**  
**Resumed on SA**

4. I met API Dinesh Kadam in the Kalachowki office on 30/07/06 at 7.30 a.m. as instructed by Sr. PI Rathod. Accused Suhail Mohd. Shaikh in CR No.77/06 was present there. API Dinesh Kadam told me that search of the house of the said accused at Pune was to be taken. He also told me that search of the house of wanted accused Rizwan Dawrey at Pune was also to be taken. He asked a constable at 8.00 a.m. to call two panchas. When he brought the two panchas, API Kadam apprised them of the brief facts of the crime. He had asked me to write a panchanama as per his directions and I was writing it. He inquired with the panchas and took their information from them. He asked the panchas to take our searches and they took it. The articles required for seizure including thread, polythene bags, khaki papers and envelopes, sealing material except the brass seal were with us. API Kadam had his revolver with him and the constable of QRT had an AK 47 with him. API Kadam told me to search the panchas. I searched them, but did not find any objectionable thing. Panchas asked the accused his name and address. He stated it as

Suhail Mehmood Shaikh, resident of 16, Bhimpura lane, Central Street, Lashkar, Pune. He was veiled. I made a station diary entry at sr. no. 1. The station diary entry no. 1 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. 1801**). Then along with the accused and the panchas we came out of the office at 8.35 a.m. Police Qualis jeep MH-01-BA-4331 was standing outside. API Kadam asked the panchas to take the search of the vehicle. They took it, but did not find any objectionable thing. I was writing the panchanama and after a page was completed, I took the signatures of API Kadam and the panchas below it and of the accused wherever required. We sat in the vehicle and went via Kalachowki, Sion, Belapur to the Pune Express Highway and proceeded towards Pune. We first went to the Police Station Wanawadi as Rizwan Dawrey's house was first on the route. Accused, panchas and the staff sat in the vehicle and I and API Kadam went inside the police station. A letter for additional help was given to the police station. The officers and the staff of that police station came with us in their vehicle and

we proceeded to the house of the wanted accused Rizwan Dawrey at Premanand Park, Shivalkar Road, Pune-40. We took our vehicles in the premises of the Premanand Park. Two constables were kept on guard with the accused Suhail Shaikh in the vehicle. We, the panchas and the local police staff went to the 2<sup>nd</sup> floor of the 'B' wing in that building on foot. We rang the doorbell of flat no. 203. An elderly person opened the door. We introduced ourselves and panchas to him and apprised him about the purpose of our visit. On asking he told his name as Mohd. Hussain Dawrey, father of Rizwan Dawrey. We asked him to take our searches, but he declined. We then entered the house. The flat was consisting of a hall, a bedroom and a kitchen. We searched the house clockwise, but did not find any objectionable thing. There was an iron cupboard in the balcony by the side of the bedroom. Mohd. Hussain told us that it was the cupboard of Rizwan Dawrey. The doors of the cupboard were closed, but it was not locked. We opened the doors in the presence of Mohd. Hussain and the panchas. There were clothes and miscellaneous articles inside. In the left side drawer we found two books. One book was titled 'Indian Muslim Problems' and the other was titled 'Islamic



Directives to Reform Individuals and the Community'. We found photocopies of passports of Rizwan Dawrey and his wife in one of the books. The passport of Rizwan Dawrey was bearing no. U537163. The passport of his wife Bushra Dawrey was bearing no. E3467631. We seized the books and the copies of the passports under panchanama, they were put in envelopes and labels containing signatures of the panchas and API Kadam were pasted on the envelopes. I will be able to identify them. The labels and the envelopes Arts. 305A and 307A are the same. The contents of the labels are in my handwriting. The photocopies of the passports Arts. 306 and 307 are the same. The books Arts. 304 and 305 are the same. On inquiring about Rizwan Dawrey, his father informed us that he is in Saudi Arabia. He informed us that his elder son Abdul Rehman Dawrey resides in flat no. 202 of the 'C' wing in the same building. I completed the panchanama there, obtained the signatures of the panchas and API Kadam and gave a copy to Mohd. Hussain Dawrey and obtained his signature. The panchanama Ext. 756 now shown to me is the same, it is in my handwriting, its contents are correct and it bears the signatures of the panchas, API Kadam and

Mohd. Hussain Dawrey. The panchanama was completed at about 1615 hours. API Kadam told Mohd. Hussain Dawrey to come to the ATS office at Kalachowki on the next day for inquiry.

5. We then went down by the stairs and to the 2<sup>nd</sup> floor of the 'C' wing. We rang the doorbell of flat no. 202, a person opened the door. On asking he told his name as Abdul Rehman Dawrey. We introduced ourselves and panchas, told him about the purpose of our visit, told him that we wanted to search his house and asked him to take our searches, but he declined. We then entered the house. At that time he produced a closed white envelope and informed us that his brother Rizwan Dawrey had sent some Riyals for the arrested accused Mohd. Faisal @ Mushtaq. The envelope was opened and we found Saudi Arabian Riyals. There were 22 notes of 500 Riyals each and one note of 200 Riyals. Abdul Dawrey also informed us that Rizwan Dawrey had informed about sending the Riyals to him by e-mail. There was a computer set in front of the main entrance door. It was in shut position. We disconnected the cords of the CPU. The CPU was of I-ball having black and silver handle. We seized it and pasted labels containing the signatures of the panchas and API

Kadam on the input sockets at the back side of the CPU. It was kept in a polythene bag and then in a cardboard box, wrapped by khaki paper which was pasted close on all four sides. A label containing the signatures of the panchas and API Kadam was pasted on it. We did not find any objectionable thing in the search of the house. I completed the panchanama, took the signatures of the panchas and API Kadam and went down stairs with Abdul Rehman Dawrey. A constable was sent to take out a photocopy of the panchanama. He brought it and I gave the copy to Abdul Dawrey and obtained his signature. The panchanama Ext. 757 now shown to me is the same, it is in my handwriting, its contents are correct and it bears the signatures of the panchas, API Kadam and Abdul Dawrey. The panchanama was completed at about 1810 hours. Thereafter the staff of Police Station Wanawadi left for their police station. I will be able to identify the Saudi Riyals and the CPU. The CPU Art. 308 now shown to me is the same. The label thereon is in my handwriting and it bears the signatures of API Kadam and the panchas. The handle is silver coloured and the CPU is silver black coloured.

6. We then left with the accused Suhail Shaikh and panchas to

the house of the accused in Lashkar area. We went to Lashkar Police Station. The accused was in the vehicle with two constables. I and API Kadam went in the police station and gave a letter for local assistance. The officers and staff of that police station came in their vehicle with us and we went to the house of the accused as per his directions to Bhimpura 16<sup>th</sup> lane, Central Street, Lashkar, Pune. At the Bhimpura 16<sup>th</sup> lane, we got down from the vehicles. The accused Suhail was walking in front we were walking behind him. He led us to his house and on reaching it he informed us that it was his house. He had stopped before house no. 1538. There was a curtain to the door and a person was sitting inside. Accused informed us that he is his father. We called him to the door, introduced ourselves and panchas, informed him about the purpose of our visit to search his house and asked him to take our searches, but he declined. We entered the house, removed the veil from the head of the accused Suhail Shaikh. There was WC and bathroom on the left side after entering. There were some articles on the loft in the bathroom. No objectionable thing was found there. We opened an iron cupboard that was in the house. There were household clothes and miscellaneous articles in it. On

opening the drawer of the cupboard, we found an Indian passport of the accused Suhail bearing no. E1185233. It had his photograph and on asking he said that it is his passport. We also found six books. Two books were titled 'SIMI, Student Islamic Movement of India'. The address of SIMI's office of Delhi was at the bottom of the front cover. Two books were titled ' Millat-e-Tehrik, Atankwad ka jimmedar kaun' and two books were titled 'April-2004 Tehrik-e-Millat'. We also found four audio cassettes. Some cassettes were titled 'Al-Quran' and some were titled 'Beauty of Islam'. Mobile phone of accused Suhail Mehmood Shaikh was also found. It was of Reliance company bearing no. 9372111729. The handset was opened and the battery and sim was verified. A mobile of a constable was dialed from it to confirm the number of that mobile. Then the constable's number was deleted. The mobile was switched off. We also found two maps in the drawer. One was of Middle East showing half of India. A route from Salet, Tehran in Iran upto Muzzafarabad in Pakistan was marked on this map. There were some numbers in handwriting and e-mail IDs. The other map was titled 'Map of Mumbai'. Certain spots in Mumbai like Veer Savarkar Marg, Dadar, Mahalaxmi Temple, Reserve Bank of

India, etc., were marked in red ink encircled by green ink on this map. A tariff card of ISD calls was found. We also found two chits, which contained names and phone numbers.

7. We seized all these articles under panchanama. The passport, mobile phone and cassettes were kept in an envelope, it was closed and a label containing signatures of the panchas and API Kadam was pasted on it. API Kadam and panchas signed on the books, maps and chits. The signatures of the accused were also taken on them. There were two women and two more persons in the house. They were mother, wife and two brothers of the accused Suhail. I completed the panchanama at about 2015 hours, obtained the signatures of the panchas and API Kadam, gave a copy to the brother of the accused Suhail, veiled the accused and we went out of the house. The panchanama Ext. 758 now shown to me is the same, it is in my handwriting, its contents are correct and it bears the signatures of the panchas, API Kadam and of brother of the accused. A copy was given to the accused Suhail also and his signature was taken. The panchanama bears his signature. I will be able to identify the articles and the accused. (Witness looks around the court hall and

points to the accused no.10 sitting in the dock. He is asked to stand up and tell his name, which he states as Suhail Mehmood Shaikh). He is the same accused. The Lashkar Police Station's staff went back to their police station and we went back to Mumbai with the seized articles. The map of Mumbai Art-248, the map of Middle East Art-250, Ext.1448, the envelope with the label Art-248A are the same now shown to me, they bear the signatures of the panchas and API Kadam, the label is in my handwriting. The three papers containing the rates of internet telephony Art-248B (1 to 3), the two books titled 'Tehrik-E-Millat' Art-249 (1 & 2), the two books titled 'Tehrik Atankwad ka Jimmedar Kaun' Art-249 (3 & 4), the two books titled 'SIMI' Art-249 (5 & 6), another envelope containing signatures of the panchas and API Kadam Art-249A, the label thereon is in my handwriting, the passport of Suhail Art-251, Ext. 621, Samsung Reliance mobile Art-252, the audio cassettes Art-253(1 to 4) and the envelope with the label dated 30/07/06 Art-253A, are the same. The label is in my handwriting and it contains the signatures of the panchas and of API Kadam.

8. We returned to Mumbai, reaching at 0030 hours of 31/07/06. All

the seized articles were deposited with the muddemal clerk and entry was taken at sr. no. 45/06 in the muddemal register. I made station diary entry. The station diary entry no. 1 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. 1802**). Accused Suhail Shaikh was kept in the lockup.

9. During the investigation of CR No. 77/06 of Mumbai Central Railway Police Station, accused Tanveer stated on 12/08/06 to Sr. PI Rathod that he wants to make a voluntary statement. Two panchas were called, apprised of the facts of the crime, given information about the arrested accused Tanveer and that he was going to make a voluntary statement and they should hear what he says and witness the memorandum about it. The panchas asked him his name, which he told as Dr. Tanveer Ahmed Ansari. He then made a statement, which I reduced to writing. I then read over the memorandum to the panchas, obtained their signatures, signature of PI Rathod and of the accused Tanveer on it. The memorandum was started at 1515 hours and completed at 1530 hours. The memorandum Ext. 457 now



shown to me is the same, it bears the signatures of the panchas and of Sr. PI Rathod.

**10.** The accused Tanveer Ansari was veiled. We then went outside the office with the accused and the panchas. Government vehicle Maruti Van MH-01-BA-669 was outside. Sr. PI Rathod asked the panchas to take our searches and the search of the vehicle in front of the accused. They did so, but did not find any objectionable thing. The articles required for seizure like thread, papers, envelopes, polythene bags, etc., were with us. We all sat in the vehicle with the accused and the panchas and as per the directions of the accused the vehicle was taken via Bhoiwada, Lalbaug, Byculla, Bhendi Bazar to Imam Wada. When we reached the Sabu Siddhiqui Hospital in front of Imam Wada Masjid, we went inside the premises of the hospital. We got down from the vehicle, the accused who was in veil led us to the ICU department on the first floor in the hospital. There was a woman in-charge of the ICU department and a person who was manager of the accounts department present there. We introduced us and panchas and informed them about the purpose of our visit. On inquiry the woman told her name as Dr. Atiya Sayyed,

in-charge of the ICU department. On asking the person there he told his name as Samaullah Khan. They were asked to take our searches, but they declined. Then the accused led us to the locker room that was on the left side just outside the ICU. His veil was removed when we entered the locker room. Dr. Atiya and Samaullah Khan were also present. Dr. Tanveer took out a key from below the rexine mattress that was on the divan there and gave it to us. He pointed to a locker and we opened it with the key. Dr. Tanveer took out three bottles of chemicals from the locker and gave them to us. One black plastic bottle had the label of Hydrogen Peroxide, 500 ml and name and address of company. The second bottle was of glass reddish in colour with label Acetone, 500 ml and name and address of company and the third bottle was of glass reddish in colour with the label Sulfuric Acid, 500 ml and name and address of company. All the three bottles were seized under panchanama, kept in separate cardboard boxes. Thermocol pieces were put in the boxes and the boxes were wrapped with khaki paper. Labels containing signatures of the panchas and Sr. PI Rathod were pasted on the boxes. The key was seized, put in a khaki cover and closed and a label containing the signatures of the

panchas and of Sr. PI Rathod was pasted on it. I completed the panchanama, obtained the signatures of the panchas, Sr. PI Rathod and of the accused Tanvaeer and of Dr. Atiya Sayyed as witness on it. Copies of the panchanama were given to Dr. Atiya and to the accused. The panchanama Ext. 458 now shown to me is the same, it is in my handwriting, its contents are correct, it bears the signatures of the panchas, PI Rathod, Dr. Atiya Sayyed and the accused Tanveer. The panchanama was over at 1710 hours. PI Rathod took the statement of Dr. Atiya there.

(Adjourned for recess).

**Date : 14/12/11**

**Special Judge**

**Resumed on SA after recess**

11. I will be able to identify the seized articles. The key Art. 33 and the cover Art. 33A are the same. The label on the cover is in my handwriting, it bears the signatures of the panchas and PI Rathod. The bottle of Sulfuric Acid Art. 34, the box Art. 34A having a thermocol piece inside and the wrapper with the label Art. 34B are the same. The label contains the signatures of PI Rathod and panchas. The bottle of Acetone Art. 35, the box Art. 35A having a thermocol

piece inside and the wrapper with the label Art. 35B are the same. The label contains the signatures of PI Rathod and panchas. The bottle of Hydrogen Peroxide Art. 36, the box Art. 36A having a thermocol piece inside and the wrapper with the label Art. 36B are the same. The label contains the signatures of PI Rathod and panchas. The big box Art-36C is the same.

(Learned advocate Wahab Khan requests that he be permitted to go through the station diary. Learned SPP objects to the request submitting that the learned advocate cannot be permitted to go through the entire station diary and he can only peruse the relevant station diary entries. Learned advocate submits that he wants to peruse the station diary entries from 12/07/06 to 23/08/06, copies of which are given to the accused. In my humble opinion, the defence will have to be given a fair opportunity to inspect the original station diary entries about which the witness has deposed and reference to any other relevant entry concerning the evidence given by this witness will be considered at the appropriate stage. Hence, the learned advocate is allowed to inspect the station diary register).

**12.** We then veiled the accused and went back to the office.

The seized articles were handed over to the muddemal clerk and entries were taken in the muddemal register at sr. no. 54/06. A station diary entry was made before leaving the office for the said work. The station diary entry no.16 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. 1803**). After returning back I made station diary entry. The station diary entry no.18 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. 1804**).

13. I took articles seized from different accused upto that date to the CFSL, Hyderabad on 17/08/06 as per the directions of DCP Nawal Bajaj along with his forwarding letter. The articles included four CPUs, 25 DVDs, 5 CDs, 7 mobiles, 1 sim card and 1 hard disk. I reached Hyderabad on 18/08/06 and deposited the articles in the office of the Government Examiner of Questioned Documents, Hyderabad and obtained an acknowledgment on the office copy of the forwarding letter. DCP Bajaj had given a demand

draft of Rs. 14,000/- along with the forwarding letter to be given to the government examiner. Office copy of the forwarding letter along with letter of advice containing the signature of DCP Nawal Bajaj and the acknowledgment of the office of the Government Examiner of Questioned Documents, Hyderabad is the same now shown to me. (It is marked as **Ext.1805**). Station diary entry about I going to Hyderabad was made. The station diary entry no. 13 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. 1806**). I returned back on 23/08/06, handed over the office copy of the letter to PI Rathod and an entry about my return was made in the station diary. 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. 1807**).

14. PI Rathod asked me to report to DCP Bajaj of ATS on 29/09/06. I went to his office at Nagpada and reported to him. He gave me information about the arrested accused Mohd. Faisal and

asked me to go to Amritsar in Punjab and meet the Foreigner Regional Registration Officer. He gave me a written letter under his signature and asked me to collect information about the arrival and departure from the Attari check-post of accused Mohd. Faisal and to take the statements of the concerned officers. I took the letter and returned to the Bhoiwada office. PI Rathod asked me to go to the Tees Hajari Courts, Delhi to collect information about a Special Cell Case No. 79/02 under section 25 of the Arms Act that was pending against accused Kamal Ansari, who had been arrested in this case. He gave me a written letter under his signature addressed to the CMM, 38<sup>th</sup> Court, Tees Hajari, New Delhi. I took both the letters and concerned papers and left for Delhi with staff on 02/10/06 by Rajdhani Express. A station diary entry was made about my leaving for that work. 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. 1809**).

15. I reached Delhi on 03/10/06, produced the letter given by PI Rathod before the CMM, Court no. 38, Tees Hajari Court and

requested him to furnish certified copies of the case that was pending against the accused Kamal Ansari. Office copy of the letter addressed to the CMM now shown to me is the same, it bears the signature of PI Rathod. (It is marked as **Ext. 1810**). I was asked to come after 4-5 days. I then proceeded to Amritsar with staff on 05/10/06 and reached there at 7.00 p.m. The office was closed. Therefore, I went to the office of the FRRO, Ranjeet Avenue, Amritsar on 06/10/06 in the morning, met the FRRO and handed over the letter given by DCP Bajaj. He gave directions on the same letter asking me to go to AFRRO at Attari check-post. I went with staff to the International Rail check-post at Attari, which is near Amritsar. The office of the AFRRO was on the platform of the Attari rail check-post. I met the AFRRO Premraj Sharma and gave him the letter and told him to give the copies of the register of the arrival and departure of accused Mohd. Faisal and the names of the officers who were on duty at that time. The said accused had gone to Pakistan on 01/10/01 and had returned on 29/11/01. The AFRRO informed me that officer Subhash Chaudhary was on duty on 01/10/01 at the time of departure and officer Surjeet Singh was on duty at the time of arrival on 29/11/01.



Office copy of the letter Ext. 1188 now shown to me is the same, it bears the signature of DCP Bajaj and the acknowledgment of the officer in-charge of the immigration check-post, Attari, Amritsar. The letter mentions my name. The office gave me a letter addressed to the DCP, ATS, Mumbai and attested true copies of relevant entries of arrival and departure. The letter Ext. 1189, the attested true copies of the entries Exts. 1190 and 1192, now shown to me are the same. On inquiring about the officers who were present at the arrival and departure times, the AFRRO informed me that they were posted elsewhere. I requested him to send them to the office of the ATS at Mumbai. I then returned to Delhi with the documents.

16. I went to the Tees Hajari court on 09/10/06 and collected the certified copies of the chargesheet, FIR, photocopy of the revolver that was seized and concerned documents. I deposited Rs. 130/- as copying fees. The receipt now shown to me is the same. (It is marked as **Ext.1811**. The certified copies of the documents are collectively marked as **Exts. 1812 (1 to 41)** ).

17. I informed about the investigation to PI Rathod and DCP Bajaj on phone. PI Rathod told me that accused Mohd. Faisal

had gone to Jeddah by air in 2004 and he asked me to collect the details and information about his travel. Accordingly I went to the office of the AFRRO Immigration, New Delhi at R. K. Puram on 10/10/06 and met the officer and gave reference to the previous correspondence regarding accused Mohd. Faisal Aatur Rehman Shaikh. AFRRO Ravi Saigal inspected his record and gave me information that the accused Mohd. Faisal had come to Delhi on emergency certificate from Jeddah on 01/12/04. He gave me an attested photocopy of the disembarkation card, it is the same now shown to me. (It is marked as **Ext.1813**). (Learned advocate Shetty objects to receiving the document in evidence on the ground that the attesting authority is not examined. The objection is overruled as the document appears to be a copy certified by an officer of the Central Government and is admissible under section 79 of the Indian Evidence Act). I started from Delhi on that day and reached Mumbai on 11/10/06. I went to the office and gave a written report to PI Rathod and also met DCP Bajaj. It is the same now shown to me. It bears my signature and its contents are correct. (It is marked as **Ext.1814**). A station diary entry about my return was made. The

station diary entry no. 8 dated 12/10/06 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. 1815**). Thereafter I was assisting PI Rathod in the investigation.

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

18. As per my knowledge the accused no. 2 was probably arrested on 22/07/06. I do not know in what circumstances he was arrested. DCB CID, Unit-II handed him over, but I do not know whether it was on 23/07/06. I do not know since when he was in their custody. He was arrested in CR No. 77/06 of Mumbai Central Railway Police Station which was being investigated by PI Rathod. I do not know whether he was in police custody from 23/07/06 to 03/08/06. It is true that during this period the accused did not make any voluntary statement of disclosure. I did not interrogate him during this period. PI Rathod interrogated him. It did not happen that investigating officers of other crimes used to be invited for interrogating him. I do not know whether PI Rathod was invited for interrogating the accused in this crime, when he was in the custody of other investigating officers. The

accused used to be brought from Bhoiwada lockup and he used to be kept back in the lockup if the investigation on a day was over. I do not know whether he was being interrogated everyday. PI Rathod interrogated the accused on 26/07/06 and 12/08/06 in my presence. Other than these two days the interrogation was not in my presence and I did not go with the accused Tanveer anywhere.

**19.** It is not true that the station diary register was prepared yesterday morning. I had read the station diary entries before giving evidence. I did not bring them from the ATS office. I had asked the constable to give me copies of the station diary entries for reading. Constable Nanekar gave them to me. Those copies are with me. I have made station diary entries many times while working in the police stations and the ATS.

**Q.** You are aware about what contents are to be written in the station diary entry about particular act done?

**A.** There is no proforma of writing station diary entry, but the investigating officer makes the entries as per the investigation. It is not true that one cannot gather from the entry as to which officer has gone for what work. It is necessary to mention the name of the officer

who has gone for a particular work. The station diary entries Exts. 1797 and 1798 are not in my handwriting. I cannot say in whose handwriting they are. The station house officer used to make the entries. The entries were not made in my presence. We had left from Bhoiwada. At that time the station diary was at Kalachowki. It is true that both entries do not mention my name. I do not know who wrote and canceled the word 'Nived' in Ext. 1797. Panchas were not with us when we started from Bhoiwada. I do not know whether a wrong entry was made. I do not know why it is so made.

(Adjourned as court time is over)

**(Y.D.Shinde)**

**Date : 14/12/11**

**Special Judge**

**Date : 15/12/11**  
**Resumed on SA**

20. The station diary entry Ext. 1797 shows that I went with panchas. PI Rathod did not dictate this entry in my presence. I cannot say whether the contents of this entry are correct or wrong. We required about 20-25 minutes to go to the house of the accused from Bhoiwada. We required about 30-35 minutes to go from the house of the accused to the travel agency in Fort. We returned to Bhoiwada from there. We required about 40-50 minutes for that purpose. I will have to see the station diary to say when I reached Bhoiwada. (Witness is shown Ext. 1798). I reached at about 8.00 p.m. The work with the travel agency was over at about 7.15 - 7.30 p.m. The work at the house of the accused was over at about 1800 hours. The timing shown in Ext. 1798 is correct. The entry is seen to be made at 2000 hours. It was not made in my presence. I do not remember whether PI Rathod gave directions to make it in my presence. It is not true that I prepared false panchanamas of the house search of the accused no. 2 and at the travel agency, that the station diary entry is false. I was in the ATS office at 8.30 and 9.00 p.m. I do not

remember where I was at 9.30 p.m. I took the accused to Bhoiwada directly from the travel agency. I did not go to Kalachowki thereafter. The entry in the muddemal register was not made in my presence. (Witness is shown Exts. 448 and 450). They are not in my handwriting. I do not know whether they are in the handwriting of PI Rathod, PSI Kshirsagar or API Bagwe. I do not remember whether they are in the handwriting of PC Jagdale. PI Rathod may have dictated the contents of the panchanamas in my presence. The reason for not identifying as to who wrote the panchanamas is that much time has passed by and I was searching the house. PI Rathod was also searching the house and at the same time dictating the panchanama. I do not remember whether we had taken a camera with us. We had the sealing material with us, but not the brass seal as the ATS did not have it at that time. It is not necessary that every time the brass seal is required to be used. Label is also authentic. I do not know whether the brass seal of Police Station Kalachowki used to be brought at ATS. I cannot say whether it is necessary to seal the seized articles at the spot by a brass seal. I do not remember the directions in the police manual about use of brass seal. I did not

use brass seal for sealing any article till the time the ATS received its brass seal. I do not remember whether signature of any family member of the accused Tanveer was taken on the panchanama. I will have to see whether it was taken and whether signature of the manager of the travel agency was taken on the panchanama. The panchanama Ext. 450 does not bear the signature of the manager. I mistakenly stated in my chief-examination about taking the signature of the manager. (Learned advocate asks the witness to go through the case diary of CR No. 77/06 and state as to when he had recorded the statement of the manager). I did not write the case diary. I will have to see the statement. The case diary of 26/07/06 mentions that the statement of the manager was recorded. It is not true that we had gone to the house of the accused only for the search of his passport. We took a general search and not only with the intention of searching passport. The decision of seizing the passport from the travel agency was taken after receiving information at his house from him that he had given it to the travel agency for visa 5-6 months before. He did not give a voluntary statement before us. The above information was not written in the panchanama, because the accused had misled us



many times. Witness volunteers- initially the accused had informed us that he is a bachelor, that he had torn and thrown his passport, etc. I cannot say whether this was not an important thing. It is not mentioned in the panchanama or station diary, because it was a big investigation. It is not necessary to always make station diary entry when an accused is taken out from and kept back in the lockup. I cannot say whether there is no station diary entry about taking out the accused from the lockup and keeping him back. I did not select the panchas. PI Rathod may have called them. I do not know whether PSI Ghadigaonkar was in the ATS. Kalachowki ATS office was in the compound of Kalachowki Police Station. It is not true that panchanamas Exts. 448 and 450 were prepared at the Kalachowki office with the help of regular panchas. PI Rathod may have asked them whether they had acted as panch witnesses earlier. It is not true that I was not on duty on 26/07/06. It is not true that every time when we came on duty we were required to make a station diary entry. I cannot say whether there is any entry in the station diary about I coming on duty on 26/07/06. (Learned advocate asks the witness to go through the case diary of 26/07/06 and answer the

question). It is true that there is no entry showing that I joined duty on that day. Witness volunteers-the names of the officers that are in the entry are of the officers originally attached to the ATS. I cannot say whether names of officers deputed on duty to the ATS are not mentioned in the station diary entries. I cannot say whether there is no entry showing that I resumed duty on the dates that I deposed.

**21.** Officers of L. T. Marg, Mahim, Borivali, Azad Maidan, Matunga and Bandra Police Stations were deputed to the ATS. I cannot say whether teams were formed by the DCPs at the zonal levels for making the investigation of the blasts, whether all local 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. I do not know whether suspected calls and SMSs before and after the blasts were being investigated. The technical team was making investigation about mobiles. I think that inspector Vadke was in that team. I do not remember others. I do not know whether call details records of the mobiles were called for.

**22.** API Dinesh Kadam was an investigating officer in CR

No. 77/06 and I was assistant investigating officer. PI Rathod was the investigating officer of CR No. 77/06 and three ACPs were the Chief Investigating Officers of all the bomb blasts cases. They are ACP S. L. Patil, ACP Yashwant Tawde and ACP Shengal.

**23.** Accused Suhail Shaikh was arrested on 25/07/06. He had given his address at that time. I do not know whether PI Vijay Salaskar was also investigating the bomb blasts case. PI Rathod interrogated the accused Suhail in my presence upto 30/07/06. He did not give a disclosure statement upto 30/07/06 or on that date. We knew the addresses at Pune when we started to go on 30/07/06, except the address of Abdul Rehman Dawrey, which was informed by his father. We knew the names of the police stations within whose jurisdictions the addresses were. I had interacted with the panchas in the ATS office. I did not take their signatures there. I had completed the first page in the premises of the office when we came out of the building. As per my memory I took the signatures of the panchas after the first page was over. It is not true that I took all the signatures of the panchas in the ATS office. The writing of the portion of the panchanama in the premises of the ATS office was shown to the

panchas there. Panchas names are not written in the station diary as it is not necessary. I cannot say whether the books Arts. 249 (1 to 6) are colour photocopies. It is true that there are faint handwritten words 'mo akil' in the middle of the front cover of Art. 249 (5). The word in Marathi 'Ashia' are on the front cover of the books in the books Art. 249 (1 and 2). I did not ask any questions about the books and the cassettes to the accused Suhail Shaikh or his family members. I asked the accused about the maps. I did not play and hear the cassettes. I do not know whether there is anything incriminating in the cassettes. I do not know whether they contain verses of the Quran. API Kadam seized them. I cannot say whether the originals of these books were seized in CR No. 256/06 of Kotwali Khandwa in April 2006, that the name Mo Akil and Ashia are the names of the accused in that case, that their names were written on the books to show seizure from them. It is not true that the ATS took colour photocopies of those books from the Khandwa police, that they were planted with my help and the help of the panchas on the accused Suhail and the other accused. It is true that no article was seized by using lac seal and brass seal at Pune. I did not go with any

officer to the Tribunal at Delhi concerning these books in connection with the continuation of the ban on SIMI. (Learned advocate asks the witness to go through a statement at page 445 in the additional documents and asks to identify the signature of the officer who has taken it). I cannot tell the name of the officer who has signed the statement.

**24.** I do not remember whether office copies of the applications given to the two police stations were not preserved, whether I had seen the office copies bearing the acknowledgments and in whose handwriting the applications were. They were signed by API Kadam. I do not remember whether he signed before me, whether they were prepared at Mumbai or at Pune, whether the rubber stamp of the ATS was with us, whether they were bearing outward number, whether they were handwritten or printed on computer. I do not remember whether photographs of our search at the first two places were taken. No statement was recorded at the first two places. I do not remember whether notices u/s 160 of the Code of Criminal Procedure were given. It is not compulsory to write the numbers of notes when they are seized. If an envelope has a

label containing signatures of police officer and panchas then it will have to be considered that the notes in it are seized. It is not true that I will not be able to identify seized notes. I do not know the serial numbers of the Saudi Riyals notes. The notes can be identified on the basis of their quantity and the values, in the absence of their numbers being noted in the panchanama. I do not know whether the envelope and the Saudi Riyals are not before the court. I do not remember whether the Enforcement Directorate did not record my statement. They did not issue summons to me. I have not given evidence in court about the seizure of the Riyals. I do not remember whether any officer of the Enforcement Directorate has inquired with me about it, whether any of my superior officer presented me before any officer of the Enforcement Directorate stating that the recovery of the Riyals was made in my presence. It did not happen that every panchanama was over within 5-10 minutes, that I took signatures on 4-5 labels first and then I wrote the panchanamas. It is not true that no panchanamas were prepared and Riyals were not seized at the first two places. Signatures of the panchas are required to be taken at the end of a portion of the panchanama.

(Adjourned for recess).

**Date : 15/12/11**

**Special Judge**

**Resumed on SA after recess**

25. We took the accused Suhail from Kalachowki. I do not know whether there is station diary entry about bringing him from Bhoiwada lockup to Kalachowki on 30/07/06. (Learned advocate asks the witness to go through the station diary of that date and give answer). There is no such entry on that day. The panch witnesses Alankar Mane was aged about 19-20 years and Aniket Sansare was aged about 25 years. It is not true that it is not mentioned in the station diary as to in which vehicle we went. I did not write the panchanama or take rough notes during the travel to Pune. We reached Wanawadi Police Station at about 1.30 to 2.00 p.m., where we were for about 10-15 minutes. Rizwan Dawrey's house was about 30-35 minutes by vehicle from that police station. We started from the police station at about 1410-1415 hours and reached the house of Rizwan Dawrey at about 1450 hours, where we were upto 1615 hours. We started from there at about 1615 -1620 hours. I was writing the panchanama and API Kadam and panchas were taking

the search. API Kadam, two constables and I were in the Mumbai team. I think that signature of Mohd. Hussain Dawrey was taken on the first panchanama, but I will have to see it. (Learned advocate asks the witness to go through the panchanama Ext. 756). It contains his signature on page 5. Both books were in English. I did not go through the books. The books were objectionable in view of the titles. (Learned advocate asks the witness to go through the book Art. 304). The name of the writer is V. T. Rajshekar and the publisher is Dalit Sahitya Academy, Bangalore. I cannot say whether it is written by a Muslim writer. It is an edition of 1993. The copies of the passport of the wanted accused were in the books, therefore they were seized. I do not know whether the books were banned. (Learned advocate asks the witness to go through the book Art. 305). It is true that pages 198 to 200 describe the chapters in the book. I cannot say whether on going through the titles of the chapters, it is seen that they are in respect of Islam religion and prayers. On the back page of the front cover it is mentioned that this edition has been printed on the expenses of Zayed Centre for Muslims. The front cover shows translated by Sameh Strauch. It is not correct to say that I did not



complete the panchanama in the house of Mohd. Hussain Dawrey and did not take his signature there, that I took his signature in the house of Abdul Rehman Dawrey. It is not true that we had taken him there. The signature on page 6 is of Abdul Rehman Dawrey. The signature on page 5 in the margin is of Mohd. Hussain Dawrey. Their names are not written below their signatures. We were in the house of Abdul Rehman Dawrey for about 50-60 minutes. API Kadam and the constables were taking the search for about one hour. Police did not find the Riyals. It is not true that the closed envelope containing the Riyals was not opened in front of Abdul Rehman Dawrey. The computer was not switched on. It was in working condition as he had stated that he had received an e-mail on 17/07/06 on it. We had asked for the printout of the e-mail, but he expressed his inability to give it. I did not take out the printout of the e-mail at any time thereafter. The report from the Government Examiner of Documents was received. I do not know where the reports about all the articles that I had taken to Hyderabad are. I was not asked to follow up. I do not think that the entire report was adverse to the case of the ATS, therefore, it was suppressed.

**26.** API Kadam, three constables and I also, whenever necessary, took the search of the house of the accused Suhail for about an hour. We found the books after about 15-20 minutes. It is not true that the persons in that house were asked to go out. It is not true that the maps were planted by us. The phone-book of the mobile was not checked. The call from Suhail's mobile to that of a constable was deleted from both mobiles. I have not seen the printout of the call details record of that mobile. (Learned advocate shows the map Art. 250, Ext.1448, to the witness). I cannot say of which year the map is. I cannot say whether it appears to be 25-30 years old. I have not heard of Gulf of Cambay. Kathiawad is in Rajasthan and it and Daman are parts of India. I do not know the name of the sea that is adjacent to Kathiawad and Daman. The sea by the side of Mumbai is Arabian Sea. I cannot tell the distance of Daman from Mumbai. Gujarat is adjacent to Maharashtra. Daman may be adjacent to Gujarat. I do not remember having come across the name Gulf of Cambay adjacent to Kathiawad and Daman during my school studies. It is true that the map so shows. It is not true that we obtained photocopies of maps from museum and planted them in this

case. It is true that the maps like the map Art.248 are easily available in the market. I do not know whether no photographs were taken in the house of the accused Suhail. It is true that no article from his house was sealed by lac and brass seal. We did not use the brass seal of the local police stations in Pune. We did not ask for it. I do not know whether they were ready to give their brass seal. It is not true that the maps and books were not seized from the house of the accused Suhail, that panchanamas Exts. 756 to 758 were prepared in the ATS office.

**27.** I recorded the statements of sixteen witnesses from 12/07/06 to September 2006. I remember the names of one or two. They are Rushi Bobra, Arvind Jain, Nimbolkar, D'souza, etc. (Learned advocate asks the witness to go through the case diary and state the names of the witnesses and the dates on which he recorded their statements). I may be shown the statements, because the case diary was written by PI Rathod. Case diary dated 14/07/06 shows that I had recorded the statement of Maqsood Ahmed Rashid of Jogeshwari. Case diary dated 17/07/06 shows that I had recorded the statements of Manish Bobra, brother of Rushi Bobra and Arvind Jain.

Case diary dated 19/07/06 shows that I, API Bagwe and PSI Kshirsagar had verified the statements of 69 witnesses. Case diary dated 25/07/06 shows that I had recorded the statement of Rushi Bobra. (Learned advocate says that he would give the dates and names of the witnesses and asks the witness to see whether it is mentioned in the case diary). The case diary was written by PI Rathod and I did not verify it. Case diary dated 18/07/06 shows that statements of Devendra Nimbolkar, Vimal Laxminarayan Soni and were recorded, but does not specifically show that I had recorded them. However, the start of the case diary shows that I was assisting in the investigation. It shows that I had recorded the statement of Mohd. Iqbal Shaikh. It does not show that statement of Riyaz Ali Lokhandwala was recorded. It is not mentioned in the case diary. Case diary dated 26/07/06 shows that statement of Joseph D'souza was recorded, but does not specifically show that I had recorded it. Case diary dated 29/07/06 shows that statements of Rameshwar Nandkumar, Mahadeo Naik, Yogendra Dinkar and Arvind Jain were recorded, but does not specifically show that I had recorded them. Case diary dated 30/07/06 shows that statements of Liladhar

Sharma, Ajay Yadav, Santosh Patil and Dinesh Ghamelia were recorded, but does not specifically show that I had recorded them. Case diary dated 06/08/06 does not show that statement of Rushi Bobra was recorded. Case diary dated 10/08/06 shows that statements of Amresh Diwan and Vinod Chavan were recorded, but does not specifically show that I had recorded them. I cannot say why the fact of I recording the statements of some witnesses is not written in the case diary. It will be impossible if all the things are written in the case diary. I did not record the statement of Abdul Rehman Dawrey. I do not remember whether it was recorded in my presence. I do not know where it was recorded and who recorded it.

**28.** PI Wadhankar was in the ATS. I did not have any talk with him in respect of this case. I do not remember whether he talked with PI Rathod in my presence. He was investigating one crime, but I do not know whether it was CR No. 41/06 of Andheri Railway Police Station. I did not take his permission for investigation as it was not necessary. I cannot say whether accused Tanveer was not in the custody of PI Rathod on 12/08/06 and was not in police custody in CR No. 77/06. I did not interrogate him on that day. I do not know

whether he was in the custody of PI Wadhankar in CR No. 41/06. I cannot say whether there is no entry in the station diary about taking him out of the Bhoiwada lockup and bringing him to the Kalachowki office. I think that PI Rathod was interrogating him at Bhoiwada. I do not remember whether panchas were called there or at Kalachowki. I cannot say without going through the papers, whether the accused had given statement at Bhoiwada. I now say that he gave the statement and the memorandum was prepared in my presence at Bhoiwada. The accused was not brought from Bhoiwada lockup. PI Rathod did not tell me to make station diary entry. I did not instruct anyone to make it. The fact that we started from there as per the statement given by the accused is important. It is necessary to mention it in the station diary. I cannot say in whose handwriting the station diary entry no. 16, Ext. 1803, is. The station diary entry no.18, Ext. 1804, is in my handwriting. Ext. 1803 might have been made on the instructions of PI Rathod. It is true that it is not mentioned in it that we left as per the statement made by the accused. The interrogation of the accused may have started at 1515 hours. It is not true that the subsequent panchanama was got signed in the ATS office with the

help of regular panchas, that the accused did not make a statement and nothing was seized at his instance. I do not know whether Sulfuric Acid is used for washing bathrooms, whether Hydrogen Peroxide is used for washing wounds and acetone is used for removing nail polish and pimples, whether BUMS doctors use these articles in their profession. I had not read the CA reports in this case. It is not true that bombs cannot be prepared by using these articles. I do not know whether no traces of these chemicals were found at the sites of any blasts in this case. It is not true that Dr. Atiya's signature was taken in the ATS office. We returned to Bhoiwada from the hospital. I do not know whether there is no entry about putting the accused in the lockup. I do not remember whether any photographs were taken in the hospital or any fingerprints were lifted. The station diary was called at Bhoiwada by PI Rathod from Kalachowki office. PI Rathod informed on phone at 1800 hours and I made the station diary entry at 1830 hours. I do not know whether station diary register can be moved from the police station. It is true that I did not make the entry at the Kalachowki office. I do not remember whether this was the first and last time when I saw the station diary being

taken out from Kalachowki office. I do not remember whether I wrote the entry as dictated by PI Rathod or on my own. I do not know whether the muddemal register was also brought there. It is not true that when the station diary was brought to Bhoiwada, the seized property was not deposited. I do not remember whether the malkhana of the ATS was at Bhoiwada and we used to deposit the articles there. I have not deposited any article at Bhoiwada. I do not remember whether I have seen muddemal register at Bhoiwada.

(Adjourned as court time is over).

**(Y.D.Shinde)**

**Date : 15/12/11**

**Special Judge**



**Date : 16/12/11**  
**Resumed on SA**

**29.** I do not know whether there were no independent station diaries at the units of the ATS other than at Kalachowki. I worked in the ATS from July 2006 to April 2007. I used to be at the Kalachowki office for some days initially, but I cannot tell the exact period, and, thereafter at the Bhoiwada office for about 6-7 months. I do not remember whether I had seen the station diary register at Bhoiwada office during that period. I cannot say even approximately as to how many station diary entries I made at Bhoiwada. I cannot say whether the station diary register was at Bhoiwada. It was at Kalachowki office. I cannot say how many station diary registers used to be maintained there.

**30.** I joined Mumbai Police in 1982. I worked as a writer upto 2001. I am a PSI since then till today. I have worked in different police stations. The ATS was a police station. I cannot say whether muddemal register can be moved out of the police station. FIR proforma book cannot be taken out of the police station. Important events are entered in the station diary, like officers coming on duty,

complaints, accidents, etc. It is maintained chronologically. I cannot say whether making of an entry can be deferred for some time. It may be true that the station diary register cannot be moved out of the police station. If it is required, it can be produced in court. I cannot say about the procedure that is followed if any event occurs when the station diary is taken out of the police station. It is not true that I produced false station diary entries.

**31.** I do not remember whether my statement was recorded and whether my superiors issued summons to me to give statement about the work that I have done. It is not true that brass seal was not used for sealing the articles seized on 12/08/06. It is not necessary that whenever we go with the sealing material, such a mention is made in the station diary register. It is true that station diary entry Ext. 1803 does not mention that sealing material was with us.

**32.** I did not take part in the investigation of Malegaon Bomb Blast of 2006, did not accompany any officer for that purpose, did not visit Malegaon and no panchanama in that case was prepared in my presence.

**33.** I did not attend the meeting chaired by Commissioner of Police Roy in connection with this case. Only senior officers attended the meeting. I was not invited. I do not remember when the meeting took place. I do not know who were the senior officers who attended the meeting. I do not know whether it was in connection with this case. PI Rathod did not inform me about the meeting and the discussion in that meeting.

**34.** Follow up is done by issuing reminders, if reports from forensic laboratory are not received in time. It is strictly followed in serious matters. It is so done to see the contents of the reports and the evidence that is against the accused. The investigating officer decides about the production of such reports. All reports whether they are against the accused or not, are required to be produced in court. It is not true that the ATS officers have suppressed the reports in this case. I do not know whether an intimation was received from the office of the Government Examiner of Documents, Hyderabad, that it was received by the ATS. I do not produce documents in the court without having read them. (Learned advocate shows a photocopy of a fax message filed along with the application Ext. 1794 by the SPP).

I do not know about this fax message. (It is marked as **Ext. 1819** as the contents are referred).

**35.** DCP Vinod Bhat was deputed to the ATS at that time. I cannot say whether he was the supervising investigating officer. I do not know whether he committed suicide. It is true that he is dead. I do not know how he expired. None of my colleagues informed me about it. It is not true that he committed suicide because of the pressure of the superiors to involve the present accused falsely in this case.

**36.** I used to read Loksatta, Maharashtra Times, Samana and a number of papers during that period. I used to read important news. I used to read crime related news that I felt important. I used to see the news channel on television if I got time. I used to read the news in connection with the investigation that I did, if it came across. I cannot say whether I did not read news that were adverse to my investigation. I do not remember whether I have read and whether some persons were arrested by the Mumbai Crime Branch on the allegation that they belong to the Indian Mujahedeen. Rakesh Maria was the Jt. CP, Crime Branch at that time. I do not remember whether along with his team, he gave a press briefing after the arrest of the

above persons, whether he had stated that all blasts in Mumbai after 2005 were done by the Indian Mujaheedin group. It is not true that all the accused in this case are involved falsely, that I assisted my superiors in preparing false panchanamas and in planting articles.

- 37.** I did not see the names of the panchas and witnesses in the chargesheet and the other documents that I collected from the Delhi court in connection with the accused Kamal Ansari. I did not read the documents. I did not see whether they contain the names of the panchas and the witnesses. The case was pending at that time. I do not know what was the last date on which the accused had appeared before that court. That case was of 2003. I did not take the statements of any of the immigration officers at Attari. It is not true that I deposed falsely.

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

- 38.** I joined Sewree Police Station in February 2006. I was transferred to the Crime Branch in October 2008 as PSI. I do not know whether the Indian Mujaheedin were arrested in October 2008. I do not remember whether they were arrested by the Crime Branch. Offices of the Jt. CP, Addl. CP and DCP, Crimes, Addl. CP and DCP,

EOW and some offices of the Crime Branch are situated in the same building in the Police Commissioner's compound. I used to go for work to the DCP and Jt. CP's office. The arrest of the Indian Mujaheedin was an important news. I did not make efforts to ascertain as to who were the officers who had arrested them. I knew that Jt. CP Maria was making the investigation.

**39.** I knew about the correspondence that was made by superiors in connection with the documents that I brought from the court at Delhi. I cannot say whether my superiors had called any officers in connection with those documents. It will be correct to say that my superiors told me to bring the document, I collected them and gave them to the superiors. I do not know what happened to that case.

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

**40.** The accused Mohd. Faisal was arrested for the first time on 27/07/06 in CR no. 77/06 from the office of the Unit-II of the DCB CID. He was in the custody of Sr. PI J. K. Hargude. I do not know when and from where he arrested the accused and for how long the accused was in his custody. PI Rathod took his custody. I do

not know when my team got the information about the accused being in the custody of the DCB CID, Unit-II. Accused Muzzammil Shaikh was also taken in custody from the same unit along with the accused Faisal. They were produced in the court on 28/07/06. I do not exactly remember whether I had gone to the court for remand and upto what date they were remanded to the police custody, but it was probably upto 08/08/06. I cannot tell the exact period of their custody with us, to which team they were handed over after our custody period and when. I did not peruse the entire papers of investigation during the period upto the filing of the chargesheet. I did not personally interrogate the accused Faisal and Muzzammil at any time. I was present sometimes when PI Rathod interrogated them. I was present for the first time on 27/07/06. I cannot tell the number of occasions when I was present during the interrogation by PI Rathod. I cannot tell the exact date that was the last occasion and the date after 27/07/06 of the interrogation of the accused Faisal. The accused was taken to the Kalachowki office after he was taken in the custody and interrogated there for about one hour. We did not take him to Bhoiwada on that day immediately and interrogate him there. I used

to be present for about 15-20 minutes whenever the interrogation of the accused Faisal was done on other occasions. Therefore, I cannot say when PI Rathod took him out from the lockup and for how long he interrogated him. I remember that PSI Kshirsagar also used to remain present during the interrogation. I do not remember and I am sure that I was not present whenever accused Muzzammil was interrogated. I do not remember whether the accused Faisal made a voluntary statement about disclosing something whenever I was present and whether anything was recovered at his instance. The provisions of the MCOC Act were applied to this case, as per my guess on 13/10/06. I do not know whether till that time the accused Faisal was in the police custody and in the custody of which team he was at that time. I did not participate in any interrogation of the said accused after the application of the provisions of the MCOC Act. I do not remember whether he expressed his desire to make a voluntary confession during the period from 27/07/06 to 13/10/06. I do not know when and to whom he expressed such a desire after the provisions of the MCOC Act was applied. I do not exactly remember whether I did not personally record any statement given by him during the above



period. I know that after arrest a detailed statement of an accused is taken. I do not know when and who took the statements of the accused Faisal and Muzzammil in this case, but they were recorded. I do not know how many times their statements were recorded during the above period.

**41.** PI Rathod had told me at about 7.30 or 8.00 p.m. on 29/07/06 to go to Pune and that house searches of wanted accused Rizwan Dawrey and arrested accused Suhail were to be taken. I do not remember whether any officer from my team had gone to Pune in search of Rizwan Dawrey. I came to know on 29/07/06 that Rizwan Dawrey is a wanted accused in this case as PI Rathod told me to go to Pune for his house search. I inquired with him about the wanted accused and where he lives. I collected the said information from PI Rathod before going to Pune. I do not remember whether any information was given to the court about the accused by name Rizwan Dawrey being wanted in this case.

**42.** Accused Suhail was brought to the Kalachowki office by the officers of the DCB, CID. One of them was API Kamble. They gave the accused in the custody of PI Rathod. I was present at that

time. I cannot say when and from where he was arrested and for how long he was in the custody of the DCB, CID. He was arrested on 25/07/06 in the Bomb Blasts Case. He was produced for remand on 26/07/06. I was present at the time of remand. I do not remember the exact date till which he was remanded to police custody. The ATS is an independent branch. I do not know about the directions of producing the accused in particular court by the ATS. It is true that the accused arrested by the general branch or DCB CID by whichever unit or police station in entire Mumbai are produced in the Esplanade court only. The accused in this case were produced by the ATS in the 2<sup>nd</sup> court at Mazgaon. I interrogated the accused Suhail only once during the period from 25/07/06 to 30/07/06, i.e., on 30/07/06 while going to Pune. It is necessary to take the search of the house of an accused immediately upon his arrest. Witness volunteers- if his house is in the same city. It is not necessary that the search is to be taken immediately. The relatives of the accused Suhail were informed about his arrest immediately after his arrest by PI Rathod, but I cannot tell the exactly when it was given and to whom it was given and whether it was given to his relatives in Mumbai or Pune by

telephone or by letter. I do not know whether house search of the said accused was taken by anyone before 29/07/06. I used to be present during his interrogation before 30/07/06 by other officers. I was so present only on 25/07/06 for about 40-50 minutes. PI Rathod took his statement after arrest. I came to know on 25/07/06 that he is a resident of Pune.

**43.** Panchas were called on 30/07/06 after I went to the office. The constable brought the panchas within 10-15 minutes. API Kadam inquired with the panchas. Panchas only asked the name and address to the accused. The panchanamas were written by me as per the dictation of API Kadam for some portions and as per what I saw for the other portion. I recorded all the important events in the panchanamas as they happened. I think that no important event was left out.

(Adjourned for recess).

**Date : 16/12/11**

**Special Judge**

**Resumed on SA after recess**

**44.** I cannot say for sure whether I went to the Bhoiwada office in the morning on 30/07/06. The staff brought the panchas from

the locality. The accused was not asked to take our searches, searches of the panchas and of the vehicle. We required about four and a half to five hours to reach Police Station Wanawadi from Kalachowki. I did not read the books Arts. 304 and 305 at that time. I did not sign and the signatures of the panchas were not taken on the books Arts. 304 and 305 and the photocopies of the passports Arts. 306 and 307. The label on the CPU Art. 308 is in my handwriting and it was affixed by API Kadam on his own. I know how to operate the computer. I do not know whether API Kadam knows it. I suggested the place at which the label was to be affixed. I told him to affix it over the input sockets, at the place where it is now. (Learned advocate asks the witness to point out the switch by which the computer can be switched on). It is at the top of the CPU on the front side of the handle. CDs can be inserted in the DVD player that is on the top of the front side. The slot of the floppy drive is on the front side in the middle. The pen drive socket is at the bottom on the front side. It is true that label was not pasted on all these items. We did not think it necessary to do so. I did not have an occasion to see the CPU thereafter. I again say that I saw it when I gave it in the possession of

the Government Examiner of Documents at Hyderabad. We did not pack the cassettes and affix labels containing signatures of the panchas and seal them. The cassettes were seized to see whether we can get any evidence. I do not remember whether the cassettes were played after 30/07/06. The cassettes were not sealed with lac and brass seal, because they were put in cover and it was closed with a label containing the signatures of the panchas and API Kadam. The cover was not sealed with lac and brass seal. I do not remember when the CPU was returned from Hyderabad. I saw it for the first time in the court after I handed it over at Hyderabad. We had brought all the seized articles including the CPU when we returned from Pune. I and API Kadam did not feel it necessary at the time of the seizure of the computer at the house to switch it on and to go through it. The CPU was not operated from 30/07/06 upto the date I took it to Hyderabad.

- 45.** I do not remember whether Mohd. Hussain Dawrey and Abdul Rehman Dawrey were alone in their houses. Their statements were not recorded on that day. No other writing was done at their houses except writing the panchanamas and labels. I do not know

whether their statements were recorded on the next day at the ATS office. I do not know what API Kadam wrote in the house of Abdul Rehman Dawrey. He had signed on the panchanamas and labels. I do not remember whether he wrote anything. They both were not called at Kurla. It is true that statements of the members of the three houses and their neighbours were not taken during that visit. The CPU was in the hall in the second house. Abdul Rehman Dawrey knew how to operate a computer. We had been instructed by PI Rathod when we started from Mumbai to search the house of Abdul Rehman Dawrey. Nothing else was seized from the cupboard in the house of Mohd. Hussain Dawrey, except the two books and the photocopies of the passports. I did not read the books Arts. 249 (1 to 6). Signatures of the panchas and API Kadam were not obtained on them. I did not cursorily open the books and glance through them. I cannot say even on minute observation whether they are photocopies. (Learned advocate shows Art.249(1) to the witness). I cannot say whether the underlines on page 3 are photocopies. I do not know whether they were there when the books were seized.

**46.** There was only one diwan in the room where the

lockers were in the Sabu Siddhiqui Hospital. That room was approximately 10'x8'. There were nine lockers. They were together at one wall. I cannot say whether it was a resting room for the doctors who were attached to the ICU. I do not know how many doctors were attached to the ICU. PI Rathod took the statement of Dr. Atiya at the hospital. Inquiry was made with Salamullah Khan, who was the accounts manager. His statement was not recorded there. PI Rathod had inquired about the other eight lockers and was informed that they were of doctors, but I do not know whether the doctors names were known. The key had numbers engraved on it. The number was 2000. It was noted in the panchanama. It is not true that I deposed falsely.

No re-examination.

R.O.

**Special Judge**

**Date:-16/12/2011**

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