

M.C.O.C. SPECIAL CASE NO. OF 21/06

DATE: 6th July, 2010

EXT.No.456

DEPOSITION OF WITNESS NO.17 FOR THE PROSECUTION

I do hereby on solemn affirmation state that:

My Name : Chandrakant Bhikaji Shigwan
Age : 50 years
Occupation : Estate Agent
Res. Address : B/18, Begwadi, Dr. S.S.Rao Marg, Lalbaug,
Mumbai-12.

EXAMINATION-IN-CHIEF BY SPP RAJA THAKARE FOR THE STATE.

1. I work as an estate agent. On 12/08/06 Bhoiwada police had called me to the lockup of the police station at about 3.00 or 3.15 pm. PI Rathod, some constables, another panch witness and an accused were there. Police requested me to help them concerning the railway bomb blasts. The accused was veiled. The police removed his veil and PI Rathod asked us to listen what he wanted to say. The accused told his name as Tanveer Ansari. He said that he has some chemicals that he is ready to show. Police prepared a panchanama of what he stated. We both panchas, the police officer and the accused signed it. The memorandum now shown to me is the same, it bears my signature at sr. no. 1, signature of the other panch at sr. no.2, the signature of the police officer by the side and the signature of the accused and its contents are correct. (It is marked as **Ext.457**). This consumed about 10-15 minutes.
2. Accused told us that he has kept the articles in his locker in Sabu Siddhiqui Hospital where he works and he is ready to show them. He was again veiled and

in a Maruti Van, along with him we both panchas and the police officer started from Bhoiwada police station on the route as shown by the accused. We went via Bhoiwada, Parel, Kalachowki, Rani baug, Byculla, Bhendi Bazar and reached the Sabu Siddhiqui hospital. We went to the first floor where a lady doctor and a manager was present. Accused led us to a room by the side of ICU. Police asked the doctor and the manager whether they wanted to take our searches. They declined. There were nine wooden lockers in a cupboard. He took out a key from below the carpet from below the cot. Accused showed his locker, which was opened by the police by the key. There were three bottles in the locker. I cannot describe them. They were of some chemicals. Accused took out the bottles. One bottle was sealed and the other two were capped. Police sealed the caps of the bottles and put them in a khaki box, which was closed and sealed. The key was put in a plastic bag and sealed. Accused was again veiled. The police officer prepared panchanama, we both panchas signed on it. The panchanama now shown to me is the same, it bears my signature at sr. no.1, signature of the other panch at sr. no.2, the signature of the police officer by the side and the signature of the accused and its contents are correct. (It is marked as **Ext.458**). It also contains the signature of the lady doctor. I and the other panch also signed on the backside of the first page. I will be able to identify the accused who was with us. (Witness looks around the court room and points to the accused no.2, who is asked to stand up and tell his name, which he states as Dr. Tanveer Ansari). He was the same accused. (The accused no.2 submits that he was pointed out by a person who is sitting in the court room, whom he knows as the driver of the Maruti car in which he was taken. He points to the person, who is asked to stand up and tell his name, which he states as PC Jagdale, buckle no. 1956). I will be able to identify the key and the bottles that were seized. (Witness is shown an unsealed brown envelope at sr. no. 3 (4) of list Ext.16A, which is closed by a white label containing the

description of crime number and other details). The envelope now shown to me is the same, it bears my signature at sr. no.1, signature of the other panch at sr. no.2, the signature of the police officer by the side. (The envelope is opened and found to contain a small key bearing no. 3522). This is the same key. (It is marked as **Art-33**, the envelope with the label pasted on it is marked as **Art-33A**). (A sealed carton on which a white label dated 16/12/06 is pasted and which describes CR No. 77/06 and other details, is opened and found to contain three opened boxes containing labels and three bottles, one in each box, described at sr. no. 3(3) of list Ext.16A). The labels on all three boxes contain my signatures at sr. no.1, signatures of the other panch at sr. no.2 and of the officer by the side. (The bottle of sulphuric acid is marked as **Art-34**, the box in which it is, is marked as **Art-34A** and the outer brown envelope with label pasted thereon is marked as **Art-34B**. The bottle of acetone is marked as **Art-35**, the box in which it is, is marked as **Art-35A** and the outer brown envelope with label pasted thereon is marked as **Art-35B**. The bottle of hydrogen peroxide is marked as **Art-36**, the box in which it is, is marked as **Art-36A** and the outer brown envelope with label pasted thereon is marked as **Art-36B**. The outer box is marked as **Art-36C**, the label is marked as **36D**. The plastic carry bags in which the boxes were, are marked as **Art-36E** and **Art-36F**). The panchanama was over by 15.00 pm.

Cross-examination by adv. Mokashi for A/1, 4, 5,6.

3. Declined.

Cross examination by adv Wahab Khan for A/2, 7, 10 and 13

4. There is no bathroom in my house. I do not know whether sulphuric acid is used for cleaning toilet and bathroom. It is true that it is easily available in the market. It is true that doctors use some liquid to clean wounds. I do not know whether that liquid is called as hydrogen peroxide. My wife and daughter do not

use nail polish. I do not know whether ladies use some chemical liquid to remove the nail polish. I do not know whether acetone is used for removing nail polish or to remove acne. Finger prints were not lifted from the bottles and key. Police had taken photographs of the bottles. (Ld adv for the accused submits that he calls upon the prosecution to produce the said photographs). I do not know how many photographs were taken. I do not remember whether the locker only was photographed or whether the accused and we were made to stand by its side. I do not know whether the photographs were taken by the police or whether outside photographer was called. I do not remember whether the photographs were taken by a video camera or by a still camera. I do not remember whether the photographs were taken when the articles were removed or before they were removed. I do not remember whether photograph of the locker only was taken and whether photograph of the surroundings were also taken. The flash was working when the photographs were taken. I do not know for how many time it worked. I will try to identify those photographs. Other lockers were not searched. That room was not searched. There were only nine lockers in that room. The room may be 10x12 feet. There was only one door. I do not remember whether there was visitor's register in the hospital. There was watchman on duty. No authority from the hospital came with us to the room. I cannot tell the names of the manager and the lady doctor whom we met at the counter. The manager may be 45 to 50 years of age. He was medium built, did not have a beard, was shallow complexioned and had spectacles. I do not remember the age of the lady doctor, she was medium built and did not have spectacles. The locker was not opened in her presence. I cannot tell her height. I did not notice any specific identification mark when I looked at her. I do not remember whether she was wearing a pant and shirt or dupatta.

5. I was at the Wakadi Nala when police came to call me. It was at the

distance of 10 minutes from the police lockup. It is true that people were coming and going in the police station and there were people moving outside the police station. The constable who came to call me did not tell me anything. He did not take me directly to the lockup. He first took me to his officer. It is true that the officer told me that an accused is arrested in the bomb blast case and recovery is to be made. He did not tell me what is to be recovered and from where it is to be recovered. I was with him for 10-15 minutes. My name, address and nature of work were written by him in this period. I was asked to sign on the first part. It is not true that thereafter I and the other panch went with a constable to the lockup. It did not happen that the officer took us to the lockup where the accused was kept. The lockup is just by the side of the room of the officer. There is no register outside the lockup. The officer did not give any memo to the constable to bring out the accused. The accused was not taken out from the lockup in my presence. I did not go inside the lockup. PI Rathod's office is on the second floor. The lockup building is adjacent to that building and it is of 3-4 floors. I had no talk with the accused. I did not ask any question to him. I was at the police station for 10-15 minutes. Police did not show me the articles that they had taken with them when we left the police station. They did not offer their searches to us and did not take our searches. Police had a carry bag with them. I did not see what was in it. I do not remember its colour and whether it was of plastic, leather or cloth. It was in the hands of a constable. PI Rathod did not tell me what it contained.

6. The vehicle was a private Maruti van. A policeman was driving it. I do not remember whether it was outside the office of PI Rathod when I went to the police station. We did not go to the hospital by government vehicle. I do not know whether that driver is in the court hall. (Ld Adv points to PC Jagdale who is sitting in the court hall and who is made to stand up). He was driving the vehicle. I did not return in the same vehicle. I do not remember whether officers of bomb

detection and disposal squad were called at the spot. The bottles were not handled by wearing masks, hand gloves and gowns. I have never seen any person wearing mask.

7. It is true that the accused did not say anything before me. It is true that I put all my signatures in the office of PI Rathod. It is not true that I identified the accused today in the court as PC-Jagdale pointed him out to me. It is not true that I identified all these articles in the court today as I was instructed by the police.

Cross examined by adv Ravi Trivedi h/f P.L Shetty for A/3, 9, 11 and 12 and A/8 in person

8. Declined.

No re-examination.

R.O.

**Spl. Judge
Date:- 06/07/10**

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