

M.C.O.C. SPECIAL CASE NO. 21 OF 2006**DATE:19TH DECEMBER 2011****EXT. NO.1822****DEPOSITION OF WITNESS NO.170 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Dr. Sadashiv Yashwant Helaskar

Age : 60 years

Occupation : Pensioner

Res. Address : Yeswant Metal Mart, Sailu, Dist. Parbhani, MS

Examination-in-chief by SPP Chimalkar for the State

1. I am a BAM and S doctor. I was attached to G.T. Hospital from 2006 to 2008 as a medical officer. I was working as a casualty medical officer on 03/10/06. I examined Mohd. Faisal Aatur Rehman Shaikh at 8.10 p.m. He was brought by PC 27880 of Azad Maidan Police Station. On examining him, I found that he had no physical complaints and no external injuries were seen on his body. His general condition was fair. His pulse rate was 72 per minute. He was afebrile. His blood pressure was 110/80. His systemic examination including respiratory, cardio vascular and central nervous system were within normal limits. I noted all these things in the casualty

register. I have brought to court the casualty register from the GT Hospital. The notes of examination No. 6102 dated 03/10/06, time 8.10 p.m. are in my handwriting. I am producing its photocopy, its contents are as per the original and I have endorsed it as a true copy. (It is marked as **Ext. 1823**). The notes were made by keeping a carbon paper and the OPD case paper below it. The OPD case paper was given to the police. I took the thumb impression of that person on it. The carbon copy Art.321 Ext.1006 now shown to me is the same. The notes are in my handwriting. It is an OPD case paper of the person bearing registration No M/52213. It bears his thumb impression and my short signature.

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

2. (Learned advocate shows Art. 322 Ext. 1007 to the witness and asks him whether there is any entry in the casualty register dated 05/10/06 about the notes in this document). There is no entry in the casualty register about the notes in the document. This was the only casualty register that was maintained during that period. Ext. 1007 appears to be issued by the GT Hospital. It is not in my handwriting. Witness volunteers – it is possible that if there are no complaints, the

medical officer who examined the person on that day did not make any entry in the casualty register.

3. GT Hospital is a Government Hospital. It has ISO recognition.

There are different criteria for examining persons who are under custody and other persons. An OPD case paper is required to be taken whenever any person is brought for examination by the police. OPD registration fee or enrollment is not taken from persons in custody brought by the police. The purpose of examination of such persons is to verify whether he has been beaten and whether there are any visible injuries on his person. It is irrespective of whether that person complains about beating, etc.

4. It is true that the writing in blue ink by pen on Ext. 1006 is not mine and I cannot say whose it is. The name of the person in the original register is in my handwriting. It is true that there is a difference in the writing of the name in the register and in the OPD case paper. The sr. no. 6102, date and time was written after the carbon paper and the OPD case paper were placed below the page. It is true that these things in Ext. 1006 are in ink. It is not a carbon impression. Signature or thumb impression is not taken in the original

register. It is true that there is difference in the place where the sr. no. 6102, date and time are written in Ext. 1006 as compared to that which is written in the original register. Witness volunteers - it happens that if the carbon paper is not placed properly, it is written by hand on the OPD case paper. There is no endorsement in the noting that the said person was brought again for examination on a subsequent date. If he was brought on a subsequent date, the entry will be of that date.

5. It is not true that the entry is prepared by me on the request of the police officer and that I did not examine that person on that day. We examine the persons as per our knowledge, experience and medical norms. It is necessary to mention the identity of the person who is examined by us and who makes a complaint. It is true that we write about the patient giving history or the policeman giving history. It is not true that I have not mentioned as to who gave the history in this case. Witness volunteers – the words 'no physical complaints' means that the patient has given the history. I required about 10-15 minutes to examine Mohd. Faisal. It is true that first the patient is required to be examined generally. The general examination includes

his pulse rate, blood pressure, systemic examination, etc. It is true that there is a difference between general examination and systemic examination. In general examination, we examine the pallor, oedema, lymph adenopathy, icterus, synosis and clubbing. Temperature, pulse, respiration and blood pressure are also covered under general examination. We are required to do systemic examination after completing general examination. First we examine the respiratory system, then cardio vascular system, then central nervous system and abdominal system. All these things are to be done irrespective of whether the patient complains of anything or not. On following the above procedure of examination, we can come to know whether the person has been subjected to custodial violence. Entire clothes on the body of such person are required to be removed for such examination. I do not agree that my report does not show that I did all these examinations. Some things are not written as there was no abnormality. It is not true that the said person was not produced before me, therefore, his thumb impression was not taken on the register. In medico-legal certificates concerning cases of rape, injuries, etc., we mention the identification marks of the person. I will

not be able to identify the person whom I examined in this case. I did not mention his identification mark in the register, but his thumb impression is taken on the OPD case paper. I have not written the negative findings like pallor, oedema, lymph adenopathy, icturus, etc. Witness volunteers – pulse rate has to be given more importance, because it indicates whether everything is normal or something is not normal. It is not true that CNS, CVS and per abdomina are not written in the notes. It is written as rs, p, cvs and cns.

6. I have worked on deputation in the prisons. When a prisoner is examined all the above examinations are required to be carried out. (Learned advocate shows Exts. 1051 and 1052 to the witness). It is not necessary that giddiness and fainting are possible if a person is tortured.

(Adjourned for recess).

Date : 19/12/11

Special Judge

Resumed on SA after recess

7. It is not true that at the request of the ATS officers, I prepared the false entry about examining the person, that the OPD case paper is not before the court. OPD papers like Ext. 1006 are issued to all

the custody patients from our hospital. It is not true that I gave evidence to oblige the ATS officers. It is true that the month in the date and the figure 2 in the age 32 are overwritten and there are no initials. Post-graduate students attend the OPD. A register is maintained in the OPD. It is not true that the OPD case paper is a carbon copy of the entry in the OPD register. OPD cases are registered chronologically.

Cross-examination by Adv Ashwin Rasal h/f Rasal for A1 & 4 to 6
and Wahab Khan h/f P. L. Shetty for A3, 8, 9, 11

8. (Learned advocates submit that they adopt the cross-examination by advocate Wahab Khan).

No re-examination.

R.O.

Special Judge

Date:-19/12/2011

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