

**M.C.O.C. SPECIAL CASE NO. 21 OF 2006****DATE:20TH DECEMBER 2011****EXT. NO.1835****DEPOSITION OF WITNESS NO.173 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Dinesh Mussaddilal Agrawal

Age : 53 years

Occupation : Service (PI, Thane City)

Res. Address : 201, Neel Sagar, Bandra Reclamation, Bandra (W),  
Mumbai-50.

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

1. I am working as PI in the Thane City Control Room since June 2011. I was posted on deputation in the ATS, Mumbai prior to that from 12/07/06 and in January 2008 I was transferred there. I received the order of joining the ATS on deputation on 12/07/06. I was attached to V. P. Road Police Station as PI at that time. A message was received from control room to report to the Addl. CP Jaijeet Singh in the ATS at Nagpada. He told me that the DG had transferred the investigation of the railway bomb blasts to the ATS and that seven teams had been formed for investigating the seven blasts and I should investigate CR No. 59/06 of Vasai Road Police Station that

was registered in connection with the blast that had taken place near Mira Road Railway Station. He told me that the investigation is being conducted by the Vasai Road Railway Police Station and I should also conduct it simultaneously. A written order was issued to that effect and PSI Shinde was deputed to assist me. Initially two constables were given to me.

2. I visited Kandivali Car Shed in the evening on the same day. All the affected bogies had been moved there. Investigating officers of other teams had also accompanied me and the BDDS team was also with us. During the discussion with the Addl CP, I was told that bogie no. 846A, a first class compartment of Churchgate-Virar fast local train, had been affected in the bomb blast that took place 200-300 meters ahead of Mira Road Railway Station. I examined the bogie no. 846A in order to get some clues from the residue, but I did not get any. I went to Vasai Road Police Station from there. I tried to contact PI Kulkarni of that police station, who was investigating the crime, but he had gone out for investigation. I collected a copy of the FIR and panchanama and also the details of the hospitals where the injured were admitted. API Agarkar and API Surve were attached to my team

on 13/07/06. I received information on the same day that some of the suspects had been caught by the Vasai Road Railway Police Station. I immediately rushed there and contacted PI Kulkarni. He informed me that they had apprehended four persons u/s 41 (2) of the Code of Criminal Procedure. On inquiry I learnt their names as Shivprasad Chauhan, two more Chauhans and one Tawar. I gathered on their interrogation that they had come to Mumbai in search of jobs on 12/07/06 and were traveling towards Mumbai on 11/07/06. Therefore, the possibility of they being suspects in our case was ruled out.

3. I continued the investigation and contacted the injured persons to get some clue about the suspects. Initially my team was operating from Nagpada office of the ATS. We were later on shifted to a floor in the Hume High school building that is opposite ATS Headquarters, Nagpada. API Shelke was attached to my team on 15/07/06. My superiors called me on that day and asked me to inquire with a person who was injured in the blast in my crime and had certain information. He was present there. I took him to my office in the Hume High school. On inquiry he disclosed that he had boarded the train at Bandra Railway Station. His name was Ramanand Machewar.

When the train came at Andheri Railway Station, he saw a person boarding the same bogie holding a small green coloured bag, which was passed through other commuters to be kept on the luggage rack. He suspected this as he thought that the small bag could be held in hand and there was no necessity of keeping it on the luggage rack. Moreover, at Mira Road Station, the witness saw that person alighting from the train without the bag. I asked API Shelke to continue with the inquiry of the witness and I immediately rushed to Vasai Road Railway Police Station. On inquiry I learnt that PI Kulkarni had also recorded the statement of the said witness on 12/07/06. I went through his statement and found that the information that he had given to me was not in that statement. I checked the unclaimed baggage and articles and found a small green coloured bag. On opening it was found to contain a telephone diary, bunch of keys and some money. The telephone diary showed that it was belonging to one Kailash Mehta, who was admitted in Kasturi Hospital. I took that bag and came back to my office. I showed the bag to the witness and he confirmed that it was the same bag.

4. We were contacting the injured persons daily and recording

their statements whenever necessary. I came to know on 20/07/06 that an accused was arrested from Bihar in CR No. 77/06 of Mumbai Central Railway Police Station. I attended the office of ACP Shengal on 21/07/06, senior supervisory officer of all these crimes. He handed over the case papers of the investigation of CR No. 59/06 of Vasai Road Railway Police Station and the case diary and asked me to continue with the investigation. Several other accused were arrested subsequently in CR No. 77/06 and by other investigating officers in their crimes. I could gather from the interrogation of the accused by the investigating officers, that most of the arrested accused were members of SIMI and certain SIMI literature was recovered from them. I also came to know that some of them had gone to Pakistan to undergo militant training in the LeT camps at Muzaffarabad in Pakistan occupied Kashmir. I came to know that certain incriminating articles had been recovered from them.

5. I arrested the accused Kamal Ansari in my crime on 11/09/06, from his custody in CR No. 87/06 of Bandra Railway Police Station, that had been registered in connection with the blast that had taken place near Khar subway. I intimated his brother Jamal Ansari about

his arrest and sent a wireless message to Police Station Madhubani, Bihar. I produced him on 11/09/06 before the ACMM, 2<sup>nd</sup> court, Mazgaon. He was remanded to PC upto 25/09/06. I interrogated him to elicit information in connection with my crime, but I did not get any information. I took the court's permission for conducting his scientific tests and he was taken to Bangalore by some other team of officers on 23/09/06.

(Adjourned for recess)

**Date : 20/12/11**

**Special Judge**

**Resumed on SA after recess**

6. I arrested accused Tanveer Ansari on 14/09/06 from his custody in CR No. 86/06. I sent message to Agripada Police Station to inform his relatives about his arrest. He was produced for remand on the same day and was remanded to PC upto 28/09/06. I arrested Zameer Latifur Rehman Shaikh and Suhail Mehmood Shaikh on 16/09/06 from their custody in CR no. 87/06. I sent message to Worli Police Station to inform the relatives of Zameer Shaikh about his arrest and to the Control Room, Pune to inform the relatives of Suhail Shaikh. They were produced for remand and were remanded to

police custody upto 30/09/06. I arrested Faisal Aatur Rehman Shaikh and Muzzammil Aatur Rehman Shaikh on 18/09/06 from the same crime. Their father Aatur Rehman Shaikh was informed about their arrest. They were produced for remand and were remanded to police custody upto 02/10/06.

7. The investigating officer of CR No.156/06 registered at Borivali Railway Police Station pertaining to the blast that had taken place at Borivali Railway Station, submitted a proposal on 18/09/06 to the senior officers for applying the provisions of the MCOC Act. The prior approval for applying the provisions of the MCOC Act was received on 24/09/06 and ACP S. L. Patil was appointed as the investigating officer under the MCOC Act. I had sent Faisal Aatur Rehman Shaikh to Bangalore for his scientific tests on 24/09/06 after taking the permission from the court. All the accused came to be arrested from 25/09/06 onwards in CR No. 156/06, wherein the provisions of the MCOC Act were applied. All the crimes were clubbed together on 12/10/06 as they were parts of a single larger conspiracy and the investigation was done under CR no. 05/06 of the ATS Police Station. In view of this, I gave a report on 13/10/06 to the court for terminating

the remands of the accused in my crime. ACP Patil investigated CR No. 05/06. He recorded my statement on 14/10/06. I was assisting in the investigation thereafter. ACP Patil sent me to Delhi in January 2007 for taking information of CR No. 79/02 registered by Special Cell, Delhi against the accused Kamal Ansari. Accordingly I visited and contacted inspector Badrish Dutt of the Special Cell, New Delhi. I came to know on inquiry that he was part of the raiding party that had arrested accused Kamal Ansari and one Anwar Ul Haq and that a chargesheet was filed against them and it was pending trial. The alias name of Kamal Ansari was Hyder. I recorded the statement of inspector Badrish Dutt and handed it over to ACP Patil.

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

8. I worked with the ATS for about five years. The malkhana of the ATS was at Kalachowki office. The FIR book and the station diary register used to be at Kalachowki office. I did not take the FIR book, station diary register and malkhana register outside the Kalachowki office and I did not see anyone doing so. They can be moved out of the police station, if it is necessary.
9. I had read the entire papers of the investigation of CR No.



59/06 of Vasai Road Railway Police Station. I had cursorily gone through the case diary, but I did not specifically see whether all the statements that were recorded were entered in the case diary. I had not received the index of the papers. I do not know whether ACP Shengal was the investigating officer of the Malegaon Bomb Blast case of 2006. I did not feel that some statements had been removed before the case papers were handed over to me. I do not remember whether I had received statements of 122 injured persons, whether Vasai Road Railway Police had recorded the statements of 57 injured persons, whether PSI Yadav had recorded the statements of 30 injured persons, whether PSI Bhosale had recorded the statements of 15 injured persons and whether PSI Devkate had recorded the statements of 12 injured persons. I may have stated so in my statement. I carefully studied the papers of investigation and continued the investigation. Some statements may have been removed when I handed over the papers to ACP Patil, but I do not remember whether they were thirteen. Witness volunteers – some were signed statements, some were incomplete and some were irrelevant. It is not true that all of them were statements of eye-

witnesses. The crime had been initially registered against unknown persons. There were statements of witnesses in the papers when I received them. It is not true that there were statements of eye-witnesses including that of Ramanand Machewar. However, Ramanand Machewar's statement was there. It is not true that he was an eye-witness. He was holding certain information. He was an injured. He was working as a junior engineer in the Maintenance Department of 'H' Ward, BMC, Bandra. It is true that I removed his statement recorded by PI Kulkarni, because I put the statement that I recorded as it had some disclosure. It was in the file when I handed it over to ACP Patil. (Learned advocate calls upon the prosecution to produce the said statement. Learned SPP submits that he will ask the ATS to search the file).

**Q.** Whether you are permitted to remove the statement recorded by an earlier investigating officer?

**A.** As an investigating officer, I preferred to attach the statement recorded by me and previous statement was also handed over to ACP Patil.

I recorded the statement of the said witness on 15/07/06. It is not true

that I prepared two statements. I did not sign the statement as API Shelke was continuing with recording it. The witness was being inquired and the statement was being typed on the computer. I did not record his statement, but I inquired with him. As I was the investigating officer of that crime, I said earlier that I had recorded his statement. I had read his statement. It was bearing the signature of API Shelke. (Learned advocate shows the statement at page 145 of Vol-IVG to the witness and asks whether it is the statement). This is the same statement. It does not bear the signature. I do not know where the signed statement is. (Learned advocate calls upon the prosecution to produce the said statement. Learned SPP submits that he will make inquiry and produce it).

10. I did not get prepared sketch with the help of the witness Ramanand Machewar. I did not show Kailash Mehta to him. I did not record supplementary statement of Kailash Mehta about return of the bag to him. However, his brother had reported at the ATS office and the bag was returned to him, as he was admitted in the hospital. Panchanama about return of the bag was not prepared, but a receipt was obtained. Photograph of the bag was not taken.

Ramanand Machewar had described the suspect. I do not recollect whether he had stated the age of the suspect as between 30-35 years, whether Kailas Mehta's age was 43 years. (Learned advocate asks the witness to go through the statements of Kailash Mehta and Ramanand Machewar and to answer the question). It is true that Ramanand Machewar had stated the age of the suspect as 30-35 years and Kailash Mehta had stated his age as 43 years. (Learned advocate asks the witness to go through the statement of Kailash Mehta and to visualize the position where he was sitting). His statement reveals that he was sitting in the first-class coach on the eastern side of the front door on the seven seat bench. This is the last bench of that bogie towards Virar. It is true that the affected bogie contained two seven seat benches, one at the end of the bogie towards Virar and one at the end of the bogie towards Churchgate. If one sits on the seven seat bench at the end of the bogie towards Virar, his face will be towards Churchgate. As per the statement of Ramanand Machewar, he entered from the rear door of the bogie and took right turn and stood in the gangway till Mira Road. There were four doors to the bogie. I cannot say whether the blast did not take

place in the portion where Kailash Mehta was sitting. (Learned advocate asks the witness to go through the spot panchanama Ext. 564 and answer the question). Even on going through the said panchanama I cannot say whether the blast did not take place in the portion where Kailash Mehta was sitting. I went in the bogie only once. I can say from memory that the bogie was more effected more or less in the central portion. It is not true that that was the location of Ramanand Machewar. This is because when he boarded the bogie that was his location, but then he got a seat. It is not true that I am tutored and I am giving false evidence. It is true that he stood in the gangway till Mira Road.

11. My statement was recorded as per my version. I did not state to ACP Patil when I gave my statement that I was called to Nagpada office by my superiors on that day and was asked to inquire with a person who was injured in the blast in my crime and had certain information, that he was present there, that I took him to my office in the Hume High school, that on inquiry he disclosed that he had boarded the train at Bandra Railway Station, that his name was Ramanand Machewar, that when the train came at Andheri Railway

Station, he saw a person boarding the same bogie holding a small green coloured bag, which was passed through other commuters to be kept on the luggage rack, that he suspected this as he thought that the small bag could be held in hand and there was no necessity of keeping it on the luggage rack, that moreover, at Mira Road Station, the witness saw that person alighting from the train without the bag, that I asked API Shelke to continue with the inquiry of the witness and I immediately rushed to Vasai Road Railway Police Station, that on inquiry I learnt that PI Kulkarni had also recorded the statement of the said witness on 12/07/06, that I went through his statement and found that the information that he had given to me was not in that statement, that I checked the unclaimed baggage and articles and found a small green coloured bag, that on opening it was found to contain a telephone diary, bunch of keys and some money, that the telephone diary showed that it was belonging to one Kailash Mehta who was admitted in Kasturi Hospital, that I took that bag and came back to my office, that I showed the bag to the witness and he confirmed that it was the same bag. I did not state about these things as it was not furthering my case. I might have mentioned these things

in the case diary. I will have to check it. (Learned advocate asks the witness to go through the case diary and answer the question). I was not writing the case diary on 15/07/06, but it was written by PI Kulkarni. It is in his case diary dated 15/07/06 that I had visited the police station, taken information and inspected the articles of the injured and had taken a green coloured bag as a clue about it was found and that he was making further investigation. My work thereafter that I described in chief-examination is in the case diary dated 21/07/06 when the investigation came to me. I have mentioned therein about Ramanand Machewar's statement being recorded on 15/07/06, etc. I cannot describe Kailash Mehta as I had not seen him and did not record his statement. Ramanand Machewar had described the suspect as aged 30-35 years, medium built, wheatish complexion, height about 5'.4", clean shaven face, high cheek bones and hollow cheeks, appearing old and weak. I cannot say whether all the seven persons sitting on the seven seat bench towards the Virar side were identified. It is true that Kailash Mehta was one of them. (Learned advocate shows the statements of Balam Rane at page no. 39 and Mahendrakumar Jain at page no. 205 from Vol-IV). It is true

that from the statements of these two witnesses, it appears that they were sitting on the seven seat bench on the Virar side. However, I cannot say for sure that it was on the Virar side. They have stated that they were sitting on the front side seven seat bench. It is not true that it is a false story that the green coloured bag was of Kailash Mehta and that Ramanand Machewar had mistaken him for a suspect. I did not record Ramanand's supplementary statement. API Shelke showed me his statement as the original statement and not the supplementary statement. There is no reference in the said statement about PI Kulkarni having recorded the statement of the witness.

- 12.** The investigation of CR No. 59/06 was with me from 21/07/06 to 13/10/06. I did not take the custody of accused Ehtesham in my crime. I did not arrest him because on the date the provisions of the MCOC Act were applied to the case, all the six accused arrested in my crime were arrested in CR No. 156/06. The last accused that I arrested in my crime were Mohd. Faisal and Muzzammil on 18/09/06. I did not arrest accused Ehtesham upto that day as I was conducting the investigation of the accused that were



arrested. I had deeply interrogated the accused who were in my custody. No one out of them had expressed their desire to make a confessional statement and they did not make a voluntary statement of disclosure during that period. I did not get any eye-witness in the investigation of my crime. There was no evidence against the accused who were arrested in my crime till the point and time I investigated it. I used to report about the progress in the investigation to my superiors. I was interacting with the other investigating officers of the ATS. I cannot say whether Kailash Mehta and Ramanand Machewar are available now.

**13.** I did not take part in the investigation of Malegaon Bomb Blast Case of 2006. I was aware that it was being investigated by the ATS. I do not know which officers were doing the investigation. I do not know who was supervising that case.

**14.** I was investigating also from the angle of ascertaining the locations of the accused and the persons whom they met before the blasts, on the day of the blasts and thereafter. I ascertained the locations of the six accused. It is not true that it was by verifying their mobile locations. Mobile numbers of all accused had been disclosed.

I do not know whether their call details were collected. I did not make the investigation on this line. I do not know the names of the officers who were making that investigation and I am not told about it till today. I do not know whether the API Bagwe was doing it. It is not true that I had verified the call details, that they were contrary to our case, therefore, I am giving such answers.

15. I did not arrest the accused by obtaining transfer warrant. I had not taken prior permission from the court for arresting the accused. It was not an internal arrangement that we took the custody of the accused from one crime to another. It did not happen that some other investigating officer was also asking the custody of the accused in his crime.

(Adjourned as court time is over).

**(Y.D.Shinde)**

**Date : 20/12/11**

**Special Judge**

**Date : 21/12/11**  
**Resumed on SA**

16. (Learned advocate asks the witness to go through the statements of Kailash Mehta at page no. 69 and Ramanand Machewar at page no.145 in Vol-IV). As per the statement of Kailash Mehta, he had boarded the train at Churchgate and got a seat on eastern side on seven seat bench near the front door. As per the statement of Ramanand Machewar the suspect had boarded the train at Andheri along with other commuters and had stood near the partition. Kailash Mehta did not mention in his statement about his luggage or bag being missing. It is not true that I and PI Kulkarni prepared a bogus case diary. 'Neela' colour means 'blue' colour. It is not correct to say that Kailash Mehta's bag was blue coloured and 'ubhi' bag. I do not know whether cash amount of Rs. 2425/- was found in that bag. It is not true that I did not read the spot panchanama. (Learned advocate asks the witness to go through the spot panchanama at page 15 of Vol-G1. Hence, it is marked as **Ext.1837**). It is not true that I had not read this panchanama. It is true that out of the seized articles, at sr. no. 24 in the panchanama a bag

is described as blue coloured and 'ubhi'. It is not true that the statement produced yesterday purporting to be recorded by PI Kulkarni was prepared after his evidence was over.

**17.** It did not happen that PI Wadhankar, PI Shaikh and PI R. R. Joshi disclosed to me during our interactions that there was no evidence in their crimes to file chargesheet against the accused. I had not stated during my statement that I received information on the same day that some of the suspects had been caught by the Vasai Road Railway Police Station, that I immediately rushed there and contacted PI Kulkarni, that he informed me that they had apprehended four persons u/s 41 (2) of the Code of Criminal Procedure, that on inquiry I learnt their names as Shivprasad Chauhan, two more Chauhans and one Tawar, that I gathered on their interrogation that they had come to Mumbai in search of jobs on 12/07/06 and were traveling towards Mumbai on 11/07/06, that therefore, the possibility of they being suspects in our case was ruled out.

**18.** I do not remember whether I had stated that I came to know on 20/07/06 that an accused was arrested from Bihar in CR No.

77/06 of Mumbai Central Railway Police Station, that I could gather from the interrogation of the accused by the investigating officers, that most of the arrested accused were members of SIMI and certain SIMI literature was recovered from them, that I arrested the accused Kamal Ansari in my crime on 11/09/06, from his custody in CR No. 87/06 of Bandra Railway Police Station, that I intimated his brother Jamal Ansari about his arrest and sent a wireless message to Police Station Madhubani, Bihar, that I took the court's permission for conducting his scientific tests and he was taken to Bangalore by some other team of officers on 23/09/06, that I sent message to Agripada Police Station to inform the relatives of Tanveer Ansari about his arrest, that I arrested Zameer Latifur Rehman Shaikh and Suhail Mehmood Shaikh on 16/09/06 from their custody in CR no. 87/06, that I sent message to Worli Police Station to inform the relatives of Zameer Shaikh about his arrest and to the Control Room, Pune to inform the relatives of Suhail Shaikh, that I arrested Faisal Aatur Rehman Shaikh and Muzzammil Aatur Rehman Shaikh on 18/09/06 from the same crime, that their father Aatur Rehman Shaikh was informed about their arrest, that I had sent Faisal Aatur Rehman

Shaikh to Bangalore for his scientific tests on 24/09/06 after taking the permission from the court, that all the crimes were clubbed together on 12/10/06 as they were parts of a single larger conspiracy. I cannot assign any reason why these things are not written in my statement. ACP Patil did not record my supplementary statement in connection with my visit to Delhi on his instructions for collecting information about the case against the accused Kamal Ansari.

**19.** I do not know whether the ATS had arrested Khalid Aziz Shaikh, Mumtaz Ahmed Chaudhari and Tafheem Akmal Hashmi in this connection. These persons were not disclosed as accused when I was making the investigation in my crime. I do not remember whether no officer had told me about them.

**20.** I do not know what efforts PI Khandekar took for preparing the proposal for application of the provisions of the MCOC Act. More than one chargesheet during the last ten years is necessary. I had not seen them. I did not collect any chargesheet. I do not know who collected the chargesheets. I cannot say which organized crime syndicate was indicated in the proposal. It is not true that the ATS is expert in preparing false chargesheet. I do not

remember whether I took part in the investigation of Malegaon Blast Case of 2008. I know that Lt. Col. Purohit was arrested in that case. I do not know whether no accused in that case had given confession, whether any explosive was recovered in that case. There may have been a lecture after I joined the ATS. It was in connection with the knowledge of the MCOC cases. It is not true that it was delivered by Lt. Col. Purohit.

**21.** I do not know whether a Pakistani citizen by name Riyaz Nawabuddin arrested by PI Tajne, was in custody in this case, whether another Pakistani citizen by name Mohd. Ali was killed in encounter in connection with this case, that Riyaz Nawabuddin had shown his residence. My seniors, colleagues or subordinates did not inform me about it.

**22.** The accused who were in custody in a crime were being interrogated on need basis by other investigating officers. I cannot tell about the number of statements recorded during the investigation by PI Kulkarni that I did not submit to ACP Patil. They may be in the file in the ATS office. I cannot say whether one file Vol.III-G of my investigation is missing. I had not given the file Vol.III-

G during my investigation. All the statements were attached in the Vol.IV-G. I did not make any correspondence with the officers who had taken the signed, incomplete and irrelevant statements. It may be that the statements of Kishore Dattatray Mhatre, Sanjay Thomas Lopes and Wilfred Walter Naronia recorded by PSI Devkate on 12/07/06, Shivkumar Rambrij Ram and Namdeo Keru Surve recorded by PSI Bhosale on 12/07/06, Sanjay Nakul Khobrekar on 12/07/06, Vrushal Dharmendra Yadav on 16/07/06, Chandrikasingh Yadav, Rampyare Siddheshwar Lal on 17/07/06 and Swadhin Brijpal Wadia on 18/07/06 recorded by PSI Yadav, were not submitted to ACP Patil with the papers of my investigation. They may be in the file in the office. It is not true that they were statements of eye-witnesses. It is not true that I removed the statements recorded by the earlier investigating officer and substituted the statements recorded by us showing them as first statements.

- 23.** We do not observe the investigations of organized crime syndicates by other agencies, however, we do keep track of terrorist related cases. I had read in the newspapers that DCB, CID had arrested the persons belonging to the Indian Mujahedeen group



in 2008 under the provisions of the MCOC. It was in connection with sending threatening e-mails before the blasts. I do not know whether it was in connection with Ahmedabad blast and Surat unexploded bomb. I do not know whether they were arrested subsequently in the Ahmedabad and Jaipur blasts cases. I do not know whether Jt. CP Maria had stated in a press briefing that this group had committed the blasts in this case. I cannot say whether the blasts in this case are the only blasts in Mumbai in between 2005 and 2008. These blasts are commonly known as 7/11 blasts case. I do not know whether two accused in Indian Mujaheedin case have confessed to having committed the blasts in this case. I do not know whether three sanctioning authorities have so mentioned in their sanction order, whether it is so mentioned in two remand applications in that case, whether one of the confessor was arrested in this case. I know that one accused in that case was arrested in this case. I do not know whether he was a confessor.

- 24.** I did not prepare arrest panchanamas of any accused. I am aware of the guidelines in D. K. Basu's case. I do not know whether Mumbai Commissioner had issued directions on the basis of

the judgment in that case. I do not know whether some suspects were attending the ATS office during the investigation of this case, whether local police stations, crime branch were giving information. I do not know that accused Zameer and Suhail were provided by DCB, CID, Unit-II. It is not true that they were kept in illegal custody from 21/07/06 to 25/07/06 by the DCB, CID. I did not arrest any accused from his house or outside. I do not know which accused was initially arrested on what date and from what place.

- 25.** The blast had taken place in the bogie in which the witness Ramanand Machewar was traveling. He was injured. I cannot say whether he was hospitalized. It is not true that the present accused were falsely involved in this case and I knew this since beginning, that I took their custody in my crime on the say of my superiors, that the record is tampered and I tampered it on the instructions of my superiors and that I gave false evidence.

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

- 26.** Accused Kamal Ansari was in my custody upto 25/09/06. He was arrested on the same day in CR no. 156/06. During my investigation I did not find any evidence against any of the

accused. I was not instructed to go to Delhi during his custody period. I did not know in January 2007 about the previous correspondence in connection with the case of the accused Kamal Ansari at Delhi. I do not remember the exact date on which I recorded the statement of PI Badrish Dutt. I do not remember whether he did not give me any documents in that connection.

**27.** I did not visit the blast site. I did not record the statement of the investigating officer of the Vasai Road Railway Station. It is not true that the articles of the passengers that were seized by the said police station, were seized from the sides of the railway track. I felt it necessary to go to the blast site to get clues, but all the articles were already removed from there.

(Adjourned for recess)

**Date : 21/12/11**

**Special Judge**

**Resumed on SA after recess**

**28.** That is the reason why I probably did not visit the blast site. I had cursorily gone through the spot panchanama prepared by

Vasai Road police. This was with the purpose of finding any clue about the blast. I had visited the affected bogie as an investigating officer at around 7.00 p.m. I was there for about 45 minutes. I did not collect any article from the bogie. (Learned advocate asks the witness to go through the spot panchanama Ext. 1837). It is not true that the articles that were collected under this panchanama were only from around the bogie. It is true that the articles were filled in gunny bags and taken to the police station. It was revealed during the interrogation of the four persons caught by the Vasai Road Railway Police Station that they had thrown their plastic bags containing food before running away. It was revealed during my investigation that after the blast the passengers in that train had jumped out of the train throwing their articles and had run towards the station. I had investigated in that direction to ascertain whether any article so thrown was useful for the purpose of the investigation. I did not prepare any document about it. I do not have any evidence other than my words about it.

**29.** I used to inform my superior officer ACP Shengal about the progress of my investigation. He had his office at Nagpada. He

used to guide me from time to time. I do not know where he was attached to before he was attached to the ATS. I do not know about the discussion that he had with his higher ups and what directions he got. It is not true that in order to please my superiors I deposed falsely.

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

30. PI Vijay Kadam was the investigating officer of CR No. 87/06 from which I took the custody of the accused. I do not know when they were given in custody in CR No. 86/06 of Bandra Railway Police Station. They had been arrested in that crime before I took their custody. I do not recollect exactly whether all the accused whom I arrested had been initially arrested in CR No. 77/06. I cannot tell the dates of initial arrest of accused Zameer Ahmed, Mohd. Faisal and Muzzammil. It is true that they were continuously in police custody in different crimes since the date of their initial arrest. Zameer was in my custody upto 30/09/06. He was sent to judicial custody in my crime on that day. Faisal and Muzzammil were also sent to judicial custody in my crime on 02/10/06. Zammer, Faisal and

Muzzammil came to be arrested in CR No. 156/06 on 30/09/06 and 02/10/06 respectively in which the provisions of the MCOC Act were applied. They were not arrested in the above crime till those dates.

- 31.** I used to interrogate accused Zameer for about 1-2 hours a day for 6-7 days. I interrogated Faisal for about 1 or 1 ½ hours a day for 3-4 days. I interrogated Muzzammil for about 1 or 1 ½ hours a day for 4-5 days. I do not remember whether I interrogated any accused after their custody period with me was over. I had interrogated the accused on need basis before they were arrested in my case. I do not remember on how many occasion I interrogated them. I used to interrogate for about 15-20 minutes to half an hour. I cannot tell the exact date when I started doing my work from the Bhoiwada office, but it was 10-12 days after we started work from the Hume High school. I was told on 12/07/06 to make the investigation of CR No. 59/06. I continuously investigated that crime till my statement was recorded on 14/10/06. I did not assist any other investigating officer in the investigation of their crimes concerning bomb blasts. They also did not request me to do so. I interacted with PI Vijay Kadam, PI Wadhankar and PI Joshi on 3-4 occasions before

I took the accused in custody. I may have interacted with them on need basis during the period when the accused were in my custody, but I do not remember the dates. I do not remember in whose custody out of the above three officers the accused were, when I interrogated them. I did not give any written requisition to the officers in whose custody the accused were before interrogating them and they did not give me written permission. I had taken the custody of the accused on the respective dates on my own and not on the directions of my superior. Those were the first dates when I applied to the magistrate for handing them over in my custody. I had thought of taking them in my custody before those dates. I cannot tell the exact date when I first thought of taking the accused Zameer, Faisal and Muzzammil in my custody. PI Rathod was heading another team of the ATS. I had interaction with him on 3-4 occasions.

- 32.** I decided to contact and inquire with the injured and the passengers of the train after going through their statements. I cannot tell the exact figure of the persons whom I contacted and inquired with. I felt that Ramanand Machewar was an important witness after his statement was recorded during my investigation. I and API Shelke

both were inquiring with the witness and the statement was being dictated on a laptop. I felt it necessary to call Kailash Mehta and record his further statement when I had gone to Vasai Road Police Station on 15/07/06. I did not call him subsequently. API Surve handed over the bag to his brother on my direction. The middle name of Kailas Mehta was Nakatmal. The bag was handed over to his cousin. (Learned advocate shows receipt dated 25/07/06 and asks the witness to identify the handwriting. Hence, it is marked as **Ext.1838**). I cannot say whose handwriting it is, but it bears the signature of API Surve. It is true that it is not written in the receipt that Devraj Mehta is cousin of Kailash Mehta. It may be that the articles that were given to Devraj Mehta were not from the articles listed in the panchanama Ext. 1837. There is a difference between pouch and bag, but a pouch may also be called as a bag. Devraj was given a pouch as per the receipt. The four articles that were handed over to him as per the receipt are not the articles described at sr. no. 24 in the panchanama. It is true that bunch of keys, telephone diaries and cash amount of Rs. 80/- is not mentioned in the articles described at sr. no. 24 in the panchanama. It is true that the articles



described at sr. no. 24 in the panchanama are not returned to Kailash Mehta as per the receipt Ext. 1838.

**Q.** On the day you visited the car shed did you find any belongings scattered in the affected bogie?

**A.** I do not understand the meaning of the word 'belonging'. I saw some articles scattered in the bogie. I saw cigarette packets, burnt pieces of paper, tin pieces, burnt pieces of flesh, blood, etc. I cannot say how many cigarette packets I saw. These articles can be called as 'belongings'. I did not think of seizing any of the articles.

**33.** I read my statement recorded by ACP Patil and found it to be correct. It did happen that I checked the belongings scattered in the affected bogie No. 846A, viz., the first class compartment of 607-Dn Virar fast local to find any remnants which could be useful to take traces of explosive residues with the help of officers of BDDS, Mumbai and accordingly I stated so to ACP Patil. I said earlier that I do not understand the word 'belonging' in context of they being owned by particular persons. I did not think it necessary to seize any article after checking the remnants.

**34.** I do not remember whether I was given any information

about one Zameer Shaikh from Pune in connection with the investigation. I do not recollect whether I have given such a reference in my statement. I did not suggest to ACP Patil to call Ramanand Machewar for taking part in identification parade. It is not true that I deposed falsely.

No re-examination.

R.O.

**Special Judge**

**Date:-21/12/2011**

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