

M.C.O.C. SPECIAL CASE NO. 21 OF 2006**DATE:22TH DECEMBER 2011****EXT. NO.1840****DEPOSITION OF WITNESS NO.174 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Prasad Mahendra Khandekar

Age : 53 years

Occupation : Service (ACP, ACB, Mumbai)

Res. Address : 2nd Floor, S.B. Marg, Bhavani Shankar Road, Dadar,
Mumbai-28.

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

1. I am posted as ACP in the Anti-corruption Bureau, Mumbai from September 2008. I was attached to Dadar Police Station as PI in July 2006. After the seven blasts in the western railways on 11/07/06, I received a wireless message from the control room on 12/07/06 to report to the ATS, Mumbai immediately. I went there and met Addl. CP Jaijeet Singh. He informed me that the Director General of Police has transferred the investigation of the blasts to the ATS. He ordered me to conduct the investigation of crime no. 156/06 that was registered in connection with the blast that had taken place at Borivali Railway Station. The blast had taken place in the first class

compartment of the local train of 1737 hours from Churchgate to Virar. When I came outside his office, I came to know that different investigating officers had been appointed for conducting the other six blasts. I was attached to the ATS from that day.

2. I came to know thereafter that the bogie in which the blast had taken place was shifted to Kandivali Car Shed. I immediately visited the car shed. I came to know there that the bogie no. 935A was the bogie that was affected in the blast at Borivali. When I surveyed the bogie, I found that the roof of the bogie was torn and the western side of the bogie was blown outside like fish mouth. The seats and the handles were broken and fallen on the floor and were burnt. The bogie had blackened from inside. I inspected the articles that were lying in the bogie with a view to obtain any evidence, but I did not find anything there. I went to Borivali Railway Station from there. I learnt on inquiry that Sr. PI Ahir was the investigating officer of that crime. I had a discussion with him. I came to know that the crime was registered on the FIR of PSI Nagesh Dhone, that about 28 persons had died, which included passengers in that bogie and persons on platform no. 3. I came to know that about 100 persons had been

injured and were admitted in different hospitals. I took the information of the hospitals from him. I allotted different hospitals for visits amongst myself, API Dudhgaonkar, PSI Awti and PSI Sakpal. I went to Karuna Hospital in Borivali (W). Some of the injured were taking treatment and some were serious. I inquired with the injured who were in a position to speak, with a view to obtain clue about the suspects. However, I did not get any clue. The other officers visited Bhagwati Hospital, Vrushabh Hospital and other nursing homes in Borivali (W) and made inquiries as made by me.

3. I had not received the papers of investigation from the investigating officer PI Ahir upto 21/07/06. However, I was conducting parallel investigation from 12/07/06 to 21/07/06 by visiting different hospitals and inquiring with the injured. I was contacting and interacting with PI Ahir for obtaining any information in the investigation. I came to know that out of the injured one Kishore Popatlal Shah had given the description of two suspects and had stated that he would be able to identify them, if he sees them again. I inquired with PI Ahir whether he had got prepared the sketches of suspects. He told me that the sketch drawer was not available at that

time and the witness was not ready to sit in the police station as he was injured. He also told me that one Suresh Suvarna had also given information about suspect, but had not described their faces and had stated that he would not be able to identify them, if he sees them again. I then called a sketch drawer after 2-3 days and sent him with constable Nagvekar to the house of the witness Kishore Shah. He returned back and reported that son of Kishore Shah was in the house and he informed that Kishore Shah had gone to his native place as he had sustained a shock because of the blast and was injured. I then went and met Suresh Suvarna and inquired with him whether he had any more information. He told me that he did not have any more information than what he had given in his statement. I and the officers in my team contacted about 50-60 injured persons in the hospitals during the period from 12/07/06 to 21/07/06 with a view to obtain information, if any.

4. ACP Shengal, the senior supervisory officer handed over the papers of investigation of CR No. 156/06 to me on 21/07/06 as he had received them from PI Ahir. I checked the papers and verified whether they were as per the case diary. FIR, spot panchanama, list

of articles that were seized and sent to the FSL, list of other articles seized from the spot were in the papers. There were ADR papers of 29 deceased persons. There was a panchanama about seizure of CD and photographs from the photographer. There was another panchanama of seizure of metal piece that was removed from the body of an injured person. These panchanamas were dated 14th and 15/07/06. There were four office copies of letters forwarding the seized articles to the FSL. One was of 12/07/06 and three were of 15/07/06. There were statements of 115 injured persons that were recorded by PI Ahir and his staff. There were statements of three other witnesses. I took all these documents in my possession.

5. The officers in my team were assigned for other work and API Wadmare and PSI Patil joined my team. I and API Wadmare decided to do the field work and PSI Patil was given the work of taking the statements of the injured and to give them copies of their statements or letters about they being injured, for the purpose of compensation claims. I had gone to the Borivali Railway Police Station during the field work and at that time I took statements of some injured who had come there. PI Rathod was the investigating officer of CR No. 77/06

of Mumbai Central Railway Police Station. PI Joshi, PI Kadam, PI Iqbal Shaikh, PI Agarwal and PI Wadhankar were the investigating officers of the other crimes. ACP Tawde used to sit in the Bhoiwada office as a senior supervisory officer. PI Rathod arrested the first accused Kamal Ansari in his crime on 20/07/06. He also arrested Faisal Shaikh, Ehtesham Siddiqui, Tanveer Ansari, Suhail Shaikh, Zameer Ahmed, Muzzammil Shaikh and two more accused, who were discharged later on, but whose names I do not remember now. All these accused were arrested in the other crimes one after the other by the respective investigating officers. We used to share with each other the inputs that were received during the interrogation of the accused by them. I was tapping outside sources to get maximum information about the crime.

6. PI Rathod informed me that 500 gms black powder was seized from the house of Kamal Ahmed Ansari in Madhubani, Bihar and that the FSL report of that powder was received saying that it was RDX powder. He also informed me that Kamal Ahmed Ansari had gone to Pakistan and had taken militancy training from Muzzafarabad in Pakistan occupied Kashmir. He also informed me that when he took

the search of house of the accused Faisal in Bandra (W), he had found two black spots and he had taken swabs of that spots. He had also seized 26200 Saudi Riyals from his house. I inquired with him as to whether the accused had given any explanation about the money. PI Rathod told me at that time that the accused could not give any satisfactory explanation as he did not have much source of income. However, he told me that it was revealed in the investigation that the accused had received the said Saudi Riyals from Azam Chima, commander of LeT, Pakistan via Rizwan Dawrey from Saudi Arabia. He had also found books of SIMI, which was a banned organization. He gave me information that he had recovered bottles of Sulfuric Acid, Hydrogen Peroxide and Acetone from the locker of the Sabu Siddhiqui hospital at the instance of the accused Dr. Tanveer Ansari. He informed me that he had found literature connected with SIMI at the houses of accused Muzzammil, Faisal, Zameer, Suhail and Tanveer Ansari. PI Dinesh Ahir of ATS had recovered literature connected with SIMI from the accused Ehtesham in an LAC case. PI Rathod had recovered maps from the accused showing the marked route from India to Pakistan via Iran. He had also found maps of

Mumbai wherein some important and strategic points had been marked. I also came to know that the accused Faisal Shaikh had visited Pakistan twice and had taken militancy training there and had sent Dr. Tanveer Ansari, Muzzamil Shaikh, Suhail Shaikh and Zameer for militancy training there and that he was being funded by Azam Chima for sending Muslim youth for training. I came to know from PI Rathod and during my interaction with the accused that the literature found with them contained the information as to how the democracy in India can be replaced by a Muslim Government, to create disharmony in different ways in the Indian society and how to do it. I came to know that the ideology and object of SIMI was behind the railway blasts and it was to create public opinion against the government, so that the government would topple. This fell within the meaning of promoting insurgency.

7. During the interrogation of the accused Tanveer Ansari and Ehtesham when they were in the custody of PI Agarwal and PI Kadam respectively, the officers had received information that one person by name Asif Khan Bashir Khan is an active member of SIMI and is connected with the railway blasts. At the same time from my

sources I confirmed that he had played a vital role in the Borivali blast. I had escorted the accused Faisal Shaikh and Ehtesham for their scientific tests to Bangalore. When I had the occasion of interacting with Ehtesham during the travel, I obtained some information about the involvement of Asif Khan Bashir Khan. I gave the information that I had received from my sources to DCP Bajaj. I did not share this information with any other investigating officers. He directed me to gather more information from my sources and whatever information that I had received from the other officers and to prepare and give a comprehensive report about it. I came to know that Asif Bashir Khan is an active member of the SIMI and there were some cases filed against him at Jalgaon. I told ACP Tawde that I wanted information about the cases. He sent a letter and then deputed an officer to collect the information. I got information that crime No. 178/99 was registered against Asif Bashir Khan for the offence u/s 153A(1) of the Indian Penal Code with the MIDC Police Station, Jalgaon. He was released on bail in this case, but as he did not attend the court subsequently, he was declared as a proclaimed offender. I also came to know that CR No. 103/01 was registered

against him with the same police station for the offences u/s 153A(1) of the IPC r/w sections 4 and 5 of the Explosives Substance Act and section 120B of the IPC. He had committed that offence though he was released on bail in the previous crime. He was not arrested in this case, but the chargesheet was filed showing him as wanted accused. Other accused in this crime were tried and sentences of three to ten years had been imposed on them.

8. On all the above information that I had received and collected, I realized that the main accused Asif Khan Bashir Khan in this case had more than one offence registered against him during the last ten years. I was also convinced that Faisal Shaikh, Tanveer Ansari, Ehtesham Siddiqui and Kamal Ahmed were involved in the commission of the crime that I was investigating. I had also received information that a chargesheet was filed against accused Tanveer Ansari and Ehtesham under the Unlawful Activities (Prevention) Act as they were involved in SIMI activities in 2001 after the ban on SIMI. When they were produced in the court in this case they had shouted slogans concerning SIMI. Another case was registered against them in Kurla Police Station about it and chargesheet was filed. On all the

above information I realized that though SIMI was banned, it was operating as an illegal criminal organization, i.e., organized crime syndicate and the accused were continuing with the unlawful activities under that syndicate and were promoting insurgency and obtaining pecuniary gains. I, therefore, prepared a proposal for application of the provisions of the MCOC Act to the crime that I was investigating. I sent the proposal for prior approval to DCP Bajaj for onward submission. I received the order of prior approval from Addl. CP Jaiswal on 24/09/06. In that order ACP S. L. Patil was appointed as the investigating officer of my crime. There were two Addl. CPs in the ATS at that time. One was Jaijeet Singh, who had the charge of Mumbai and one was Jaiswal, who had the charge of remaining Maharashtra. I can identify the signature of Addl. CP Jaiswal. The order of prior approval that I received now shown to me is the same, it bears the signature of Addl. CP Jaiswal. (It is marked as **Ext.1841**). ACP Patil recorded my detailed statement after the order was received. When I prepared the proposal, there were 26 deceased and 152 injured in my case. Earlier it was disclosed that there were 31 deceased, but it was revealed that articles of 5 deceased were in the

bogie of the train in which the blast had taken place at Mira Road and were in fact connected with the crime that was investigated by PI Agarwal. Therefore, I handed over the ADR papers of five deceased to him. ACP Patil again took my statement after 2-3 days and got produced all the documents of investigation that were with me. Thereafter, he was investigating officer of that crime and I assisted him as per his instructions.

9. On the instructions of ACP Patil, I, API Wadmare, PSI Patil and staff had taken the accused Tanveer Ansari on 04/10/06 to DCP Sanjay Mohite as he wanted to make a confession. PSI Patil made a station diary entry at Kalachowki while going. The station diary entry no. 8 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. 1842**). I produced the accused in veil before DCP Mohite and handed over the letter given by ACP Patil to him. I gave him brief facts of the crime including the number and name of the accused. He took the accused in his custody and asked us to go back. Accordingly we returned to our office and API Wadmare made a station diary entry.

The station diary entry no.11 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. 1843**). I will be able to identify the accused. He is present in the court. (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. I had not arrested any accused when I was investigating CR No. 156/06. I will be able to identify the accused whom I had taken to Bangalore for scientific tests. They are present in the court. (Witness looks around the court hall and points to the accused no. 3 and 4 sitting in the dock. They are asked to stand up and tell their names, which they state as Mohd. Faisal Aatur Rehman Shaikh and Ehtesham Qutubuddin Siddiqhi). They are the same accused.

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

10. PI Khanwilkar was one of the investigating officers at that time. It is not true that I protect him even today, if there is anything adverse against him. I had appeared before Addl. CP, 1st

Appeal, Niket Kaushik along with Addl. DCP Ajit Sawant in an RTI appeal. That appeal was in connection with furnishing copy of FIR registered against PI Khanwilkar by the ACB recently. I had just gone with the information officer Addl. DCP Sawant as ACP (Admn.). He had opposed the appeal. I do not know whether PI Khanwilkar was suspended. I appeared in the capacity of Asst. Information officer. I had not objected, but it was Addl. DCP Sawant who had objected it. Therefore, it is not true that I objected to give the information as it would create hurdle in this case. I had not read the case papers in connection with PI Khanwilkar when I went there. I know that there was an FIR against him, but I do not know what it was. It is not true that it was of an incident during the period when he was working with me in the ATS.

11. There were no instructions to me about not arresting the accused in my crime. I was interacting with PI Iqbal Shaikh. He had arrested an accused by name Tafheem. I did not know whether he was discharged and made a witness in this case. I came to know later on about it. I did not suggest to PI Iqbal to arrest him. PI Shaikh did not inform me that there is sufficient evidence in his crime to file

chargesheet against him. As other accused were not arrested by him, there was no question of discussing this aspect in that connection with him. He did not inform me that it was revealed in his investigation that the blast in his crime was a part of a single larger conspiracy.

- 12.** I had discussion with PI Joshi about the progress of the investigation in his crime. He did not tell me that any accused had given a confessional statement or that anything had been seized from them. There was no discussion in connection with the aspect of there being sufficient evidence or not in his crime to file chargesheet against the accused. He did not tell me that there was evidence of a single larger conspiracy. PI Wadhankar and PI Agarwal had not made any recovery from any accused and the accused had not given any confessional statements. However, it was revealed in the investigation by PI Agarwal during interrogation of the accused, that accused Asif Bashir Khan had a vital role to play in the Borivali blast. PIs Agrawal and Wadhankar did not inform me that they had evidence that all the seven blasts were the outcome of a single larger conspiracy.

(Adjourned for recess)

Date : 22/12/11

Special Judge

Resumed on SA after recess

13. I did not see any connection of the arrested accused in the Malegaon Bomb Blast Case of 2006. I do not know whether two accused in this case were made accused in that case. That case was investigated by the ATS. It is not true that I assisted in the investigation of that case. I was not apprised about any happenings in that case. I was not in the ATS at the time of Malegaon Bomb Blast case of 2008.

14. I had felt the necessity of preparing sketches after I received the case papers and went through them. No sketch was prepared during my investigation. There was no witness other than Kishore Shah and Suresh Suvarna who stated about any suspects. It did not happen that I had received less papers of the investigation. On reading the statement of Suresh Suvarna, initially I felt that he was an important witness. It is not true that he had given facial description along with describing the wearing apparel, height and beard. He had described the suspects as wearing Pathani dress,

approximate height and that they had beards. He had stated approximate age. I do not remember whether he had mentioned about sallow complexion and slim built. It is not true that when we take description we take only the height, built, complexion, average age and whether the suspect has beard. I did not take the supplementary statement of the witness Suvarna when I met him. I did not get any sketch prepared with his help. Only one statement of this witness was recorded. It was on 15/07/06. He was one of the injured in that case. I did not think it necessary to call him for identification parade. I did not get photograph of accused Asif Bashir Khan. I do not know whether it was with any other officer and whether it was available or not. This witness did not give any important information.

- 15.** It is true that a police constable had been injured in this blast. He was from LA-II. I do not remember whether his name was Santosh Prakash Khanwilkar. (Learned advocate asks the witness to go through the statement at page no. 233 of Vol. F-IV). The statement shows that it was recorded on 22/07/06 by PSI, ATS, probably by PSI B. N. Awati. (Learned advocate asks the witness to go through the

case diary and state when his statement was recorded). It is mentioned in the case diary of 22/07/06. I did not have any discussion with the witness Santosh Prakash Khanwilkar. It was revealed in his statement that he had seen the suspect, that the suspect had boarded at Bandra from the Bandra (E) side, that his age was about 20-22 years, height 5'2", reddish fair complexion, biscuit coloured checks shirt and blackish pant, straight nose and curly hair, scant mustache and beard, that when he alighted at Andheri station in a hurry, other passengers had slapped him on his back. I did not have any suspicion after reading his statement, because he had not stated about the alleged suspect having any thing in his hands. I did not call him for identification parade and did not prepare any sketch with his help. I did not feel that he was an important witness, because such things happen many times in the Virar train.

- 16.** I do not know whether Kishore Popatlal Shah was an accused on record, whether any crimes were registered against him. It is not true that the ATS planted him as witness. I do not know whether CR No. 43/07 was registered against him in the Kasturba

Marg Police Station on 10/03/06, that he was a drunkard and unemployed, that a second case against him was CR No. 129/02 registered on 11/02/02 of L. T. Marg Police Station. I do not know whether PI Tajne was attached to that police station in 2002. I had not interacted with him and met him. It is not true that on the say of my superiors I and PI Tajne have planted him.

17. I have not traveled in the local trains in first-class compartment. I do not know about the mentality of the passengers in first-class. It is possible that they try to catch the window seat that is facing towards the destination. It is true that window seats in locals get filled up first. It is true that after the train starts from the first station and if there is no crowd, the window seats are occupied upto the second or third stations. I do not think that window seats in the first-class compartment of the affected bogie in my crime were unoccupied upto Marine Lines. A passenger can get a window seat in the evening time if he travels towards Churchgate in that train. It is very difficult for him to get a window seat by boarding the train at Marine Lines. (Learned advocate asks the witness to go through the statement at page no. 19 of Vol. F-IV). It is true that the witness

Nilesh Amrutlal Soni had traveled in the same train in which the blast took place. He had come from Kalbadevi to Marine Lines. He had boarded the train from platform no.3 at Marine Lines and had got a window seat. His statement was recorded on 12/07/06. It is true that trains going from Churchgate to Borivali go from platform no.3. Trains going towards Churchgate go from platforms no. 2 and 4. (Learned advocate asks the witness to go through the statement at page no. 127 of Vol. F-IV). It is true that this person had also boarded the train at Marine Lines and got a seat on the seven seat bench.

- 18.** I inquired with the accused as to where the accused Asif Bashir Khan works, but I did not get any information. I came to know later on after his arrest that he had been working in Mumbai in some construction company. I do not know whether it was Lokhandwala Construction Company at Kandiwali. I know that he was working as a civil engineer, but I do not know whether he was working as civil billing engineer. I do not know whether the company was maintaining attendance register and whether his attendance was marked there on 11/07/06. I do not know whether the accused had attended duty on that day at 9.05 a.m. and had marked his presence

there and had signed at the time of leaving at 6.25 p.m. My superiors did not tell me to verify the attendance of the accused in that company, because till the time the investigation was with me, he had not been arrested. I was not told to do so even after his arrest and application of the provisions of the MCOC Act. I did not interrogate him at any time. I did not assist any other officer in interrogating him. I do not know whether statement of the manager of that construction company was recorded on 09/10/06 and whether statements of watchman and co-engineer were recorded. At that time I was given some other confidential work. ACP Patil did not give me any information about attendance and register. I handed over the papers of investigation to ACP Patil on 25/09/06. I was assisting ACP Patil as per availability. It is not true that I was assisting him from beginning till end as the second investigating officer.

19. I knew about the procedure for obtaining prior approval.

It was my decision to take the prior approval for the MCOC Act. PSI Deore had first informed me on telephone about the chargesheets and subsequently he gave copies of the chargesheets. I had not read the chargesheets before sending the proposal. The copies of the

two chargesheets were not attached with the proposal, but were provided subsequently. They were not with me when I sent the proposal. It is true that I prepared the proposal on the basis of the telephonic information received from PSI Deore. I do not remember whether the certified copies of the chargesheets were received by me after the prior approval order was issued. (Learned advocate asks the witness to go through Exts. 1507 to 1511). It is not true that the certified copies of the chargesheets were received after the prior approval order was issued. They were issued on 22/09/06. (Learned advocate asks the witness to go through the case diary and answer this question). It is not mentioned in the case diary that I received the copies of the chargesheets. The officer may have given them to me after returning on 23/09/06 or in the morning of 24/09/06. I do not remember whether PSI P. P. Deore had collected the certified copies at Jalgaon on 29/09/06, that on 30/09/06 he was somewhere at Nasik and then he came to Mumbai after completing his work there on that day. He went to Jalgaon around on 18/09/06. I do not know when he collected the certified copies from Jalgaon. I do not know who recorded his statement of 29/09/06. (Learned advocate asks the

witness to go through the statement at page no. 19 of Vol. F-III). It is true that as per the statement, PSI P. P. Deore had collected the certified copies of chargesheets and other papers of both cases from API C. T. Dhakrao on 29/09/06. There is no entry in the station diary about the information of these two chargesheets being given on phone by PSI Deore. It is not true that Addl. CP. S. K. Jaiswal was one of the supervisory officers of the investigation of this case. It is not true that he had approved the arrest of many accused in this case. He had asked for the certified copies of the chargesheet during our discussion and I had told him that they had not been received till that time. It is not true that it was already decided to apply the provisions of the MCOC Act to this case, therefore, certified copies of the chargesheets were not seen. It is not true that API Mandge introduced the name of the accused Asif Bashir Khan in this case. I do not know whether he was attached to Local Crime Branch at Jalgaon. I met Addl. CP Jaiswal probably on 22/09/06. I reported as an investigating officer. It is not true that the accused Asif Bashir Khan was implicated in this case in order to apply the provisions of the MCOC Act. The accused was not found till the prior approval was

granted.

20. I do not know whether police stations and crime branch all over Maharashtra were directed to find out suspects and persons on record involved in unlawful activities. No one from the crime branch or police stations in Maharashtra reported to me about this. I came to know from PI Rathod that the accused Tanveer was taken in custody from Crime Branch, Unit-II. I did not come to know that a writ petition was filed in the High Court in that regard. I do not know whether the accused Zameer and Suhail were also taken in custody from Crime Branch, Unit-II. It is not true that in my case accused Wahiddin was shown as being present continuously. I do not know whether Crime Branch, Unit-IX had provided the information about the whereabouts of the accused Sajid. I do not know whether a team of officers had gone to Bihar on the lead of an SMS.

(Adjourned at the request of learned advocate at 5.00 p.m.).

(Y.D.Shinde)

Date : 22/12/11

Special Judge

Date : 23/12/11
Resumed on SA

21. I do not know whether PSI P. P. Deore had taken the photograph of the accused with him to Jalgaon. I did not record the statement of the investigating officers of the two cases at Jalgaon. I do not know whether ACP Patil recorded their statements. I came to know from PSI Deore that the chargesheet u/s 153A of the Code of Criminal Procedure was filed in 2000 or 2001. It is not true that I do not know whether the magistrate had taken cognizance in that case. (Learned advocate asks the witness to go through Ext.1507 and say whether there is any order of taking cognizance). The cognizance is taken as charge is framed and judgment is delivered. The charge in that case was u/s 153A (1). I had not read the certified copies of the documents Exts. 1507 to 1511 even after they were received later on and even till today. I do not know whether it is mentioned in the judgment that the sanction for prosecution u/s 153A was not produced. I do not know whether one accused in that case was acquitted, whether prosecution did not explain what was the objectionable material, whether the case was registered as some

objectionable material was recovered from another accused after the demolition of the Babri Masjid. (Learned advocate asks the witness to go through Exts.1507 to 1511 and say whether the certified copy of chargesheet in the second case is filed). It is not filed, but FIR and charge is filed. The chargesheet was received as per my knowledge, but I do not know why it is not there. Shaikh and Khan are surnames in Muslims. Asif is a common name in Muslim community. Father's name and address of the person is necessary to identify a person particularly. The identity can be established by the statements of the investigating officer or witnesses. It is true that there are two Asifs in this case, one is Asif Khan and one is Asif Supadu. I did not see the name Asif Bashir Khan in the FIR. The name Asif Khan is in the charge. I do not know whether the criminal act referred to in CR No. 103/01 of MIDC Police Station, Jalgaon is not of 28/07/01. (Learned advocate asks the witness to go through the charge and FIR and state whether the period of the criminal act alleged is specified). It is in the charge that the incident took place 4-5 years before 25/07/01 and the exact date and month are not given. A police officer had lodged the FIR. It is true that there is no mention in the FIR about the

period in which the incident took place. It is true that the charge Ext. 1510 does not mention the name Asif Bashir Khan, but it mentions Asif Khan.

22. It is not true that I stated a new story before the court on the say of my superiors. I had stated to ACP Patil when I gave my statements on 24/09/06 and 25/09/06, that I came to know thereafter that the bogie in which the blast had taken place was shifted to Kandivali Car Shed, that I immediately visited the car shed, that I came to know there that the bogie no. 935A was the bogie that was affected in the blast at Borivali. I had not stated that the seats and the handles were broken and fallen on the floor and were burnt, that the bogie had blackened from inside, that I inspected the articles that were lying in the bogie with a view to obtain any evidence, but I did not find anything there, that I went to Borivali Railway Station from there, that I learnt on inquiry that Sr. PI Ahir was the investigating officer of that crime, that I had a discussion with him. I had stated that I came to know that the crime was registered on the FIR of PSI Nagesh Dhone, that about 28 persons had died, which included passengers in that bogie and persons on platform no. 3, that I came

to know that about 100 persons had been injured. I had not stated that they were admitted in different hospitals and that I took the information of the hospitals from him. I cannot assign any reason why the portions that I said as having stated before ACP Patil are not in my statement. I had not stated that I allotted different hospitals for visits amongst myself, API Dudhgaonkar, PSI Awti and PSI Sakpal, that I went to Karuna Hospital in Borivali (W), that some of the injured were taking treatment and some were serious, that I inquired with the injured who were in a position to speak with a view to obtain clue about the suspects, that however, I did not get any clue, that the other officers visited Bhagwati Hospital, Vrushab Hospital and other nursing homes in Borivali (W) and made inquiries as made by me, that I had not received the papers of investigation from the investigating officer PI Ahir upto 21/07/06. I had stated that, however, I was conducting parallel investigation from 12/07/06 to 21/07/06 by visiting different hospitals and inquiring with the injured, that I was contacting and interacting with PI Ahir for obtaining any information in the investigation.

23. I had not stated that I inquired with PI Ahir whether he

had got prepared the sketches of suspects, that he told me that the sketch drawer was not available at that time and the witness was not ready to sit in the police station as he was injured, that he also told me that one Suresh Suvarna had also given information about suspects, but had not described their faces and had stated that he would not be identify them, if he sees them again. I had stated that I then called a sketch drawer after 2-3 days and sent him with constable Nagvekar to the house of the witness Kishore Shah, that he returned back and reported that son of Kishore Shah was in the house and he informed that Kishore Shah had gone to his native place as he had sustained a shock because of the blast and was injured. This is written in other words. I had stated that I then went and met Suresh Suvarna and inquired with him whether he had any more information, that he told me that he did not have any more information than what he had given in his statement, that during the period from 12/07/06 to 21/07/06, I and the officers in my team contacted about 50-60 injured persons in the hospitals with a view to obtain information, if any. I cannot assign any reason why the portions that I said I stated to ACP Patil are not written in my

statements.

24. I do not remember whether I had stated that ACP Shengal, the senior supervisory officer, handed over the papers of investigation of CR No. 156/06 to me on 21/07/06 as he had received them from PI Ahir, that I checked the papers and verified whether they were as per the case diary. I had not stated that there was another panchanama of seizure of metal piece that was removed from the body of an injured person, that these panchanamas were dated 14th and 15/07/06. I had stated that there were four office copies of letters forwarding the seized articles to the FSL, that one was of 12/07/06 and three were of 15/07/06, that I and API Wadmare decided to do the field work and PSI Patil was given the work of taking the statements of the injured and to give them copies of their statements or letters about they being injured for the purpose of compensation claims, that I had gone to the Borivali Railway Police Station during the field work and at that time I took statements of some injured who had come there, that PI Rathod was the investigating officer of CR No. 77/06 of Mumbai Central Railway Police Station, that PI Joshi, PI Kadam, PI Iqbal Shaikh, PI Agarwal

and PI Wadhankar were the investigating officers of the other crimes, that ACP Tawde used to sit in the Bhoiwada office as a senior supervisory officer, that PI Rathod arrested the first accused Kamal Ansari in his crime on 20/07/06, that he also arrested Faisal Shaikh, Ehtesham Siddiqui, Tanveer Ansari, Suhail Shaikh, Zameer Ahmed, Muzzammil Shaikh and two more accused, who were discharged later on and whose names I do not remember now, that PI Rathod informed me that 500 gms black powder was seized from the house of Kamal Ahmed Ansari in Madhubani, Bihar and that the FSL report of that powder was received saying that it was RDX powder, that he also informed me that Kamal Ahmed Ansari had gone to Pakistan and had taken militancy training from Muzzafarabad in Pakistan occupied Kashmir, that he also informed me that when he took the search of house of the accused Faisal in Bandra (W), he had found two black spots and he had taken swabs of that spots, that he had also seized 26200 Saudi Riyals from his house, that I inquired with him as to whether the accused had given any explanation about the money, at that time PI Rathod told me that the accused could not give any satisfactory explanation as he did not have much source of income,

that however, he told me that it was revealed in the investigation that the accused had received the said Saudi Riyals from Azam Chima, commander of LeT, Pakistan via Rizwan Dawrey from Saudi Arabia, that he had also found books of SIMI, which was a banned organization, that he gave me information that he had recovered bottles of Sulfuric Acid, Hydrogen Peroxide and Acetone from the locker of the Sabu Siddhiqui hospital at the instance of the accused Dr. Tanveer Ansari, that he informed me that he had found literature connected with SIMI at the houses of accused Muzzammil, Faisal, Zameer, Suhail and Tanveer Ansari, that PI Dinesh Ahir of ATS had recovered literature connected with SIMI from the accused Ehtesham in an LAC case, that PI Rathod had recovered maps from the accused showing the marked route from India to Pakistan via Iran, that he had also found maps of Mumbai wherein some important and strategic points had been marked, that I also came to know that the accused Faisal Shaikh had visited Pakistan twice and had taken militancy training there and had sent Dr. Tanveer Ansari, Muzzamil Shaikh, Suhail Shaikh and Zameer for militancy training there and that he was being funded by Azam Chima for sending Muslim youth

for training, that I came to know from PI Rathod and during my interaction with the accused that the literature found with them contained the information as to how the democracy in India can be replaced by a Muslim Government, to create disharmony in different ways in the Indian society and how to do it, that I came to know that the ideology and object of SIMI was behind the railway blasts and it was to create public opinion against the government, so that the government would topple, that this fell within the meaning of promoting insurgency, that during the interrogation of the accused Tanveer Ansari and Ehtesham when they were in the custody of PI Agarwal and PI Kadam respectively, the officers had received information that one person by name Asif Khan Bashir Khan is an active member of SIMI and is connected with the railway blasts, that at the same time from my sources I confirmed that he had played a vital role in the Borivali blast, that I had escorted the accused Faisal Shaikh and Ehtesham for their scientific tests to Bangalore, that when I had the occasion of interacting with Ehtesham during the travel, I obtained some information about the involvement of Asif Khan Bashir Khan, that I gave the information that I had received from my sources

to DCP Bajaj. I had not stated that I did not share this information with any other investigating officers, that he directed me to gather more information from my sources and whatever information that I had received from the other officers and to prepare and give a comprehensive report about it. I had stated that I came to know that Asif Bashir Khan is an active member of the SIMI and there were some cases filed against him at Jalgaon, that I told ACP Tawde that I wanted information about the cases. He sent a letter and then deputed an officer to collect the information. It is in my statement that I got information that crime No. 178/99 was registered against Asif Bashir Khan for the offence u/s 153A(1) of the Indian Penal Code with the MIDC Police Station, Jalgaon, that he was released on bail in that case, but as he did not attend the court subsequently, he was declared as a proclaimed offender, that I also came to know that CR No. 103/01 was registered against him with the same police station for the offences u/s 153A(1) of the IPC r/w sections 4 and 5 of the Explosives Substance Act and section 120B of the IPC, that he had committed that offence though he was released on bail in the previous crime, that he was not arrested in this case, but the

chargesheet was filed showing him as wanted accused, that other accused in this crime were tried and sentences of three to ten years had been imposed on them. I cannot assign any reason why the portions that I said as having stated before ACP Patil are not in my statement. I had stated that when Tanveer and Ehtesham were produced in the court in this case they had shouted slogans concerning SIMI and that another case was registered against them in Kurla Police Station about it and chargesheet was filed, that on all the above information I realized that though the SIMI was banned, it was operating as an illegal criminal organization, i.e., organized crime syndicate and the accused were continuing with the unlawful activities under that syndicate and were promoting insurgency and obtaining pecuniary gains.

25. ACP Patil did not take my supplementary statement in connection with I taking the accused Tanveer Ansari before the DCP Sanjay Mohite on 04/10/06. (Learned advocate requests that he be permitted to stop the cross-examination at this point and calls upon the prosecution to state whether it is going to examine the person who gave the prior approval. Learned SPP submits that the officer S.

K. Jaiswal is probably out of India and the prosecution does not want to delay the trial and he will inform after recess).

(Adjourned for recess)

Date : 23/12/11

Special Judge

Resumed on SA after recess

(Learned SPP submits that the officer who gave the prior approval will not be examined as he is not available and will not be available for the next two months).

26. The proposal that I sent is not before the court. Its office copy is in the file. It is true that none of the other accused in this case were the accused in the case of 1999 at Jalgaon against the accused Asif Bashir Khan. It is not true that the chargesheet in the second case CR no. 103/01 was not filed against accused Asif Bashir Khan.

27. I do not know whether there is scheduled time of departure and actual time of departure of trains. I do not know whether the train involved in this blast reached Churchgate at 1732 hours. It was train no. VR-621Dn. and it left Churchgate at 1737 hours. (Learned advocate asks the witness to go through the

information provided under RTI by the Western Railways and state about the timings of the train). The information provided by the Western Railway shows that the train had reached Churchgate at 1732 hours and had departed at 1737 hours. I did not travel in this train of this timing during my investigation to collect information and did not depute any officer to do so. I did not collect time table of this train from the railway authority and motorman. I had inspected the bogie and had gone to the blast site. The platform no. 4 was on the east side of the train and the blast had taken place on the western side in the bogie. The platform no. 3 is on the eastern side after a track in between. It is true that if one stands there facing Virar, the site of the blast is on the left side. (Learned advocate asks the witness to go through the information provided under RTI by the Western Railways and state whether the attested photocopy of a photograph is of the affected bogie). I cannot say whether the photocopy is of a photograph of the affected bogie. It is not true that I had not gone there and seen the bogie.

- 28.** I do not read newspapers as I do not find time. I do not see the news on the television. I do not know whether DCB, CID had

arrested some persons in 2008 on the allegation that they belong to the Indian Mujaheedin. Rakesh Maria was the Jt. CP, Crimes at that time. I do not know whether Mumbai Police had arrested Indian Mujaheedin persons, whether they were arrested in connection with e-mails sent prior to Ahmedabad blast and Surat unexploded bomb, whether Rakesh Maria had given interview along with other superior officers that they had committed the blasts in this case, whether two accused in that case have confessed that they have committed the blasts in this case, whether three sanctioning authorities have so observed in their sanction orders, whether it is so mentioned in two remand applications in that case and whether an accused in that case was taken in custody in this case. I had understood the entire case before sending the proposal for the prior approval. I did not know before I sent the proposal as to who had committed which blast. I did not know the names of the planters at that time. I do not know in detail about the investigation done by ACP Patil. I do not know who are the planters of the Mahim and Bandra blasts and who are the foreigner wanted planters. I did not discuss this aspect with ACP Patil, therefore, I do not know. I do not know the names of the

accused disclosed as being planters of particular blasts. I did not rely on the cases against the accused Tanveer and Ehtesham as they were LAC cases with less imprisonment, i.e., less than three years. I had not asked for the papers. ACP Patil might have called them. I did not read them. It is not true that I wanted to submit the proposal for application of the provisions of the MCOC Act on the basis of these two cases. It is not true that I do not know about the factual aspects of those cases. ACP Patil did not tell me about it, but I came to know it from the other officers during interaction. There is no other reason other than the above for not considering those cases for the prior approval of the MCOC Act. It is not true that the sanction order was not received upto 2008, therefore, I did not rely on them. I do not know the number of accused in the first LAC case. As per my knowledge the accused were ordered to be released on bail on the first day. I do not know whether this was because the police did not have the ban order with them, whether family members and relatives of the accused were present in the court premises, whether after the order of bail they were distributing sweets amongst themselves, because of which there was disputes with the policemen and

therefore, the second case was lodged, whether the magistrate, the court staff and advocates present there are not witnesses.

29. I did not read the books found with accused Ehtesham and their translations. They were in Urdu and Hindi as per the information that I got. I do not know Urdu. I do not know whether there is no book in Hindi amongst them. I did not record the statement of the investigating officer of that case. I cannot say particularly whether the books were of SIMI.

30. I did not read the books that were seized by the other investigating officers or their translations. I had not even seen them. I did not get any information from the investigating officer whether any report about the books was called for. I do not know whether they are original books or photocopies. I did not see the maps. No investigating officer showed me those maps. I had not gone to the tribunal that was considering the case of continuing the ban on SIMI. I do not know whether any other investigating officer had gone to Khandwa, MP during the investigation, whether any police officer from Khandwa had come to the ATS, whether the literature was seized in the case at Khandwa, whether names of the accused were

written on the books and some portions were underlined to identify from whom they were seized, whether the ATS officers collected photocopies of these books. I was not present at the time of any seizure panchanama. It is not true that the coloured photocopies of the books were planted in this case.

31. It is true that the case diary that I wrote was in loose sheets and not in bound volume. ACP Tawde had seen it sometimes and put his initials. Initially ACP Shengal was the supervising investigating officer. When ACP Tawde joined the ATS, he was appointed as senior supervising officer.

32. I know that there is institution by name Solapur Mahila Police Training Camp at Solapur. I do not know whether ACP Patil was Assistant Principal there before he came to the ATS. It is not true that he joined the ATS on 04/12/06 as per Government notification. Vinod Bhatt was deputed to the ATS as Addl. DCP. He has died. I do not know how he died. I have not heard that he committed suicide. It was an unnatural death, but I do not know whether it was suicide. It is not true that he committed suicide as he was pressurized by the superiors for involving the present accused

falsely in this case.

33. I have not personally interrogated any of the accused in this case, excepts the talks that I had with Ehtesham and Faisal Shaikh during the travel to Bangalore. I was never present during the interrogation of the accused by other investigating officers. I used to discuss in depth with the other investigating officers. No one of them told me that any accused in their custody had expressed his desire to give a confessional statement. The accused were generally kept in the general lockup at Bhoiwada. They were taken out for the purpose of investigation, but I do not know where they used to be kept. The other investigating officers did not inform me about taking out the accused.

34. The accused Tanveer was in the Bhoiwada lockup on 04/10/06. I used to sit in the Bhoiwada office. I and my staff took him out of the lockup. I do not know when was the last time when he was put there. I do not know when ACP Patil got the information that he was willing to make a confessional statement. I started from Bhoiwada at about 1.00 p.m. I first went to Kalachowki. PSI Patil made station diary entry there while going. I was sitting in the vehicle

when he went to Kalachowki office for making the entry. I did not see him making the station diary entry. I do not know his handwriting, therefore, I cannot say whether Ext. 1842 is in his handwriting. PSI Patil did not inform me on returning that he had made station diary entry. API Wadmare made the entry in my presence after returning. The entry Ext. 1843 is in his handwriting.

35. I did not provide lunch to the accused when I took him out of the lockup. I had verified and had come to know that he was provided lunch. The lockup staff told me about it. I did not give any water to him during the travel. I do not know whether the accused was observing fast on that day. It was the month of Ramzan.

36. I have served for 25 years in the police. I have taken part in VVIP bandobast, like that of the President and Prime Minister. The rehearsal of the bandobast is done about one day before. I reached the DCP office at CST at about 2.00 p.m. It is not true that the DCP was not present in his office at that time. It is not true that he was in the Mantralaya upto 5.00 p.m. on that day. I do not know whether he was given VIP bandobast duty from 04/10/06 to 06/10/06. I did not meet PSI Balu Sambhaji Gangurde of Azad Maidan Police

Station on that day. It is not true that I was angry with him as he had not brought the police vehicle, that he had come walking, that I directed him to phone the police station and call the vehicle, that I sent him back to Azad Maidan Police Station. It is not true that DCP Mohite came to the office at 7.00 p.m. on that day, that on my directions PSI Gangurde started from his police station with the vehicle, that I pressurized the accused to sign some documents. I talked with the DCP on that day. He had noted down the brief facts of the case that I told him. I briefed him for about 10-15 minutes. I, the accused and the DCP were only in his chamber. I do not remember whether he signed on any papers in my presence and whether he put the time.

- 37.** I did not find any statement missing in the file when I received the case papers from ACP Shengal. I do not know whether statements of some injured were taken for the purpose of claim, without taking entry in the case diary. I do not know whether the railway claims tribunal accepted the statements given by us or cross-verified them. It is not true that I removed statements of 12 important witnesses when I handed over the file to ACP Patil. I do not know

whether they had obtained compensation from railway tribunal. (Learned advocate asks the witness to go through the case diary, index and statements of the witnesses and state whether the statements of the witnesses which he will tell are there). Statement of Kattinchira Raina is not in the index. Statement of Prakash Rajaram Benkar is there. It is recorded on 08/08/06 by me. There is no entry in the case diary about it as his statement was taken at Borivali Railway Station when I was sitting there and the case diary was at Bhoiwada. I had not gone to Bhoiwada on 7th and 08/08/06, therefore, the entry remained to be taken and it was not so important. I did not make it subsequently. Statement of Jatin Dinkarra Vyas is there. There is no entry about it in the case diary as it is dated 07/08/06. Statement of Simon I Lopes is not there. Statement of Yogesh Pandey dated 14/07/06 is there, about which there is an entry in the case diary of that date. Statements of Somnath Singh, Baptist Sequiera, Shivkumar N., Bajirao Desai, Shobha Patil, S. Meena are not there. I gave copies of statements to the injured who came to me. I do not know whether the above witnesses, whose statements are not in the file, were the injured. I cannot say on the basis of the case diary of the

railway police and the statements received by me whether they were the injured. I do not know whether these persons had claimed for compensation on the basis of copies of statement and their medical papers. It is not true that I removed their statements from the file. I do not know whether they were important eye-witnesses and whether the persons are given compensation without statement. I cannot say even on going through the list of injured in my crime provided to the accused by the railway authorities as to whether they were the injured in my crime. It is not true that the case diary is tampered, that the statement of Kishore Popatlal Shah was prepared subsequently.

38. I do not know whether teams were prepared at zonal level by the DCPs for making investigation. I did not come across any statement recorded by such team. The railway officer did not tell me about it. Borivali was in Zone-XI. Makarand Ranade was DCP there.

39. It was not revealed that any foreign national was wanted in this case till the time the investigation was with me. Other investigating officers did not tell me so. I came to know about it subsequently after the application of the MCOC Act. I do not know whether one Riyaz Nawabuddin was in custody of the ATS and

whether one Pakistani national by name Mohd. Ali was killed in police encounter. No other investigating officer told me about it. I heard that there was a dispute about a dead body. I do not know whether a family had claimed a wrong body. I had heard that one body in this case was not claimed. I do not know whether one body was claimed by two parties. I was not told about this by any other officers. I did not see the photographs of the dead body. ACP Patil did not show them to me. I do not know whether the inquest panchanama of the body was prepared showing the person to be a Hindu, whether it was so shown in the *postmortem* also.

40. Vishal Parmar did not meet me and I did not inquire with him. I did not record his statement.

(Learned advocate requests at 5.10 p.m. for adjourning the cross-examination).

(Y.D.Shinde)

Date : 22/12/11

Special Judge

Date : 26/12/11

Resumed on SA

41. The station diary was at Kalachowki and I used to sit at Bhoiwada. I did not call the station diary at any time for making an entry about I coming on duty. I did not see the station diary at Bhoiwada. I did not make station diary entry about coming on duty on 04/10/06. (Learned advocate asks the witness to go through the station diary and state whether any other officer has made an entry about it). There is no such entry on that day. It is not true that I waited for DCP Mohite at his office for seven hours as he was not in the office on that day. I do not remember in which vehicle I had gone. It is true that entries are made in the logbook about taking the vehicle. I do not remember whether entry was made in the logbook of the vehicle about I going to the office of DCP Mohite, reaching there at a particular time and returning the office at a particular time, whether I had told the driver to make the entry. It may have been a Bolero make vehicle as most of the vehicles were Boleros. I cannot produce the logbook of that vehicle. I did not mention the number of the vehicle in the station diary entry when we left the office. I do not know whether DCP Mohite was busy in VIP bandobast from 04/10/06 to

06/10/06. It is not true that VIP bandobast starts 24 hours before the arrival of the VIP and it is over when the VIP reaches his final destination. It is true that rehearsal of bandobast of Prime Minister is done one day before. It is not true that the rehearsal is conducted at the same timings of the arrival of the Prime Minister at particular spots, his stops at particular spots, etc. I do not remember what work I did on 05/10/06 and 06/10/06. (Learned advocate asks the witness to go through the station diary and state whether there is any entry about he coming on duty and about doing any work or any other officer having made such entries). There are no such entries on those days. Officers of QRT used to be with us for escorting the accused in bomb blasts case. I was assigned some confidential work, therefore, there are no station diary entries about my resuming duty or doing any work on those two days. My superiors had assigned that work to me. I do not wish to tell their names. It is not true that the confidential work that was assigned to me was of remaining present in the office of DCP Mohite and pressurizing the accused Tanveer to sign the confessional statement. Witness volunteers - I was not given the confidential work on 4th or 05/10/06, but it was before that. There is

no station diary entry about that work as such entries are not made. I do not know whether PI Tajne, PI Khanwilkar, etc., have made such entries about going for confidential work, because the work assigned to me was other than of the bomb blasts case and the investigation with me was over. I had not gone out of Mumbai for that confidential work. I do not maintain personal diary. Officers of local police station maintain personal diary as per police manual. They have to make entries of all the work that they have done and not only of important work. I do not know whether there is a notification exempting ATS officers from maintaining personal diary, but it is a practice that is followed by ATS, ACB, EOW, etc.

42. It is not true that on 04/10/06 at the office of DCB Mohite I waited for seven hours, thereafter, I came out and threatened the accused to sign and not to talk more, that I took the accused inside the office at 7.30 p.m. and took his signatures on two blank papers, that I had gone to that office on 05/10/06 with my officers and was there for four hours. API Wadmare and PSI Patil were with me on 04/10/06. It is true that there is no station diary entry about them being present on that day in the office and as to what

work they did. There was other staff with us, but I do not remember whether they were our staff or of the QRT. I do not remember their names and numbers. It is true that there is no entry about the two officers on 5th and 06/10/06. I cannot say about the staff, because I do not remember who they were. It is not true that on 05/10/06 I and other officers were at the office of the DCP and after four hours we had threatened the accused that if he does not sign, then his family members would be implicated, that he should not make any complaint when he would be produced before the magistrate, that I had taken with me copies of draft of Part-I and Part-II of the confession.

43. I do not know when the accused decided to make a confessional statement. He may have expressed such a desire before ACP Patil. I had not inquired with any other investigating officer before sending the proposal for prior approval as to whether any accused is ready to make a confessional statement before a magistrate.

44. I do not remember whether the DCP was reading something when I entered his chamber first. At that time he was not

copying from something. I do not remember whether he asked any questions to the accused in my presence. He was writing by hand. I had narrated the brief facts of the case of CR 156/06. I do not know whether he wrote what I told him, because I did not read it. I had not stated to him that the said accused had committed the said offence, but I had informed that he was arrested in that case. I cannot say whether it will be wrong if the DCP has so written.

- 45.** I do not know whether there was a big morcha of BJP in front of Churchgate on 04/10/06, whether most of the officers and all vehicles of Azad Maidan Police Station had been sent there before 1.30 p.m. It is not true that I had gone with my staff on 06/10/06 to the magistrate's court in order to pressurize the accused. I do not know how the accused reached the ATS thereafter. I did not receive his custody on 06/10/06. I do not remember whether I was with ACP Patil when his custody was taken on that day. I do not go with him to the Esplanade Court on that day or on any day. It is not true that PSI Gangurde gave the accused in my custody on 06/10/06. I do not remember whether he brought the accused to Bhoiwada and gave him in my and ACP Patil's custody. It is not true that from 04/10/06 to

06/10/06 I and my officers were constantly pressurizing the accused to sign on papers and to admit before the magistrate, therefore, there are no station diary entries about me and my colleagues, that I deposed falsely that I had been given confidential work. API Wadmare was with me for that work, but I do not remember about PSI Patil.

46. I had taken accused Ehtesham and Faisal to Bangalore on 06/09/06 by plane. Government paid the fare. I cannot produce any record of it. This was also an important thing. I did not collect reports of the scientific tests, because I had only escorted them. I do not know till today whether the reports of any accused have been received. ACP Patil did not tell me about receipt of reports and I did not inquire with him about the reports upto now. I do not know how many times the accused were subjected to narco tests. The tests were not conducted in my presence and I did not see through the glass. I did not make station diary entry while taking the accused with me. I did not tell anyone to make it. PI Kadam and PI Wadhankar were having the custody of the accused at that time and they told me to take the accused to Bangalore informing me that ACP Tawde had

appointed me to take the accused to Bangalore. I confirmed this from ACP Tawde. I do not remember the names of the officers who conducted the narco tests. I do not know whether the incharge was S. Malini. I had taken the medical papers of the accused along with the court permission and forwarding letter. I do not remember about other documents. ACP Patil had not given any CD or any transcript. I do not remember whether there were any papers with the forwarding letter. I had not read any of the documents. It is not true that I did not have any talk with the officers there. I told them that the accused are in custody in the crime of bomb blasts case. They did not tell me that they would send the reports later on.

47. It did not happen that I became very friendly with the accused Ehtesham during the journey, but I was interrogating him tactfully. I started this from the time he came in my custody. He was not in my custody at any time before that, therefore, there was no question of interrogating him tactfully before that. I had felt later on that he should be taken in my custody for tactful interrogation. I do not know whether he was taken for narco tests thrice and two times before that day.

48. When I started on 06/09/06 with the accused Ehtesham for going to Bangalore, I had come to know about the involvement of Asif Bashir Khan, but not as a wanted accused. His involvement was as an accused and not a witness, but I wanted to confirm his involvement. I had come to know from PI Kadam and PI Agarwal that his name is reflected during the interrogation of the other accused when they were in their custody. It was in the first week of September. I did not make any station diary entry about the said information. I personally made an entry about it in the case diary. I made this entry after returning from Bangalore. I may have made an entry even earlier. I had orally informed about this information to DCP Bajaj before 06/09/06 and on or after 12/09/06. I did not make any station diary entry about it. I had met ACP Bajaj personally. I had a discussion with him in between 18/09/06 and 24/09/06 in his office. I had taken the photocopies of the chargesheets and FIR that I had received till that date. I had not taken the entire case papers. Exts. 1507 to 1511 were not with him on 18/09/06. As per my memory, I met DCP Bajaj on 21 or 22/09/06. Before that I had met him 3-4 days prior to 06/09/06 and on 13/09/06 after returning from Bangalore. I

had told him that the accused Asif Bashir Khan had cases against him at Jalgaon. He did not tell me that he was Addl. SP from 04/11/97 to 07/08/00 at Jalgaon. I met him in connection with this case in September on about 4-5 occasions and I discussed the progress of the case with him. He did not give me directions about the investigation, but he gave me directions about the information that I had collected from my sources. I met him lastly on 20th or 22/09/06. I do not remember whether I met him in between 18th to 20/09/06. It is not true that I discussed with him about application of the provisions of the MCOC Act., that at that time we decided that we would have to get the prior approval, that I gave a report as instructed by him and he also wrote his report as per my report. I do not know till today whether he wrote his report. It is true that the proposal was forwarded through him. I had read the prior approval when it was received. I do not remember whether it mentioned the report of the DCP. I personally took the proposal to the DCP. There is no entry about it in the station diary. I met Addl. CP Jaiswal once in this connection as he had called me. DCP Bajaj was not with me at that time. I may have met him on 22 or 23/09/06. There is no station diary entry about

going to meet him and returning back. I discussed about my case and the information that I had received with Addl. CP Jaiswal and the prior approval was asked for in the crime that I was investigating. There was no confession, recovery, discovery from any accused and no accused had been arrested and no test identification parade had been conducted in my crime. There was no evidence in my crime for sending chargesheet against any accused. I cannot now tell the outward number of the proposal. (Learned advocate asks the witness to go through Ext. 1841 and state whether it contains the outward number of the proposal). It is true that it does not mention the outward number of the proposal. There was an outward number. It did not happen that I forgot to write it, therefore, Addl. CP Jaiswal did not mention it. I did not send the proposal to him directly. When I sent the proposal in my crime, I realized that there was an act of promoting insurgency. It is true that the prior approval does not refer to other crimes, SIMI, seizure of explosives and literature. I have not come to know till today that the accused Ehtesham, Tanveer and Asif Bashir Khan have been chargesheeted in any case. I cannot say whether the observations about the LAC and CRs against the

accused Tanveer and Ehtesham in the prior approval are wrong.

(Adjourned for recess)

Date : 26/12/11

Special Judge

Resumed on SA after recess

49. It is true that the prior approval does not mention any organized crime syndicate. I had mentioned it in my proposal. I had also mentioned about SIMI, explosives and literature. I cannot say why these things are not mentioned in the prior approval.
50. This was the first case in which I had sent proposal for prior approval. I did not record any information after receiving the prior approval. ACP Patil had recorded my information on 24/09/06. I had seen it. It is before the court in the nature of my statement. As per my knowledge that is the information. (Learned advocate asks the witness to go through the Section 23(1) (a) of the MCOC Act). It is true that the provisions of the said section show that information should be recorded after the prior approval is received. As per my knowledge my statement is the information. DCP Bajaj and Addl. CP Jaiswal had not inquired with me about the availability of ACPs. I did not get any evidence or witness to show that the accused Asif Khan

and other accused were in contact on mobile or that they had been seen together.

51. I did not have discussion with PI Wadhankar about the progress of investigation in his crime of Andheri Railway Police Station. I did not come to know that in his investigation there is a theory of pressure cooker, that some Kashmiris had purchased pressure cookers in quantity from Santacruz and their act was suspicious. I had no discussion about it with my superiors or with other investigating officers. I did not get any input that pressure cookers were used in the crime. I was not informed about seizure of pressure cookers, whistle and gasket in this case. I did not discuss with the FSL officers as to how the blasts had taken place and what was used and I am not aware of it till today. I did not discuss with any officers as to how the blasts were triggered and I do not know about it till today. I had asked the officers, but I did not get any information. I did not get any information from any investigating officer that watches and mobiles were used for the blasts.

52. It is not true that CP A. N. Roy, Addl. CP Jaiswal, Jt. CP Raghuwanshi and DCP Bajaj were helping the ATS officers in falsely

involving the present accused, that we so conspired and as a part of that conspiracy the proposal for application of the provisions of the MCOC Act was given, that in order to get the confessions of the accused, the provisions of the MCOC Act were falsely invoked, that to invoke the said provisions the accused Asif Khan was falsely implicated in this case, that there were no two chargesheets against him when I sent the proposal. I do not know whether Addl. CP Jaiswal has given prior approval in the Malegaon Bomb Blasts case 2006. It is not true that because of the political and public pressure the accused are falsely involved by concocting a false story, that all the accused in this case are innocent, that all the ATS investigating officer planted their informants, regular panchas and the accused as witnesses and panchas.

53. It is not true that I had gone to the office of DCP Mohite on 24th and 25/10/06. (Learned advocate shows the accused no. 7 Sajid Ansari to the witness). It is not true that on those days I and my officers were pressurizing this accused for signing the confessional statement and that I had threatened him not to complain to the court when he was produced before it on 25/10/06.

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

54. I submitted the proposal on 18/09/06 to DCP Bajaj. I did not obtain any legal opinion before submitting it. I did not submit it through the ACPs. ACP Shengal was attached to the ATS at that time. I do not remember the exact day when the proposal was forwarded by DCP Bajaj to the Addl. CP. Jaiswal was the Addl. CP at that time. I had discussion with him on 22nd or 23/09/06. I do not know whether the proposal went from the office of DCP Bajaj directly to the Addl. CP, whether they both had sought legal opinion from our prosecutors. I received the prior approval from the office of the Addl. CP. ACP Patil recorded my statement for about one hour from 7.30 to 8.00 p.m. on 24/09/06 and in the afternoon on 25/09/06.

55. I took the accused Ehtesham and Faisal to Bangalore on 06/09/06 and I returned with Ehtesham on 12/09/06. Some other officer brought Faisal back earlier, but I do not remember the date. I do not know whether Ehtesham was at Bangalore continuously, but he was with me while going and returning. I handed over the accused Faisal to the concerned officer on the same day. Ehtesham was detained in the Crime Branch office at Bangalore. He was taken for

the tests about one or two days after we reached. I was given the duty of escorting them to and fro. I halted there as per the directions of ACP Tawde and the investigating officers. One of the accused was in the custody of PI Kadam and one was in the custody of PI Wadhankar. Ehtesham was in the custody of PI Wadhankar and Faisal was in the custody of PI Kadam. Both accused were in the police custody in the respective crimes. The concerned officers had obtained permission of the magistrate for sending them for the tests. I had seen the permissions. I had carried them with me. I did not record the statement of any of the accused when they were with me.

56. I did not take any accused in my custody in my crime. I do not remember the exact date when the accused Ehtesham was arrested for the first time. Accused Faisal was arrested sometime in the 3rd week of July 2006 as per my knowledge in the crime that was being investigated by PI Rathod. I do not remember whether he was arrested or detained in any crime by the Crime Branch, from where he was picked up or arrested and the officer who brought him to the Crime Branch. Accused Kamal Ansari, Faisal Shaikh, Ehtesham Siddiqui, Dr. Tanveer Ansari, Zamir Ahmed, Suhail Shaikh and

Muzzammil Shaikh had been arrested upto the date I submitted the proposal. They had been arrested in CR Nos. 77/06 and 78/06 of Mumbai Central Railway Police Station, CR No. 86/06 and 87/06 of Bandra Railway Police Station, CR No. 47/06 of Andheri Railway Police Station and CR No. 59/06 of Vasai Road Railway Police Station. They were arrested in only one crime registered with the Bandra Railway Police Station. They had been arrested in five crimes till the day I submitted the proposal. I do not know whether all the seven accused had been arrested in CR No. 59/06 of Vasai Road Railway Police Station, but they had been arrested in other five crimes and had been remanded to police custody. I do not remember how many out of the seven accused had been arrested in CR No. 59/06 of Vasai Road Railway Police Station, however, some had been arrested, but I do not remember all the names.

57. I cannot tell the exact date when ACP S. L. Patil came to the ATS. He was not in the ATS when I joined the ATS. He was in the ATS when I went to Bangalore on 06/09/06. He was attached to the ATS on 18/09/06 when I submitted the proposal. I had discussion with ACP Tawde before submitting the proposal. Till that time he was

the only ACP supervising the investigation of all the seven blasts. I did not collect any material from him before submitting the proposal. It was not under his advice that I prepared and submitted the proposal, but it was prepared after discussion with DCP Bajaj. I had not consulted ACPs Shengal, Tawde and Patil before submitting the proposal. PI Rathod, PI Shaikh and PI Joshi were senior to me. PI Wadhankar and PI Agarwal are of my batch. PI Kadam is junior to me. I did not discuss about applying the provisions of the MCOC Act to my crime with any of these officers. I had collected the details from the interaction with these officers. I did not record their statements before 18/09/06 and did not collect any material in the form of documents or statements from them. The statements of any of the accused were not before me when I prepared the proposal. Till that time I was doing the investigation of CR no. 156/06. (Learned advocate shows the station diary entry no. 14 dated 18/12/06 to the witness). I do not know in whose handwriting the entry is. It is not true that as per that entry ACP Patil joined the ATS on that day.

(Adjourned as court time is over).

(Y.D.Shinde)

Date : 26/12/11

Special Judge

Date : 04/01/12

Resumed on SA

58. (Learned advocate asks the witness to go through the station diary entry no. 14 dated 18/12/06). It is true that this entry was made during the course of investigation. (Learned advocate requests that the entry be received in evidence. A true photocopy of that entry is produced and marked as **Ext.1850**). I had not recorded the statement of any person upto 21/07/06. I and the officers in my team had recorded about 23 statements from 22/07/06 to 18/09/06. These are the total number of statements recorded by my team. Witness volunteers - there may be more, about 29 statements. These statements were of injured persons. They were the first statements of those witnesses. As per my knowledge, no other officer from any other department had recorded their statements. Some of them had traveled in the affected bogie and some may be from the platform. I do not remember how many had traveled from Churchgate. All the statements were formal. It is true that from those statements I could not get any clue about the culprits. I did not forward them with the

proposal. In the papers of investigation of the crime that I got from ACP Shengal on 21/07/06, there was the statement of Kishore Popatlal Shah, which gave a clue about the suspect. I did not get any clue from the statement of Suresh Suvarna. The statement of Kishore Shah initially was not sufficient to pinpoint the identity of the culprit. It is necessary for a proposed eye-witness to remember the facial description of the suspect. I do not remember, but the witness Suresh Suvarna might have given the facial description of the suspect. I had gone through his statement. I did not suggest to my superior officer about calling him for identification parade in order to give him an opportunity to see whether he could identify anyone. I did not record his further statement. I may have contacted him on 18th or 19/07/06, before I received the papers of investigation. I did not have a copy of his statement at that time. I did not make any effort to contact him after 21/07/06. I did not suggest calling Kishore Shah for the identification parade. I did not record his further statement after I received the papers. The reason for not calling Suresh Suvarna for the identification parade, according to me is the statement given by him about the alleged suspect boarding at Bandra without any

luggage and getting down at Andheri. I had gone through the statement of Santosh Prakash Khanwilkar. On going through his statement I did not think that he was an important witness. I do not know where he is attached at present. I do not remember whether he had traveled from Churchgate, where he got down and from what station to what station he traveled. He may be a passenger of the affected bogie. I did not meet him before PSI Awati recorded his statement on 22/07/06. I do not remember whether he had recorded the statement as per my specific directions or my general directions about recording the statements of injured. That was the first time when his statement was recorded. I did not meet him after PSI Awati recorded his statement. It was placed before me by him on the same day. I do not remember whether the witness was present when his statement was placed before me. I did not feel it necessary on going through his statement and on inquiring with PSI Awati to call the witness and to make further investigation. I did not think on going through his statement that he could fix the identity of the culprits. I do not know whether he is still attached to Mumbai Police. I do not remember his age mentioned in his statement. I do not remember

whether he was called for identification parade. It is not true that I am purposely feigning ignorance about the witness. I handed over all papers of investigation that were received by me and all the statements that were recorded by my team, including the statement of this witness, to ACP Patil. It is true that Santosh Prakash Khanwilkar had raised a doubt about a person regarding the blast that took place in the Borivali station. He had given reason for his suspicion and had also described the person. I was associated with the investigation of the case till the filing of the chargesheet. It is not true that I did not suggest calling him for identification parade as our team had already decided to involve the present accused in the crime.

59. I had made efforts to call the witness Kishore Shah for further inquiry by sending my staff, but I do not remember on which day I had sent them. I had sent constable Nagvekar to his house, but I did not record constable Nagvekar's statement. It was mentioned in the case diary.

60. I do not remember the exact date and month when CR Nos. 178/99 and 103/01 of MIDC Police Station, Jalgaon were

registered. I cannot tell the names of the complainants, but they were policemen, and, on which dates the chargesheets were filed. The chargesheets were filed in Jalgaon court, but I cannot tell the court number. I am not aware of the number of courts of judicial magistrates in Jalgaon. I know about the procedure of taking cognizance. I do not remember the exact date on which the cognizance of offences was taken in both the cases. The punishment for the offence u/s 153A is more than three years. This is one of the reasons on which I relied on for sending the proposal. I do not remember the other offences in CR No. 178/99 other than 153A. Two accused had been arrested in that crime. One was the Asif Bashir Khan, but I do not remember the name of the other. There were about 15-16 accused in CR No. 103/01. Eight-nine accused out of them were arrested. The accused Asif Bashir Khan had not been arrested. API Kare was the investigating officer of CR No. 178/99. API Thakare or API Dhakrao may have been the investigating officers of CR No. 103/01. I did not record the statements of any of those investigating officers. I do not know whether any other officer had recorded their statements. I do not remember on what date the court

declared the accused Asif Bashir Khan as a proclaimed offender and after how many days after his arrest he was so declared. I did not record the statement of any police officer after he was so declared. I did not collect a copy of order of the court proclaiming him as an offender. PSI Deore had informed me about it orally. I did not record his statement. The trial of CR 103/01 is over. The judgment in that case was delivered before the date of my proposal. It was somewhere in 2006. I cannot tell the exact date and month. I did not collect its certified copy before I sent the proposal. The photocopy was received on 20/09/06. A constable who had gone with PSI Deore brought it. The papers that were received by me included photocopies of chargesheets and judgment, but I do not remember whether there were photocopies of some other documents. I received them for the first time on 20/09/06. I do not remember the number of cited witnesses in those two cases. I think that the case arising out of CR 178/99 was pending trial in 2006. Chargesheet against the accused Asif Bashir Khan had been filed upto September 2006. I cannot tell the date or month, but it was probably in 2001. Chargesheet against him in CR no. 103/01 had been filed upto

September 2006. I got the photocopy of that chargesheet. I had not received the copies of the orders of the courts taking cognizance in both the cases. I do not know whether Chabu Tukaram Dhakrao was API attached to MIDC Police Station, Jalgaon in September 2006. PSI Deore met me personally before going to Jalgaon. I did not give him any document. He did not inform me that any document concerning the present case was with him. I did not hand over any photograph to him and he did not show me any photograph. He told me on phone that he had collected some photographs and some information of the accused from the DSB or the LCB. I do not know how many photographs he had collected. I did not come to know after he returned that he had taken the statement of some witnesses. He did not produce any statement before me on coming back. I do not know whether he had recorded the statements of officers API Dhakrao, Tare and PI Anil Thakare.

- 61.** I had not prepared a panchanama and had not taken photographs of the affected bogie that I visited. I had not gone through the literature and documents that were seized from the accused by the other investigating officers. I did not get any

opportunity to see them and the other articles seized from the accused. I did not record the statement of any person from whom I got the information that the accused Asif Bashir Khan had played a vital role in the Borivali blast. I did not record the statement of PI Agrawal and I do not know whether any other officer from the ATS had recorded his statement. I had no occasion till today to go through his statement. PSI Deore was attached to the ATS during the period from July to September 2006.

62. I prepared the proposal on 17th and 18/09/06. I sent it to my DCP for being forwarded to the Addl. CP. It was in noting form submitted to DCP Bajaj for onward submission to the Addl. CP. PSI Deore was not in my team. I do not know in whose team he was working and investigating which crime relating to which bomb blast. I did not ask him whether his statement had been recorded by his superiors. I did not inquire with him whether he had passed on this information to his superiors. I do not know even today in which team he was or whether he was in any team. I did not send any documents with the proposal. My proposal was of 2 ½ pages. It contained the facts of the case also. I did not have discussion with ACP Tawde or

Patil before sending the proposal. I did not give copy of the proposal to ACPs Tawde, Patil and Shengal after the prior approval was received.

(Adjourned for recess)

Date : 04/01/12

Special Judge

Resumed on SA after recess

- 63.** It is true that only the two previous cases at Jalgaon are relied upon for invoking the provisions of the MCOC Act. Rest of the cases to which I referred in my evidence were not considered for giving the prior approval. CR No. 178/99 is only with reference to the offence u/s 153A (i) of the IPC. CR No. 103/01 is with reference to the same offence along with Sections 4 and 5 of the Explosive Substances Act and section 120B of the IPC. As per my knowledge sections 4 and 5 of the Explosive Substances Act are applied in CR No. 103/01 and not Indian Explosives Act. I have gone through the provisions of the Indian Explosives Act. It is different from Explosive Substances Act. I cannot tell the punishment provided under sections 4 and 5 of the Indian Explosives Act and sections 4 and 5 of the Explosive Substances Act unless I see the Acts. I do not remember

whether I mentioned in my statement dated 24/09/06 that the accused were charged u/s 4 and 5 of the Indian Explosives Act. (Learned advocate asks the witness to go through his statement). It is true that sections 4 and 5 of the Indian Explosives Act are mentioned in the table on page 3. It is incorrectly written, because in the paragraph below the table, sections 4 and 5 of the Explosive Substances Act are mentioned. It is true that two lines above it, it is mentioned as Explosives Act. I think that it is also a typographical error. I did not notice any other typographical error in my statement at that time. I noticed the above error today for the first time. I had gone through my statement in the computer and also after its printout was taken out, before ACP Patil signed it. I cannot say as to in how many parts the offence u/s 4 of the Explosive Substances Act is divided. I do not remember whether the offence of CR No. 103/01 was under 4 (a) or 4 (b) or 4 (i) or 4 (ii). Similarly I cannot say about the parts of section 5. I cannot state about the punishment provided for the offences of the different parts of sections 4 and 5 of the Explosive Substances Act. I do not remember whether I stated when I gave my statement that the offence was u/s 4 (b) of the Explosive Substances

Act. (Learned advocate asks the witness to go through his statement). It is true that it is so mentioned in the statement. I cannot explain why only section 4 is mentioned at earlier two places including in the table. I cannot say now whether section 4 or section 4 (b) is correct. I cannot say whether there is no offence in the IPC as section 153 (1) (A). I do not remember whether I had so stated when I gave my statement that the accused are charged with that section. It is so mentioned in the table in my statement. I cannot say without going through the Act as to in how many parts section 153A is divided. I had gone through sections 153A and 153B of the IPC. I cannot say whether they are distinct offences punishable with separate punishments. (Learned advocate asks the witness to go through the sections 153A (1) and 153A (2)). It is true that they are different offences with different punishments. It is true that there is no section 153-1A in the IPC.

- 64.** I have gone through the provisions of the Unlawful Activities (Prevention) Act. I cannot say unless I see the Act as to the punishment provided for the offence under section 10 of the Act. As per my knowledge it is in one part. I cannot say whether there are two

parts prescribing separate and different punishments. As per the information that I got, the cases against the accused Tanveer and Ehtesham were u/s 10 of the said Act. I did not go through any documents concerning those cases. I referred to them pursuant to the information that I received. I did not record the statement of any person who gave me that information. (Learned advocate asks the witness to go through section 10 of UA (P) Act). It is true that the section is divided in two parts (a) and (b), with separate sentences. I do not know for which out of these two, the accused had been charged. I had referred to these cases against the two accused in the proposal. However, they were not to be considered for revoking the provisions of the MCOC Act. I did not collect the chargesheets or the orders of the courts taking cognizance in those cases. I was aware that chargesheets had been filed in both the cases. It is true that I was not given information about any other case except the two cases at Jalgaon and the two cases under the UA(P) Act. As per my knowledge none of the other arrested accused in this case are accused in the above four cases. The two chargesheets at Jalgaon were the only basis for showing continuous unlawful activities. I do

not know how many statements were recorded by PSI Deore at Jalgaon.

65. It is not true that I sent the proposal for invoking the provisions of the MCOC Act without having any material and with a malicious intention, that they were invoked to create evidence to involve the present accused to come out of the pressure of the government and public outcry.

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

66. I was PI at Dadar Police Station for about three years before July 2006. PIs Rathod and Khanwilkar were not attached to Dadar Police Station during this period. PI Ahir was aware that I was also investigating the crime. During this period my main aim was to find out clues regarding the suspects. I and my team members were keenly inquiring with the injured and the passengers of the train. It is true that therefore the witness who had given some description of suspects was of paramount importance. I came across the statement of Kishore Shah in the night of 14/07/06. Sketches are drawn by the sketch drawers on asking questions to the witnesses. The witness Kishore Shah was in a condition to speak when his statement was

recorded by PI Ahir. I did not make any effort to find out from the doctors about his physical condition. I did not record his son's statement. It is not true that I deposed falsely that the witness was not at home and he had gone to his native place.

67. I inspected the bogie at about 4.30 p.m. on 12/07/06 in connection with CR no.156/06. I was directed to investigate that crime. I conducted the investigation initially from Borivali Railway Police Station and in the field upto 21/07/06 and thereafter from Bhoiwada office. I had verified the papers to ascertain as to which crime they pertain. They were the only papers of investigation that I had received. I had not received any articles on 21/07/06 along with the papers. Initially ACP Shengal was the supervising officer upto 21/07/06 and for some time thereafter also and thereafter ACP Tawde was the supervising officer till the investigation was with me. Thereafter, ACP Patil was the investigating officer and I assisted him till filing of the chargesheet.

68. I went to DCP Bajaj after 12/09/06. My approaching him and having discussion with him is mentioned in the case diary. ACP Tawde had not seen the case diary thereafter. I cannot say whether

he saw it or not till the filing of the chargesheet. ACP Tawde did not ask me about the mention in the case diary about my visit to DCP Bajaj. The proposal that I sent was in connection with CR No. 156/06 only. ACP Tawde did not ask for a copy of the proposal. It is not true that the proposal contains the information about CR No. 156/06 only. I did not record the statements of the investigating officers of other crimes from whom I had received the information. I cannot say whether the information is not referred in the prior approval. It is not true that I had not given any such information and that I mentioned it for the first time when I gave evidence. I did not record any statement in connection with the information received about the accused Kamal Ansari. It is not true that the accused are involved in the case only to please the superiors.

No re-examination.

R.O.

Special Judge

Date:-04/01/2012

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