

M.C.O.C. SPECIAL CASE NO. 21 OF 2006**DATE:4TH JANUARY 2012****EXT. NO.1851****DEPOSITION OF WITNESS NO.175 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Devram Dagadu Wadmare
Age : 55 years
Occupation : Service (PI)
Res. Address : Bungalow No. 3, Anikat, Akola

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

1. I am attached to Old City Police Station, Akola at present as PI. I was attached to Dharavi Police Station in 2006 as API. After the blasts in the railways on 11/07/06, I was directed by the Control room on 15/07/06 to report to the ATS and to assist in the investigation of the bomb blasts. I reported to the ATS office on 15/07/06. I was directed to work as per the directions given by the superiors. Our DCP Bajaj told me to work as per the directions given by the officers who were investigating the blasts. PI Khandekar told me to help him to take the statements of the persons who were injured in the blast at Borivali, which he was investigating. Accordingly I visited different hospitals where the injured in that blast had been admitted and inquired with the witnesses. Statements of most of the witnesses had been recorded earlier. I informed this to PI Khandekar. I recorded

statements of PSIs Shelar and Yadav of BDDS on 26/07/06 when they came to the ATS office.

2. My superiors directed me to search for taxi drivers, who may have taken some persons from Bandra to Churchgate on the day of the blasts. Accordingly I took two constables with me and searched for the taxi drivers at the taxi stands of Bandra, Govandi, Andheri and taxi stands on the way. After searching for 15 days, I came across a taxi driver by name Santosh Kedar Singh at Hill Road, Bandra, who informed me that he had taken two persons from Perry Cross Road to Churchgate on the day of the blast and he thought those persons to be suspicious. I inquired with him in detail and asked him about the description of the persons and as to why he had suspicion about them. I felt that the information that he was giving to me was important. Therefore, I requested him to accompany me to the ATS office at Bhoiwada. He came with us in his own taxi at Bhoiwada. I took him to ACP Patil and after ACP Patil inquired with him, the taxi driver told him the same information that he had told me. ACP Patil then asked me to record his statement and I recorded it and gave it to ACP Patil. After it was completed, I read it over to the witness and he admitted that it was correctly written. Thereafter, I was assisting all

the teams in the investigation upto filing of the chargesheet.

3. I had accompanied PI Khandekar and PSI Patil when they took an accused to the office of DCP Mohite on 04/10/06. I had made station diary entry after returning back to our office. The station diary entry no. 11 dated 04/10/06 now shown to me is the same, it is in my handwriting and its contents are correct.

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

4. I was assisting ACP Shengal also. He did not suggest to me to see if any accused is ready to become an approver. I do not know whether the investigation of Malegaon Bomb Blast Case of 2006 was with him. I did not take part in the investigation of that case and I do not know who did the investigation.
5. I did not make any station diary entry on 03/11/06 about going in search of taxi drivers and on returning back. I had gone in search once or twice thereafter also during 4-5 days. There are no station diary entries about going in search and returning back during the period of 15 days prior to 03/11/06 and thereafter. There is no station diary entry about I coming on duty on 03/11/06. I did not check the station diary entry about it. I do not know whether the duty ATS officers were making the station diary entries.

6. I had read the statement of Santosh Kedar Singh when I wrote it. I did not suspect any foul play about the witness. I had inquired with him for about half an hour before the statement. ACP Patil made inquiries with him for about 15 minutes. I came to know during inquiry that he was the owner of the taxi. I do not know whether Satishkumar K Singh was the owner of taxi no. MRK-8286 and MH-02-WA-8139. (Learned advocate shows the information provided by the RTO authorities to the witness). It is true that the above information is mentioned in the letter given by the RTO office. (It is marked as **Ext. 1853**). There was no question of asking the witness about his concern with Satishkumar K. Singh. He also did not mention it. The statement of the witness now shown to me is the same, it bears my signature and its contents are correct as narrated by the witness. He had stated before me the contents of the portions marked 'A' to 'I' from his statement. (They are marked as **Exts. 1854 (1 to 9)**). He had stated to me that in 2006 he used to drive Fiat taxi no. MRK 8286 during the day in one week and during the night in the next week in Andheri. It is written in other words and in continuation. He had not stated to me that on 03/11/06 he was on the Hill Road in Bandra in the afternoon, that police were making inquires whether anyone out

of the taxi drivers there had reached any passenger from Perry Cross Road, Bandra to Churchgate on 11/07/06, that they asked him whether he would accompany them to the Bhoiwada Police Station to tell them about it, that he consented, that he went in his taxi to the Bhoiwada Police Station along with them, that they took him to some office behind Bhoiwada Police Station, that upstairs there were some officers. He had stated before me that he took his empty taxi to Elco market to a shop of a friend and waited there, that after about 10-15 minutes an old person came, but the other taxi drivers did not take him as he wanted to go nearby, that he took him to Perry Road. It is not written in his statement, because he was stating many things and I took down the gist of the information that he gave.

(Adjourned as court time is over).

(Y.D.Shinde)

Date : 04/01/12

Special Judge

Date : 05/01/12**Resumed on SA**

7. He had not stated before me that one of them had a heavy black bag and an umbrella, that *en route* (emphasis supplied) they told me to drive the taxi carefully as the articles that they had with them were delicate, that he left them at the subway by which one can go to Churchgate station. However, he had stated that he had left them at the subway near Churchgate station. He had not stated particularly that he told them that he would bring the change and they should wait for two minutes. He had not stated that they were in a hurry, that they got down taking the bag with them. However, he had stated that they told him that they were in a hurry to go. He had not stated that this was his first experience about passengers keeping such a big amount of change, that the other passenger was talking somewhat in Punjabi language. However, he had stated that one was talking in Mumbai style Hindi and the other passenger was talking in Punjabi style Hindi. He had not stated to me that the other was thin aged about 23-25 years.
8. It is not compulsory to make a station diary entry about taking statement of witness. I do not know whether the ATS officers were

making station diary entries about recording statements of witnesses.

9. I did not take copy of driving licence, badge of the witness Santosh Singh and he also did not produce them on his own. I did not feel it necessary to collect the copies. I did not see the documents of the vehicle and he did not produce them on his own. There should be a logbook in every taxi. I do not know whether the logbook contains entries about the names of the drivers who have driven it on particular dates and times and the kilometer reading. I did not examine the logbook of that taxi and he did not produce it on his own. I do not know till today as to who is the owner of that taxi. It is not true that I do not know about the concern of the witness with the taxi. He was its driver. I did not take photographs of the taxi, did not ask them from him, did not examine the taxi, did not make efforts to send it to the FSL and did not seize it. It is not true that I was sure that I will not find anything in the taxi. I did not feel it necessary. It is not true that the taxi had been scrapped before 11/07/06, therefore, I did not collect any documents. I do not know of what year the model of the taxi was. I do not know whether as per the amendment to the Motor Vehicle Act, a vehicle is to be scrapped after a certain period. I do not know for how many years heavy vehicles and light vehicles can be

used.

10. It is true that a taxi cannot ply without permit in Mumbai. I cannot say whether a taxi can be purchased in the name of the permit holder. I do not whether a permit of one vehicle can be used for other vehicle. I did not collect any document showing that the witness Santosh Singh was a taxi driver, but I had seen his licence.

11. I did not maintain any official record to show that I had visited the various areas for fifteen days. I was not in a particular team that was investigating a particular crime. DCP Bajaj and ACP Patil had given me directions to search for the taxi driver. DCP Bajaj told us about it in the general meeting and not particularly to me. I do not remember the date when he told us. Pls Khandekar, Agarwal, Joshi, Rathod, API Sahani, PSI Gaikwad and many officers were present in the meeting. DCP Bajaj was the highest officer in that meeting that took place in the ATS office at Nagpada. Second meeting was at Bhoiwada. DCP Bajaj presided over both meetings. I do not remember whether ACP Patil was present in those meetings. I cannot tell the days after the blasts when the meetings took place, but there used to be meetings regularly. These meetings used to take place at all offices of the ATS in connection with the investigation of this case.

I do not remember the number of meetings that took place in the office of DCP Bajaj. I may have attended 7-8 meetings presided over by him. There were meetings with Addl CP Jaiswal at his office and at the ATS office, but I cannot tell the numbers. They were attended by ATS officers. It is not true that Addl. CP Jaiswal and DCP Bajaj used to give directions as to how to make further investigation. I came to know about the meetings after I joined the ATS. I attended one meeting held by CP Roy. It was at the ATS office at Nagpada in connection with this case. Other ATS officers were present there. Addl.CP Jaiswal, Jt CP and DCP Bajaj were present. I do not know how many meetings were taken by CP Roy. I do not remember for how long the meeting that I attended continued. It was a meeting in connection with guidance about the investigation. All were taking part in the discussion. No one was giving any guidance, but there was discussion going on. I do not remember what every investigating officer stated. It is not true that they were reporting about the investigation that they had done. I do not remember whether the meeting had taken place before the application of the provisions of the MCOC Act or thereafter. I do not know whether it was the first or last meeting. I do not know whether the CP had visited the ATS

office. I did not attend any meeting at Kalachowki. No other officer told me about he having visited the Kalachowki office.

- 12.** I had started from my residential quarters in Marol Police Camp, Andheri at about 11-11.30 a.m. on 03/11/06 for searching the taxi driver. I had decided to go to Bhoiwada office after the work was over. No one pointed out the taxi driver Santosh Kedar Singh. I was inquiring with many taxi drivers and it was I who met him first while he was sitting in his taxi. I had made inquiries with about 8-10 taxi drivers before him. I had asked the taxi drivers whether they had taken two or more persons from Bandra to Churchgate on 11/07/06 in the afternoon and whether they had gone in a hurry. The other taxi drivers replied in the negative. The witness Santosh Singh had answered my questions there. I did not take down his statement there. I went to Bhoiwada from there directly and reached at about 4.00 or 4.30 p.m. I did not verify before going there as to whether ACP Patil was there. I met him when I reached there. I briefed him first. It took about 10 minutes. During that time witness Santosh Singh was standing outside the office. I do not remember who else was present in the office and whether ACP Patil was alone. I then called the witness inside and introduced him to ACP Patil and *vice*

versa. ACP Patil inquired with him in my presence, but did not record his statement.

13. I do not know whether photographs of the accused who had been arrested were on record. ACP Patil did not show any photographs to the witness. ACP Patil did not give me photographs of deceased or alive persons or photographs of accused and ask me to show them to him. I did not ask the witness whether he is able to give description for preparing sketch. There is no reason for this. If a witness claims that he has seen an unknown suspect, then normally sketch is prepared with his help. I do not know whether names, phone numbers and addresses of sketch drawers were available in the ATS office at that time.

14. It is true that police officers are required to maintain a personal diary. I did not mention in my diary about the search of taxi drivers and of tracing the witness Santosh Singh. Superior officers examine personal diaries from time to time. We have to write about all the work that is done during the day in the personal diary. It is not true that such diaries are provided by the department. They are required to be purchased. Superior officers who examine them initial such diaries. It is not true that I did not go for search of taxi driver

before, on and after 03/11/06, therefore, it is not written in my personal diary. The personal diary is not accessible to the public. I used to go for the search in the government vehicle. It was a Bolero vehicle, but I cannot tell its number. I did not make entries in the logbook. The driver did not make entries in my presence. I did not take the same vehicle on all days. I did not see anyone making entry in the logbook. I did not see the other officers who were with me, making entries in their personal diary.

- 15.** I do not remember whether there was VIP bandobast on 04/10/06. I had started from the Kalachowki ATS office on that day at about 1.00 p.m. PI Khandekar was present there before I reached. I do not know since when he was there. I reached the office at about 1.00 p.m. I did not personally make entry in the station diary while leaving. PI Khandekar did not make entry in my presence and he did not tell me to tell someone to make the entry. I met him outside the office when he was standing near the vehicle. We started at about 1.15 p.m. from there. I do not know whether DCP Mohite was attending VIP bandobast duty on that day. It is not true that we waited for him at his office upto 7.00 p.m. I do not know whether Azad Maidan police had come there with vehicle. I do not know what

duty DCP Mohite had on that day, at what time he came to the office and left it. I did not meet him or his clerk or PA on that day. There was a bench outside his office. It is not true that I and PI Khandekar sat on the bench. I stood outside and he went inside. I do not know whether DCP Mohite was inside his office at that time. It is not true that PI Khandekar was angry with the officer of Azad Maidan Police Station, that we waited there upto 7.00 p.m. and that I made the false station diary entry No. 11, Ext. 1843. I do not remember the make of the jeep by which we had gone to the office of the DCP Mohite.

- 16.** It is not true that I did not meet any taxi driver by name Santosh Kedar Singh on 03/11/06, that he is a false witness planted on the instructions of CP Roy, Jt. CP Raghuwanshi, Addl. CP Jaiswal and DCP Bajaj, that I did not collect any documents as I knew beforehand that the taxi No. MRK-8286 had been scrapped, that I did not collect any documents from the witness as I knew that he was not a taxi driver and had no concern with the said taxi, that I deposed falsely about going in search of taxi driver for 15 days, that the CP A. N. Roy used to regularly come to the ATS office upto the receipt of the prior approval in connection with the investigation of this case, that the discussion in the meeting was in respect of introducing

accused and persons known to the investigating officers as witnesses in the case for implicating the present accused. I do not know whether ACP Patil took charge of the ATS office at 1830 hours on 18/12/06. The station diary entry Ext. 1850 shows this. (Learned advocate asks the witness to see the station diary entry no. 14). It is true that the entry mentions recording of statement of a witness. I do not know whether ACP Shengal was the investigating officer of the Malegaon Blast of 2006, whether DCP Bajaj was the supervising officer and whether Addl. CP Jaiswal had given the prior approval under the MCOC Act, whether nine accused had been chargesheeted by the ATS, whether traces of explosive substances, confessions, objectionable literature and approver were shown in the case, whether accused Mohd. Ali and Asif Bashir Khan are also the accused in that case, whether the investigation was transferred to the CBI and thereafter to the NIA, whether all nine accused have been granted bail. It is not true that the accused in that case were falsely implicated, therefore, I am not admitting the above things, that we conspired with the superior officers to falsely involve the present accused and therefore prepared the false statement of this witness and that I deposed falsely.

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

17. Declined.

Cross-examination by Adv Ms. Anushri h/f Rasal for A1 & 4 to 6

18. Declined.

No re-examination.

R.O.

Special Judge

Date:-05/01/2012

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

Date: 07/02/14
Resumed on SA

Further cross-examination by adv Khan Abdul Wahab as per the order of the High Court dated 30/01/14 in Cri. Appeal No. 1194/13

19. I was attached to the Narcotics Department in February, 1998. A crime was registered against me by the Anti Corruption Bureau, Mumbai on the allegation that I had threatened the complainant that I would involve him in a false narcotics case and I tried to extort Rs.30,00,000/- for not implicating him. The ACB filed chargesheet against me. It is true that the court by its judgement dtd.20/11/10 in Special Case No. 53/01 had convicted me for the charge under section 342 of the IPC and had released me on a bond of good conduct for a period of one year instead of imposing any sentence on me. Witness volunteers – I was acquitted of all the main charges against me and I was held guilty for an offence for which there was no charge and I filed an appeal against it in the High Court and it is pending. Five police persons were my co-accused in that case. Witness volunteers – they all were acquitted. (Ld. Adv. requests permission to show Exts.4294 and 4295 to the witness. Permitted.) It is true that Ext.4294 is the certified copy of the final report and Ext.4295 is the certified copy of the judgement in that case. It is not

true that the ATS helped me to secure an acquittal in that case. It is not true that a departmental inquiry was initiated against me in respect of the case filed by the ACB and I was given a strict warning. (Learned advocate requests permission to show Ext.4293 to the witness. Permitted.) I do not know about the order in Ext.4293 about separate action against me, because it did not reach me. It is true that Ext.4293 shows that my co-accused in the case of ACB were given strict warning. I do not know anything about it.

(Learned SPP submits that he wants to re-examine the witness for showing his credibility. Learned advocate Wahab Khan objects on the ground that there is no ambiguity. Heard both sides. Re-examination is permitted).

Re-examination by SPP Raja Thakare for the State

20. I was a PSI when the case was filed by the ACB. I am now Sr. PI having got two promotions.

R.O.

Special Judge

Date:-07/02/2014

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