

M.C.O.C. SPECIAL CASE NO. 21 OF 2006**DATE:5TH JANUARY 2012****EXT. NO.1859****DEPOSITION OF WITNESS NO.176 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Bhimdev Bhalchandra Rathod

Age : 52 years

Occupation : Service (Sr. PI, Chembur PS)

Res. Address : C-103, Corolla Jewel, Baman Daya Pada, Military Road, Marol, Andheri (E), Mumbai-72.

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

1. I was attached to Mumbai Railway Commissioner Office from January 2001 to 11/07/06 and was posted as Sr. PI of the Mumbai Central Railway Police Station from June 2005 to 11/07/06. I was in my office at Mumbai Central Railway Police Station on 11/07/06 when the bomb blasts in the Western Railways took place. PC Jadhav 3286 of my police station informed me by phone at about 6.30 p.m. from Matunga Railway Station that there had been a bomb blast in the local train near Matunga Railway Station. I told the SHO to make a station diary entry about the information. The station diary entry no. 39 in the station diary register now shown to me is the same and its

contents are correct. The contents of the true photocopy of that entry are as per the contents of the original entry. (It is marked as **Ext. 1860**). On receiving this information I along with PI Godbole, API Inamdar and staff immediately went to the spot by road in our vehicle. I told the SHO to make the station diary entry about the information. The station diary entry no. 40 in the station diary register now shown to me is the same and its contents are correct. The contents of the true photocopy of that entry are as per the contents of the original entry. (It is marked as **Ext. 1861**). On reaching the Matunga Railway Station, we saw that the affected train was standing on track no. 3 near electric pole no. 11/11 and the bomb blast had taken place in the male first-class bogie no. 864A that was in front. There is no platform no. 3 at that railway station. Some injured were lying on the tracks. I sent them to the hospitals with the help of locals. Many dead bodies and injured had been taken to the hospitals by the fire brigade, passengers, local police and public before I reached there. I cordoned the spot with the help of my staff and the staff who was there in order to preserve the spot. I instructed them not to allow anyone to disturb the scene of offence. I recorded the complaint of

motorman Sachinkumar Singh and sent it with PC Rajaram to the police station for preparing the printed format of FIR. The complaint and the printed format of the FIR Ext. 424 now shown to me are the same, the complaint bears the signature of the complainant and my signature and the FIR bears the signature of ASI Kamble and their contents are correct. ASI Kamble made entry in the station diary about preparing the FIR and registering the crime. The station diary entry no. 47 in the station diary register now shown to me is the same and its contents are correct. The contents of the true photocopy of that entry are as per the contents of the original entry. (It is marked as **Ext. 1862**).

2. Before the above crime was registered, I had come to know that there had been a similar blast at Mahim Railway Station. I sent PI Godbole, PI Shinde and staff to that spot immediately. The BDDS personnel came to the Matunga blast site. I got the blast site and entire train inspected by them. CR No. 77/06 was registered in connection with the said blast. Thereafter I called two panchas at the spot and after inspecting the blast site I prepared spot panchanama. The spot was the first-class bogie no. 864A. Its eastern side portion

and the roof were completely blown off because of the blast. Articles of passengers like clothes, bags, etc., were lying scattered in the bogie and also outside. The seats and fans were broken, there was blood everywhere, there were flesh pieces and burnt clothes, shoes and chappals of passengers inside and outside the bogie. I collected the articles with the help of the panchas. There were umbrellas, bags, bank documents, PAN card, I-cards, railway pass, spectacles. I seized about 50 such articles under panchanama. I prepared the panchanama in flood light. It was read over to the panchas and their signatures were obtained and I also signed. The panchanama Ext. 441 now shown to me is the same, it bears my signature and signatures of panchas and its contents are correct. I will be able to identify the articles that remained after most of the articles were returned to the relatives of the victims and to the injured. The Arts. 1 to 15 now shown to me are the same. I came to know that FSL personnel had come at the Mahim Railway Station and were helping PI Godbole and PI Shinde in collecting the samples of remnants of explosive substances, etc. I also came to know that PI Godbole had called for packing and sealing material from the Mumbai Central

Railway Police Station. Therefore, I directed PI Godbole to send the FSL personnel to the Matunga Railway Station and also to send the packing and sealing material with a constable to Matunga Railway Station after completion of his work. FSL officer Daundkar and his staff came to the spot at about 2.00 a.m. of 12/07/06. They collected certain articles from the bogie like burnt cloth, plastic, rexine pieces and cotton swabs. I put all these articles in separate plastic bags, wrapped them in khaki papers and affixed labels containing my and panchas signatures. I also sealed the envelopes. I will be able to identify the articles. The Arts. 16 to 19 now shown to me are the same. The Arts. 21 to 23 are the same, the label Art. 24 bears my signature and that of the panchas. The Arts. 25 and 26 are the same, the label Art.27 bears my signature and that of the panchas. The polythene bag Art. 28 is the same. The Arts. 29 and 30 are the same, the label Art.31 bears my signature and that of the panchas. The polythene bag Art. 32 is the same. I prepared a panchanama about the seizure of the articles with the help of the same panchas and read it over to them, took their signatures and put my counter signature. The panchanama Ext. 443 now shown to me is the same, it bears my

signature and signatures of the panchas and its contents are correct.

3. I returned back to the police station with the seized articles, handed over the seized articles to the muddemal clerk, made entry in the muddemal register and directed the SHO to make station diary entry. The station diary entry no. 2 in the station diary register now shown to me is the same and its contents are correct. The contents of the true photocopy of that entry are as per the contents of the original entry. (It is marked as **Ext. 1863**).

4. Seven bomb blasts had taken place at different locations in the Western Railways. Director General of Police issued order that the investigation of all the blasts should be taken over by the ATS. By that order I was attached to the ATS for the purpose of investigation of the blasts cases. Therefore, I reported to the ATS office on 12/07/06. In the meeting that took place, I was assigned the investigation of CR no. 77/06 of Mumbai Central Railway Police Station concerning the blast at Matunga Railway Station as I was already investigating it. API Bagwe, PSI Kshirsagar and PSI Arjun Gaikwad, who had been deputed to the ATS on that day, were directed to assist me in the investigation. I had taken three staff members with me to the ATS for

assisting me in the investigation. They were HC Padwal, PC Jagdale and PC More. ACP Shengal and ACP Tawde were supervising the work of the investigation of all the bomb blasts.

5. The persons who were injured in the Mahim and Matunga blasts were admitted in Sion and KEM hospitals. In the night of 11/07/06 I had instructed APIs Inamdar, Morey and PSIs Gondge and Devkare of my police station to record the statements of the injured. I also went to the hospitals on 12/07/06 and inquired with the witnesses with a view to obtain information about suspects. Superior officers had given orders to the local police stations to prepare the inquest panchanamas on the dead bodies that were in the Sion and KEM hospitals. Dadar Railway Police Station and Bhoiwada Police Station officers prepared the inquest panchanamas on the dead bodies that were in the KEM hospitals. Sion Police Station officers prepared the inquest panchanamas on the dead bodies that were in the Sion hospitals. All these three police stations registered ADRs at zero numbers and sent the inquest panchanamas to Mumbai Central Railway Police Station. On receiving them ADRs were registered and the papers of the ADRs concerning Mahim Police Station were

included in the papers of CR No. 77/06 and those concerning Matunga Railway Police Station were included in the papers of CR No. 78/06. Dadar, Bhoiwada and Sion Police Stations had handed over all dead bodies, except one, to the claimants directly. Twenty eight persons had died in the Matunga blast. The dead bodies of 18 were in the Sion hospital and their post-mortem was done there. The dead bodies of 10 were in the KEM hospital. Random post-mortem of only two bodies out of them was done there. They were of deceased Sojiram Meena and Nitin Patil. The memorandums of the post-mortems were received from the hospitals and included in the papers. They are the same now shown to me. (They are received in evidence as admitted by the defence and marked as **Exts. 1864 to 1890**, some of them collectively as they include inquest panchanamas, memorandum of post-mortem examination and cause of death certificates). The memorandums of post-mortem examination Exts. 854 and 856 of Nitin Patil and Shoujiram Meena are the same.

(Adjourned as court time is over).

(Y.D.Shinde)

Date : 05/01/12

Special Judge

Date : 06/01/12
Resumed on SA

6. Forty-three persons had died in the blast at Mahim Railway Station. The memorandums of post-mortem examinations along with the death certificates and inquest panchanamas were received from the Sion, Dadar Railway and Bhoiwada Police Stations. They are the same now shown to me. (They are received in evidence as admitted by the defence and marked as **Exts. 1891 to 1925**, some of them collectively as they include inquest panchanamas, memorandum of post-mortem examination and cause of death certificates).
7. One hundred and twenty seven people had been injured in the Matunga blast. I, API Inamdar, API More, PSI Devkare and PSI Gondke recorded their statements from 11/07/06 to September 2006. PS Shahu Nagar gave message on 16/07/06 that some articles in connection with the blast at Matunga were collected by them from the spot and some were brought to the police station. I asked HC Jadhav and HC Hundare to bring those articles to the office. Accordingly they brought the articles and I seized them under panchanama in the presence of two panchas. The panchanama now shown to me is the

same, it bears the signatures of the panchas and my counter signature and its contents are correct. (It is marked as **Ext. 1926**).

Most of the articles were returned back to the claimants.

8. A dead body in the Matunga blast was unclaimed. It consisted of only the chest and head portion, but the face was torn and disfigured. I requested the dean of the Sion Hospital by my letter to reconstruct the face of that person. The letter Ext. 1172 is the same now shown to me, it bears my signature and its contents are correct. I also requested to preserve the tissues/parts of the dead bodies for DNA test. Accordingly the doctors there reconstructed the face of that person and gave a CD to me. It was handed over to Addl. CP, ATS who send it to CFSL, Chandigarh for verifying its correctness. The report was received saying that the reconstruction was 80% correct. It was marked to me along with the covering letter of the CFSL. The covering letter and the examination report now shown to me are the same. (They are marked as **Exts. 1927 and 1928**).

9. The Sion Hospital had sent the tissues/parts of the said dead body to the FSL, Kalina for DNA profile. I asked the FSL to give the report bout it by my letter dated 21/08/06. The office copy of the

report a letter now shown to me is the same, it bears my signature and its contents are correct. (It is marked as **Ext.1929**). The report of the FSL was received and it is the same now shown to me. (It is marked as **Ext. 1930 (2 pages)**).

10. It was revealed in the investigation that the dead body was of a Pakistani national by name Salim. Therefore, I sent letter to the medical officer of Sion Hospital to write his name in the memorandum of post-mortem and death certificate. The letter Ext. 1173 is the same now shown to me, it bears my signature and its contents are correct. I gave a letter to the dean of the Sion Hospital for handing over the dead body for funeral to HC Jadhav and Marbhal. The letter Ext. 1695 now shown to me is the same, it bears my signature and its contents are correct. I had also given a letter to the medical officer incharge of post-mortem center for handing over the dead body to HC Marbhal. The letter Ext. 1696 now shown to me is the same, it bears my signature and its contents are correct. I had directed HC Marbhal to dispose off the body as per Muslim religious rites. Accordingly he disposed off the body and gave an oral report to me and made station diary entry. The station diary entries no. 8 and

10 dated 16/10/06 are the same. Their certified true copy Ext. 1698 now shown to me is as per the original.

11. PI Tajne had arrested two suspects, Kamal Ansari and Khalid Ansari at Basupatti, Dist. Madhubani, Bihar on 20/07/06 in CR No. 77/06 of Mumbai Central Railway Police Station. He handed over the personal search and arrest panchanamas and the house search panchanamas of both the suspects to ACP Shengal and they were handed over to me on the same day. The personal search and arrest panchanama Ext. 467 and the house search panchanama Ext. 500 now shown to me are the same. A station diary entry was made about the search and seizure. The station diary entry no. 14 in the certified true copy Ext.1714 is the same.

12. PI Sunil Deshmukh had arrested one suspect by name Mumtaz Chaudhary from Navi Mumbai on 20/07/06 on the information that he had received. He also took the house search of that suspect on 21/07/06. He produced both the panchanamas. The accused Kamal Ansari, Khalid and Mumtaz Chaudhary were got medically examined and their relatives were informed about their arrest. Entries were made in the station diary. The station diary

entries no. 10 and 11 in the station diary register now shown to me are the same and their contents are correct. The contents of the true photocopies of the entries are as per the contents of the original entries. (They are marked as **Ext. 1931** as they are on one page). I produced the three accused before the ACMM, 2nd Court, Mazgaon on 21/07/06 and obtained their police custody upto 31/07/06. API Kolhatkar, who brought the black powder seized from the house of the accused Kamal Ansari on 22/07/06 made station diary entry. The station diary entry no. 14 dated 22/07/06 in the station diary register now shown to me is the same and its contents are correct. The contents of the true photocopy of that entry are as per the contents of the original entry. (It is marked as **Ext. 1932**).

13. My superiors directed me on 23/07/06 to go to the Crime Branch, Unit-II at Jacob Circle/ Saat Rasta and to inquire with an accused, whom they had taken in custody in connection with the Matunga bomb blast. Therefore, I, ACP Shengal and staff went there. They gave a person by name Dr. Tanveer Ahmed Ansari in our custody. After inquiring with him, we were satisfied that he was involved in the said crime. Therefore, I arrested him in CR No. 77/06

of Mumbai Central Railway Police Station in the presence of two panchas under panchanama. The arrest panchanama now shown to me is the same, it bears my signature and that of the panchas and its contents are correct. It also bears the signature of the accused. (It is marked as **Ext. 1933**). The Crime Branch had given certified true copy of the station diary entry about inquiring with the said accused and handing him over to us. It is the same now shown to me. (It is marked as **Ext. 1934**). We returned to the office and a station diary entry about the arrest was made. The station diary entry no. 13 in the station diary register now shown to me is the same and its contents are correct. The contents of the true photocopy of that entry are as per the contents of the original entry. (It is marked as **Ext. 1935**). The relatives of the accused were informed and he was got medically examined. He was produced for remand before the Mazgaon court on the next day and his police custody upto 04/08/06 was obtained. The station diary entries about informing the relatives of the accused of his arrest and sending him for medical examination were made in the station diary. The station diary entries no. 1 to 4 dated 24/07/06 in the station diary register now shown to me are the same and their

contents are correct. The contents of the true photocopies of the entries are as per the contents of the original entries. (They are marked as **Ext. 1936** as they are one page).

14. Officers of the Unit-II of the Crime Branch brought two accused to the ATS office at Kalachowki on 25/07/06 as they had received information that they were involved in CR No. 77/06. I took the custody of the two accused, viz., Suhail Mehmood Shaikh and Zamir Latifur Rehman Shaikh. I arrested them in the said crime under panchanama in the presence of the panch witnesses. The panchanama now shown to me is the same, it bears my signature and the signatures of the panchas and that of the accused and its contents are correct. (It is marked as **Ext.1937**). Copies of the panchanama were given to the accused. Station diary entry was made. The station diary entry no. 19 in the station diary register now shown to me is the same and its contents are correct. The contents of the true photocopy of that entry are as per the contents of the original entry. (It is marked as **Ext. 1938**). Their relatives were informed and they were got medically examined. The station diary entries about this were made. The station diary entries no. 20 to 23 in the station

diary register now shown to me are the same and their contents are correct. The contents of the true photocopies of the entries are as per the contents of the original entries. (They are marked as **Ext.1939** as they are on one page).

(Adjourned for recess).

Date : 06/01/12

Special Judge

Resumed on SA after recess

15. I obtained police custody of the accused Suhail Mehmood Shaikh and Zameer Latifur Rehman Shaikh on 26/07/06 from the ACMM, 2nd Court, Mazgaon. They were remanded to police custody upto 07/08/06. On the same day I went for the house search of the accused Tanveer Ansari along with him and my staff. A station diary entry was made about it. The station diary entry no. 17 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 Ext. 1797 are as per the contents of the original entry. I called two panchas and told them about the purpose of the search. They consented to act as panch witnesses. Along with them I went to house No. 31, 2nd Floor, BIT Chawl No.4, Siddhiq Ansari Marg, Agripada, Mumbai-18. We

knocked the door. It was opened by a man. The accused informed that he was his father. I apprised him about the purpose of our visit and offered him our searches, but he declined. We then entered the house and searched it, but did not find anything. I prepared a panchanama, read it over to the panchas, obtained their signatures and signature of the accused and I signed it. A copy of the panchanama was given to the accused. The panchanama Ext. 448 now shown to me is the same. It bears my signature, signatures of the panchas and of the accused and its contents are correct.

- 16.** After the panchanama was over I inquired with the accused about his passport and he informed that he had given it for visa to a travel agency at Fort, Mumbai. Then as per his directions we went to the office of the International Trade Links in Fort along with the same panch witnesses. The manager by name Krishna Pillai was present there. The accused was in veil. We removed the veil of the accused and showed him to the manager. He recognized him as Tanveer Ahmed Ansari and stated that he had given his passport for visa 4-5 months before. He produced the passport, which I seized under a panchanama. The panchanama Ext. 450 now shown to me

is the same. It bears my signature, signatures of the panchas and of the accused and its contents are correct. I will be able to identify the passport. The passport Ext. 449 is the same now shown to me. It contains the stamps of arrival and departure and visa of Iran is pasted on it. We then returned to the office and made station diary entry no. 20. The station diary entry no. 20 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 Ext. 1798 are as per the contents of the original entry. The accused was got medically examined and an entry was made in the station diary at sr. no. 21. The station diary entry no. 21 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.1940**).

17. Crime Branch, Unit-II sent a memo on 27/07/06 that they had taken two persons, Mohd. Faisal Aatur Rehman Shaikh and Muzzammil Aatur Rehman Shaikh, in custody in connection with CR No. 77/06 of Mumbai Central Railway Police Station. Therefore, I and my squad went to that office and took the two persons in our custody. I was convinced on making inquiry with them that they were involved

in the crime. Therefore, I arrested them under arrest panchanamas in the presence of panchas. The arrest panchanama now shown to me is the same, it bears my signature and signatures of panchas and its contents are correct. I also took the signatures of the accused and gave them copies. (It is marked as **Ext.1941**). The Crime Branch had given certified true copy of the station diary entry about inquiring with the said accused and handing them over to us along with covering letter. They are the same now shown to me. (They are marked as **Exts. 1942 and 1943**). We returned to the office and a station diary entry was made. The station diary entry no.14 in the station diary register now shown to me is the same and its contents are correct. The contents of the true photocopy of that entry are as per the contents of the original entry. (It is marked as **Ext. 1944**). The accused were got medically examined on that day and station diary entry was made. Similarly, station diary entry was made about medical examination of accused Zameer Shaikh, Suhail Shaikh and Tanveer Ansari as they had been examined on that day. The station diary entries no. 16 and 18 respectively in the station diary register now shown to me are the same and their contents are correct. The

contents of the true photocopy of those entries are as per the contents of the original entry. (They are marked as **Ext. 1945** as they are on the one page).

18. The relatives of the two arrested accused were informed about their arrest on 28/07/06 and station diary entry was made at sr. no.5. The station diary entry no.5 in the station diary register now shown to me is the same and its contents are correct. The contents of the true photocopy of that entry are as per the contents of the original entry. (It is marked as **Ext. 1946**). They were produced for remand before the ACMM, 2nd court, Mazgaon on 28/07/06 and their police custody upto 09/08/06 was obtained. In the evening we made preparations for going for the house search of the accused Faisal and Muzzammil. I, ACP Shengal, PSI Kshirsagar and staff went near the house of the accused Faisal in Bandra along with both accused. A station diary entry was made. The station diary entry no.10 in the station diary register now shown to me is the same and its contents are correct. The contents of the true photocopy of that entry are as per the contents of the original entry. (It is marked as **Ext. 1947**). There were some people gathered at the Perry Cross

Road ground, Carter Road, Bandra (W). I told my staff to call persons to act as panchas. The staff brought two persons and as they consented to act as panch witnesses, I told them about the purpose of the search. The veil of the accused Faisal was removed and he was shown to the panchas and his name was told to them. We told the panchas that his house search is to be taken. We all got down from the vehicle. The accused led us to the 3rd floor in the Lucky Villa Building and showed us a room on the right side and informed that he lives there. The door of that room had a lock. On inquiring with the accused about the key, he took out a key from a gap above the door. He opened the door by that key. Before entering the room, I asked him whether he wanted to take our and panchas searches, but he declined. We then entered the room. It was consisting of a living room and a kitchen. We entered the kitchen room and searched it, but did not find any objectionable thing. We then searched the living room. There was a cupboard of cloth having a zip. The zip was opened. The upper compartment was vacant. There were clothes in the lower compartment. On inspecting the upper compartment minutely, we noticed black powder on the floor of

the compartment, which was of cardboard. We inquired with the accused about the black powder, but he did not give satisfactory answers. As it was necessary to collect the powder, a HC was sent outside to bring cotton. He brought the cotton, it was divided in 2-3 swabs and the powder was wiped with the swabs. The swabs were put in a polythene bag and the bag was put in a cardboard box that was there. The box was wrapped with a khaki paper, tied with thread and a label containing my and panchas signatures was affixed on the knot of the thread. It was taken in custody.

- 19.** There was a red handbag by the side. On inspection it was found to contain some clothes and a polythene bag. The polythene bag was found to contain a black coloured folder pouch. We found railway tickets of Howrah to Mumbai and Mumbai to Howrah, debit cards of ICICI bank, motor driving licence issued by Pune RTO in the name of accused Faisal and a learning licence in his name. We also found 2 notes of Rs. 1000/- denomination each, 30 notes of 500/- Saudi Riyals each, documents of Bajaj Pulsar vehicle, photocopy of agreement of that room, between the accused and the flat owner Sajid Shaikh. We also found books of SIMI and

books titled 'Atankwad ka jimmedar kaun'. In the second compartment of that bag, we found two maps. One was of Mumbai and on the back side Mumbai-suburbs. There were marks at some places on the map of Mumbai in green and red ink. The other map was an international map of India, Pakistan, Iran, Muscat, Afghanistan, Tehran, etc. A route from Mumbai to Tehran, Tehran to Zahidan and Zahidan to Muzzafarabad was drawn on the map. There was some matter in Urdu below the map, an international mobile number and e-mail address as guddu_sir @ yahoo.com. I encircled this matter by red ink. I and the panchas signed both the maps.

20. There was a television in a corner and there was a Motorola company mobile on it. On opening the back side of the mobile it was found to contain Airtel sim card. All these articles except the cotton swabs that were already packed, were wrapped in five different packets of khaki paper, tied with thread and labels containing my and panchas signatures were pasted on the knots of the threads. The sim card and the battery were put in the mobile handset, it was put in a polythene bag, the bag was wrapped in khaki

paper, tied with thread and label containing my and panchas signatures was pasted on the knot of the thread. A panchanama was prepared and then we came out of the flat. The door was again locked by the lock, the key was taken in possession and the panchanama was completed, read over to the panchas and their signatures were obtained. I also signed on the panchanama. We then climbed down the building, obtained a photocopy of the panchanama, gave it to the accused and obtained his signature. The panchanama Ext. 533 now shown to me is the same, it bears my signature and signatures of panchas and its contents are correct. I will be able to identify the articles that were seized. The cotton Art-146, plastic bag Art-146A, cardboard box Art-146B are the same. The label on the brown paper Art-146C bears my and panchas signatures. The white plastic bag Art. 147 is the same, the label thereon bears my signature and that of the panchas. The registration book of Bajaj Pulsar motor cycle no. MH-01-TA-9542 in the name of Mohd. Muzamil Aatur Art-148, certificate of insurance of New India Assurance Co. in the same name Art-148A, letter of Oriental Insurance Co. in the name of insured Nizamuddin Abdul Siddhique Art-148B, the receipt dated

10/01/05 of Bajaj Choice Center for Rs. 59500/- in the name of Muzzammil Shaikh Art-148C and zerox copies of certificate of insurance, registration certificate and of driving licence in the name of Mohd. Muzzamil Ataur & Md. Faizal Shaikh Arts-148D, 148E and 148F respectively are the same. The label on the brown paper envelope Art-148G bears my signature and that of the panchas.

- 21.** The agreement Art-149, Ext. 537 is the same. The label on the brown paper envelope Art-149A, bears my signature and that of the panchas. The two books titled 'April, 2004 Tehrik-E-Millat' Art-150(1&2), the two books titled 'Tehrik-E-Millat, Atankwad ka jimmedar kaun' Art-151(1&2), and the four books, two having green cover and two having pink cover titled 'Simi, Sangharsh yatra ke pachis varsh' Art-152(1to4) are the same. The label on the brown paper envelope Art-152A, bears my signature and that of the panchas. The map of Mumbai Art-153 is the same. The label on the brown envelope Art-153A bears my signature and that of the panchas. The two currency notes Art-154 (1&2), learning licence in the name of Shaikh Mohd. Faizal Art-155, driving licence in the same name Art-156, ATM Card of ICICI bank in pouch Art-157, two railway tickets Art-158 (1&2),

reservation forms Art-159 (1&2), the black pouch Art-160, are the same. The label on the brown envelope Art-160A bears my signature and the signatures of the panchas. The photocopy of the international map Art.161, Ext. 1486 is the same, it bears The key with the thread and label Art-162, envelope Art-162A are the same. The mobile Art-163, battery Art-163A and sim card Art-163B are the same.

22. As per the agreement Art. 149, Ext. 537, part of the amount was to be paid by cash and part by cheque. I called for the statement of the bank account and the transactions of the ATM card of the ICICI bank. The ICICI bank had issued photocopy of application form and printout of the saving bank account in the name of Ataur Rehman Shaikh, father of accused Faisal. ACP Tawde had given a letter to the bank. Its office copy now shown to me is the same, it bears his signature which I know and identify. (It is marked as **Ext.1948**). The covering letter of the ICICI bank addressed to the ACP, ATS is the same. (It is marked as **Ext. 1949**). The attested true copy of the bank account in the name of the father of the accused from 01/11/03 to 29/07/06 is the same. (It is marked as **Ext. 1950** subject to objection by learned advocate Shetty). The photocopies of

the application, personal information sheet, ID proof, leave and licence agreement, etc are the same. (They are marked as **Art. 372 (1 to 4)**). from the bank account it could be gathered that the cheque given by the accused Faisal Shaikh to the flat owner Sajid Shaikh was from the bank account of his father and the said entry was reflected in the statement.

23. After the panchanama was over, accused Faisal Shaikh was made to sit in veil in another vehicle. As the search of the house of accused Muzzammil was to be taken, I requested the panchas to act as panch witnesses. They consented. I took them to the vehicle in which the accused Muzzammil was, showed him to the panchas by removing his veil and asked him his name, which he stated as Muzzammil Ataur Rehman Shaikh. We all then sat in both the vehicles and went to Mira Road. Accused Muzzammil asked us to halt the vehicle when we reached below the Tirupati Apartment in Mira Road (E). We all got down keeping the accused Faisal in the vehicle with two constables. The accused Muzzammil led us by staircase to flat no. 203 on the 2nd floor. We knocked the door of the flat. A man opened the door. The accused stated that he is his father.

We introduced ourselves and told him the purpose of our visit to search the house and asked him whether he wanted to search us, but he declined. We then entered the house. The first room was a living room. There was a computer on a table on the left side in the room. The CPU was disconnected and taken in possession. No other objectionable thing was found in the hall. We searched the kitchen room and the small bedroom, but did not find any objectionable thing. We searched another bedroom, which was bigger. We found two cardboard CPU boxes and on opening them we found two new CPUs. We kept the CPUs in the same boxes. We found an Echolac company travel bag by the side. The key of that bag was in the side compartment. The lock of the bag was opened by that key and the contents of the bag were inspected. We found a CD pouch containing CDs. The name Rahil Shaikh was written on the pouch. We also found a Maxell company hard disk, a passport in the name of the accused Muzzammil Shaikh, his educational documents issued by Bhartiya Shiksha Parishad, Lucknow, certificates of Higher Secondary Board Examination, Data Core Technology's appointment letter in his name, identity card of Oracle company in his name. We

found a red coloured packet containing many cards like internet cards, netwala card, sifi I card, books of SIMI organization and books titled 'Atankwad Ka Jimmedar Kaun'. In another compartment of the bag we found two maps. One was of Mumbai and on the backside of Mumbai-suburbs. There were marks at some places on the map of Mumbai in green and red ink. The other map was an international map of India, Pakistan, Iran, Muscat, Afghanistan, Tehran, etc. A route from Mumbai to Tehran, Tehran to Zahidan and Zahidan to Muzzafarabad was drawn on the map. There was some matter in Urdu below the map, an international mobile number and e-mail address as guddu_sir@yahoo.com. I encircled this matter by red ink. I and the panchas signed both the maps.

- 24.** I took out the two CPUs that were in the boxes. I called for a box from outside by sending a constable. I affixed labels containing my and panchas signatures on the sockets of the cables and on the screws by the side of the CPUs by which the CPUs can be opened. I packed the hard disk in a cardboard box, wrapped it with khaki papers, tied it with thread and affixed label containing my and panchas signatures on the knot of the thread. I put the two CPUs

in their boxes, put the CPU that we had removed from the hall in the box that was called from outside, wrapped all the three boxes by khaki paper, tied them by thread and affixed label containing my and panchas signatures on the knots of the threads. I packed the remaining articles in separate packets, tied them with threads and affixed labels containing my and panchas signatures. I had also found a mobile handset in that bag. On opening it was found to contain an Airtel sim card. I wrote down the number of the sim card and put it inside the mobile and packed and labeled the mobile by the same procedure.

25. I seized all these articles and prepared panchanama.

The panchanama Ext. 534 now shown to me is the same, it bears my signature and that of the panchas and of the accused after he was given its copy. I will be able to identify the articles. The map of Mumbai Art-164, Ext. 1486, is the same, it bears my signatures and that of the panchas. There are marking of some places in green and red ink on them. The photocopy of the international map Art-165, Ext. 1487, is the same, it bears my signatures and that of the panchas. A route from Mumbai to Tehran, Tehran to Zahidan and Zahidan to

Muzzafarabad was drawn on the map. The matter is encircled by red ink. The two books titled April,2004 Tehrik-E-Millat Art-166 (1&2), the one book titled Tehrik-E-Millat, Atankwad Ka Jimmedar Kaun, Art-167, the one book having green cover titled Simi, Sangharsh Yatra Ke Pacchis Varsh, Art-168, the statement of marks and passing certificate of the Maharashtra State Board of Secondary and Higher Secondary Education, Pune in the name of accused Muzzammail Art-169 and Art-170 respectively, the licence in the name of the accused Art-171, brown leather purse Art-172, identity card of Oracle co. (two pieces) in the name of the accused Muzzamail Shaikh Art-173 (1&2), a white blank plastic card Art-174, ICICI bank card in pouch Art-175, Sify I-way internet card Art-176, Netwala.com card in the name of Rahil Shaikh Art-177 are the same. The label on the plastic bag Art-177A, bears my signature and that of the panchas. The passport Art-178 is the same. The blank identity card of All India Association of Unani Medical Colleges Art-179, the two blank identity cards of Z.V.M Unani Medical College & Hospital, Pune Art-180 (1&2) are the same. The mobile of Sony Ericsson company Art-181, the Airtel sim card Art-182 are the same. The CD pouch Art-184A , the DVDs Arts-183 (1

to 25) and the CDs Arts-184(1 to 5) are the same. The hard disk of Maxtor company, model Diamond Max Plus 9 80GB ATA/ 133 HDD Art-185 is the same.

26. The CPU of Nav Tech company, model AMD Sempron containing a label on the backside Art-186 is the same. The label on the back side contains my signature and that of the panchas. The CPU bearing the name Zebronics, model AMD Athalon XP and a label of 'Redhat certified engineer' at sr.no. 1/A-1 Art. 187 is the same. The CPU of Nav Tech company, Zip Drive Ext. 188 is the same.

(Adjourned as court time is over)

(Y.D.Shinde)

Date : 06/01/12

Special Judge

Date : 09/01/12
Resumed on SA

- 27.** We returned to the office and a station diary entry was made on 29/07/06 as it was after midnight. The station diary entry no. 10 in the station diary register now shown to me is the same and its contents are correct. The contents of the true photocopy of that entry are as per the contents of the original entry. (It is marked as **Ext. 1951(5 pages)**). The seized property was deposited with the muddemal clerk.
- 28.** The accused Faisal, Muzzammil, Zameer, Suhail and Kamal were got medically examined on 29/07/06 at 10.00 p.m. and station diary entry was made. The station diary entry no. 16 in the station diary register now shown to me is the same and its contents are correct. The contents of the true photocopy of that entry are as per the contents of the original entry. (It is marked as **Ext. 1952**).
- 29.** It was revealed in the investigation that the accused Muzzammil and Faisal were in contact with Azam Chima, Commander of L-e-T from Bahawalpur, through their brother Rahil and his friend Rizwan Dawrey, originally resident of Pune, but at

Jeddah at that time. Rahil and Rizwan Dawrey used to get money from Azam Chima and used to send it through Indian citizens, who used to come from Jeddah to Mumbai, to accused Faisal. Faisal used that money for sending Jihadi minded Muslim youths from India to Pakistan via Tehran. Therefore, I added Rahil Shaikh, Rizwan Dawrey and Azam Chima as wanted accused in this case.

30. Arrested accused Suhail Shaikh used to reside in Pune.

Therefore, it was necessary to search his house. After consulting with the supervising officer ACP Tawde, I directed API Kadam and PSI Gaikwad to take the accused to Pune and conduct search of his house. They went to Pune on 30/07/06 and took the search of the house of accused Suhail Shaikh and wanted accused Rizwan Dawrey. They produced the panchanama before me after returning and deposited the seized articles with the muddemal clerk. ACP Tawde directed PI Tonpi on 31/07/06 to take the search of the house of the arrested accused Zameer Shaikh. He took the search and produced the panchanama before me and deposited the seized articles with the muddemal clerk. A letter was sent under the signature of ACP Tawde to the Superintendent of Stamps to verify

whether the agreement that was found in the house of accused Faisal was registered. Office copy of the letter now shown to me is the same, it bears his signature, which I know and identify and it bears the acknowledgment of the office of the Superintendent of Stamps. (It is marked as **Ext. 1953**). The Superintendent of Stamps replied that the agreement had been registered and the flat owner had deposited the stamp duty of Rs. 750/-. He had sent a letter accordingly with a copy of the register of stamp duty. It is the same now shown to me. (It is marked as **Ext. 1954 (1 and 2)**).

- 31.** The accused Tanveer Ansari was taken out on 01/08/06 for inquiry. He expressed his desire to make a voluntary statement. Therefore, I called two panchas in the office and apprised them about the purpose of the panchanama. The veil of the accused was removed and his name was asked. He stated it as Tanveer Ahmed Ansari. He made a statement in Hindi that he is ready to show the maps and books that he has hidden in his brother's house. The memorandum of his statement was written, read over to the panchas and their signatures were obtained. I also signed it and the accused also signed on it. The memorandum Ext. 484 now shown to me is the

same, it bears my signature, signatures of the panchas and the accused and its contents are correct.

32. We then started for going to the place that the accused was going to show. A station diary entry was made about it. The station diary entry no. 14 in the station diary register now shown to me is the same and its contents are correct. The contents of the true photocopy of that entry are as per the contents of the original entry. (It is marked as **Ext. 1955**). We took packing material with us and asked the panchas to take our searches and the search of the vehicle. They took the searches, then we all sat in the vehicle along with the accused, who was veiled. We went to Momin Pura via Saat Rasta to the BIT Chawl as per the directions of the accused. We all got down and went to room no. 31 on the 2nd floor. The accused knocked on the door and called his mother and asked her to hand over the key of the house of his brother. His mother brought the key and we took it and got down and the accused led us to another building. He informed us that the building is known Pila Mahal and the house of his brother is on the 2nd floor. He led us by staircase to that house, which was room no. 35. The door of that room had a lock. He opened

the lock with the key. We asked him whether he wanted to take our searches and of the panchas, but he declined. We then entered the house. There was a sewing machine table without machine in that room and a Panasonic TV was kept on it. He lifted the TV and kept it aside. He took out some books and maps from the cardboard. The books were concerning SIMI organization titled 'Atankwad Ke Jimmedar Kaun', one map was of Mumbai and one was an international map showing India, Pakistan, Afghanistan, Tehran, Iran. Some places in the map of Mumbai were marked with green and red colour. A route from Mumbai to Muzzafarabad in Pakistan via Tehran, Zahidan, Bhawalpur was drawn on the international map. I and panchas signed on both the maps. There was some matter written on the international map. I encircled it with red ink. The house was searched thoroughly, but nothing objectionable was found. The books and the maps were wrapped in khaki paper, tied with thread and a label containing my and panchas signatures was pasted on the knot of the thread. I then completed the panchanama. Ext. 485 now shown to me is the same, it bears my signatures and that of the panchas and of the accused and its contents are correct. I will be

able to identify the books and the maps. The label on the brown paper, Art. 41 contains my signature and that of the panchas. The map of Mumbai, Art-42, is the same, it bears my signature and that of the panchas. Two books bearing the name Teherik-e- Millat and Atankwad Ka Jimmedar Kaun, Arts-43 (1&2) and the books bearing the name Simi, Art-44 (1to 4) are the same. The international map Art. 116, Ext. 1490, now shown to me is the same, it bears my signatures and that of the panchas. The label on the brown paper, Art. 46, bears my signatures and that of the panchas and the two books, Arts. 47 and 48, are the same.

33. We came out of the room after the panchanama was over and the room was locked. Mother of the accused had come there. The key of the room was given to her and her statement was recorded. We returned back to the police station, made station diary entry and deposited the seized articles with the muddemal clerk. The station diary entry no. 16 in the station diary register now shown to me is the same and its contents are correct. The contents of the true photocopy of that entry are as per the contents of the original entry. (It is marked as **Ext. 1956**).

34. Before we went for the house search of the accused Tanveer Ansari, the accused Kamal Ahmed, Khalid and Mumtaz had been medically examined and a station diary entry was made. The station diary entry no. 13 in the station diary register now shown to me is the same and its contents are correct. The contents of the true photocopy of that entry are as per the contents of the original entry. (It is marked as **Ext. 1957**).

35. I recorded the statement of Khalida Shaikh on 02/08/06, sister of father of the accused Faisal, who used to receive the money through hawala on behalf of accused Faisal. The accused Faisal, Muzzammil, Zameer and Suhail were got medically examined on that day and a station diary entry was made. The station diary entry no. 18 in the station diary register now shown to me is the same and its contents are correct. The contents of the true photocopy of that entry are as per the contents of the original entry. (It is marked as **Ext. 1958**). I recorded the statements of Manisha Chavan, girl friend of accused Faisal and friend Shah Faisal Khurshid Alam on 03/08/06. The accused Kamal, Khalid, Mumtaz and Tanveer were got medically examined on 03/08/06 and a station diary entry was made. The

station diary entry no. 23 in the station diary register now shown to me is the same and its contents are correct. The contents of the true photocopy of that entry are as per the contents of the original entry. (It is marked as **Ext. 1959**). The accused Faisal, Muzzammil, Kamal, Ethesham and Suhail were got medically examined on 04/08/06 and a station diary entry was made. The station diary entry no. 12 in the station diary register now shown to me is the same and its contents are correct. The contents of the true photocopy of that entry are as per the contents of the original entry. (It is marked as **Ext. 1960**). The accused Zameer, Khalid Shaikh, Mumtaz Chaudhari, Tanveer Ansari and Firoz Deshmukh were got medically examined on 05/08/06 and a station diary entry was made. 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 true photocopy of that entry are as per the contents of the original entry. (It is marked as **Ext. 1961**).

36. The maps and the passports that were seized from the accused Tanveer Ansari, Muzzammil Shaikh, Faisal Shaikh and Suhail Shaikh were required to be examined. Therefore, on 06/08/06 I called two panchas, apprised them of the purpose of the

panchanama and called for the five packets from the muddemal room. I showed them the packets and opened them one by one in their presence. The international map seized from the accused Tanveer was kept aside. The international maps, passport and educational certificates seized from the accused Muzzammil were kept aside. The international map seized from the accused Faisal was kept aside. The international map seized from the accused Suhail was kept aside from the envelope in which it was. His passport that was in another envelope was taken out and kept aside. I affixed labels containing my and panchas signatures on the passports of Suhail and Muzzammil. The remaining books and maps were kept in separate envelopes along with the original wrappers and, labels containing my and panchas signatures were pasted thereon. The passport of accused Muzzammil, Art. 178, Ext. 620, is the same, the label thereon bears my signature and that of the panchas. The passport of accused Suhail, Art. 281, Ext. 621, is the same, the label thereon bears my signature and that of the panchas. The map Art. 165, Ext. 1487, that was seized from the accused Muzzammil now shown to me is the same, it bears my signature and that of the

panchas. The map Art. 161, Ext. 1486, that was seized from the accused Faisal now shown to me is the same, it bears my signature and that of the panchas. The map Art. 250, Ext. 1488 that was seized from the accused Suhail now shown to me is the same. The map Art. 116, Ext. 1490, that was seized from the accused Tanveer now shown to me is the same, it bears my signature and that of the panchas. The labels on the envelopes Arts. 45, 153B, 177B, 249A and 253B are the same, they bear my signatures and that of the panchas. I then completed the panchanama, Ext.566 is the same now shown to me, it bears my signatures and that of the panchas and its contents are correct. The accused Faisal, Muzzammil, Suhail and Kamal were got medically examined on the same day and station diary entry was made. The station diary entry no. 7 in the station diary register now shown to me is the same and its contents are correct. The contents of the true photocopy of that entry are as per the contents of the original entry. (It is marked as **Ext. 1962**). The accused Zameer, Khalid Shiakh, Mumtaz Chaudari, Tanveer, Firoz Deshmukh and Suhail were got medically examined on the same day and station diary entries were made. The station diary entries no. 14

and 15 in the station diary register now shown to me are the same and their contents are correct. The contents of the true photocopy of the entries that are on one page, are as per the contents of the original entries. (It is marked as **Ext. 1963**).

37. I directed API Bavdhankar on 08/08/06 to take the statements of the travel agents who had obtained the visas and tickets for the accused Tanveer, Muzzammil, Zameer and Suhail, who had gone to Pakistan via Tehran and to collect the documents in that connection. API Bavdhankar recorded the statements and produced the statements, panchanamas and the documents that were seized under the panchanamas, which included registers and photocopies of travel documents. He deposited the seized articles with the muddemal clerk. The accused Faisal and Kamal were got medically examined on the same day and station diary entry was made. 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 true photocopy of that entry are as per the contents of the original entry. (It is marked as **Ext. 1964**). The station diary entry about API Bavdhankar having seized the registers was also made. The station

diary entry no. 13 in the station diary register now shown to me is the same and its contents are correct. The contents of the true photocopy of that entry are as per the contents of the original entry. (It is marked as **Ext. 1965**). The accused Kamal, Khalid Shiakh, Mumtaz Chaudari, Tanveer, Zameer Shaikh, Faisal Shaikh, Firoz Deshmukh, Abdul Hamid and Suhail were got medically examined on 09/08/06 and station diary entries were made. The station diary entries no. 9 and 10 in the station diary register now shown to me are the same and their contents are correct. The contents of the true photocopy of the entries that are on one sheet front and back, are as per the contents of the original entries. (It is marked as **Ext. 1966**).

38. It was necessary to send the mobile handset that was seized from the accused Suhail to the FSL. Therefore, on 10/08/06 I called two panchas, apprised them about the purpose of the panchanama and called for the envelope in which the mobile had been kept. I showed the envelope to the panchas and opened it in their presence. The envelope was found to contain one Samsung company mobile and four audio cassettes. I will be able to identify them. Art. 253B now shown to me is the envelope that was opened.

The label thereon bears my signature and that of the panchas. The label Art. 253A, audio cassettes Arts. 253 (1 to 4) and the mobile Art. 252 were found in the envelope. I kept the mobile aside and put the cassettes and the earlier two envelopes in another packet, pasted label containing my and panchas signatures on the packet. The envelope Art. 253C is the same. The label thereon bears my signature and that of the panchas.

(Adjourned for recess).

Date : 09/01/12

Special Judge

Resumed on SA after recess

39. I then prepared a panchanama. Ext. 571 now shown to me is the same, it bears my signature and that of the panchas and its contents are correct. The accused Muzzammil was got medically examined on 10/08/06 and station diary entry was made. The station diary entry no. 14 in the station diary register now shown to me is the same and its contents are correct. The contents of the true photocopy of the entry is as per the contents of the original entry. (It is marked as **Ext. 1967**). The accused Kamal, Khalid Shiakh, Mumtaz Chaudari, Tanveer, Zameer Shaikh, Firoz Deshmukh and Suhail Shaikh were

got medically examined on 11/08/06 and station diary entry was made. The station diary entry no. 12 in the station diary register now shown to me is the same and its contents are correct. The contents of the true photocopy of the entry are as per the contents of the original entry. (It is marked as Ext. 1968). I obtained the specimen handwritings of accused Tanveer, Muzzammil, Faisal, Zameer and Suhail during 30/07/06 to 04/08/06. The specimen handwritings and the five maps on which there was matter in handwriting was forwarded by ACP Tawde by a letter on 11/08/06 under his signature to the Addl. CP, Crime Branch, CID, Mumbai for onward submission to the handwriting expert for finding out the author of the writings on the maps. The letter Ext. 1484 and the questionnaire Ext. 1485 are the same, they bear his signatures.

40. The accused Ehtesham Siddiqui was in custody of LAC No. 04/06 of the ATS. During investigation it was revealed that he was involved in the commission of the offence of the Matunga blast CR No. 77/06. Therefore, I arrested him on 12/08/06 in CR No. 77/06. A station diary entry was made. The station diary entry no. 3 in the station diary register now shown to me is the same and its

contents are correct. The contents of the true photocopy of that entry are as per the contents of the original entry. (It is marked as **Ext. 1969**). His relatives were informed about his arrest and station diary entries were made. The station diary entries no. 12 and 15 in the station diary register now shown to me are the same and their contents are correct. The contents of the true photocopy of that entries are as per the contents of the original entry. (It is marked as **Ext. 1970 (2 pages)**). I had arrested the accused Ehtesham under panchanama. The panchanama now shown to me is the same, it bears my signature and that of the panchas and the signature of the accused and its contents are correct. (It is marked as **Ext. 1971**).

41. During his interrogation he had disclosed that the accused Tanveer Ansari was going to teach them how to prepare bombs with the help of chemicals. From the time of his arrest, the accused Tanveer Ansari was not disclosing all the things at one time. First he stated about his wife, then about his passport, then about the books and maps. He was in the custody in CR No. 41/06 pertaining to Andheri blast. Because of the information given by him and with the permission of DCP Bajaj, ACP Tawde and PI Wadhankar, who was

the investigating officer of CR No. 41/06, I interrogated him on 12/08/06 while he was in the custody of PI Wadhankar thinking that he would disclose some more information. During his interrogation, he stated that he would tell some things. Therefore, I called two panchas, apprised them about the purpose of the panchanama and asked them whether they are ready to act as panch witnesses. They consented. I then removed the veil of the accused and showed him to them. On asking he told his name as Tanveer Ahmed Ansari. He voluntarily made a statement in Hindi that he is ready to show bottles of chemicals that he has kept in the locker of the Sabu Siddhiqui Hospital. I prepared the memorandum of his statement, read over the memorandum to the accused and the panchas and obtained their signatures. The memorandum Ext. 457 is the same, it bears the signatures of the panchas and the accused and my signatures and its contents are correct. A station diary entry was made. The station diary entry no. 16 in the station diary register now shown to me is the same and its contents are correct. The contents of the true photocopy of the entry Ext. 1803 are as per the contents of the original entry.

42. We took packing and sealing material with us and

asked the panchas to take our searches and the search of the vehicle. They took the searches, then we all sat in the vehicle along with the accused, who was veiled. As per the directions given by the accused we went to Bhendi Bazar via Parel, Lalbaug and Byculla. We entered the compound of the Sabu Siddiqui Hospital and got down from the vehicle. The accused led us to the ICU department on the 1st floor of the hospital. There was one Dr. Atiya Sayyed, incharge of the ICU department present there. Accounts manager Salamatullah Khan came there. We introduced ourselves and showed the accused to them by removing the veil. We informed them about the purpose of our visit and told Dr. Atiya that she can take our searches, but she declined. The accused took us to a room by the side of the ICU department. There was a cot in that room on which there is a rexine mattress. He took out a key from below the mattress and opened a locker out of the nine lockers that were there. He took out and produced three bottles of chemicals. They were factory sealed of 500 ml quantity each. They were of Hydrogen Peroxide, Acetone and Sulphuric Acid. I packed the three bottles in separate boxes, wrapped them by khaki paper, put the key in an envelope and

closed it. I affixed labels on the three boxes and the envelope of the key, containing my and panchas signatures and sealed them. I seized all these articles and prepared panchanama. The panchanama Ext. 458 now shown to me is the same, it bears my signatures, signatures of the panchas and signature of the accused. It also bears the signature of Dr. Atiya, which was taken at that time itself. I will be able to identify the seized articles. The key Art. 33 and the cover Art. 33A are the same. The label on the cover, bears my signature and the signatures of the panchas. The bottle of Sulphuric Acid Art. 34, the box Art. 34A having a thermocol piece inside and the wrapper with the label Art. 34B are the same. The label bears my signature and that of the panchas. The bottle of Acetone Art. 35, the box Art. 35A having a thermocol piece inside and the wrapper with the label Art. 35B are the same. The label bears my signature and the signatures of the panchas. The bottle of Hydrogen Peroxide Art. 36, the box Art. 36A having a thermocol piece inside and the wrapper with the label Art. 36B are the same. The label bears my signature and the signatures of the panchas. PSI Gaikwad wrote the memorandum of the statement and the panchanama and the labels

are in his handwriting. We returned to the office and PSI Gaikwad made station diary entry. The station diary entry Ext.1804 is the same.

43. The accused Kamal, Khalid Shaikh, Mumtaz Chaudhary, Tanveer Ansari, Faisal, Ehtesham, Firoz Deshmukh and Suhail were got medically examined on 13/08/06 and station diary entry was made. 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 true photocopy of that entry are as per the contents of the original entry. (It is marked as **Ext. 1972**).

44. It was revealed in the investigation that when the accused Tanveer Ahmed Ansari was taken in custody by the Crime Branch, he had given his mobile to a patient and that patient had given it to his brother. Therefore, the said brother of the accused by name Ishtiaq Ahmed Ansari was traced and asked to produce the mobile. He produced it on 16/08/06. It was Nokia handset model no. 2230 having MTNL Trump sim card. I called two panchas, apprised them about the purpose of the panchanama and asked them whether they are ready to act as panch witness. They consented. I seized the

mobile in their presence, kept it in a khaki envelope, tied the envelope by thread and affixed label containing my and panchas signatures and sealed it. I then prepared a panchanama, read it over to the panchas, obtained their signatures and I also signed. I also obtained the signature of Ishtiaq Ahmed on it. The panchanama now shown to me is the same, it bears my signature, signatures of the panchas and of the brother of the accused and its contents are correct. (It is marked as **Ext. 1973**). (Learned SPP requests that a mobile bearing the label of the laboratory pasted on the backside bearing no. CAH-38/042/06, M4 and M4-SIM, that was found in a yellow coloured parcel bearing CR No. 77/06 addressed to the DCP, ATS, Nagpada, Mumbai by the Computer Forensic Division, Hyderabad, that was opened during the evidence of PW-18, be shown to the witness). This is the same mobile. (It is marked as **Art.373**).

45. The seized CPUs and mobiles were sent to CFSL, Hyderabad along with PSI Gaikwad on 17/08/06 with the forwarding letter of DCP Bajaj for retrieving the data and analyzing it. Copy of the forwarding letter Ext. 1805 now shown to me is the same, it bears

the signature of DCP Bajaj that I know and identify.

46. I had recorded the statements of Bilal Shaikh, Hidayatulla Sudke and Mohsin Khan on 21/08/06 in connection with the Saudi Riyals that were sent for Faisal. PSI Kshirsagar was sent to Pune to obtain the documents submitted by Rahil Shaikh at Zensar Technology Private Limited and also to collect the documents submitted at the Regional Passport Office, Pune for obtaining passport. He came back on 24/08/06, gave report and produced the documents. The report now shown to me is the same. It is addressed to me, it bears his signature. (It is marked as **Ext.1974**). The letter of the PRO addressed to DCP Bajaj accompanying that letter is the same now shown to me. (It is marked as **Ext.1975**). The attested true copies of documents are the same. (They are marked as **Exts. 1976 (1 to 14)**). The Zensar company had sent a letter to me on my request forwarding the copies of educational documents of Rahil. The letter addressed to me and the documents are the same. (The letter is marked as **Ext. 1977**. The documents are marked as **Art. 374 (1 to 9)**).

47. I had asked for information and details about the

certificates that were obtained by Muzzammil and his brother Rahil Shaikh from the Director, Bharatiya Shiksha Parishad, Lucknow, UP. I had asked them to produce the mark-sheet registers of 1996-97 to 1998-99. Two advocates, Pravinraj Gupta and Ajay Yadav from Lucknow had come with three registers and letter. On perusing the registers, *prima facie* they appeared to be forged. Therefore, I decided to seize them. I called two panchas, apprised them about the purpose of the panchanama and asked their willingness to act as panch witnesses. They consented. I seized the three registers under panchanama. The panchanama now shown to me is the same, it bears my signature, signatures of the panchas and of the advocate Pravinraj Gupta and its contents are correct. (It is marked as **Ext. 1978**). A separate crime of forgery was registered later on against the accused Muzzammil and Director of Bharatiya Shiksha Parishad. An offence of forgery was registered in the High Ground Police Station against the accused Muzzammil at Bangalore by the Data Core Technology Pvt. Ltd, where he was in service. The educational certificates of the accused that were provided by Bharatiya Shiksha Parishad were sent to that police station.

48. Arvindkumar Singh, Asst. Director in the Enforcement Directorate had inquired with and taken the statement of accused Faisal Shaikh after taking permission from the court, in connection with the Saudi Riyals seized from Abdul Rehman Dawrey and from his house search. On his request and authorization letter the Saudi Riyals were handed over to him before panchas on 25/09/06. I had called two panchas, apprised them about the purpose of the panchanama and asked them whether they are ready to act as panch witness. They consented. In their presence I handed over 26200 Saudi Riyals to Arvindkumar Singh and prepared a panchanama. I read it over to the panchas, obtained their signatures and I also signed. I also obtained the signature of Arvindkumar Singh on it. The panchanama Ext. 1255 now shown to me is the same, it bears my signature, signatures of the panchas and of Arvindkumar Singh and its contents are correct. Arvindkumar Singh also prepared a panchanama about the seizure of the Saudi Riyals and obtained my signature and of the panchas. The panchanama Ext. 1256 now shown to me is the same, it bears my signature, signatures of the panchas and of Arvindkumar Singh and its contents are correct.

49. An LAC under the Unlawful Activities (Prevention) Act and another crime for rioting and under Section 353 of the IPC had been registered against the accused Tanveer Ansari and Ehtesham and others in Police Station Kurla. PSI Kshirsagar was detailed along with my application to the 11th Court, Kurla to collect the copies of the chargesheets of those cases. He obtained them and produced them before me. Exts. 462 and 463 now shown to me are the same.

50. There was an LAC registered against the accused Kamal and his co-brother (sadu) Anwar-ul Haq under the Arms Act at the Special Cell, Lodhi Road, Delhi. PSI Gaikwad was detailed along with my application to collect the certified copy of the chargesheet from Tees Hajari Court, Delhi. PSI Gaikwad obtained the copy and gave it to me. The certified copy of the chargesheet Ext. 1812 (1 to 41) now shown to me is the same.

(Adjourned at the request of Id SPP at 5.00 p.m.).

(Y.D.Shinde)

Date : 09/01/12

Special Judge

Date : 10/01/12
Resumed on SA

51. A letter was given under the signature of ACP Patil to General Manager (Safety), Western Railways, Mumbai Central for informing about the damage to the railway property because of the seven blasts that had taken place in the local railways. Office copy of that letter, Ext 1681, now shown to me is the same. By their letter Ext. 1682 the railways had informed about the loss and damage.
52. It was revealed in the investigation that the accused Faisal had gone to Pakistan in 2001 through Attari Rail Check-post, Amritsar. A wireless message was sent by DCP Bajaj to the Foreigners Registration Office (FRO), Amritsar. A confirmation letter was received from the FRO that the accused had traveled through Attari Rail Check-post on 01/10/01 and returned back via the same route on 29/11/01. The office copy of the letter of DCP Bajaj with my endorsement is the same now shown to me, it bears his signature and my signature on the endorsement dated 20/09/06 and its contents are correct. (It is marked as **Ext. 1980**). The office copy of the wireless message signed by DCP Bajaj is the same. (It is marked

as **Ext. 1981**). The fax of confirmation received from FRRO, BOI, Amritsar bearing the inward endorsement of our office is the same. (It is marked as **Ext. 1982**). The copies of embarkation and disembarkation cards were not sent with the fax. Therefore, DCP Bajaj again gave a letter addressed to the FRRO, Amritsar for handing over copies of the embarkation and disembarkation cards and to inform the names of the officers who had given the clearance. PSI Gaikwad was appointed to collect the documents and to record the statements of the concerned officers. The office copy of the letter, Ext. 1188, now shown to me is the same, it bears the signature of DCP Bajaj and its contents are correct. On return PSI Gaikwad handed over to ACP Tawde the letter given by the incharge BOI, Attari Rail, Amritsar. Ext.1189 is the same now shown to me. It was marked to me. Certified copies of entries in the register of Pak nationals and Foreign nationals were also enclosed with the letter. Exts. 1190 to 1192 are the same now shown to me.

- 53.** The accused Faisal had been deported on an emergency certificate from Jeddah, Saudi Arabia in December 2004. PSI Gaikwad was directed to collect the disembarkation/arrival card

from the FRRO, Delhi Airport. On return he handed over true copy of the disembarkation card. Ext.1813 is the same now shown to me. The original emergency certificate of the said accused had been sent to the passport office at Pune. It was obtained in November 2006 and included in the papers. DCP Bajaj had given a covering letter, office copy of that letter Ext. 1578 now shown to me is the same. PSI Kshirsagar had collected the emergency certificate. The letter from the Superintendent, Passport office, Pune, Ext. 1579 and the emergency certificate Ext. 1580 are the same. Correspondence was made with the Saudi Airlines by which he was deported to India and the manifest containing the list of passengers was obtained. The office copy of the covering letter of ACP Tawde containing the acknowledgment of the airlines is the same now shown to me, it bears the signature of ACP Tawde and its contents are correct. (It is marked as **Ext.1983**). The airlines had sent the information along with its covering letter addressed to ACP Tawde. It is the same now shown to me. (It is marked as **Ext. 1984** and the manifest containing list of passengers is marked as **Ext. 1985**). The list of 01/12/04 shows the name Mohd. Shaikh.

54. A letter was given to the passport office Pune for obtaining the copies of the applications and documents given by accused Muzzammil and Suhail. The office copy of the letter bearing the signature of ACP Tawde is the same now shown to me, its contents are correct. (It is marked as **Ext.1986**). Accordingly the PRO, Passport Office, Pune had forwarded true photocopies of the application and documents submitted by accused Muzzammil and Suhail. They were marked to me. They are the same now shown to me. (The covering letter is marked as **Ext. 1987**, the attested true copies of the documents of Muzzammil are marked as **Ext. 1988 (1 to 14** and of Suhail are marked as **Ext. 1989 (1 to 11)**).

55. A letter was given to the passport office Pune for obtaining the copies of the applications and documents given by accused Faisal. The office copy of the letter bearing the signature of ACP Tawde, Ext. 1572, is the same now shown to me, its contents are correct. Accordingly the Superintendent, Passport Office, Pune had forwarded true photocopies of the application and documents submitted by accused Faisal. Ext. 1572, the covering letter, Ext. 1573, the reply and the attested true copies of the documents of

accused Faisal, Ext. 1574 (17 pages) are the same.

56. A letter was given to the Passport Office, Worli for obtaining the copies of the applications and documents given by accused Tanveer and Zameer. The office copy of the letter bearing the signature of DCP Bajaj is the same now shown to me, its contents are correct. (It is marked as **Ext.1990**). Accordingly the PRO (Policy), Regional Passport Office, Mumbai had forwarded true photocopies of the application and documents submitted by the said accused. They are the same now shown to me. (The covering letter is marked as **Ext. 1991**, the attested true copies of the documents of accused Zameer are marked as **Ext. 1992 (1 to 10)** and of Tanveer are marked as **Ext. 1993 (1 to 13)**).

57. The accused Tanveer, Muzzammil, Zameer and Suhail had gone from Mumbai Airport to Tehran, Iran and from there to Pakistan. Therefore, a letter was given under the signature of DCP Bajaj to DCP, SB-II, CID, Mumbai for obtaining their details of arrival and departure dates. Office copy of that letter now shown to me is the same, it bears the signature of DCP Bajaj and its contents are correct. (It is marked as **Ext. 1994**). Thereafter, I had given two

letters, one to the Sr. Inspector of Police, Airport Branch, SB-II, CID, Mumbai for furnishing the details of arrival and departure of the accused Suhail, Tanveer, Muzzammil and Zameer. The office copy of my letter now shown to me is the same, it bears my signature and the acknowledgment of the Airport Branch, SB-II, CID, Mumbai and its contents are correct. (It is marked as **Ext.1995**). I had sent a reminder on 20/09/06. Office copy of the said letter along with three enclosures containing the acknowledgment of the Airport Branch, SB-II, CID, Mumbai is the same, it bears my signature and its contents are correct. (It is marked as **Ext. 1996 (1 to 4)**). The Sr. Inspector of Police, Airport Branch, SB-II, CID, Mumbai had sent the information by three letters. They are addressed to ACP Tawde and ACP, ATS, they are the same now shown to me. (They are marked as **Exts. 1997 to 1999**). Ext. 1998 bears the endorsement of ACP Patil directing me to include the letters in the papers. I and my officers recorded the statements of the immigration officers of the Mumbai Airport, who had cleared the arrival and departures of the said accused. They were officers Bazare, Vijaykar, Nair, Salunkhe, Sateesh, etc.

58. I had sent the articles that were collected by the FSL officers from the sites of the bomb blasts at Matunga and Mahim along with my forwarding letters to the FSL, Kalina along with PC Kamble 1621 and PC Jadhav 731. Office copies of my forwarding letters, Exts. 660, 897, 898 and 906 now shown to me are the same, they bear my signatures and their contents are correct. The office copy of the letter Ext. 899 bears the signature of PI Godbole. The reports of the FSL were received in due course and were filed with the chargesheet. (Learned SPP requests that the reports of the FSL that have remained to be exhibited, be exhibited now). The report of the FSL dated 17/07/06 is the same now shown to me. It was marked to me. (It is marked as **Ext. 2000**).

59. The sample of the black powder that was taken out from the black powder seized at the house of the accused Kamal on 20/07/06 was sent to the FSL, Kalina with my forwarding letter on 31/07/06 along with PC Awati. Ext. 596 now shown to me is the office copy of my forwarding letter, it bears my signature and its contents are correct. The report of the FSL in connection with the sample was received and it revealed that the sample was containing RDX. The

report Ext. 469 is the same now shown to me.

60. Black powder was also found in the house search of the accused Faisal and cotton swabs were taken as samples of the powder. I sent them to the FSL, Kalina on 03/08/06 along with my forwarding letter. The FSL returned the packet as it was not sealed and informed that we should put the lac seal of any police station and send it back. Therefore, on 04/08/06 PC More was sent to Kalachowki Police Station to put the lac seal on the said packet. He did as directed and reached the sample with my forwarding letter. Ext. 598 is the office copy of the said letter, it bears my signature and its contents are correct. It is dated 03/08/06, signed by me on 04/08/06 after making the suitable correction by mentioning that the seal of Kalachowki Police Station is affixed. FSL report Ext. 599 in that connection was received.

61. I sent the bottles of the chemicals that were recovered at the instance of the accused Tanveer to the FSL on 13/08/06 along with my forwarding letter with HC Padval 1402. Ext. 908 is the office copy of my forwarding letter, it bears my signature and its contents are correct. The report of the FSL was received. Ext. 909 is the same

now shown to me. I had recorded the statements of all the carrier constables who had carried the samples to the FSL. I had recorded the HC Marbhal 1793, who had disposed of the unknown dead body.

62. PI Tajne produced the statement of witness Nitishkumar Mishra, which he had recorded at Madhubani. API Dinesh Kadam produced the statement of Abdul Rehman Dawrey, which he had recorded.

63. PI Khandekar was investigating CR No. 156/06 concerning the blast at Borivali Railway Station. He submitted a proposal for applying the provisions of the MCOC Act to his crime. Addl. CP, ATS gave the prior approval and appointed ACP Patil as the chief investigating officer. ACP Patil registered CR No. 05/06 at the ATS Police Station and gave orders to hand over the papers of investigation of all the seven blasts, as they are parts of one single larger conspiracy. Therefore, I handed over all the papers of investigation of CR No. 77/06 to him on 14/10/06. I got the accused Mumtaz Chaudhary and Khalid Aziz discharged on 13/10/06 from CR No. 77/06 from the Addl. CMM, 2nd Court, Mazgaon during their remand. I gave a letter to the same court to terminate the remand of

the accused Kamal, Tanveer, Faisal, Muzzammil, Ehtesham, Zameer and Suhail Shaikh in CR No. 77/06 as they were arrested in ATS CR No. 05/06. ACP Patil took my statement on 14/10/06 about the investigation that I had done and I gave it in brief. Thereafter, I assisted him in the investigation of the said crime as per his orders. I will be able to identify the seven accused. (Witness looks around the court hall and points to the accused no.1, 2, 3, 4, 9, 10 and 11 sitting in the dock. They are asked to stand up and tell their names, which they state as Kamal Ahmed Vakil Ansari, Dr. Tanveer Ahmed Ansari, Faisal Aatur Rehman Shaikh, Ehtesham Qutubuddin Siddiqui, Muzzammil Aatur Rehman Shaikh, Suhail Mehmood Shaikh and Zameer Latifur Rehaman Shaikh). They are the same accused. (Adjourned for recess).

Date : 10/01/12

Special Judge

Resumed on SA after recess

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

- 64.** It is not true that the record of the case is tampered with. I did not show the reconstructed photo of the face of the unknown dead body to any witness and the accused. I had asked the

other investigating officers Pls Khandekar, Wadhankar, Iqbal Shaikh, Kadam, ACPs Tawde and Patil to do so. They did not report to me that they had done so. I do not know whether two parties were claiming a body that was from the Andheri blast, whether one party had taken the dead body and had cremated it. I came to know that a case was registered for falsely claiming the dead body. I did not collect DNA profile of the persons to whom the body had been handed over. I did not feel it necessary to collect it and compare it with the DNA profile of the unknown dead body in CR No. 77/06. My superiors did not suggest me to do so. It was not decided beforehand that the unknown body in CR No. 77/06 had no concern with the persons to whom the body had been handed over in the Andheri blast. I did not investigate about this aspect. It is not true that I knew that the unknown body in CR No. 77/06 was belonging to the family to whom a dead body was wrongly handed over in the Andheri blast.

65. I had read all the statements of the witnesses in CR No. 77/06 before I requested the dean of the Sion Hospital to reconstruct the face of the unknown dead body. It did not happen that subsequently I tampered with the record and removed some

statements. Statements of claimants of dead bodies are recorded before handing over the dead bodies. It is true that statements of two witnesses were recorded in connection with the unknown and unclaimed dead body. They were the two parties who were claiming the body. Their statements were recorded. However, later on they said that it is not the dead body of their relative. I had read their statements, which were of second week of July 2006. They disclaimed two-three days after their statements. It is not true that the case diary is tampered with. (Learned advocate asks the witness to go through the case diary and tell the names of the two claimants and the dates on which their statements were recorded). They were Chandansingh Pyarelal Bhanjara, occupation imitation jewelry in front of VT station and Sureshsingh Atharsingh Rajawal, watchman in ICICI bank. As per the case diary their statements are not seen to be recorded, but only inquiry was made with them on 17/07/06. They disclaimed on 18/07/06, but their statements were not recorded. These two had claimed the dead body and disclaimed it in my presence. I did not record their statements, as when they claimed the dead body, I told them to bring the record to identify the dead body.

Both had claimed it as their near relative. It is not true that I removed their statements from the record and prepared false case diary. The face of that dead body had not been reconstructed till the time they disclaimed it. It is not true that two parties were claiming it, therefore, it was sent for reconstruction of face. The contents of Ext. 1172 that the identity is to be established as two parties are claiming it are correct. Addresses of the two persons were known when they came first, but they were incomplete. It is not true that I am stating falsely that the two parties disclaimed the dead body later on. I had not stated to ACP Patil when I gave my statement that two parties had claimed the dead body and subsequently they disclaimed it. I am stating this for the first time. Those persons are not included in the witness list. I did not think of getting their DNA profile as they had disclaimed the body. They had not come before me personally for disclaiming it. The ASI at the Sion Hospital informed me about it. I did not record his statement and did not mention it in the case diary. The ASI told me that the first party had told him that on inquiring with his brother, he said that it was not the dead body of his relative. He told me that the second party said that the person whom he thought was

dead and it was his dead body, was infact alive. The ASI was on duty in the hospital. The information given by the ASI was not important as no claim was made. The ASI had come to know about this information at Sion Hospital. I do not know whether both the parties had seen the body. I did not mention in the station diary about the disclaimer by both the parties. The facial reconstruction had not taken place till the time the ASI gave me the information.

- 66.** If a person comes to the police station with a case that someone is missing, first we record his missing complaint. It is not correct to say that if a person comes to claim a dead body, we first record his statement. We first send him for identifying the body with constables along with a written memo. I did not give written memos in this case. Persons do not directly come to us claiming a dead body, but they come to us with a missing complaint saying that dead body with us may be of the missing person. Both the parties in this case had come with this story. They were sent with constable to identify the dead body and they returned to me after seeing the dead body. At that time they did not disclaim the body. I did not feel it necessary to take their complaint or statement. I did not make any station diary

entry about sending a constable with them as I did not think it necessary. The report of reconstruction of the case was received in August 2006. I have not seen the CD of the reconstructed face till today. I did not get it printed and circulated. I think that it was circulated it to media. I had seen the reconstructed face in the hospital, therefore, there was no question of seeing the photographs of that face. I saw it after 20/07/06. I did not make any efforts to search for witnesses who could identify it. I have mentioned in the case diary about the claim by the two parties and they disclaiming it later on. I have not filed any record in the court that there were two claimants of the body.

67. I did not come to know during my investigation that a Pakistani person by name Mohd. Ali, concerned with the blasts, was killed in an encounter by the ATS officers. No officer told me about it. PI Tajne or any other officer did not show me the photograph of that person as a Pakistani national Mohd. Ali being killed in encounter. I did not come to know that a Pakistani national was arrested during this period by the ATS under the Arms Act and the Explosive Substances Act and his name was Riyaz Nawabuddin, that Mohd. Ali

was killed in the encounter after his residence was pointed out by Riyaz Nawabuddin. My superiors did not tell me that we have to search for some Pakistani nationals in connection with the investigation of this case. I do not know whether said Mohd. Ali and Riyaz had any concern with this case. The ATS officers did not inform me that Explosives and sophisticated fire arms were found with these two persons and that a crime was registered about the encounter at Antop Hill Police Station. The investigating officers of all the blasts were exchanging information, but not regularly. Remand of the accused in CR No. 77/06 was terminated on 13/10/06. Till that time I had not come to know that the other investigating officers had arrested accused Majid, Mohd. Ali, Sajid, Asif Khan, Abdul Wahid and Naveed. I did not ask them whether they had arrested these accused in their case.

68. I had come to know that one Tafheem Hashmi, a Pakistani national had been arrested by other ATS officers in their crime. I did not find it necessary to arrest him in my crime. I had a discussion about it with PI Iqbal Shaikh and also about the progress of the investigation in his crime. He did not tell me that he had

sufficient evidence to file chargesheet. There used to be discussions about the progress in the investigation of their respective crimes with the other investigating officers Pls Agarwal, R. R. Joshi, Wadhankar, Vijay Kadam and Khandekar. They did not tell me that they had sufficient evidence in their crimes to file chargesheet.

69. I made efforts to find out eye-witnesses in my crime. I did not get any eye-witness in my crime till its investigation was with me. It is not true that there used to be regular meetings in connection with the progress of the investigations. However, there used to be meetings intermittently at Kalachowki as well as Bhoiwada. I did not attend any meeting of DCP Bajaj. I met him many times in connection with this case and discussed with him about the progress of the investigation in my crime. I did not meet Addl. CP Jaiswal at any time and did not attend any of his meeting. I had met Jt. CP Raghuvanshi. I had apprised him about the progress of my case. I met him alone many times at his Nagpada office of ATS. He did not give me directions about further investigation. I did not attend a single meeting of A. N. Roy. He had met me once in the ATS office at Nagpada and had suggested to me that some arrested accused in

my crime had complained in the court about ill-treatment, that he was told by the court to supervise the investigating officer and to see that they do not ill-treat the accused and he told me to take care. He told me about this in the first or second week of August 2006. It is not true that other ATS officers were also present at that time. I did not attend any meeting of A. N. Roy at Kalachowki. I do not know whether any such meeting had taken place there. No ATS officer told me that such a meeting had taken place.

70. It is not true that there was no sufficient evidence in my crime to file chargesheet. It is not true that it was decided from the start to apply the provisions of the MCOC Act, that I was knowing that I would be getting 180 days for filing chargesheet. The 90 days for filing chargesheet after the arrest of the first accused would have expired on 17th or 18th of October 2006. I did not file chargesheet till that time.

(Adjourned at the request of Id advocate at 4.40 p.m.)

(Y.D.Shinde)

Date : 10/01/12

Special Judge

Date : 11/01/12
Resumed on SA

71. ACP Patil recorded my statement as per my narration.

At that time all the events were fresh in my mind. I had not stated when I gave my statement that PC Jadhav 3286 of my police station informed me by phone at about 6.30 p.m. from Matunga Railway Station that there had been a bomb blast in the local train near Matunga Railway Station, that I told the SHO to make a station diary entry about the information, that on receiving this information I along with PI Godbole, API Inamdar and staff immediately went to the spot by road in our vehicle, that I told the SHO to make the station diary entry about the information, that I instructed them not to allow anyone to disturb the scene of offence, that I recorded the complaint of motorman Sachinkumar Singh and sent it with PC Rajaram to the police station for preparing the printed format of FIR. However, it is in my statement that I posted my staff there for bandobast and this includes that they were instructed not to allow anyone to disturb the scene of offence and that the crime was registered. I did not state that ASI Kamble made entry in the station diary about preparing the

FIR and registering the crime, that the BDDS personnel came to the Matunga blast site, that I got the blast site and entire train inspected by them, that thereafter I called two panchas at the spot and after inspecting the blast site I prepared spot panchanama. However, it is mentioned that a panchanama was prepared. I did not state that articles of passengers like clothes, bags, etc., were lying scattered in the bogie and also outside, that the seats and fans were broken, there was blood everywhere, that there were flesh pieces and burnt clothes, shoes and chappals of passengers inside and outside the bogie, that I collected the articles with the help of the panchas, that there were umbrellas, bags, bank documents, PAN card, I-cards, railway pass, spectacles, that I seized about 50 such articles under panchanama, that I prepared the panchanama in flood light, that it was read over to the panchas and their signatures were obtained and I also signed, that I came to know that FSL personnel had come at the Mahim Railway Station and were helping PI Godbole and PI Shinde in collecting the samples of remnants of explosive substances, etc., that I also came to know that PI Godbole had called for packing and sealing material from the Mumbai Central Railway

Police Station, that therefore, I directed PI Godbole to send the FSL personnel to the Matunga Railway Station and also to send the packing and sealing material with a constable to Matunga Railway Station after completion of his work, that FSL officer Daundkar and his staff came to the spot at about 2.00 a.m. of 12/07/06. However, I had stated that FSL officer Daundkar came to the spot at 1.30 a.m. I did not state that I returned back to the police station with the seized articles, handed over the seized articles to the muddemal clerk, made entry in the muddemal register and directed the SHO to make station diary entry, that seven bomb blasts had taken place at different locations in the Western Railways, that Director General of Police issued order that the investigation of all the blasts should be taken over by the ATS, that by that order I was attached to the ATS for the purpose of investigation of the blasts cases, that therefore, I reported to the ATS office on 12/07/06, that in the meeting that took place, I was assigned the investigation of CR no. 77/06 of Mumbai Central Railway Police Station concerning the blast at Matunga Railway Station as I was already investigating it, that API Bagwe, PSI Kshirsagar and PSI Arjun Gaikwad, who had been deputed to the

ATS on that day, were directed to assist me in the investigation, that I had taken three staff members with me to the ATS for assisting me in the investigation, that they were HC Padwal, PC Jagdale and PC More, that ACP Shengal and ACP Tawde were supervising the work of the investigation of all the bomb blasts, that I also went to the hospitals on 12/07/06 and inquired with the witnesses with a view to obtain information about suspects, that I also went to the hospitals on 12/07/06 and inquired with the witnesses with a view to obtain information about suspects. However, it is written that a head with disfigured face was seized from the spot and no relative came forward to identify it. I had not stated that I requested the dean of the Sion Hospital by my letter to reconstruct the face of that person, that I also requested to preserve the tissues/parts of the dead bodies for DNA test, accordingly the doctors there reconstructed the face of that person and gave a CD to me, that it was handed over to Addl. CP, ATS who send it to CFSL, Chandigarh for verifying its correctness. However, it is written that dean of the Sion hospital was requested to reconstruct the face and to prepare a DNA profile. I had not stated that the Sion Hospital had sent the tissues/parts of the said dead

body to the FSL, Kalina for DNA profile, that I asked the FSL to give the report about it by my letter dated 21/08/06, that It was revealed in the investigation that the dead body was of a Pakistani national by name Salim, that therefore, I sent letter to the medical officer of Sion Hospital to write his name in the memorandum of post-mortem and death certificate, that I gave a letter to the dean of the Sion Hospital for handing over the dead body for funeral to HC Jadhav and Marbhal. However, it is written that HC Marbhal was ordered to dispose off the body. I had not stated that I had also given a letter to the medical officer incharge of post-mortem center for handing over the dead body to HC Marbhal, that I had directed HC Marbhal to dispose off the body as per Muslim religious rites, that accordingly he disposed off the body and gave an oral report to me and made station diary entries no. 8 and 10. I had stated that PI Tajne handed over the personal search and arrest panchanamas and the house search panchanamas of both the suspects to ACP Shengal and they were handed over to me on the same day, that the personal search and arrest panchanama and the house search panchanama and a station diary entry no. 14 was made about the search and seizure. However,

it is not in my statement as ACP Patil took it in short. PI Tajne handing over documents to ACP Shengal and they being handed over to me is also not written in short. There is no mention that PI Tajne had brought any panchanama. I had stated that Mumtaz Chaudhary had been arrested from Navi Mumbai (emphasis supplied). ACP Patil did not write this in my statement. I had not stated that he produced both the panchanamas, that the accused Kamal Ansari, Khalid and Mumtaz Chaudhary were got medically examined and their relatives were informed about their arrest and station diary entries no. 10 and 11 were made, that API Kolhatkar, who brought the black powder seized from the house of the accused Kamal Ansari on 22/07/06 made station diary entry, that the station diary entry no. 14 was made, that my superiors directed me on 23/07/06 to go to the Crime Branch, Unit-II at Jacob Circle/ Saat Rasta and to inquire with an accused, whom they had taken in custody in connection with the Matunga bomb blast, that therefore, I, ACP Shengal and staff went there, that they gave a person by name Dr. Tanveer Ahmed Ansari in our custody, that after inquiring with him, we were satisfied that he was involved in the said crime, that therefore, I arrested him in CR No.

77/06 of Mumbai Central Railway Police Station in the presence of two panchas under panchanama, that the Crime Branch had given certified true copy of the station diary entry about inquiring with the said accused and handing him over to us, that we returned to the office and a station diary entry no. 13 was made. I had stated that the relatives of the accused were informed and he was got medically examined, that he was produced for remand before the Mazgaon court on the next day and his police custody upto 04/08/06 was obtained, that the station diary entries about informing the relatives of the accused of his arrest and sending him for medical examination and the station diary entries no. 1 to 4 dated 24/07/06 were made. It is not in my statement, but ACP Patil said that it is already in the station diary. I had stated that officers of the Unit-II of the Crime Branch brought two accused to the ATS office at Kalachowki on 25/07/06 as they had received information that they were involved in CR No. 77/06, that I took the custody of the two accused, viz., Suhail Mehmood Shaikh and Zamir Latifur Rehman Shaikh, that I arrested them in the said crime under panchanama in the presence of the panch witnesses. However, it is not in my statement in these words,

but it is written that the accused Zameer Latifur Rehman Shaikh and Suhail Memood Shaikh were arrested on 25/07/06. I had not stated that station diary entry no. 19 was made. I had stated that their relatives were informed and they were got medically examined and the station diary entries no. 20 to 23 were made. This is not in my statement as ACP Patil stated that it is mentioned in the station diary. I had not stated that I obtained police custody of the accused Suhail Mehmood Shaikh and Zameer Latifur Rehman Shaikh on 26/07/06 from the ACMM, 2nd Court, Mazgaon, that they were remanded to police custody upto 07/08/06, that on the same day I went for the house search of the accused Tanveer Ansari along with him and my staff, that a station diary entry was made about it, that the station diary entry no. 17 in the station diary register is the same. However, it is in my statement that house search of the accused Tanveer was taken. I had not stated that I called two panchas and told them about the purpose of the search, that they consented to act as panch witnesses, that along with them I went to house No. 31, 2nd Floor, BIT Chawl No.4, Siddhiq Ansari Marg, Agripada, Mumbai-18, that we knocked the door, that it was a opened by a man, that the accused

informed that he was his father, that I apprised him about the purpose of our visit and offered him our searches, but he declined, that we then entered the house and searched it, but did not find anything, that I prepared a panchanama, read it over to the panchas, obtained their signatures and signature of the accused and I signed it, that a copy of the panchanama was given to the accused. However, it is in my statement that on 26/07/06 search of the house of Tanveer Ansari was taken, but nothing was found and panchanama was prepared. I had not stated that after the panchanama was over I inquired with the accused about his passport, that the manager by name Krishna Pillai was present there, that the accused was in veil, that we removed the veil of the accused and showed him to the manager, that he recognized him as Tanveer Ahmed Ansari and stated that he had given his passport for visa 4-5 months before, that he produced the passport, which I seized under a panchanama. However, it is in my statement that as stated by the accused, his passport was given to International Trade links, three printing house, 28-3 police court lane, behind Old Handloom House, Fort, Mumbai-1 for visa and as shown by him the manager in that office Shri Prakash Krishna, age 39 years,

occupation travel agency had produced Indian Passport No.B0099830 as per the details stated by the accused and it was seized under panchanama for the purpose of investigation. I had not stated that we then returned to the office and made station diary entry no. 20, that the accused was got medically examined and an entry was made in the station diary at sr. no. 21. I had not stated that Crime Branch, Unit-II sent a memo on 27/07/06 that they had taken two persons in custody by name Mohd. Faisal Aatur Rehman Shaikh and Muzzammil Aatur Rehman Shaikh in connection with the CR No. 77/06 of Mumbai Central Railway Police Station, that therefore, I and my squad went to that office and took the two persons in our custody, that I was convinced on making inquiry with them that they were involved in the crime, that therefore, I arrested them under arrest panchanamas in the presence of panchas I also took the signatures of the accused and gave them copies, that the Crime Branch had given certified true copy of the station diary entry about inquiring with the said accused and handing him over to us along with covering letter, that we returned to the office and a station diary entry was made, that the station diary entry no.14 was made, that the accused

were got medically examined on that day and station diary entry was made, that similarly, station diary entry was made about medical examination of accused Zameer Shaikh, Suhail Shaikh and Tanveer Ansari as they had been examined on that day, that the station diary entries no. 16 and 18 respectively were made. However, it is in my statement that accused Mohd. Faisal Aatur Rehman Shaikh and Muzzammil Shaikh were arrested on 27/07/06. I had stated that the relatives of the two arrested accused were informed about their arrest on 28/07/06 and station diary entry was made at sr. no.5. However, it is not in the statement as ACP Patil did not write it saying that there are station diary entries about it. I had not stated that they were produced for remand before the ACMM, 2nd court, Mazgaon on 28/07/06 and their police custody upto 09/08/06 was obtained, that in the evening we made preparations for going for the house search of the accused Faisal and Muzzammil, that I, ACP Shengal, PSI Kshirsagar and staff went near the house of the accused Faisal in Bandra along with both accused, that the station diary entry no.10 was made, that there were some people gathered at the Perry Cross Road ground, Carter Road, Bandra (W), that I told my staff to call

persons to act as panchas, that the staff brought two persons and as they consented to act as panch witnesses, I told them about the purpose of the search, that the veil of the accused Faisal was removed and he was shown to the panchas and his name was told to them, that we told the panchas that his house search is to be taken, that we all got down from the vehicle, that the accused led us to the 3rd floor in the Lucky Villa Building and showed us a room on the right side and informed that he lives there, that the door of that room had a lock, that on inquiring with the accused about the key, he took out a key from a gap above the door, that he opened the door by that key, that before entering the room, I asked him whether he wanted to take our and panchas searches, but he declined, that we then entered the room, that it was consisting of a living room and a kitchen, that we entered the kitchen room and searched it, but did not find any objectionable thing, that we then searched the living room, that there was a cupboard of cloth having a zip, that the zip was opened, that the upper compartment was vacant, that there were clothes in the lower compartment, that on inspecting the upper compartment minutely, we noticed black powder on the floor of the compartment,

which was of cardboard, that we inquired with the accused about the black powder, but he did not give satisfactory answers, that as it was necessary to collect the powder, a HC was sent outside to bring cotton, that he brought the cotton, it was divided in 2-3 swabs and the powder was wiped with the swabs, that the swabs were put in a polythene bag and the bag was put in a cardboard box that was there, that the box was wrapped with a khaki paper, tied with thread and a label containing my and panchas signatures was affixed on the knot of the thread, that it was taken in custody, that there was a red handbag by the side, that on inspection it was found to contain some clothes and a polythene bag, that the polythene bag was found to contain a black coloured folder pouch, that we found railway tickets of Howrah to Mumbai and Mumbai to Howrah, debit cards of ICICI bank, motor driving licence issued by Pune RTO in the name of accused Faisal and a learning licence in his name, that we also found 2 notes of Rs. 1000/- denomination each, 30 notes of 500/- Saudi Riyals each, documents of Bajaj Pulsar vehicle, photocopy of agreement of that room between the accused and the flat owner Sajid Shaikh, that we also found books of SIMI and books titled

'Atankwad ka jimmedar kaun', that in the second compartment of that bag, we found two maps, that one was of Mumbai and on the back side Mumbai-suburbs, that there were marks at some places on the map of Mumbai in green and red ink, that the other map was an international map of India, Pakistan, Iran, Muscat, Afghanistan, Tehran, etc., that a route from Mumbai to Tehran, Tehran to Zahidan and Zahidan to Muzzafarabad was drawn on the map, that there was some matter in Urdu below the map, an international mobile number and e-mail address as guddu_sir @ yahoo.com, that I encircled this matter by red ink, that I and the panchas signed both the maps.

72. I had not stated that there was a television in a corner and there was a Motorola company mobile on it, that on opening the back side of the mobile it was found to contain Airtel sim card, that all these articles except the cotton swabs which were already packed, were wrapped in five different packets of khaki paper, tied with thread and labels containing my and panchas signatures were pasted on the knots of the threads, that the sim card and the battery was put in the mobile handset, it was put in a polythene bag, the bag was wrapped in khaki paper, tied with thread and labels containing my and panchas

signatures were pasted on the knots of the threads, that a panchanama was prepared and then we came out of the flat, that the door was again locked by the lock, the key was taken in possession and the panchanama was completed, read over to the panchas and their signatures were obtained, that I also signed on the panchanama, that we then climbed down the building, obtained a photocopy of the panchanama, gave it to the accused and obtained his signature. However, it is written in my statement that on 28/07/06 house search of the accused Faisal and Muzzammil was taken, first of accused Faisal Shaikh who used to reside in Lucky Villa, building no. 1, Perry Cross Road, Kantwadi, Bandra (W) on rent, that seizure of a rexine bag containing railway ticket Hawrah to Mumbai and one Hawrah to Kurla Express and one of Geetanjali Express of four persons, a reservation forms of second class, cash card of ICICI bank, motor vehicle licence, learning licence, two notes of Rs. 1000/- each, 30 notes of Saudi Arabian Riyals of 500 denomination, total 15000/-, railway ticket from Lokmanya Tilak to Hawrah Junction, booking documents of Bajaj Pulsar motor cycle, photocopy of agreement between accused Mohd. Faisal and Sajid Shaikh, that

black coloured powder in the cupboard was collected by cotton swab, six books of SIMI organization containing objectionable material, map of Mumbai and photocopy map showing Iran, Afganisthan, Bharat, Muscat, Oman was made.

73. I had not stated in so many words that as per the agreement Art. 149, Ext. 537, part of the amount was to be paid by cash and part by cheque, that I called for the statement of the bank account and the transactions of the ATM card of the ICICI bank, that the ICICI bank had issued photocopy of application form and printout of the saving bank account in the name of Ataur Rehman Shaikh, father of accused Faisal, that ACP Tawde had given a letter to the bank. However, I had stated in different words. (Learned advocate Shetty submits that the actual words read out by the witness from the statement cannot be taken, but the court can see the portion of the statement. It is written in the statement that by the office letter no. 729/CIO/ATS/06 dated 31/07/06 information of debit card no. 1667060019090398 and account no. 001901503477 was called from ICICI Bank, Kandivali Branch, Mumbai-72, that the information was obtained on 11/08/06 showing that the account was of Ataur Rehman

Shaikh, father of accused Mohd. Faisal, whose statement was recorded on 23/09/06).

74. I had not stated in so many words that after the panchanama was over, accused Faisal Shaikh was made to sit in veil in another vehicle, that as the search of the house of accused Muzzammil was to be taken, I requested the panchas to act as panch witnesses, that they consented, that I took them to the vehicle in which the accused Muzzammil was, showed him to the panchas by removing his veil and asked him his name, which he stated as Muzzammil Aatur Rehman Shaikh, that we all then sat in both the vehicles and went to Mira Road, that accused Muzzammil asked us to halt the vehicle when we reached below the Tirupati Apartment in Mira Road (E), that we all got down keeping the accused Faisal in the vehicle with two constables, that the accused Muzzammil led us by staircase to flat no. 203 on the 2nd floor, that we knocked the door of the flat, that a man opened the door, that the accused stated that he is his father, that we introduced ourselves and told him the purpose of visit of search of the house and asked him whether he wanted to search us, but he declined., that we then entered the house, that the

first room was living room, that there was a computer on a table on the left side in the room, that the CPU was disconnected and taken in possession, that no other objectionable thing was found in the hall, that we searched the kitchen room and the small bedroom, but did not find any objectionable thing, that we searched another bedroom which was bigger, that we found two cardboard CPU boxes and on opening them we found two new CPUs, that we kept the CPUs in the same boxes, that we found an Echolac company travel bag by the side, that the key of that bag was in the side compartment, that the lock of the bag was opened by that key and the contents of the bag were inspected, that we found a CD pouch containing CDs, that the name Rahil Shaikh was written on the pouch, that we also found a Maxell company hard disk, a passport in the name of the accused Muzzammil Shaikh, his educational documents issued by Bhartiya Shiksha Parishad, Lucknow, certificates of Higher Secondary Board Examination, Data Core Technology's appointment letter in his name, identity card of Oracle company in his name, that we found a red coloured packet containing many cards like internet cards, netwala card, sifi I card, books of SIMI organization and books titled

'Atankwad Ka Jimmedar Kaun', that in another compartment of the bag we found two maps, that one was of Mumbai and on the back side Mumbai-suburbs, that there were marks at some places on the map of Mumbai in green and red ink, that the other map was an international map of India, Pakistan, Iran, Muscat, Afghanistan, Tehran, etc., that a route from Mumbai to Tehran, Tehran to Zahidan and Zahidan to Muzzafarabad was drawn on the map, that there was some matter in Urdu below the map, an international mobile number and e-mail address as guddu_sir @ yahoo.com, that I encircled this matter by red ink, that I and the panchas signed both the maps.

75. I had not stated that I took out the two CPUs that were in the boxes, that I called for a box from outside by sending a constable, that I affixed labels containing my and panchas signatures on the sockets of the cables and on the screws by the side of the CPUs by which the CPUs can be opened, that I packed the hard disk in a cardboard box, wrapped it with khaki papers, tied with thread and affixed label containing my and panchas signatures on the knot of the thread, that I put the two CPUs in their boxes, the CPU that we had removed in the box that was called from outside, wrapped all the

three boxes by khaki paper, tied them by thread and affixed label containing my and panchas signatures on the knots of the threads, that I packed the remaining articles in separate packets, tied them with threads and affixed labels containing my and panchas signatures, that I had also found a mobile handset in that bag, that on opening it was found to contain an Airtel sim card, that I wrote down the number of the sim card and put it inside the mobile and packed and labeled the mobile by the same procedure. I had stated this in different words. (It is written in the statement that thereafter the search of the house of the accused Muzzammil, no. 203, A' wing, Tirupati building, Mira Road (E), Dist. Thane was taken and seizure of three CPUs, one hard disk, an album of 30 CDs, motor cycle licence, Indian passport no. E-0634943, educational and employment documents, master card of ICICI bank, plastic card of netwala.com, I card in the name of the accused of Oracle Co., airtel company sim card, six books of SIMI organization containing objectionable material, map of Mumbai and photocopy map showing Iran, Afganisthan, Bharat, Muscat, Oman are shown and a route is marked in red and blue ink from Bharat to Pakistan via Iran, there is a

telephone no. in English and an email ID and a Sony Ericson company mobile was made).

76. I had not stated that the accused Faisal, Muzzammil, Zameer, Suhail and Kamal were got medically examined on 29/07/06 at 10.00 p.m. and station diary entry no. 16 was made, that arrested accused Suhail Shaikh used to reside in Pune, that therefore, it was necessary to search his house, that after consulting with the supervising officer ACP Tawde, I directed API Kadam and PSI Gaikwad to take the accused to Pune and conduct search of his house, that ACP Tawde directed PI Tonpi on 31/07/06 to take the search of the house of the arrested accused Zameer Shaikh, that a letter was sent under the signature of ACP Tawde to the Superintendent of Stamps to verify whether the agreement that was found in the house of accused Faisal was registered, that we then started for going to the place that would be shown by the accused Tanveer, that a station diary entry no. 14 was made. I had not stated in so many words that we took packing material with us and asked the panchas to take our searches and the search of the vehicle, that they took the searches, then we all sat in the vehicle along with the

accused, who was veiled, that we went to Momin Pura via Saat Rasta to the BIT Chawl, where the accused used to reside as per his directions, that he informed us that the building is known Pila Mahal and the house of his brother is on the 2nd floor, that he led us by staircase to that house, which was room no. 35, that the door of that room had a lock, that he opened the lock with the key, that we asked him whether he wanted to take our searches and of the panchas, but he declined, that we then entered the house, that there was a sewing machine table without machine in that room and a Panasonic TV was kept on it, that he lifted the TV and kept it aside, that he took out some books and maps from the cardboard. (It is written in the statement that on 01/08/06 accused Tanveer was taken for inquiry and after inquiring with him he gave a voluntary statement that when he was working in the SIMI organization, he had kept some books in the house of his brother and he is ready to produce them, that his memorandum panchanama was prepared and he and panchas were taken to his residence in BID block, Momin Pura, Mumbai where accused took key of the house of his brother in Pila Mahal building, Momin Pura compound, Agripada, Mumbai-11 from his mother).

(Adjourned for recess).

Date : 11/01/12

Special Judge

Resumed on SA after recess

77. I had not stated in detail that the books were concerning SIMI organization titled 'Atankwad Ke Jimmedar Kaun', one was an international map showing India, Pakistan, Afghanistan, Tehran, Iran, that some places in the map of Mumbai were marked with green and red colour, that a route from Mumbai to Muzzafarabad in Pakistan via Tehran, Zahidan, Bhawalpur was drawn on the international map, that I and panchas signed on both the maps, that I encircled it with red ink, that the books and the maps were wrapped in khaki paper, tied with thread and a label containing my and panchas signatures was pasted on the knot of the thread, that we came out of the room after the panchanama was over and the room was locked, that mother of the accused had come there, that the key of the room was given to her, that we returned back to the police station, made station diary entry and deposited the seized articles with the muddemal clerk, that the station diary entry no. 16 was made. I had stated that before we took the accused Tanveer Ansari

for the panchanama, the accused Kamal Ahmed, Khalid and Mumtaz had been medically examined and a station diary entry no. 13 was made. It is not in my statement as ACP Patil said that it is in the station diary. I had stated that the accused Faisal, Muzzammil, Zameer and Suhail were got medically examined on that day and a station diary entry was made, that the station diary entry no. 18 was made, that the accused Kamal, Khalid, Mumtaz and Tanveer were got medically examined on 03/08/06 and a station diary entry was made, that the station diary entry no. 23 was made, that the accused Faisal, Muzzammil, Kamal, Ethesham and Suhail were got medically examined on 04/08/06 and a station diary entry was made, that the station diary entry no. 12 was made, that the accused Zameer, Khalid Shaikh, Mumtaz Chaudhari, Tanveer Ansari and Firoz Deshmukh were got medically examined on 05/08/06 and a station diary entry was made, that the station diary entry no. 11 was made. It is not in my statement as ACP Patil said that it is in the station diary.

78. I had not stated in detail that I had called for the five packets from the muddemal room, that I showed them the packets and opened them one by one in their presence, that the international

map seized from the accused Tanveer was kept aside, that the international maps, passport and educational certificates seized from the accused Muzzammil were kept aside, that the international map seized from the accused Faisal was kept aside, that the international map seized from the accused Suhail was kept aside from the envelope in which it was, that his passport in another envelope was taken out and kept aside, that I affixed labels containing my and panchas signatures on the passports of Suhail and Muzzammil, that the remaining books and maps were kept in separate envelopes along with the original wrappers and labels containing my and panchas signatures were pasted thereon. I had stated it in other words. (It is in the statement that the articles that were seized during house search of Muzzammil, Mohd. Faisal, Suhail and Dr. Tanveer were seized under panchanama, but as their passports, maps seized from them and the educational certificates were necessary for investigation, the sealed packets were opened on 06/08/06 before panchas and a panchanama was prepared about it).

79. I had stated that the accused Faisal, Muzzammil, Suhail and Kamal were got medically examined on the same day and station

diary entry was made, that the station diary entry no. 7 was made, that the accused Zameer, Khalid Shiakh, Mumtaz Chaudari, Tanveer, Firoz Deshmukh and Suhail were got medically examined on the same day and station diary entries no. 14 and 15 were made. It is not in my statement as ACP Patil said that it is in the station diary. I had not stated that I directed API Bavdhankar on 08/08/06 to take the statements of the travel agents who had obtained the visas and tickets for the accused Tanveer, Muzzammil, Zameer and Suhail, who had gone to Pakistan via Tehran and to collect the documents in that connection.

80. I had stated that PI Bavdhankar deposited the seized articles with the muddemal clerk, that the accused Faisal and Kamal were got medically examined on the same day and station diary entry was made, that the station diary entry no. 8 is the same, that the station diary entry about API Bavdhankar having seized the registers was also made, that the station diary entry no. 13 was made, that the accused Kamal, Khalid Shiakh, Mumtaz Chaudari, Tanveer, Zameer Shaikh, Faisal Shaikh, Firoz Deshmukh, Abdul Hamid and Suhail were got medically examined on 09/08/06 and station diary entries

no. 9 and 10 were made. It is not in my statement as ACP Patil said that it is in the station diary.

81. I had not stated that the mobile handset that was seized from the accused Suhail was necessary to be sent to the FSL. I had not stated in detail that therefore, on 10/08/06 I called two panchas, apprised them about the purpose of the panchanama and called for the envelope in which the mobile had been kept, that I showed the envelope to the panchas and opened it in their presence, that the envelope was found to contain one Samsung company mobile and four audio cassettes, that I kept the mobile aside and put the cassettes and the earlier two envelopes in another packet, pasted label containing my and panchas signatures on the packet. I had stated it in other words. (It is in the statement that the Reliance company mobile phone that was seized in the house search of accused Suhail Shaikh had been sealed, that as it was necessary for the purpose of investigation the sealed packet was opened under panchanama and the mobile was taken for the purpose of investigation and the remaining articles were again sealed before panchas).

82. I had stated that the accused Muzzammil was got medically examined on 10/08/06 and station diary entry was made, that the station diary entry no. 14 was made, that the accused Kamal, Khalid Shiakh, Mumtaz Chaudari, Tanveer, Zameer Shaikh, Firoz Deshmukh and Suhail Shaikh were got medically examined on 11/08/06 and station diary entry was made, that the station diary entry no. 12 was made. It is not in my statement as ACP Patil said that it is in the station diary. I had not stated that I obtained the specimen handwriting of accused Tanveer, Muzzammil, Faisal, Zameer and Suhail during 30/07/06 to 04/08/06, that the specimen handwriting and the five maps on which there was matter in handwriting was forwarded by ACP Tawde by a letter on 11/08/06 under his signature to the Addl. CP, Crime Branch, CID, Mumbai for onward submission to the handwriting expert for finding out the author of the writings on the maps. I had not stated that during investigation it was revealed that the accused Ehtesham was involved in the commission of the offence of the Matunga blast CR No. 77/06, that therefore, I arrested him on 12/08/06 in CR No. 77/06, that a station diary entry was made, that the station diary entry no. 3 was made. I had stated that

his relatives were informed about his arrest and station diary entries were made, that the station diary entries no. 12 and 15 were made. It is not in my statement as ACP Patil said that it is in the station diary. I had not stated that I had arrested the accused Ehtesham under panchanama, that during his interrogation he had disclosed that the accused Tanveer Ansari was going to teach them how to prepare bombs with the help of chemicals, that from the time of his arrest the accused Tanveer Ansari was not disclosing all the things at one time, that first he stated about his wife, then about his passport, then about the books and maps, that he was in the custody in CR No. 41/06 pertaining to Andheri blast, that because of the information given by him and with the permission of DCP Bajaj, ACP Tawde and PI Wadhankar, who was the investigating officer of CR No. 41/06, I interrogated him on 12/08/06 while he was in the custody of PI Wadhankar thinking that he would disclose some more information.

83. I had not stated in detail that during his interrogation, he stated that he would tell some things, that therefore, I called two panchas, apprised them about the purpose of the panchanama and asked them whether they are ready to act as panch witnesses, that

they consented, that I then removed the veil of the accused and showed him to them, that on asking he told his name as Tanveer Ahmed Ansari, that he made a statement in Hindi voluntarily. It is in other words.

84. I had not stated in detail that I prepared the memorandum of his statement, read over the memorandum to the accused and the panchas and obtained their signatures, that a station diary entry no. 16 was made, that we took packing and sealing material with us and asked the panchas to take our searches and the search of the vehicle, that they took the searches, then we all sat in the vehicle along with the accused, who was veiled, that as per the directions given by the accused we went to Bhendi Bazar via Parel, Lalbaug and Byculla, that we entered the compound of the Sabu Siddiqui Hospital and got down from the vehicle, that the accused led us to the ICU department on the 1st floor of the hospital, that there was one Dr. Atiya Sayyed, incharge of the ICU department present there, that accounts manager Salamatullah Khan came there, that we introduced ourselves and showed the accused to them by removing the veil, that we informed them about the purpose of our visit and told

Dr. Atiya that she can take our searches, but she declined, that the accused took us to a room by the side of the ICU department, that there was a cot in that room and rexine mattress, that he took out a key from below the mattress and opened a locker out of the nine lockers that were there, that he took out and produced three bottles of chemicals, that they were factory sealed of 500 ml quantity each, that they were of Hydrogen Peroxide, Acetone and Sulphuric Acid, that I packed the three bottles in separate boxes, wrapped them by khaki paper, put the key in an envelope and closed it, that I affixed labels on the three boxes and the envelope of the key, containing my and panchas signatures and sealed them. It is stated in other words. (It is in the statement that as per the statement given by the accused we had gone to the Sabu Siddhiqui hospital and seized the bottles of chemicals before panchas and before ICU department head Dr Atiya Sayyed).

85. I had stated that the accused Kamal, Khalid Shaikh, Mumtaz Chaudhary, Tanveer Ansari, Faisal, Ehtesham, Firoz Deshmukh and Suhail were got medically examined on 13/08/06 and station diary entry no. 11 was made. It is not in my statement as ACP

Patil said that it is in the station diary.

86. I had stated that brother of the accused Tanveer by name Ishtiaq Ahmed Ansari was traced and asked to produce the mobile, that he produced it on 16/08/06, that it was Nokia handset model no. 2230 having MTNL Trump sim card, that I called two panchas, apprised them about the purpose of the panchanama and asked them whether they are ready to act as panch witness, that they consented, that in their presence I seized the mobile, kept it in khaki envelope, tied the envelope by thread and affixed label containing my and panchas signatures and sealed it, that I then prepared a panchanama, read it over to the panchas, obtained their signatures and I also signed, that I also obtained the signature of Ishtiaq Ahmed on it. It is in other words. (It is in the statement that on receiving information that the mobile phone was with his brother Ishtiaq Ahmed, he was asked to remain present in the office with the mobile and he remained present on 16/08/06 and it was seized from him under panchanama).

87. I had stated that the seized CPUs and mobiles were sent to CFSL, Hyderabad along with PSI Gaikwad on 17/08/06 with

the forwarding letter of DCP Bajaj for retrieving the data and analyzing it. It is written in other words and it is written in short. (It is written in the statement that the mobile phones, CPUs, DVDs and CDs seized from the accused were sent to Hyderabad with PSI Gaikwad), that I had not stated that I (emphasis supplied) had recorded the statements of Bilal Shaikh, Hidayatulla Sudke and Mohsin Khan on 21/08/06. However, I had stated that their statements were recorded.

88. I had not stated in detail in these words that I had asked for information and details about the certificates that were obtained by Muzzammil and his brother Rahil Shaikh from the Director, Bharatiya Shiksha Parishad, Lucknow, UP, that I had asked them to produce the mark-sheet registers of 1996-97 to 1998-99, that two advocates, Pravinraj Gupta and Ajay Yadav from Lucknow had come with three registers and letter, that I decided to seize them, that I called two panchas, apprised them about the purpose of the panchanama and asked their willingness to act as panch witnesses, that they consented, that I seized the three registers under panchanama, that the panchanama now shown to me is the same, it bears my

signature, signatures of the panchas and of the advocate Pravinraj Gupta and its contents are correct, that a separate crime of forgery was registered later on against the accused Muzzammil and Director of Bharatiya Shiksha Parishad, that an offence of forgery was registered against the accused Muzzammil at Bangalore by the Data Core Technology Pvt. Ltd where he was in service with the High Ground Police Station, that the educational certificates of the accused that were provided by Bharatiya Shiksha Parishad were sent to that police station. It is in two paragraphs in different words. (It is written in the statement that notice was given to Vijayprasad Agarwal, Director of Bharaiya Shiksha Parishad, u/s 91 of the Cr. P. C on 31/07/06 in connection with the BSC computer degree certificate issued by him and found with wanted accused Rahil Shaikh, that accordingly his representative Pravinraj Gupta and Ajaykumar Yadav brought ledger register containing the entries of marks of students of their institute from the year 1996-97 to 1998-99 and also brought a letter dated 22/09/06, that the registers were seized under panchanama as the entries appeared suspicious. It is also written in another paragraph that API Bagwe was sent to Lucknow and Pune for inquiry about the

false educational certificates obtained by accused Muzzammil Shaikh from Bharatiya Shiksha Parishad, Lucknow, UP and he made inquiries and submitted report that an offence of forgery had been registered against the accused at High Ground Police Station, Bangalore).

89. I had not stated in detail in these words that Arvindkumar Singh, Asst. Director in the Enforcement Directorate had inquired with and taken the statement of accused Faisal Shaikh in connection with the Saudi Riyals seized from Abdul Rehman Dawrey and from his house search after taking permission from the court, that on his request and authorization letter, the Saudi Riyals were handed over to him before panchas on 25/09/06, that I had called two panchas, apprised them about the purpose of the panchanama and asked them whether they are ready to act as panch witness, that they consented, that in their presence I handed over 26200 Saudi Riyals to Arvindkumar Singh and prepared a panchanama, that I read it over to the panchas, obtained their signatures and I also signed, that I also obtained the signature of Arvindkumar Singh on it, that Arvindkumar Singh also prepared a panchanama about the seizure of the Saudi

Riyals and obtained my signature and of the panchas. I had stated in other words. (It is in the statement that the Director, Enforcement Directorate, Mumbai was informed on 07/08/06 to take action as per law in connection with 26200 Saudi Riyals seized from arrested accused Mohd. Faisal and from the house search of wanted accused Rizwan Dawrey, that after obtaining the orders of the court, he had recorded the statements of the accused and other witnesses and on 25/09/06 the 26200 Saudi Riyals were given to the officers of the Enforcement Department under panchanama after the closed packets were opened under a panchanama).

90. I had taken the statement of HC Mahadeo Sudam Auti (PW-41). His statement now shown to me is the same, it bears my signature and its contents are correct. He had not stated the contents of portion marked 'A' from his statement. It was a typing mistake. I realized it now. I had read it and read it over to him. We did not realize the mistake at that time. It is not true that I am giving a false explanation about it. I had taken the statement of Sajid Mohd. Chand (PW-48). His statement now shown to me is the same, it bears my signature and its contents are correct. He had stated before me the

contents of portions marked A and B from his statement. (It is marked as **Ext. 2002 (1 and 2)**). He had stated before me that the time of the agreement Faisal told him that his name is Faisal Shaikh, but he is fondly called as Sameer. However, it is written in his statement that at the time of the agreement he came to know from the ration card that his name is Faisal Aatur Rehman Shaikh and the agreement was executed in that name. It is not true that I manipulated statements.

91. I had taken the statement of Bilal Shaikh (PW-66). His statement now shown to me is the same, it bears my signature and its contents are correct. He had stated to me that he has given his statement to me and it was correctly written. It is not in the statement as it remained to be typed. He had stated to me that on 04/07/06 Muzzammil had told him the name of Hidayatulla and that he stays in Salunkhe Vihar. It is not in the statement. He had not stated to me that a person came out of the house and gave him the money and that it was 15,000/- Saudi Riyals and he was shocked on seeing the money as it was foreign currency. He had not stated before me that other than the talk with Muzzammil on his mobile in front of Hidayatulla after he received the money that the money is not in

Indian currency but it is in Saudi Riyals and that Hidayatulla had told him that it was for construction of Masjid and Muzzammil told that it is fine, that I called Mohsin Khan up and told him that there is some money of Faisal and he should take it to Mumbai and Faisal would collect it from him at the J. J. Hospital, that he had come to meet his grandmother at that time, but he forgot to take the money from his home. He had stated to me that Mohsin Khan said that he had completely forgotten it and would come after some time and take it. It is not in the statement as it remained to be written. He did not state to me that he went to Mumbai on the next day with the money, that he came back after a week, that they met at his place. He had stated to me that Faisal had come and taken the money. It is not in the statement, but it is written that he had given the money to Faisal.

(Adjourned at the request of learned advocate at 4.45 p.m.)

(Y.D.Shinde)

Date : 11/01/12

Special Judge

Date : 12/01/12
Resumed on SA

92. I had taken the statement of Mohsin Junaid Khan (PW-67). He had stated to me that Bilal told him to take Saudi Riyals to Mumbai. It is in the statement that Bilal told him that he had received the money and if he is going to Mumbai, he should give it to Faisal. He had stated to me that as they were Saudi Riyals, he asked him what is the money for and how it came, that he told me, that some person came from Saudi Arabia and gave the Saudi Riyals to him, that he told him that it was for construction of masjid. It remained to be written in the statement in the flow of dictation. I cannot say as I do not remember even after going through the statement whether he had stated to me that he said that he is going to Mumbai and that he would take the money with him. His statement now shown to me is the same, it bears my signature and its contents are correct. He had stated to me the portion marked 'A' from his statement. (It is marked as **Ext. 2003**). He had told me that when Bilal called him at 4.00 p.m. on 06/07/06, he told him to take the money from their grandmother with whom he had kept it. It is not written in these words, but it is

written in other words. (It is in the statement that at that time Bilal phoned him and told him that the money to be given to Faisal was at his house and he should take it, therefore, he went to Bilal's house and took the 15000 Saudi Riyals from their grandmother Fatimabee and came to Mumbai on that day).

93. I had taken the statement of HC Uttam Marbhal (PW-159) as per his narration. The statement now shown to me is the same, it bears my signature and its contents are correct. He had stated before me the contents of portion marked A from his statement. (It is marked as **Ext. 2004**). He had stated to me that they had taken the body to the kabrastan, the staff there dug a pit and buried the body. It is not so written in the statement, because I only wrote that the funeral of the dead body was done at Chandanwadi. There is a 'smashan bhumi' at Chandanwadi.

Q. Bodies are not buried in the smashan bhumi?

A. Chandanwadi has two parts. The place where the last rites were performed is known as smashan bhumi. Kabrastan is a Hindi word for smashan bhumi. Kabrastan is a place where grave is dug and dead body is buried. It is not true that smashan bhumi is the place

where only Hindus are cremated. I do not know whether Kabrastan is a Persian word. Smashan is a Marathi word. Shamshan is a Hindi word. I do not remember whether HC Marbhal had stated to me that the medical officer of the Post-Mortem Center had given the cause of death certificate. It is not true that the body no.41 was cremated in the smashan bhumi as per Hindu rites.

94. It is true that private parts of male body are seen to ascertain whether the body is of Muslim or of Hindu religion, because it is circumscribed in Muslims. It is not true that the private part of the body no. 41 was not circumscribed. Witness volunteers – the body was consisting only of the chest part and head part. I had gone through the inquest panchanama of that body. I did not prepare it. I did not take the statement of the person who prepared it. I will have to see the inquest panchanama to answer the question as to whether the religion of the the body was mentioned in it as that of Hindu. I do not know whether the parties who had claimed the body at Andheri were Hindus. It is true that the two parties who had claimed body no. 41 in CR no. 77/06 were Hindus. I came to know on 12th or 13/10/06 that the body was of a person by name Salim. Therefore, I gave the

letter Ext. 1173 on 15/10/06. This is the first time that I communicated with the hospital authority regarding inserting the name Salim. It is not true that before this letter the hospital authorities had changed the name in the cause of death certificate. (Learned advocate asks the witness to go through Ext. 1166). The name of the deceased is not changed in this certificate. It is true that it mentions body no. 41 and of Hindu. It is not true that the procedure of changing the name and religion in the cause of death certificate was done on 10/10/06. I cannot say whether letter O. No. 3068/ACP/ATS was sent for that purpose. (Learned advocate shows letter dated 04/10/06 at page 613 of Vol-IIA to the witness). It is true that by this letter Sr. PI Godbole of Mumbai Central Railway Police Station had written to the Sr. PI of Sion Police Station to handover all documents of body no. 41. Documents of that body were with the Sion Police Station till 04/10/06. It is true that on 05/10/06 Sr. PI Godbole had sent those documents to me with a request to add them in the papers of CR No. 77/06. It is not true that after 05/10/06 I concocted the story of giving a Muslim name to the said body. Tissues of the body are not available now. My superior officer DCP Bajaj did not direct me on 07/10/06 to

preserve the extracts of all specimens of that body. I do not remember whether ACP Tawde told me that he had received such directions. Extracts of the specimen of that body are not available for the purpose of establishing their connection with the two claimants of the body and the one claimant in the Andheri blast. However, the DNA profile of that body is available.

95. It is true that Municipal Commissioner Johny Joseph had written a letter on 25/09/06 to the Commissioner of Police, Mumbai for disposing of the said body early. A. N. Roy might have asked for report of that body. I did not give information about the body to him. My superiors might have given it. (Learned advocate shows letter dated 25/09/06 at page 631 of Vol-IIA to the witness). It is true that the Municipal Commissioner had written this letter to the Commissioner of Police, DCP Bajaj had directed ACP Tawde to extract all the specimen preserved the body and this letter was marked to me. (It is marked as **Ext. 2005** at the request of learned advocate).

96. All the station diary entries referred by me in my chief-examination were not prepared in my presence. Some of the entries

are in my handwriting. It is not true that ACP Shengal was the investigating officer of CR No. 77/06. I do not know whether he was the investigating officer of Malegaon blast case of 2006 and whether he filed chargesheet. However, I know that the investigation of that blast was with the ATS. I do not know whether traces of explosives, confessions, approver is the evidence in that case. I cannot say whether API Kolhatkar had given the black powder that he brought from Basupatti, Dist. Madhubani, Bihar to ACP Shengal. He had not given it in my possession and I did not see him giving it in anyone's possession. I did not read the station diary entry in that connection. It was not made in my presence. I was given information that such entry was made. I have not read it till today. ACP Shengal did not tell me that the black powder brought by API Kolhatkar is with him. I did not see the parcel, therefore, I do not know whether the plastic bottle and the sample were sealed or not. I had asked for the brass seal from the Kalachowki Police Station, but they did not give it. I had asked only once. I did not make station diary entry about it. I have not used the seal of the Kalachowki Police Station during my investigation. Witness volunteers – it was used once by going to the

police station to seal the sample of black powder collected from the house of accused Faisal. Station diary entry was not made to that effect. I had used the seal of the ATS on 12/08/06 when the chemical bottles were seized at the instance of accused Tanveer. For other seizures no brass seal was used. There is no entry in the case diary about Kalachowki Police Station refusing to give their brass seal. It is not true that it never so refused. I do not know whether at 7.10 a.m. on 07/07/06 PSI Zaveri of Kalachowki Police Station handed over the brass seal of that police station to HC 14438 of the ATS, whether 10 gms powder was sealed by that seal on that day, whether this was the only occasion in between 01/07/06 to 30/11/06 when the ATS used the seal of Police Station Kalachowki. (Learned advocate shows two letters sent by Sr. PI Kalachowki Police Station and attested true copy of station diary entries on 07/07/06 and undertakes to produce the letter by which the information officer had furnished these documents to the accused). It is true that it is so mentioned in the letter dated 16/10/10 and the station diary entry no. 14. (The letters and the attested true copy of the station diary are marked as **Exts. 2007 to 2009**). It is not true that ACP Shengal gave me a packet

weighing 10 gms containing the seal of Kalachowki Police Station. I did not see the articles that were brought by API Kolhatkar. I felt during my investigation that they should be examined by the FSL. I had sent it to the FSL with a letter under my signature as ACP Shengal was to send it, but he was not available. However I did not see the packet. (Learned advocate shows Ext. 596 to the witness). It is true that it shows the seal impression of Police Station Kalachowki. It is true that the sample was not returned back from the FSL, Kalina on the ground that the seal is not correct. I had not affixed the seal impression of the Kalachowki Police Station on the letter. It may have been affixed by PI Tajne. However, he had not so informed me and it was not affixed in my presence. (Learned advocate shows copy of station diary entry Ext. 1932 to the witness). It is true that it is written in the station diary that ACP Shengal is the investigating officer and API Kolhatkar handed over the parcels to him. It is true that it is not mentioned in the station diary that the parcels were sealed with lac seal. It is not true that ACP Shengal had called for the lac seal on 07/07/06 and had used it to seal a sample of 10 gms and the said sample was sent under my forwarding letter Ext. 596.

97. I have not produced muddemal register in court. It is not true that two muddemal registers are maintained in the property room, one for the property in IPC cases and the other with the muddemal clerk about keeping property in his room.

98. API Bagwe was in my team. Sim cards and mobiles were seized from the arrested accused in my crime. I had inquired with the accused about their locations before, on and after the day of the incident. I had given the mobile numbers of the accused to ACP Tawde for obtaining their call details records from the technical unit. There is no question of he complying with my request as he was my senior. I had given the mobile numbers of the arrested accused. I had given about 9-10 numbers. I had not inquired with the accused about every call in the call details of their mobiles. The call details records were not received by me. I do not know whether the service providers had given the call details record. I had asked ACP Tawde about it. He told me that they had received the call details. I did not include them in the papers of investigation as there was no hard copy. I did not feel it necessary to obtain them. It is not true that the information in the call details record was contrary to our case. I

cannot produce the call details record. I do not know who has it now and whether it is preserved. PI Wadke was in the technical team. API Bagwe who was in my team assisted PI Wadke later on. Call details record is an electronic record. One can ascertain the location from where a call was made and where it was received on the basis of the tower locations in the CDR. Contact between two persons can be established on the basis of the CDRs. All the accused that I arrested were using mobiles. Since I did not receive the CDRs, I do not know whether there was information about all the accused, except the two brothers Faisal and Muzzammil, being in contact with each other. I had felt during my investigation that I should ascertain the location of the accused on the basis of CDR. I had asked ACP Tawde about it, but he informed me that nothing important was revealed. I cannot tell the date on which he told me about it. ACP Shengal and ACP Tawde are available. ACP Bhat is dead. He died in an accident. It was not a suicide. He was not one of the investigating officers of this case. I did not ask ACP Tawde whether the call details record showed the presence of the accused near the sites of the blasts. ACP Bhat also did not tell me anything about CDR. He may have given me a letter,

but I do not remember whether he had given it as the chief investigating officer. (Witness is shown Ext. 1927). I cannot say whether ACP Bhat as chief IO had marked this letter to me. I do not know whose initials they are. It is true that in the remand applications I used to mention the reason for asking the police custody of the accused as that I wanted to confront the accused with the CDR. I did not give this wrong information to the magistrate. I used to inquire with the accused about their calls. It is not true that it was on the basis of call details record. I used to ask them about their locations and what they were doing there. It is not true that I have connived with my superiors and have suppressed the call details record of the accused.

(Adjourned for recess).

Date : 12/01/12

Special Judge

Resumed on SA after recess

99. I do not know whether directions were issued all over Maharashtra to inquire with the offenders who are on record, to inquire with the suspects and to report to the ATS. I do not know whether there was inquiry about suspicious calls and SMS from

10/07/06 to 12/07/06. I do not know whether PI Tajne had gone to Bihar on the basis of a suspicious SMS.

100. I do not know at whose instance the Crime Branch, Unit-II had detained the accused Tanveer Ansari. I do not know from what period he was detained there, from what place he was taken in custody and which officer had picked him up. I do not know whether he was taken in custody from Sabu Siddhiqui Hospital on 20/07/06 at 7.00 p.m. I did not record the statement of any officer of the Crime Branch, Unit-II. It is not true that on the instructions of ACP Shengal, the Crime Branch, Unit-II had picked up and detained him. ACP Shengal made the station diary entry Ext. 1935. I cannot tell in whose handwriting it is. It was not written in my presence. It is true that Ext. 1934 is not a photocopy. I cannot tell who wrote the station diary entry that is in Ext. 1935. The letter of the Crime Branch is not produced. Crime Branch did not hand over the arrest panchanama of the accused. I prepared the arrest panchanama of the accused. It is in the handwriting of PC Jagdale. It was over at about 2250 hours on 23/07/06. We required about 20-25 minutes to reach the ATS office from the Crime Branch office. It is not true that I prepared the arrest

panchanama on reaching the ATS office. It was prepared at the Crime Branch office. It is true that the panchanama does not mention the name and buckle number of PC Jagdale. It is not true that it was already decided to involve the accused in this case. The station diary entry of the Crime Branch was made before we reached there. Copy of the station diary entry about the Crime Branch picking up the accused was not given to us. The Crime Branch officer did not inform us whether any articles were found in the personal search of the accused and we also did not inquire about it. (Learned advocate calls upon the prosecution to produce the original station diary entry that is in Ext.1934. Learned SPP submits that there is no question of producing the original station diary as the witness has stated about producing whatever was given by the Crime Branch and had not stated that they went through the original station diary entry and verified it). I have to see whether the two panchas in panchanama Ext. 1933 are available. It is not true that Ext. 1934 is a bogus station diary entry.

101. There are directions of the Supreme Court about arrest panchanamas. The arrest panchanama Ext. 1933 was not prepared

in the presence of any relative of the accused. It is not true that it is not prepared as per the guidelines in the D. K. Basu's case, that bogus panchanama was prepared at the ATS office with the help of regular panchas. It is not true that the entry in Ext. 1935 is a false station diary entry.

102. The station diary entry in Ext. 1938 dated 25/07/06 was made by ACP Shengal. I cannot tell in whose handwriting it is. I do not know from what period the accused Zameer and Suhail, Faisal and Muzzammil were detained by the Crime Branch, Unit-II, from what place they were taken in custody and which officer had picked them up. It is true that station diary entries in Exts. 1935, 1938 and 1944 do not show that I was present. The entry in Ext. 1944 is seen to be made by ACP Tawde as chief IO. Initially ACP Shengal was the chief IO, then ACP Tawde and then ACP Patil. It is not true that the ATS had asked for some persons from the Crime Branch for implicating them in the crime, therefore, the Crime Branch had provided the five accused. I do not know whether DCB, CID, Unit-VII provided the accused Sajid.

103. I do not know whether some accused were being called

to the ATS office for attendance. No officer informed me that some persons are being called to the ATS office in connection with this case. I do not know whether any record was maintained about attendance of such persons. The arrest panchanamas Exts. 1937 and 1941 were written by PC Jagdale and PC Padval respectively. Their names and buckle numbers are not mentioned in the panchanamas. I will have to see whether the panch witnesses of these panchanamas are available. It is not true that these panchanamas were prepared in the ATS office. I did not take the signatures of any officer of the DCB, CID on the panchanamas Exts. 1933, 1937 and 1941 and did not mention therein about receiving the copies of the station diary entries from the Crime Branch. Ext. 1943 is not a photocopy of the station diary register. Crime Branch had given copy of station diary dated 25/07/06, but it is not attached with the chargesheet. It is not true that we prepared a bogus station diary entry Ext. 1943.

104. We had decided to go for the house search of the accused Tanveer on 25/07/06, but we could not go on that day, therefore, we went on the next day. We had not intended to

specifically go for seizing passport. That was one of the things that was to be done during the seizure, but he had stated earlier that he had torn and thrown it. I am stating this for the first time. It is not true that it is not mentioned in the case diary. It is not in the case diary or in any panchanama. (Learned advocate asks the witness to go through the case diary and tell the date of mentioning this in the case diary). It is in the case diary of 25/07/06. It was revealed from the extract of station diary of the Crime Branch, Ext. 1934, that the accused had gone to Pakistan via Iran. There are no visa endorsements of Pakistan on the passports of any accused. There was no question of making any correspondence with Iran or Pakistan embassies to inquire whether persons could go to Pakistan via Iran without there being any endorsement of Pakistan visa.

105. Panchas were called when we were standing below the building of the house of the accused Tanveer. I did not take them from the ATS office. I did not make false station diary entry while leaving the ATS office. It is not true I wanted to show seizure of the passport on the basis of voluntary statement given by the accused. We make station diary entry about going for search in pursuance of voluntary

statement made by the accused. If we go for formal investigation, an entry is accordingly made. The station diary entry no. 17 in Ext. 1797 was made as per my instructions by the SHO. The word 'nived' is struck of. The contents that we left with two panchas is wrong. I had realized the mistake at that time and that told him to strike of that matter. The cancellation of word 'nived' is not initialed. I did not take any action about not canceling the contents about leaving with two panchas.

106. It is true that statement of an accused is taken when he is taken in custody. It is not true that it is to understand his case and defence. Crime Branch, Unit-II had not provided the statements of the five accused and I did not request them to give them. I did not record the statement of any officer of the Crime Branch who had arrested the five accused.

107. I had asked the panchas of the panchanamas Exts. 1933, 1937 and 1941 as to whether they had acted as panch witnesses for the Mumbai Central Railway Police Station and the ATS. Some of them had told me that they had acted once or twice. I do not remember whether the kitchen in the house of the accused

Tanveer was on the southern side. There was a big window in the hall. It is not true that house search of accused was not taken and the panchanama was prepared in the ATS office.

108. We reached the office of the International Trade Links at about 7.00 p.m. It is true that we came to know that the visa was obtained for going to oil rig in Iran as medical officer. It is true that we knew the address of the house of the accused as he had told it. It is not true that we were aware of the address of the office of the International Trade Links. The panchanama Ext. 450 of seizure of the passport is in the handwriting of PC Jagdale. His name and buckle number is not mentioned in it. It is not true that I prepared this panchanama in the ATS office with the help of regular panchas.

109. I was inquiring with the accused Tanveer from 23/07/06 to 01/08/06 at Kalachowki and Bhoiwada. I used to inquire for about one and a half to two and a half hours everyday with each accused. Other officers used to be with me. He used to be taken out from the lockup daily. There are no station diary entries about it. It is not true that station diary entry is required to be made every time the accused is taken out from the lockup. It is made sometimes. The arrest form

was filled up after the arrest of the accused Tanveer. We had taken his, his parent's, brother's and sister's residential addresses. We had not mentioned in the arrest form as to whether the property was purchased or it was taken on rent. I came to know about the name and address of the brother of the accused during his custody period. It was the same address as that of the accused. I cannot tell the exact date when I came to know it. I had come to know where he works, but I do not remember now. The accused did not disclose anything to me before 01/08/06. I personally did not make entry when leaving the office for search on 01/08/06. I do not remember whether I mentioned in the station diary that we were leaving as per the statement made by the accused. (Learned advocate asks the witness to go through the Ext. 1955). It is true that it is not written that the accused made statement. The entry is in the handwriting of the SHO, but I cannot tell his name. It was not made in my presence. It is not necessary that it should be mentioned that we are leaving as per the statement by the accused. The station diary entry in Ext. 1956 is in my handwriting. I cannot say whether the books that were seized were coloured photocopies. I did not inquire about it. Printer's

name was on the books. I did not feel that the printer should be made an accused. I remember that inquiry was made and offence was registered at Delhi or Bhopal against the publisher. I do not remember whether the statement of police officer at Bhopal was recorded in connection with the books. I did not send the books to any expert to ascertain whether they are original or coloured photocopies. I do not know whether the originals of the books were seized by Kotwali Police Station, Khandwa in CR No. 256/06 on 16/04/06, whether the names of the accused from whom they were seized were written on the books. It is not true that the books that I stated to be seized from the accused Tanveer are the coloured photocopies of those books, that coloured photocopies of the books seized by the Khandwa police were obtained and planted on the accused.

(Adjourned as court time is over).

(Y.D.Shinde)

Date : 12/01/12

Special Judge

Date : 13/01/12
Resumed on SA

110. I cannot say even on seeing the books whether they are original or coloured photocopies. I did not use brass seal for sealing the packets and did not call for brass seal from local police station. It is not true that the accused Tanveer did not make any statement, that he did not take us anywhere and did not produce books, that a bogus station diary entry was prepared in this connection.

111. The accused Tanveer was remanded to judicial custody on 04/08/06. It is true that he was remanded to police custody in another crime after the police custody period in my crime was over. I did not take permission from the court for making investigation in my crime when he was not in my custody.

112. I did not record the voluntary statement of disclosure of accused Ehtesham in my crime. I used to interrogate the accused Tanveer even after the police custody in my crime was over as he was in the police custody in other crimes. I may have so interrogated him on 2-4 occasions. I used to take the permission of the

investigating officers and some times I used to interrogate alone with their permission. The accused was in the custody of PI Wadhankar on 12/08/06. I told him that I wanted to interrogate the accused and the purpose for which I wanted to interrogate. He did not accompany me for the interrogation. I told him at Bhoiwada may be at about 11.30 or 1200 hours. The accused was taken outside the lockup at about 1200-1230 hours. It is not necessary to give a memo to the lockup incharge. It is not true that he was in the lockup of Bhoiwada Police Station. I did not make station diary entry in the Bhoiwada Police Station about taking him. It was not necessary to make station diary entry in our register.

113. After interrogating him and recording the memorandum of his statement, he took us to the Sabu Siddhiqui Hospital. It is not true that I took him to the Kalachowki office. I did not go to the Kalachowki office. The station diary register was not called to Bhoiwada. I did not call for it as I informed on phone. There was no permission for calling the station diary register. Generally station diary register is not taken out of the police station. I do not remember the name of the duty officer who made the station diary entry. I had

narrated the contents that were to be written. There was no reference to the accused having made statement. We reached the Sabu Siddhiqui Hospital at about 4.15 p.m. I did not make any inquiry with the manager and Dr. Atiya about the accused, but I only introduced ourselves and told them the purpose of our visit. I did not examine any documents to verify which locker had been allotted to which doctor. I did not take any photographs and did not lift fingerprints. I did not inquire with the doctor and the manager there about the bottles of chemical that were seized. There was no question of asking them as to who had kept the bottles in that locker and when they were kept, because the accused had showed them. I do not know whether Acetone and Hydrogen Peroxide are used as medicines. It is not true that Sulphuric Acid is used for cleaning bathrooms and toilets. All these chemicals are easily available in the market. There is no proof on record as to from where the chemicals were purchased and on what date, but we had tried to locate on the information given by the accused. The bottles had the labels containing the names of the manufacturing companies, batch numbers, etc. Wholesalers and retailers can be traced from the

contents of the labels. I did not correspond with the manufacturing companies. It is not true that I did not investigate this point as we planted all the three bottles, that the accused did not make any statement, did not take us anywhere and did not produce anything. It is not true that the bottles were not sealed. They were sealed by the brass seal of the ATS. I do not know how many brass seals were received by the ATS, but I was given one. There used to a brass seal at the ATS office Kalachowki. There was an official office at Bhoiwada. Station diary and muddemal registers were not maintained there. All registers were maintained at Kalachowki office. The official seal was not allotted to the ATS Bhoiwada office, but every individual investigating officer was given seal. PI Tajne had given me the official seal from Kalachowki office on 11/08/06 by memo. It was with me on 11 and 12/08/06. I cannot say whether nothing was sealed on 11/08/06 at the Kalachowki office with the help of the brass seal. It is not true that there was only one brass seal at the Kalachowki office. I do not know how many they had. There are no entries in the station diary about I taking the brass seal and returning it. It is not true that I am deposing falsely that I was given brass seal.

114. We returned to Bhoiwada office and station diary entry was made there. I told PSI Gaikwad to make the entry and he asked me whether he should call the station diary register. I told him that if they are ready to give it then he can call it. We had not called for any other register from the Kalachowki office. No official record was maintained about taking out the station diary register from Kalachowki office. The panchas did not come with us to Bhoiwada. It is not true that the seizure panchanama was prepared in the Bhoiwada office with the help of regular panchas. I do not know whether a writ petition was filed in the High Court on behalf of the accused Tanveer and whether affidavit was filed on behalf of the ATS. No one told me about it.

115. I did not handover extracts of the station diary entries to ACP Patil when I handed over the papers of investigation. I did not prepare a list of the station diary entries and give it to him. Copies of the station diary entries are filed in the court for the first time. They were not filed with the chargesheet. I cannot assign any reason for this. It is not true that all the station diary entries are bogus, therefore, we did not file them with the chargesheet.

116. Mobiles and sim cards were sent to the FSL to retrieve the data. The CFSL, Hyderabad informed us that the reports are ready. The reports were collected. (Learned advocate calls upon the prosecution to produce the reports. Learned SPP submits that he is ready to produce the report). I cannot say whether there was nothing in the reports against the accused as I had not gone through them. The other officers did not inform me about the contents of the reports. ACP Patil had given me the reports when I was transferred to the Vikroli Unit, but as I was transferred from there, I returned the report. I was transferred the Vikroli Unit in April or May 2007. I do not know when the report was received. The report was with me for 10-15 days. It was in a box file. I did not count the pages. It is not true that I did not feel it necessary to read it. I could not manage to read it as I was busy in other work.

117. CP Roy did not tell the specific names of the accused who had complained about ill treatment and when it was made. I did not take the statement of the officer who had taken the accused for medical examination. It is not true that bogus entries are made about getting the accused medically examined.

118. I used to interact with the other investigating officers till the time the investigation was over. Accused had complained to the court about beating and torture. On the background of the complaints, I did not feel it necessary to get the accused examined from other hospital. I did not personally examine the body of the accused after their complaints. All the investigating officers were inquiring with the accused who were in the custody of other investigating officers, with their permission. We used to share the information obtained during the interrogation of the accused in the custody of the other investigating officers, with the said investigating officers.

119. I do not know whether PI Vijay Salaskar was also investigating this case. It is true that he had arrested an accused from Kolkata and brought him to Mumbai. He was attached to the Crime Branch, but I do not know whether his office was at Kurla. I do not know whether some accused were given in his custody and were kept with him. No officer informed me about it. I know that PI Salaskar had taken part in many encounters and was famous in the police department.

120. Accused are interrogated in connection with other

crimes also. The accused in this case were inquired about the other blasts also. I do not know whether two accused in this case were arrested in the Malegaon Blast case of 2006. No one told me about it. I did not get any information during the interrogation of the accused about their involvement in that case. It is not true that the accused Tanveer was being pressurized for becoming approver. I had not asked any accused before the prior approval was received as to whether he wants to make a confessional statement. No accused had so expressed to me and that he wants to become an approver.

Q. Whether the accused were cooperating in the inquiry?

A. They were misleading us. They were not giving the entire information at one stretch, but bit by bit.

It is not true that I and the other officers were pressurizing them to give confessions by threatening to involve them in the Malegaon blast case of 2006.

121. I do not know whether there was a theory of pressure cooker being used for keeping the bombs, whether statements of shop keepers of Santacruz who had sold pressure cookers were taken, whether it was revealed in the investigation that some

Kashmiris had purchased large quantity of pressure cookers. I had heard that pressure cooker and whistle were seized, but I do not know about the details. I did not get any link about the use of pressure cooker in the blasts during my investigation. I did not come to know about it from the other officers during our interaction before the prior approval. I did not come to know during my investigation as to how the blasts were triggered. I had come to know that a Copwud clock was seized from some blast site. I do not know whether investigation was going on in that respect. I did not come to know about the container of the explosive that was used in the blast. No other officer told me about it. ACP Patil did not tell me about it. I do not know about it till date. It is not true that I do not know this as innocent persons are falsely made accused.

122. I did not feel it necessary to get done the narco analysis tests of the accused when they were in my custody. Other officers told me that scientific tests of the accused had been conducted. Those scientific tests were not available at that time at FSL, Kalina. I do not know whether the incharge of the laboratory at Bangalore was S. Malini, whether she was removed as she had obtained service by

furnishing false documents. I did not get the reports of the scientific tests. They may have been received by ACP Patil. He did not show them to me and I also did not ask him to show them. It is not true that I saw all the reports, that I with other officers tried to tamper the reports, that we realized that the reports were showing that the accused are innocent. I do not know whether the reports are filed in court. I do not know whether consent of the accused for the tests were obtained in the ATS office. It is not true that the reports are deliberately suppressed.

123. It is true that there is a time table of scheduled arrival and departure timings of trains and the motorman keeps the record of actual arrival and departure timings. It is true that in Mumbai, people rush for catching particular train and if they are delayed by one or two minutes, they miss the train. It is true that people do not think about risk to their lives for catching particular trains. Record of actual arrival and departure timings of trains may be available with railway authorities and they provide it, if called for. It is true that halting stations of all railways are always fixed. It is true that normally the platforms on which a particular train is to halt, is also fixed. I did not

collect the time table of the train that was involved in the Matunga blast and the record about the actual arrival and departure timings.

124. I joined the ATS on 12/07/06 and had not left the charge of Mumbai Central Railway Police Station upto 31/07/06. ATS officers were making the investigation from the first day. All the officers attached to the ATS at that time were visiting different hospitals and inquiring with the injured for the purpose of getting eye-witnesses. This was being done at the same time parallel to the investigation that was being done by the investigating officers of the railway police stations. I do not know whether the other investigating officers were informing our superiors if they got any important information or witness. I do not know whether the other investigating officers had come across six-seven important eye-witnesses in the initial period. We have recorded the statements of all injured in my crime. Copies of statements and certificates were given to them for the purpose of compensation. I will have to see the list of injured to say whether Ram L. Bhatt and Shrinivas Subbanna Gowda were injured in the Matunga blast. (Learned advocate asks the witness to go through the papers). These names are not in the list of injured in Vol-IVA that

pertains to Matunga blast and their statements are not seen to be recorded. (Learned advocate shows two certificates of the said injured to the witness that are in the file that is produced by the application Ext.2015). One is attested photocopy of a certificate issued by SHO, Mumbai Central Railway Police Station of the injured Ram Bhatt and the other is attested photocopy of certificate issued by PI, Kashimira Police Station in respect of the injured Shrinivas Subbanna Gowda, who was injured in Matunga blast. (They are marked as **Exts. 2016 and 2017** at the request of learned advocate). Both these persons are seen to be injured in the Matunga blast. It is not true that I removed their statements. Their statements were not recorded. I say this as they are not in the list. Their names are not mentioned in the list of injured. Ext. 2016 is not an injury certificate. Ext. 2017 is issued by Kashimira Railway Police Station. It is not true that Ram Bhatt was an injured. The certificate Ext. 2017 shows Shrinivas Subbanna Gowda was an injured. (Learned advocate shows the injury certificate of Ram Bhatt at page 91 in the file to the witness. It is marked as **Ext. 2018**). From this injury certificate it can be said that he was an injured in the Matunga blast.

125. I was attached to the ATS upto May 2009. I was transferred to Police Station Sakinaka. The transfer was canceled and I was retained in the ATS from August 2009 upto 22/01/10. I do not know whether custody of Sadiq Israr Shaikh was taken in this case. No officer told me about his arrest in this case. I do not know whether Rakesh Maria had taken press conference in 2008. I know that the DCB CID had arrested some boys on the allegation that they belong to the Indian Mujaheedin. I do not know whether the provisions of the MCOC Act were applied to that case. I do not know whether some boys in that case admitted that they had committed the blasts in the railways on 11/07/06, whether confessions were recorded in that case, whether their remand was taken citing the above ground, whether sanction was taken showing this ground.

126. I did not take the samples of handwriting of the accused before panchas. It is not necessary to do so. It is not true that I knew that the handwriting expert Jayant Aher was famous in giving bogus reports, therefore, I managed and obtained the bogus reports of the accused. It is true that the maps like the maps of Mumbai seized in this case are easily available in the market. It is not true that I

purchased the maps from the market and put markings on them and planted them. It is true that the international maps seized are photocopies. I did not find the originals. I do not know of which year the maps are. It is not true that I obtained photocopies from old records and planted them. I do not know whether there were cases against Jayant Aher (PW-131) from 2006. It is not true that on 07/08/06 Zameer and Suhail were not in my custody. The remand was on that day. Accused Tanveer was not in my custody on that day. (Learned advocate asks the witness to go through the case diary). The accused Zameer and Suhail were remanded to judicial custody on 07/08/06. I cannot tell the time. Accused Tanveer was remanded to judicial custody on 04/08/06 and accused Khalid, Mumtaz and Kamal were remanded to judicial custody on 03/08/06. Accused Firoz Deshmukh was not medically examined in my crime. Station diary entry no. 14 is related to station diary entry no. 13 in Ext. 1963. The entry no. 13 is of leaving the police station and entry no. 14 is of returning. It is not true that the entry no. 14 shows that Firoz Deshmukh was an accused in CR No. 77/06. It is true that the names of the accused Tanveer and Mumtaz are mentioned in the

entry no. 14 though accused Tanveer was remanded to judicial custody on 04/08/06 and accused Mumtaz was not an accused in my crime. Witness volunteers - their arrest in CR No. 77/06 will be shown continuously as they were first arrested in my case. It cannot be said that numbers of other crimes in which they were medically examined are not mentioned in the station diary entries. It is true that the number of the crime in which they were in custody is not mentioned in the station diary.

(Adjourned for recess).

Date : 13/01/12

Special Judge

Resumed on SA after recess

127. I did not note down the contact numbers in the mobile seized from Ishtiaq Ansari, brother of accused Tanveer, therefore, I do not know whether there was any incriminating in it. (Learned advocate asks the witness to go through the panchanama Ext. 1973 and tell the subscriber number). The subscriber number was 9869320457. It is not true that I was using that mobile. The mobile was sealed on 16/08/06.

Q. The talk time of that mobile was recharged after 16/08/06.

A. It can be done. I do not know whether the last recharge of that mobile was done on 14/10/06, whether it was disconnected on 11/02/07 for non-refilling, whether calls were made and received from this mobile number upto that date. I cannot produce the call details record of this mobile number. They were called from the service provider. I do not know whether PSI Babar had collected them. (Learned advocate asks the witness to go through the station diary entry no. 5 of 05/10/06). It is true that the entry shows that PSI Babar left for collecting printouts from various mobile companies.

128. I did not obtain the signature of the mother of the accused Tanveer on the panchanama at his house. I had taken information whether the accused was really a doctor. I had seen his educational certificates. He had done BUMS from Nagpur University. Correspondence was made with the university. It had informed that he had obtained the degree. I had not sent his degree certificate to the university for verification. It is not true that I had collected all his educational certificates, photographs, some books, CDs from his house at the time of his house search. I had called for information from the Saboo Siddiqui Hospital about his service in the hospital, his

working hours and the procedure about marking attendance. The hospital had given the details and they are filed with the chargesheet. I had studied the attendance record. I do not know about his working timings and his off timings, whether he was the incharge of the ICU in that hospital. I had asked for the details from the date of his joining that hospital. They complied with my request. It is not true that I removed the payment sheet and attendance sheet of July 2006. I will have to see whether it was filed with the chargesheet. (Learned advocate asks the witness to go through the papers. Learned advocate requests that the documents be exhibited). The office copy of the letter dated 27/10/06, bears my signature and its contents are correct and it bears the acknowledgment of the hospital. (It is marked as **Ext.2019**). The letter received from the hospital and the documents sent with that letter are the same. (They are marked as **Exts. 2020 to 2024**). The hospital did not provide the payment and attendance sheet of July 2006. I had asked for it. It is true that it is mentioned in Ext. 2020 that he carried out his duties from December 2004 till he was arrested and had taken leave for one month for marriage in 2005. The hospital did not inform that he attended his

duties regularly in July 2006 upto 20/07/06. I had checked his bank transactions from the DCB bank and Konkan Mercantile bank. His salary of July 2006 upto the date he worked was deposited in one of the accounts. I did not make any specific inquiry with the hospital whether he had remained absent on any day. (Learned advocate asks the witness to see the extracts of the bank statement at page 141 in Vol-III A). It is true that salary of Rs. 3097/- of July 2006 is seen to be deposited in his account in the Konkan Mercantile bank on 22/08/06. (Learned advocate makes a request for exhibiting all the documents concerning the bank account. The order dated 01/11/06 under the signature of ACP Patil is marked as **Ext.2025**, the forwarding letter of the bank dated 03/11/06 is marked as **Ext. 2026**, the specimen signature card is marked as **Ext. 2027**, application form is marked as **Ext. 2028**, letter of hospital is marked as **Ext. 2029** and extract of account is marked as **Ext. 2030**). I do not know whether attendance muster register and biometric attendance system was maintained in the hospital. It is not true that I suppressed them though I collected them.

129. I did not go to the tribunal in connection with the

extension of the ban on SIMI. I did not record the statement of PSI Arjun Gaikwad. It is not true that the accused is falsely involved in this crime, that false documents are prepared on the say of superiors and I gave false evidence.

130. (Learned advocate asks the witness to go through the papers and state whether Pramod Mishra is an injured in the Matunga blast and whether his statement was recorded). His name is not in the list of injured in Vol-IVA that pertains to Matunga blast and his statement is not seen to be recorded. It is not true that he was an important witness and I removed his statement on the say of my superiors. (Learned advocate shows a certificate of the said injured to the witness that is in the file which is produced by the application Ext.2015). It is true that he appears to be an injured in the bomb blast at Matunga. (It is marked as **Ext. 2031(2 pages)** at the request of learned advocate). Witness volunteers – I want to explain about the three persons whose injury certificates have been taken on record. I had recorded the statements of the injured to whom we went or who came to us. When I was in the Vikroli Unit in 2009, ACP Mane, now retired, who was attached to Kalachowki ATS,

had come to me and inquired about the number of injured in the blasts and I told him that they were about 827. Then he informed me that they had received list of about 1200-1300 persons who had claimed compensation, but they could not trace the extra persons. I am stating this for the first time. It is not true that I tampered with the record. (Learned advocate seeks time to go through the documents produced by the prosecution by the application Ext.2032 and prays for adjourning the cross-examination to 16/01/12. He submits that he has no objection if other advocate begins his cross-examination on 16/01/12. Hence, adjourned at 4.10 p.m.)

(Y.D.Shinde)

Date : 13/01/12

Special Judge

Date : 16/01/12
Resumed on SA

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

131. I was associated with the investigation of this case from 11/07/06 till the filing of the chargesheet. My statement was not recorded after 14/10/06. I had stated in brief all the steps that I took in the investigation upto 14/10/06. PC Jagdale typed my statement on the computer of ACP Patil. I was reading the statement on the monitor as it was being typed. It was correctly typed, therefore, the printout was taken out and ACP Patil signed on it. The printout was taken out at his instance. ACP Patil was dictating as per my narration and our discussion. The discussions were in respect of certain answers given by me. It was not with respect to any particular point, but with respect to the steps in the investigation that I told him. The dictation was in accordance with the discussion, whenever it took place.

132. I reached the spot of the blast after about 30-35 minutes from the time of the blast. I visited only Matunga blast site on 11/07/06. I visited the Mahim blast site once after 4-5 days. It was in

the jurisdiction of my police station. PI Godbole was investigating CR No. 78/06 that was registered with respect to that blast. He had gone to that site on that day. Many dead bodies and injured had been removed from the Matunga blast site before I reached there. I cannot tell their numbers. There were no dead bodies when I reached there. PC Jagdale wrote the spot panchanama. I correctly noted all the steps that I took, the precautions that I took and the events that took place in all the panchanamas that I prepared during my investigation. As per the best of my knowledge, no step and precaution that I took and no event that took place remained to be recorded in the panchanamas. The panchanama Ext. 443 is in the handwriting of PC Jagdale. I was at the spot upto around 3.45 a.m. of 12/07/06. I did not go to that spot again. It will not be correct to say that I reached the spot at 9.00 p.m. on 11/07/06. I reached there at about 7.00-7.15 p.m. I was there upto 3.45 a.m. I took the complaint of the motorman between 7.30 to 8.00 p.m. The complaint Ext. 424 was written by PC Rajaram. The printed format of FIR Ext. 425 was filled up by SHO ASI Kamble. PC Jagdale's buckle number was 1956. He was with me continuously at the spot. I did not mention the names of all staff

members who assisted me in preparing the panchanama. I cannot say whether PC Jagdale's name or number is mentioned in the spot panchanama. It is not necessary to mention his name or number if he was assisting me and writing the spot panchanama. It is true that they are not mentioned in the panchanamas Exts. 441 and 443 and his initials are also not there. I am aware that spot panchanama is an important and necessary document in this case. I was aware that I could fix the identity of the culprits through it. Therefore, I took diligent care and caution in preparing the panchanama to the best of my ability. I examined the entire spot diligently and carefully. I inspected only the affected bogie. I inspected the surroundings at the spot of the blast and around the bogie where it was standing. It was so done at the time of both panchanamas Exts. 441 and 443. The entire train /rake was taken to the Kandivali car shed after 3.30 or 4.00 a.m. I did not visit the Kandivali car shed. The inspection of the bogie, the spot of the blast and the surrounding of the bogie was with a view collect incriminating material. I collected the relevant and important material at the time of both the panchanamas. I cannot say whether no incriminating material remained at the spot. I cannot say whether

some such material that I noticed remained at the spot. No article that was collected from the spot remained to be mentioned in the panchanamas. APIs Patil and Wagh assisted me at the time of both the panchanamas. I do not remember whether any PSI assisted me. The officers were also inspecting the site. I think that PSI Patil was also there. They handed over some articles that they found and which are mentioned in the panchanama. Out of the articles mentioned in the panchanama, some were found inside the bogie and some were found outside. I cannot tell which out of the 41 articles mentioned in the panchanama Ext. 441 and the articles mentioned in Ext. 443 were found in the bogie and which were found on the tracks. Three-four injured were lying on the tracks when I reached there. I do not know whether they had sustained minor or major injuries. I do not know whether anyone out of the three-four injured who were removed from the spot after I reached there succumbed to his injuries.

133. I saw the body no. 41 in the hospital morgue on 14th or 15/07/06 for the first time. The HC told me about the said dead body on 12th or 13/07/06. He did not tell that the body was of a Hindu,

Muslim, Christian, etc. He however informed me that the body was having portion only above the chest. It was HC Sable who informed me about it, but I cannot tell his buckle number. I recorded his statement. I do not remember the exact date when I recorded his statement. He was from my police station. He was at the spot before I went there. He was not on duty at Matunga station on that day. His statement was recorded on 18/07/06. The reason why I recorded his statement on 18/07/06 though he had informed me on 12th or 13/07/06 and I had seen the body on 14th or 15/07/06, is that I recorded it as time permitted. I cannot tell the time when he informed me. I cannot tell the time when I first saw him after the bomb blast. I cannot say whether he had gone to the hospital along with the dead bodies. He may be with me at the time of both the panchanamas. I cannot say whether he picked up any article from the spot and gave it to me. I did not find any parts of the human body during the course of both the panchanamas. It is true that it is not mentioned in both the panchanamas that the portion of the body including the chest and head had been found at the spot. If a dead body or parts of dead body are found at the spot, they are mentioned in the panchanama.

As no such thing was found at the spot, it is not mentioned in the panchanamas. It is true that one cannot say on looking at a part of a human body, as was found in this case, as to whether it is of a particular religion. I came to know that the body is of a Muslim when ACP Patil told me to write to the hospital to add the name either on 14th or 15/10/06. It is true that other than the statement of HC Sable, there is no other material to show that the said body was found at the Matunga blast site. It is not true that I deposed falsely that said body was found at the Matunga blast site and that it was of a Muslim who was a Pakistani national. It is not true that the said body was not found at the Matunga blast site, therefore, there is no mention in both the panchanamas. I think that HC Sable was with me upto 3.45 a.m. on 12/07/06.

134. I did not measure the length and width of the bogie. It had two doors on each side, i.e., total four doors. It may be having a sitting capacity of 44-46 seats. I had seen the position of the seats. I had examined the entire bogie carefully with a view to find out the place where the bomb had been kept. On my visit to the bogie, I was certain that the damage was because of the explosion. The

examination of the bogie was also with a view to ascertain the container in which the bomb took place. Gangway is a portion between two opposite doors and also between rows of seats. It is true that on entering the north and south doors, there are rows of seven seats on extreme north and south sides and two rows of three seats each facing them. It is true that there are total twenty-six seats in both the compartments. The portion between two opposite doors may be 10' x 4'. There are two windows on each side in the northern and southern compartment of the bogie. There are eight rows of three seats each, i.e., four rows facing each other, in the middle portion in between the two pairs of doors, i.e., twenty-four seats. It is true that there is a window in between two rows of seats, total four windows in the middle compartment.

135. A drizzle of rain that had come had stopped when we reached the Matunga site. It had started at about 7.00 p.m. It is true that all articles on the floor of the bogie had become wet due to the rain. I cannot say whether the bogie ahead of the affected bogie was ladies first-class reserve bogie. It may have been. The bogie ahead of the affected bogie means the bogie towards Virar side. The bogie that

was behind the affected bogie was second class general bogie. The train was standing north-south at the spot. There were two doors on the eastern side of the affected bogie. One of those doors had fallen on the track at a distance of about 25-30 feet from the bogie. The last bogie of the train towards the south was after six bogies, but I cannot tell the distance. The train was on the third track. There were two tracks on the eastern side. There is no platform on eastern side. There was one track in between the track on which the train was standing at the platform on the western side. I will have to see the panchanama to say whether I had mentioned the distance at which the door was lying from the bogie. I had not mentioned in the panchanama as to whether the door on the northern or southern side of the eastern side of the bogie had fallen. The falling of a particular door was an important factor from the point of investigation. On considering which door had fallen we can locate the place where the bomb was placed. I cannot assign any reason why I did not mention in the panchanama about which door had fallen. It is not true that I did not mention it in order to manipulate the case further as per our convenience. It is true that the spot where the door was lying is not

described in the panchanama Ext. 441. The twelve fans were attached to the roof above the gangways. I cannot tell the exact locations of the fans in the bogie, but they were located from the south to north end. The location of the six fans that had fallen down could be an indication of the location of the actual place where the bomb was planted. The location of the remaining six fans that were in place, but some were damaged and hanging, could be the effect of the blast. I have mentioned that the six fans that had fallen down had fallen in the gangway. There were eight gangways in the bogie. The gangways in between the two opposite doors were 4' x 12' each. It is true that the location where the fans that had fallen in the bogie is not described in the panchanama. I will have to see the panchanama to answer the question whether it is mentioned therein that the fans had fallen in the gangway. (Learned advocate asks the witness to go through the panchanama). It is not so mentioned in the panchanama. It is true that the locations from where the fans had fallen and the locations where they had fallen is an important thing. I cannot assign any reason why I did not mention it in the panchanama.

(Adjourned for recess).

Date :16/01/12**Special Judge****Resumed on SA after recess**

136. The portion of the roof at one place on the eastern side was blown up. It was approximately in the middle of the bogie's length. I did not note the diameter of the blown up portion. I did not measure the distance of the blown up portion from the northern and southern ends of the bogie. On an overall inspection of the bogie, it was my conclusion that the explosion had taken place on the rack in the middle portion of the bogie's length. I did not take measurements of any spot in the bogie. I did not measure the distance between the pole no. 11/7 where the blast had taken place and pole no. 11/11 where the train was standing. It may be about 60'-70' to 100'. I cannot say whether black rexine bags were found at the spot. (Learned advocate asks the witness to go through the panchanama). One black rexine bag was found. Three other black bags were found. It is true that the material of which they were made is not described. It is true that one blue rexine bag and one green rexine bag were found. It is true that all these bags are not described as being damaged and their sizes are not mentioned. It is true that almost all the articles that

were claimed have been returned. The articles that are before the court were not claimed. All the bags have been claimed. It is true that two blank cheques were found. They were found loose and not in any bag or packet. They were intact. I think that they are not returned. I cannot say now to whom they belong. There was no investigation about them. I do not remember whether we had contacted the authorities of UTI bank in connection with the cheques. They may be before the court. I do not remember whether Niranjana Patel is one of the injured or dead.

137. I interrogated about 30-35 injured from 12/07/06 to 20/07/06. All were not the passengers of the bogie. I cannot tell how many of them had been traveling in the affected bogie. I had interrogated some who had traveled from Churchgate to Matunga, but I cannot tell their numbers. They all were not the regular passengers. I questioned them to know whether they had actually traveled from Churchgate to Matunga or as to whether they had seen any suspicious person planting the bomb. Apart from that, we were searching for witnesses having knowledge about the blast or those who could provide some clues about the blast. I visited the areas of

Mumbai Central, Matunga, Mahim, Andheri, etc., for that purpose, but I did not get any clue.

138. I had arrested total nine accused in this case. I immediately went to the Unit-II of Crime Branch on getting their letter on 27/07/06 and brought and arrested the accused Faisal and Muzzammil. They were in my custody upto 09/08/06 and were remanded to judicial custody in my crime thereafter. They continued to be in the lockup at Bhoiwada as they were arrested by PI Wadhankar in CR no. 41/06. PI Hargude and Dabhade of the Crime Branch had taken them in custody on suspicion of their involvement in the bomb blast case. I do not know who out of the two or which officer actually arrested them, when they were arrested and from where. They were not produced before any magistrate. The letter and the station diary entry do not mention the details of their arrest. It is true that except the fact that they have been taken in custody on suspicion of their involvement in the bomb blast, no other details are mentioned in the letter and the station diary. I did not record the statement of any officer of the Crime Branch in that connection on 27/07/06 or thereafter. I did not feel it necessary, therefore, I did not

record them.

139. I became aware on that day that the accused Muzzammil was working in Oracle company at Bangalore. I did not try to find out when he came to Mumbai before his arrest. Crime Branch did not provide these details. Same two officers had handed over accused Zameer. He was also arrested by Crime Branch, Unit-II on suspicion of being involved in the bomb blast. They did not inform me as to which officer had arrested him, when and from where he was arrested and for how many days he was in custody. Same is the case about accused Tanveer and Suhail. I did not record the statement of any officer of the Crime Branch in connection with the arrest of the accused Tanveer, Suhail and Zameer. They did not give me any papers of investigation that they did. I am not aware as to for how many days they were in custody and whether they were produced before magistrate. Crime Branch officers provided names and addresses of the accused, but nothing more. I prepared the arrest panchanamas of 23rd and 27/07/06 at the office of the Crime Branch, Unit-II and the panchanama dated 25/07/06 was prepared at my office. The letter of the Crime Branch and the station diary entry

were not signed in my presence. The copy of the station diary entry was with the record. I did not see the original station diary register of the Crime Branch. It is only after I received the letter Ext. 1942 from the Unit-II along with the copy of the station diary Ext. 1943, that I visited the Unit-II office and took the custody of the accused. It is true that in both these documents the residential address of both accused is shown as Tirupati Apartment at Mira Road. The Crime Branch, Unit-II officers did not hand over any article when they handed over the accused to me. I did not find any single thing when I arrested them. Same is the case about accused Tanveer, Suhail and Zameer.

140. I interrogated the accused Zameer on 4-5 occasion during his custody with me. The Crime Branch, Unit-II did not hand over any document when they handed over all the accused. I am not aware whether they recorded the statement of any of the accused, whether they had got the accused medically examined. They did not show me any material, i.e., document, panchanama or statement for my perusal. I do not know on what basis the Crime Branch suspected the involvement of the said accused in the blasts. I had interacted with PIs Hargude, Dabhade, Pathan and others on the

respective dates and times when I took the accused in my custody. I had no interaction with them thereafter. During that interaction I came to know that the accused persons had gone to Pakistan, that they had taken militancy training, they were associated with L-e-T and were members of SIMI. The Crime Branch officers did not tell me about their source of that knowledge. I did not record their statements though I got this knowledge on all these three days. I did not suggest ACP Patil to record their statements.

141. My subordinate officers did not independently inquire with the accused. They were with me always and I was always present. PSIs Gaikwad and Kshirsagar and 4-5 staff members used to be with me during the interrogation. The interrogation was not daily, but was after intervals for an accused, as and when found necessary. I used to interrogate the accused for 2-3 hours continuously on a day.

142. I cannot tell the timings and the dates on which I took out accused Zameer from the lockup for the purpose of interrogation. These timings do not include the timings during which my team took him for house search. I think that PI Tonpi wrote his house search

panchanama. He assisted me as well as some other investigating officers. In consultation with my superiors I had directed him to do so. I do not know in how many other crimes he assisted. ACP Tawde and ACP Shengal were the supervising officers on 30/07/06. PI Kandalkar was with PI Tonpi, who is junior to me. I did not take the house search of the accused from 25/07/06 to 31/07/06 as it was depending on the availability of time and manpower. PI Tonpi did not produce any statement before me after taking the house search. He produced the panchanamas before me and deposited the articles in the muddemal room. He did not produce the articles before me along with the panchanama. I have not seen those articles. My knowledge about the nature of the articles seized is on the basis of the panchanama.

(Adjourned at 4.45 p.m. to tomorrow as PO has to attend meeting called by Hon'ble PJ).

(Y.D.Shinde)

Date : 16/01/12

Special Judge

Date : 17/01/12
Resumed on SA

143. Normally any person always carries with him his money purse, ATM card, driving licence and identity card, etc. It is not true that all persons always carry a pocket diary. It is true that some persons carry it. I had read books that were seized from accused Zameer. I had read similar books that were seized from accused Faisal and Muzzammil, but not in detail. I now say that I had not read the books that were seized from accused Zameer. It is not true that I had not seen the maps that were allegedly seized from him. I saw them on 9th or 10/08/06. I saw his passport at that time. The officers of the Crime Branch, Unit-II had not verified the passports of the five accused, who were handed over to me. I did not inquire with them whether they had done so. They did not tell me that they had not verified the passports. I say that they had not verified the passports as the passports were seized by me later on. I do not know whether the five accused were called to the Crime Branch time and again for inquiry. It is true that I do not know about the details of the arrest of the five accused by the Crime Branch. I did not make any effort to

find it out from the officers of the Crime Branch as it was not necessary.

144. We did not record the statement of anyone from the Oracle company in connection with the employment of the accused Muzzammil, however, some officers had gone to Bangalore and made inquiries in the company. API Bagwe had gone there. I do not remember who else had gone. API Bagwe went there probably in August 2006, but I do not remember the exact date. I do not know the address of the office of the Oracle company at Bangalore. API Bagwe did not collect the attendance data or duty chart of the accused from the company. Some officers of the ATS may have visited the Oracle company after API Bagwe's visit. I am not aware whether they recorded the statements of the officers of that company or collect the attendance data or duty chart of the accused. PSI Datir was in the ATS at that time. He was in the team of PI R. R. Joshi or PI Wadhankar. I did not direct him to go to Bangalore and collect the data from the Oracle company. I did not come to know till the filing of the chargesheet, that the accused Muzzammil was arrested on 22/07/06 from Bangalore by PI Arun Chavan of Crime Branch. I know

PI Arun Chavan. There two persons by name Arun Chavan, who were PI in 2006. One was attached to Crime Branch and one was attached to some suburban police station. As per my knowledge there was no inspector Chavan in Unit-II of the Crime Branch. The PI Arun Chavan to whom I am referring was in the Property Cell of the Crime Branch in 2006. I did not come to know till the filing of the chargesheet that PSI Datir had visited the Oracle company at Bangalore and had recorded the statements of four persons. I do not know about it till today. PSI Datir may have recorded the four statements on 09/11/06, if you say so. (Learned advocate asks the witness to see the page 771, 773, 775 and 833 of Vol-III F). It is true that it appears that PSI Datir had recorded the statements. I do not know where PSI Vilas Datir is posted at present. I do not know at whose instance and on whose directions he visited Bangalore. I am not aware whether PI Chavan had arrested the accused Muzzammil on 22/07/06 from Bangalore.

145. I did not record the statement of any person in connection with the arrest of the accused Faisal. I had recorded the statement of his friend Shah Faisal Alam. I am not aware whether he

was taken in custody by the Crime Branch, Unit-II. I did not arrest him or detain him. He was a resident of Dharavi. I do not know about his occupation. He was not a permanent resident of Dharavi. I cannot say since how long he was staying there. I had placed the statement before ACP Patil when I handed over the entire papers of investigation to him. I realized on recording his statement that the accused Faisal was arrested by the Crime Branch on 21/07/06 in the bomb blast case. Mohd. Faisal Alam is cited as a witness in the chargesheet. I am not aware whether a summons is served on him and whether he is still residing at the given address in Dharavi.

146. I had seen the books that were seized from the accused Zameer when the maps were taken out. Maps of Mumbai as those that were seized from all the accused are easily available in Mumbai. (Learned advocate shows the books Art. 135, Ext. 1678 and Art. 136, Ext. 1679 to the witness and asks him whether they are complete books). The books are not complete. It is true that several pages are not found in both the books. Page no. 35 in Ext. 1678 is a loose page. Pages prior to that page are not found. I cannot say whether the covers of both books inside and outside are colour

photocopies. I cannot say whether a photocopy of a signature is on the cover page of Ext. 1678. I did not try to find out as to whose signature it is. I do not know Urdu. I did not try to find out the meaning of the words 'Islami Nukta e Najar' on page 21 of Ext. 1679. I cannot make out whether the underlining of these words and on pages 3, 21,23 and 27 in this book are photocopies or are original. It is true that the pages in both books are not in order. I did not make any effort to collect the complete books. All the international maps that were seized were photocopies. I think that the mobile numbers written on the maps are from some Gulf country. I did not try to verify the said numbers by calling them from my mobile. On making inquiry I came to know that it is of Saudi Arabia. I made inquiry with STD booth. I do not remember the date when I made the inquiry. I had made the inquiry through my staff, therefore, I do not know from which booth they had obtained the information. It is not true that we planted all the maps of Mumbai, the international maps and the books on the accused.

147. The accused Zameer was not taken anywhere outside during the course of investigation except for house search. I did not

interrogate him at any time after his police custody was over in my crime till I handed over the papers to ACP Patil. I took the detailed statements of all the accused after their arrest. Accused Zameer did not confess the crime during the course of his interrogation in my custody and did not volunteer to make a confessional statement.

148. I do not know whether the Crime Branch, Unit-II called the accused Tanveer to their office and he visited it accordingly. I do not know whether he was called there on several occasions prior to his arrest. The Crime Branch gave copy of station diary entries. (Learned advocate asks the witness to go through Ext. 1934). It is true that it is written in the first paragraph that the accused Tanveer was again called to the office. It means that he was called to the Crime Branch prior to 23/07/06.

149. I may have interrogated the accused Faisal and Muzzammil on 5-6 occasions when they were in my custody. I used to interrogate them for 2-3 hours at a time, but I cannot tell the timings and the dates on which I interrogated them. I had interrogated the accused Faisal once after his police custody in my crime was over, but not accused Muzzammil. I cannot tell the timings

and the date on which I interrogated him. It was for about 1 ½ to 2 hours. He was in the custody of CR No. 41/ 06 of PI Wadhankar. He and Muzzammil did not confess the crime and did not make any voluntary statement. The interrogation of accused Faisal during his custody in CR No. 41/06 was prior to handing over the papers of investigation to ACP Patil. He was in judicial custody in my crime at that time. I did not apply to the magistrate and take the permission of the court to interrogate him. I came to know at the time of his arrest that he was a resident of Lucky Villa in Bandra. I did not visit it prior to his arrest or after his arrest prior to his house search.

150. Before going for the search, the accused had given the information that he had taken the flat on rent. The house search panchanama Ext. 533 was written by HC Padval. The house search panchanama Ext. 534 of the house of Muzzammil was written by PSI Kshirsagar. We did not get the original agreement at the time of the house search. It was obtained when it was produced by the flat owner Sajid. It was valid upto June 2006. I do not know whether the agreement was renewed after the term had expired on 20/06/06. As per clause -4 of the agreement Ext. 632, possession of the flat was to

remain with the licensor. It is true that as mentioned in Clause 11(1) and the receipt clause, the payment of Rs. 50,000/- was by cheque no.627241 of ICICI bank. I do not know whether that was the only cheque given to the owner, whether it was honoured or it bounced. The bank details were collected probably in the first week of August 2006. I did not record the statement of any officer of the ICICI bank. The date of cheque is not mentioned in the agreement. The flat owner Sajid had produced copy of his bank statement and I verified it. (Learned advocate asks the witness to go through the bank account of father of accused Muzzammil Ext. 1950). It is true that the cheque to which I referred in this account is numbered 627242 dated 04/08/05 given to Sajid Shaikh. The pink coloured marking of the entries was made by me. Ext. 1950 was received in the first or second week of August 2006. Shaikh is surname in Muslims community. There may be many persons by name Sajid in Muslims. It is a common name. It is true that the cheque number mentioned in the account and in the agreement are different. I did not record the further statements of the father of the accused or Sajid Shaikh about the inconsistency in the numbers, because there were corresponding

debit and credit entries in their accounts on the same date. I recorded Sajid's statement in the first week of September 2006. On that day he produced the original agreement and bank account statement. I had recorded the statement of father of accused Faisal in August 2006. I do not remember the date. I recorded his one statement only. I did not call for extract of account of Sajid Shaikh from Abhyudaya bank. However, I had called for the extract of account of father of the accused from ICICI bank. There is no reason why I did not call for the extract from the Abhyudaya bank. It is true that it is not mentioned in the agreement that the amount was paid by cheque from the account of father of the accused.

(Adjourned for recess).

Date : 17/01/12

Special Judge

Resumed on SA after recess

151. I left my office on 28/07/06 only to take the search of the houses of accused Faisal and Muzzammil. I came to know about the address Lucky Villa on 27/07/06 when the accused Faisal was arrested and his statement was recorded. I took him in custody at about 7.00-7.15 p.m. I received the letter from Crime Branch at 6.00

p.m. The Lucky Villa building is ground plus three. I do not know how many flats were there on each floor. There were two flats on the top floor. They were on the right and left side after going to the terrace by the staircase. One can go to them only after one comes on the terrace. There were no written numbers or name plates on the flats. The flats were not connected to each other. The other flat was occupied. A woman peeped out from that flat when we went on the terrace, but did not come out though called. Apparently a Muslim family was staying there. I did not ask them anything or call them outside during the period we were there. They did not open the door and come out. Apart from the members of the team and panchas and the accused, no other person came there during the period we were there. I called Sajid to my office for the first time on the day when his statement was recorded. I directed PSI Kshirsagar to call him. He had not come to me before that date. I came to know at the house of Faisal, that it belongs to Sajid. Panchas were called when we were near the ground and not when we were below the building or had gone to the terrace. A constable had called them. ACP Shengal, PSI Kshirsagar, HC Padval, PC Jagdale and one more HC and PC were

with me during the search, but I do not remember their names or numbers. Buckle number of PC Jagdale is 1956 and that of HC Padval is 1402. The HC, whose name I do not remember, had gone to call the panchas.

152. ACP Shengal had worked as Sr. PI of Bandra Police Station. I do not know whether Lucky Villa and Perry Cross Road are within the jurisdiction of Police Station Bandra. I cannot tell distance between them. Lucky Villa building and Police Station Bandra are in Bandra (W). ACP Shengal had accompanied me to Mira Road. We offered our search to the accused on the terrace before entering the flat. I started preparing the panchanama after we entered the flat.

153. The gap was just above the door frame. The door was of about six feet height. The gap was not covered. I knew from before that the house was locked and no one was staying in it as Faisal had told about it. I had not specifically inquired with the accused about the key of the flat. The flat was one unit. There were no flats by the sides. It was about 250-300 sq. ft. I described the situation of the flat as I saw it. Writing pads, papers and packing material were with us when we started from the office. I had not taken the cotton swabs. We were

in the house for about 2 hours. All in the team took the search. I had sent PC Jagdale to bring the cotton. He came within 15-20 minutes. He brought a bundle of cotton. I do not know from which shop he brought it. I saw the cotton bundle and it was opened in the presence of all. It is not written in the panchanama that PC Jagdale was sent to bring cotton and he brought a cotton bundle and it was opened in the presence of all. However, it is written that I had sent a constable to bring cotton. It was important to write in the panchanama that cotton was brought from outside, therefore, it was written. (Learned advocate asks the witness to go through the panchanama Ext. 533). On reading the panchanama I say that it is not in the panchanama. There was no brass seal with us. The lac seal of Kalachowki Police Station was affixed on 04/08/06.

154. The charge of Mumbai Central Railway Police Station was with me upto 31/07/06. I know that the articles that are seized should be properly packed and sealed. The lac seal of Kalachowki Police Station was used on 04/08/06 as ATS did not have brass seal at that time. Lac seal was not used before 04/08/06 for sealing the articles seized on 28/07/06. We started from Kalachowki for going to

Bandra. Accused were taken out from the lockup in the morning for remand and since then they were outside in my custody at Kalachowki. Mumbai Central Railway Police Station has brass seal and lac. Even then I did not feel it necessary to take that brass seal when I went to Bandra. I described in the panchanama the articles that I seized there. The plastic bag Art .146A was brought from outside. The cotton swabs were of about one and a half inch in diameter. Three swabs were prepared. All three were used for wiping the powder. Cotton swabs were used as I could not have collected the powder by other means. PSI Kshirsagar collected the powder by the swabs. The powder was wiped by the swabs. The powder may have come to the portion of the cotton that was held by the hand. I did not take the swabs in my hand. It may have happened that PSI Kshirsagar may have turned the swabs on all sides for collecting the powder. The entire swabs had mostly become black. I think that black powder had come on the fingers of PSI Kshirsagar. It is true that the entire plastic bag Art.146A is seen to be blackened inside. It is not true that the plastic bag appears to be filled with black powder.

155. I do not know who Nizamuddin Abdul Siddhique is. I did

not obtain the signatures of panchas on railway tickets, insurance papers, motor registration book and driving licence. It is true that name of accused is not mentioned on the railway tickets Art. 158 (1 and 2). The traveling time of trains from Mumbai to Howrah is about 30 to 33 hours. I do not have any idea as to who Nasreen Shaikh, Samreen Shaikh and Ashar Shaikh are. Addresses of some persons are mentioned in the reservation slips Art. 159 (1 and 2). The addresses were not verified as they were incomplete. The flat was not sealed after the search. I did not obtain the signature of the panchas on the books Arts. 150 (1 and 2), 151 (1 and 2) and 152 (1 to 4). I did not read the entire books. I cannot say whether they are coloured photocopies of originals. I cannot make out whether the underlining in these books are photocopies or are original. It is true that the pages in these books are not in order, except Arts. 152 (1 to 4). Arts. 152 (1 to 4) are in Hindi-Urdu mixed language. The printer of all books is either from Delhi or Bhopal. It is true that the colour of Arts. 152 (1 and 2) is different from the colour of Arts. 152 (3 and 4). (Learned advocate shows Arts.151 (1 and 2), 166 (1 and 2) and 136, Ext. 1679 to the witness). I cannot say whether the signature word

'Asiya' on the covers of all the books are photocopies. All the eight books were packed in the envelope Art. 152A. Signatures of panchas were not obtained on the books as they were put in the envelopes and label containing their signatures was pasted on the envelopes. I do not remember whether the Saudi Riyals were packed in separate packets. Saudi Riyals have serial numbers. I did not note in the panchanama the serial numbers of the 30 Saudi Riyals that were seized. I do not remember whether I wrote the serial number of the Indian currency notes.

156. One mobile was found in the house of accused Faisal. It was in switched off condition. I did not switch it on. I did not inspect it by switching it on till today. I did not think it necessary to switch on the mobile and to see the dialed, received and missed calls. I did not check in whose name the electricity bill of that flat was. I did not feel it necessary to take the statements of any persons from that building. It is not true that we planted all the articles in that house, that the said house was not in possession of the accused Faisal, that we planted all the articles to create false evidence to involve the accused in the crime.

157. We all went to Mira Road with all the articles that we had seized. The accused Muzzammil was not taken to the flat at Lucky Villa as that flat was of accused Faisal. Accused Faisal was kept below the building when we went to the flat at Mira Road as that flat was of accused Muzzammil. That flat may be in the name of his father or mother. I did not verify any documents about the flat. I did not record the statements of the occupants of the building at Mira Road or the parents of the accused Muzzammil. His father, mother and two ladies were in the house. PC Padval was not taken to the flat at Mira Road. The building at Mira Road was ground plus seven floors. There were four flats on each floor.

(Adjourned at 4.45 p.m. to tomorrow as PO has to attend meeting called by Hon'ble PJ).

(Y.D.Shinde)

Date : 17/01/12

Special Judge

Date : 18/01/12
Resumed on SA

158. I do not know whether the remaining three flats on the 2nd floor were occupied or not. No person came out of those flats during the panchanama. We were in the flat for about quarter to three to three hours. The flat consisted of a hall, kitchen, a small bedroom and a bigger bedroom. We had carried packing material with us to the flat. I felt the necessity of sending someone for bringing some articles. I sent HC Padval once to bring boxes to pack CPU found in the hall and a hard disk. I sent him after 35-40 minutes after entering the flat. He returned in 15-20 minutes. He went alone. His search was not offered to the panchas and the inmates of the house after he returned. A cardboard box was required to pack only one CPU. The panchanama Ext. 534 was written as per my dictation. I found only one mobile in the search of the house. I did not verify whether the parents of the accused and other inmates of the house had mobiles or not. The mobile that we found was a Sony Ericson mobile having Airtel sim card. Polythene bags were with us in the packing material that we had taken with us while leaving the ATS office. There was no

occasion to stop somewhere and call for polythene bags after we started from the ATS office. I have mentioned in the panchanama all the events that took place. It is not mentioned in the panchanama that a constable was sent outside to bring cardboard boxes. It remained to be written. I did not verify the subscriber number of the sim card. I do not know it even today. I had given the sim card number of the mobile to the technical wing for obtaining the name of the subscriber, but I did not receive the information. I gave it 2-3 days after it was seized. It is true that subscriber number of the seized mobile is not mentioned in the panchanama. The mobile was in switched off condition. I did not switch it on. I did not try to find out by switching on the mobile, the dialed, received and missed calls and when it was lastly used.

159. It is true that I did not obtain the signatures of the panchas on the books Arts. 166 (1 and 2), 167, 168 and the certificates Exts. 169 and 170. I did not obtain the signatures of the inmates of that house on all the articles. It is true that names of the persons to whom the books belong are not written on the books. It is true that all the articles that were seized and packed were not sealed

by lac and brass seal.

160. The accused Muzzammil had joined the Oracle company in 2006 only. I think he was working there since April 2006. I had found the identity card in that connection. It is true that in the entire search of the house, I seized the articles that I found relevant for the purpose of the investigation. I did not seize anything that was not suspicious.

161. The hard disk Art. 185 was separately found, it was not in a CPU. I do not know whether it was used or unused. I did not switch on the CPU that was in the hall connected to the monitor. There was no question of switching on the two CPUs that were found in the boxes. The two CPUs in the boxes were new, but I cannot say whether they were unused. The boxes were not closed when we found them. On looking at the boxes and the CPUs, we could realize that they were new. I did not inquire in the flat whether they were used or unused. I did not investigate whether they had been used or unused. Art. 188 is the CPU that was in the hall connected by wires to the monitor. The label that is in the middle on the top side might be of the CFSL. It is true that the CPU does not now have the label

containing my and panchas signatures, that I had affixed at that time. The CFSL handled it and it may not have been sent back. The report was received from the CFSL in February or March 2007. I had seen the reports when ACP Patil handed them over to me, but not in detail. I do not remember the dates of the report. I did not study the report. I saw it after the chargesheet was filed as it was received afterwards. I had pasted labels on the backside where the cables are attached and on the front side where pen drive, etc., can be used. The labels were pasted by gum. I cannot say whether gum markings are seen on the CPU. I had handed over the office copy of the forwarding letter to ACP Patil. The report was about 475-480 pages. I did not read it entirely as I did not find time. I took the statement of father of accused Muzzammil in the last week of August or first week of September.

162. It is not true that I planted all the articles in that house and had not found them there, that I am deposing falsely that I affixed labels on both sides of the CPU Art.188, that I did not affix labels so as to facilitate tampering the CPU. It is mentioned in the panchanama that labels were affixed on both sides of the CPU. (Learned advocate asks the witness to show where it is written in the panchanama Ext.

534). It is on page 13 of the panchanama. Total five labels were affixed on the CPU Art. 188, one to cover the sockets, two to cover the remaining portion of the backside and two to cover the front portion. It is true that it is not mentioned in the panchanama that five labels were affixed. Five labels were fixed on remaining two CPUs also. (Learned advocate asks the witness to see the CPUs Arts. 186 and 187). These two CPUs were found in the boxes. The Art. 187 has the name Zebronic. The Art. 186 has the name Navtech. There is a label on the backside of Art. 186. There is no other label on Art. 186. It is true that the label on the backside of Art. 186 is not covering the entire backside portion. The label contains all that was written on it and it is a complete label. It is true that there is no such label on Arts. 187 and 188. I cannot say whether there are no markings of any other label having being affixed on it and on Art. 187. It is true that labels were not affixed on any other side other than the backside and front side. Art- 188 is the CPU found in the hall. There is a lot of difference between Arts. 186 and 188, though both are from Navtech. Arts. 186 and 187 appear to be similar though they are of different companies.

163. The fact of taking charge of the CPU from the hall is mentioned on page 4. We were conducting the further search and box was called for, therefore, it is not written there that the labels were affixed to the CPU Art. 188. It is not true that the description of the packing and sealing of articles on page 13 of the panchanama lacks clarity and is too vague. It is not true that I did not affix any label other than the Art. 186 as it is today and that is the reason why no other label is found on any other CPU, that though there was no evidence against the accused, I planted these articles to create evidence.

164. I did not feel it necessary to call the neighbours and/or the occupants of the Lucky Villa and Tirupati Apartment buildings. A confidential inquiry was made about the movements of the accused, who had been arrested, from the residents of both the buildings and neighbours. I cannot tell how many persons were inquired with. I did not get any material from the inquiry. We did not play the DVDs and CDs during the course of our investigation till we sent them to the CFSL. It is true that I do not know actually what the CDs and DVDs contained. I do not know whose handwriting is on the CDs and DVDs.

It is not true that the panchanamas Exts. 533 and 534 are falsely prepared. The constable called the panchas from near the ground. It is not true that both the panchas were known to ACP Shengal and had acted for him as panchas earlier.

165. Accused were sent for medical examination from time to time as per my and my superiors directions. It was necessary as per the directions given by Supreme Court. The accused were sent for medical examination once in 48 hours. The staff was directed to prepare the station diary entries. OPD case papers used to be produced before me. They were kept in a separate file with the files of the case papers of this case. I handed over all the medical papers to ACP Patil. I think they were not filed with the chargesheet. Extracts of the station diaries were not submitted with the chargesheet. ACP Patil was aware about medical examination of the accused. PI Tajne was the incharge of the ATS police station. ACPs Tawde and Shengal were the supervising officers. Nawal Bajaj was the DCP. It is the practice of the police in Mumbai that panchanamas, statements and papers of investigation are placed before the superiors like Sr. PI, ACP, DCP on day-to-day basis. Witness volunteers – this is in

respect of police stations. It is true that date stamp and the initials of the officers are put on the statements when they see them. The rule of putting up the papers of investigation before the superiors daily is not binding on the ATS. There is no standing order issued by our department or the Home Department stating that this rule is not binding on them.

166. ACP Patil joined the ATS in the last week of July 2006.

He was not given the charge of the investigation of the bomb blast case immediately. He was given the charge of the investigation after the provisions of the MCOC Act was applied. Before that he was the supervising officer of the bomb blast case. I have not put up the papers of investigation before him during the investigation, but it was only before I handed over the papers of investigation to him. It was before 14/10/06, on 12th and 13/10/06. ACP Shengal used to be with me, therefore, there was no question of placing the papers before him. I had placed the papers before ACP Tawde as and when he asked for them. ACP Shengal and ACP Tawde were together in the ATS. It is true that till the papers were handed over to ACP Patil, ACP Shengal and ACP Tawde were supervising the investigation.

(Adjourned for recess).

Date : 18/01/12

Special Judge

Resumed on SA after recess

167. I used to place the papers before ACP Tawde. He did not make any endorsement on the case papers. None of the papers of investigation, i.e., statements, panchanamas, reports, etc., carry the initials of ACP Tawde or ACP Shengal. It is not true that I did not place any papers of investigation before my superiors, therefore, there are no endorsements and initials.

168. A head constable brought the panchas on 06/08/06 for the panchanama Ext. 566. I do not remember his name. It was prepared at Bhoiwada office. I know the Bailbazar area in Kurla. It may be under the jurisdiction of Kurla Police Station in 2006. I did not ask the head constable from where he had brought the panchas. I did not make any inquiry whether they are related to each other or whether they are friends. The head constable brought them within 15-20 minutes. I do not know where he had gone to bring the panchas. Dadar court premises are in front of Bhoiwada office. After taking their particulars, I did not inquire with the panchas whether

they had been together or separate. Bailbazar is about 10-12 kms from Bhoiwada office. (Learned advocate asks the witness to go through the panchanama Ext. 566). It is true that the addresses of the panchas show that they are from Bailbazar.

169. I do not remember the name of the constable who brought the panchas on 10/08/06 for preparing the panchanama Ext. 571, which was drawn at Bhoiwada office. I do not know from where he brought the panchas within 15-20 minutes. (Learned advocate asks the witness to go through the panchanama Ext. 571). It is true that the addresses of the panchas show that they are from Kurla (W). I do not know the pin code number of Kurla (W). Bailbazar is in Kurla (W). Kurla (E) has an independent police station by name Nehru Nagar Police Station. I have not worked in any police station in Kurla east or west. There is a Crime Branch office in Kurla (W). I do not know who was heading that office in 2006. Kurla Police Station is near that office. I do not know whether PI Vijay Salaskar used to sit in the Crime Branch Unit office at Kurla. I do not know whether he assisted in the investigation, but he had arrested an accused from Kolkata. I do not know whether he played any role in the investigation

till the filing of the chargesheet. It is true that officers from different police stations and units of Crime Branch were attached to the ATS at that time. I do not know whether the panchas of Exts. 566 and 571 were the known and habitual panchas of Kurla Crime Branch Unit and that is the reason why their services were utilized.

170. The letter Ext. 1953 was written at my instance by ACP Tawde. It is an office copy. It is true that though it is mentioned in the body of the letter that the first page of the agreement is enclosed, there is no remark below the letter about anything enclosed and a copy of the first page of the agreement is not with the office copy. It is true that there are no other particulars about the person Sajid Shaikh in the reply Ext. 1954 (1 and 2).

171. It is true that I wrote to the hospital authority for the first time on 15/10/06 to write the name of the unidentified body no. 41 as Salim, r/o Lahore, Pakistan. The face of the body was torn. One could see the entire face. Upper 1/3rd portion of the chest was there. The torso, hands and legs were missing. (Learned advocate asks the witness to go through Ext. 1166). I saw Ext. 1166 when the papers were received in August 2006. I did not inform the hospital authority

before 15/10/06 to mention the name of the unknown body as Salim r/o Lahore, Pakistan. I did not see the corrected copy of the cause of death certificate. The letter dated 15/10/06 was handed over to the hospital authority either on that day or on the next day. I do not know whether the hospital authority made the correction or not and when it was made. The articles mentioned in the panchanama Ext. 1926 may have been claimed. I cannot say exactly which articles were claimed. A document in the name of Jaspritsingh Avtarsingh Kalsi was found. It may be of a Sikh person. I will have to see whether I recorded his statement. I did not record his statement, but it was recorded by PI Bondke. I do not know whether he was a traveler of the same bogie from Churchgate to Matunga.

172. A separate forwarding letter was prepared on 04/08/06 for sending the articles seized from the house of the accused Faisal to the FSL. The packet sent on 29/07/06 vide the letter Ext. 596 did not return back for want of seal. It was sent by PI Tajne, but I had signed on the forwarding letter. I had not seen that packet before sending it. It was prepared by PI Tajne, it was to be signed by ACP, but as he was not present, I signed it without looking at the packet.

Therefore, I do not know whether it was sealed or not. I did not prepare the similar letter for the same article. The letter Ext. 598 was signed by me on 04/08/06. The packet was not given to me. It was in the malkhana on that day. I did not go to Police Station Kalachowki and put the seal on the packet. I prepared the letter at Kalachowki office on 04/08/06, handed it over to the constable, he went to Police Station Kalachowki and got it sealed and went to the FSL, Kalina directly from there. He put the specimen of the seal of the police station on the forwarding letter and its copy. The handwriting in the column 'mode of dispatch' is probably of PC More. He had taken the packet to the FSL.

173. I used to interact with all the other investigating officers.

I cannot tell how many times I interacted with them till the invoking of the provisions of the MCOB Act. I used to interact PI Khandekar many times as his office was in the adjoining room. He was investigating the Borivali blast. We were not inspecting each others papers, but we used to discuss orally about the progress in the investigation. I did not feel that the provisions of the MCOB Act should be invoked in my crime. PI Khandekar did not express any

opinion about doing so. PI Khandekar and ACPs Shengal, Tawde and Patil had not asked me to hand over any paper of the investigation before the invocation of the provisions of the MCOC Act. DCP Bajaj had called for the papers on 20th or 21st September 2006. I had produced all the case papers of the investigation. He went through the papers in my presence for about 2 ½ to 3 hours and returned them to me. Thereafter, I handed over the papers to ACP Patil. I received the message on 12/10/06 that I have to hand over the papers to ACP Patil. I came to know about the application of the provisions of the MCOC Act about 15 days before I handed over the papers to ACP Patil.

(Adjourned at 4.45 p.m. to tomorrow as PO has to attend meeting called by Hon'ble PJ).

(Y.D.Shinde)

Date : 18/01/12

Special Judge

Date : 19/01/12
Resumed on SA

174. It is not true that no one had a discussion with me about the application of the provisions of the MCOC Act before I came to know about it. I came to know about it on 20th or 21/09/06 when PI Khandekar had moved a proposal and DCP Bajaj had called me with the papers. PI Khandekar did not have any talk with me about it before I went to DCP Bajaj with the papers. I do not remember who told me about the proposal for applying the provisions of the MCOC Act, but it came to my knowledge during the discussion with DCP Bajaj. He told me about it. That was the first occasion when I came to know that the provisions of the MCOC Act are sought to be applied. Addl. CP Jaiswal accorded the prior approval on 24/09/06. I have had no occasion to go through the prior approval. I had no discussion with PI Khandekar in this regard.

175. Lucky Villa is a group of buildings as per my knowledge. I do not know the name of the society. I cannot tell the names of the adjacent buildings. I think that we had gone in the 'A' wing of Lucky Villa. I do not know whether there was office of society

there. There was no security and no watchman there.

176. I do not know which officer had arrested Firoz Deshmukh, but he was arrested by the ATS during this period. I did not take him in custody. He was never in my custody. I did not interrogate him when he was in the custody of other officers. I think he was not arrested in any of the present bomb blast case. I do not know in which case he was arrested. Mumtaz Caudhary was a resident of Vashi. PI Deshmukh took his house search, but not under my directions. Khalid Shaikh and Mumtaz Chaudhary were remanded to police custody for total 14 days in my crime. They were subsequently arrested in CR No. 41/06. I cannot say whether they were in police custody in another case when I applied for their discharge in my crime on 13/10/06. I interrogated Khalid Shaikh and Mumtaz Chaudhary for 3-4 hours each on 3-4 occasions. It is true that I did not get any evidence against them during the 14 days of the police custody. I did not interrogate them after their police custody in my crime upto 13/10/06. I myself decided to apply for their discharge, about which I gave information to my superiors. I came to know that Mumtaz Chaudhary was related to the accused Kamal Ansari, but I

do not know whether he was his brother-in-law. I do not know whether he was arrested as he had come to inquire about the arrest of accused Kamal Ansari. I did not apply for their discharge upto 13/10/06 as the investigation in other crimes was going on. I gave application in CR No. 77/06 only. I had come to know that there was no evidence against them in the other crimes also. I did not go through the record of investigation of the other blasts till 13/10/06. It is true that till 13/10/06 I had not taken the papers of investigation from any other investigating officer and *vice versa*. I was aware that Khalid Shaikh was arrested along with accused Kamal Ansari at Basupatti, Bihar. It is not true that I did not discharge Khalid Shaikh and Mumtaz Chaudhary till 13/10/06 in order to pressurize the remaining accused. They were in police custody and judicial custody in my crime for about 80 days.

- 177.** When API Kolhatkar brought the black powder from Basupatti, Bihar, he had produced the panchanama and there was a suspicion in the panchanama about that powder that it was an explosive substance. Therefore, there was no question of my feeling anything otherwise. I did not record statement of API Kolhatkar. The

muddemal was deposited in my crime. I did not feel it necessary to take the statement of API Kolhatkar. (Learned advocate asks the witness to go through the true copy of station diary entry Ext. 1932).I do not know who wrote the station diary entry no. 14 dated 22/10/06 Ext. 1932. It does not bear my initials. I did not record statement of API Kolhatkar later on. PI Tajne took his statement on 05/09/06 as a complaint. As per my information no one had recorded his statement before 05/09/06. PI Tajne was one of the officers who had gone with API Kolhatkar to Basupatti, Bihar and had seized the black powder and arrested two accused. I did not inquire with API Kolhatkar whether any report had been submitted in the local police station about the seizure of the black powder and the arrest of the two accused.

178. Crime Branch also maintains station diary. I did not see the station diary of the Crime Branch, Unit-II before or after I took the custody of the five accused from it. I only took the certified true copies that they gave and did not verify them with the originals. (Learned advocate asks the witness to go through the true copy of station diary entry Ext. 1957). I do not know in whose handwriting it

is. It was made as per the report by API Dudhgaokar. As per the entry, he made the report as per the telephonic message received from PSI Gaikwad. Station diary entries no. 4 dated 29/07/06 Ext. 1951 and entry no. 16 dated 01/08/06 Ext. 1956 are in my handwriting. I cannot say in whose handwriting are the rest of the entries that I produced. No station diary entry bears my initials.

179. The panchanamas Exts. 1971 and 1973 were drawn in Bhoiwada office. Accused Ehtesham was already in the custody of the ATS in another crime when I arrested him in my crime. I do not know on what date he was arrested in the another crime. PI Ahir was the investigating officer of that crime. PI Ahir was with me when I prepared the panchanama Ext. 1971. He was not assisting me in the investigation of CR No. 77/06. I do not know the name of the policeman who called the panchas for the panchanamas Exts. 1971 and 1973. (Learned advocates asks the witness to go through the panchanamas). It is true that all the panchas in both panchanamas are from Kurla (W).

180. The CPUs, mobiles, etc., were sent to the FSL, Hyderabad on 17/08/06. The forwarding letter was prepared by me

and signed by DCP Bajaj. The letter of advice accompanying the forwarding letter was also prepared by me. Mobiles seized from Khalid Shaikh and Mumtaz Chaudhary were also sent with that letter. Reminders were sent to the CFSL, Hyderabad thereafter during my investigation, but I do not remember their dates. They were sent once or twice. PSI Kshirsagar went to Pune in August 2006, but I do not remember the exact date. He submitted report on 24/08/06. He did not record the statement of any person at Pune. He had produced copies of the papers submitted by Rahil Shaikh to Zensor Technology and the application and papers submitted to the passport office at Pune along with the report. I did not record his statement. (Learned advocate asks the witness to go through the Ext. 1974). It is true that it is not mentioned in it that he is producing copies of the documents that he collected. I did not record the statement of officer Tejwani, PRO, Passport Office, Pune. PSI Kshirsagar did not record his statement.

181. I did not inform the Enforcement Directorate about the seizure of the Saudi Riyals. They came on their own and asked for the Riyals. They had written to the Jt. CP, ATS that they had come to

know that the ATS had seized some Saudi Riyals and had asked for details of the documents in connection with the seizure. I was directed by the office of the Jt. CP, ATS to comply with that letter. I do not know who had directed me. The Enforcement Directorate got the information from the newspapers. Seizure of the Saudi Riyals along with other articles was published in various newspapers. My superiors gave the news. I do not know whether the names of all officers along with the names of the superiors and the photograph of the accused was published. I cannot tell the date when the news item was published and in which newspapers. The letter from the Enforcement Directorate was received in the ATS office on 04/08/06 and it came to me on 09/08/06. They had come in August 2006 and had interrogated the accused Faisal probably on 21st and 24/08/06. I cannot say whether news items were published on both occasions of the seizure of the Saudi Riyals. I do not remember the names of the two officers who had come for the interrogation of the accused. I saw Arvindkumar Singh on 25/09/06 when he came to take the Saudi Riyals. I do not remember when I saw him before that and whether he had come to the ATS office before that. I cannot tell in which

officer's custody the accused Faisal was on 25/09/06, but he was in the ATS custody at Bhoiwada on that day. I cannot say whether Arvindkumar Singh met the accused before 25/09/06. There was a discussion between him and me on 25/09/06. The two panchanamas were prepared by him and me separately on two computers in my office. My writer Jagdale used to operate the computers. One panchanama was typed by PC Jagdale and one was typed by a writer who was taken from the adjacent room. Arvindkumar gave an authorization letter issued by his superiors. I do not remember whether it was the original or a photocopy. (Learned advocate asks the witness to go through the panchanamas Exts. 1255 and 1256). The font in both the panchanamas is same. The authorization letter along with Ext. 1956 is not an original, but it appears to be a photocopy. (Learned advocate asks the witness to say whether the font in the authorization letter is also similar to the font in the panchanamas. Hence, as the contents are referred, it is marked as **Ext. 2037**). I cannot say whether the font in the authorization is similar to the font in the panchanamas. Witness volunteers- fonts in two computers may be similar as they are default fonts. The panchas

were called at my instance on this occasion. It is true that one of the panchas is from Kurla (W). It is not true that these panchanamas were not drawn in my office. It is true that I had given copy of statement of the accused along with the FIR, panchanama and other documents to the Enforcement Directorate before that day. I did not record the statement of any passport officer.

182. I recorded the statements of the witnesses as narrated by them concisely. I did not add anything on my own and did not delete anything that they stated. I had taken the statement of PC Sachin More (PW-42). He had told me that he told the inward clerk of the CA office that it is from the ATS and as there is no lac seal the label containing the signatures is fixed on it, but he did not accept it and he told him to get a lac seal of any police station on the box and then he would accept it, that therefore, he returned back and deposited the box with the muddemal clerk at Kalachowki. It is written in other words concisely. (It is written that when he went to Kalina, the officers there returned it as the box did not have lac seal, therefore, he brought it back, made station diary entry and deposited the box with the muddemal). I had handed over office copy of the forwarding

letter dated 03/08/06 to ACP Patil along with the other papers of investigation. I did not verify the registers of the travel agencies that were seized. Therefore, I do not know about their contents.

183. It is not true that I deposed falsely and that I concocted the material to fix the accused in this case.

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

184. Staff of concerned police stations are appointed on every railway station from Churchgate to Virar. There is an outpost of Mumbai Railway Police Station at Dadar. There is a railway police station at Bandra. There are railway police stations at Andheri, Borivali, Vasai and Palghar. Every police station has its own jurisdiction. Dadar station is in the jurisdiction of Mumbai Central Railway Police Station, therefore, the outpost at Dadar does not have its independent jurisdiction. A PSI or ASI and some 4-5 constables are on duty there as it is near the central railway terminus and there is a heavy crowd at the station. Central Railway has its own police station at Dadar. The staff at the outpost can take a report of non-cognizable offence, but report of cognizable offence is to be taken at Mumbai Central Railway Police Station. All events that take place at

railway station are not recorded at the outpost. They are not prohibited from recording an information about a cognizable offence. The jurisdiction of Mumbai Central Railway Police Station is upto Mahim Creek. I cannot tell the name of the officer who was on duty at the Dadar Railway Police Station. PC Jadhav 3286 was on duty at Matunga Railway Station. He may be there alone or there may be some other. He did not make any entry anywhere. No registers are maintained at the railway stations by our staff, except at police station and outpost. It is true that there is no entry about any incident at such railway stations. The station master, pathway inspector, superintendent of station, motormen, guards were present at the Matunga Railway Station when I went there. Many people had gathered on the platform. Media persons were also at the station. They were shooting at the spot. I was at that spot for about 8-9 hours. It is not true that it rained during this period. I met PI Tonpi of the ATS there, but I cannot tell the time when I met him, even approximately. He was the only officer of the ATS whom I met that day. I did not make any inquiry with my staff at the Dadar outpost about the incident on that day. I did not make any effort to find out whether they

had recorded any information regarding the incident.

(Adjourned for recess).

Date :19/01/12

Special Judge

Resumed on SA after recess

(Adjourned at the request by learned advocate at 4.15 p.m.)

(Y.D.Shinde)

Date : 19/01/12

Special Judge

Date : 20/01/12
Resumed on SA

185. I recorded the statement of PC Jadhav after 2-3 days. I told the duty officer to make station diary entry about the information that was given by PC Jadhav. I do not remember the name of the duty officer. He also made the station diary entry Ext. 1861 about I leaving the police station. I realized from the information that I received that the incident is a cognizable offence. It is not true that I left the police station only with an intention to investigate. I went there to see the situation as bomb blast had taken place, to maintain law and order and to make investigation.

186. When I reached Matunga site I got the information that a bomb blast had taken place at Mahim. Someone informed me about it, but I do not remember who told me about it. I did the investigation of CR No. 77/06 only. I do not know what investigation was done by the ATS officer whom I met at the spot. It is not true that I did not collect anything from the spot. It is true that no other officer other than me and my team collected anything from the spot when I was there. All the articles that were collected are mentioned in the

spot panchanama Ext. 443. It is true that it is not mentioned in it that I cordoned off the spot. It did not happen that with the help of police and local people, I shifted the dead bodies and the injured to the hospitals. It is true that proper bandobast was maintained there after the injured were shifted after I reached there. The dead bodies had been shifted before I reached there. I do not remember whether I had stated that the work of shifting the dead bodies and the injured to the hospitals with the help of police and local people was done and then proper bandobast was maintained there. (Learned advocate asks the witness to go through his statement). It is true that it is so mentioned in my statement. It is so written in my statement as I gave my statement in brief. It is not true that the meaning of this statement is that after I reached there the work of shifting the dead bodies and the injured to the hospitals with the help of police and local people was done and then proper bandobast was maintained there. I did not make any inquiry with PC Jadhav when he met me there after some time. I do not remember whether he met me before or after I met Sachinkumar Singh. I did not feel it necessary to inquire with PC Jadhav before I met Sachinkumar Singh. I recorded his statement

after about half an hour after I reached there. I and the officers in my team were the only officers present there during the period upto the recording of his statement. During the entire period that I was there upto 3.45 to 4.00 a.m., no officer of Mumbai police came there. Control room of Mumbai Police inquired with me during this period about the number of the deceased and the injured. No other inquiry was made by Mumbai Police. On the same day I came to know that there had been blasts at five other places. I came to know of it in the talks, but I cannot tell from what source I got this information.

187. I saw the entire torn face of the body no. 41. The eyes, nose, ears and mouth were intact. It is not true that ears of all Hindus are pierced. It is true that ears are not pierced in Muslim community. I had seen the ears of that body and according to me they were not pierced. I did not prepare any document about seeing the body, therefore, there is no question of mentioning this thing in any document. I do not know whether there is no reference to this in the medical papers. It is not true that I had not seen the ears of that body and just to overcome the situation I am claiming that it was the body of person by name Salim.

188. I knew when the chargesheet in this case was filed. I have filed chargesheets in other cases before this. I know that all the documents and the statements on which the prosecution relies upon are submitted to the court with the chargesheet. I know what documents and statements concerning CR No. 77/06 were filed with the chargesheet. I did not feel at the time of filing of the chargesheet that any document remained to be filed with the chargesheet. I knew that there were station diary entries and documents about conducting the medical examinations of the accused from time to time. Till 05/01/12 I did not come to know that copies of the station diary entries and documents about medical examination are not produced in this case. I am aware that these documents are important from the point of view of the accused. It is not true that non-filing of these documents adversely affects the defence of the accused. I am in police service for 29 years. I did not feel during my entire service that non-filing of these documents adversely affects the defence of the accused. It is not true that I have purposefully withheld station diary entries that are in Exts. 1860 to 1971. Witness volunteers – copies of station diary entries are generally given when we come for giving

evidence as investigating officer. I do not feel that this is against the provisions of law. It is not true that the copies are submitted without prior notice from the defence. It is not true that production of the copies of the case diary entries at the time of the evidence is improper and harmful to the accused.

189. Accused Kamal was in my custody from 20/07/06 to 03/08/06 and accused Ehthesham was in my custody from 12/08/06 to 25/08/06. I reported to the ATS at about 10.30 to 11.00 a.m. on 12/07/06. I was directed by the control room and by our CP office to report to the ATS and that I would get the order. We first attended a meeting at Nagpada office and then went to Kalachowki in the afternoon and gave instructions to make station diary entry. I cannot tell the time when we gave the instructions. The station diary entry that was made is before the court. The meeting at Nagpada was called by Addl. CP Jayjeet Singh. The meeting was concerning the bomb blasts and in that meeting the crimes were assigned for investigation to different officers. The meeting went on for about an hour and one and a half hours. There was no other superior officer apart from the Addl. CP. It is not true that guidelines were given in

the meeting as to the manner in which the investigation was to be made in the bomb blasts cases. The Jt. CP did not ask me about the investigation that I had done. The investigating officers used to sit at different places during the initial period as there was no space. Some used to sit at Kalachowki, some at Bhoiwada, some at Nagpada and some at Byculla. Lockup register about the arrested accused was maintained at Bhoiwada. The guards used to maintain it. I do not know whether there are entries about the movement of the accused in the lockup register. There are no entries about inquiry of the accused in the custody of a particular investigating officer by other investigating officer. It is not true that I came to know finally that all the accused brought to the ATS had been intermingled in all the crimes. It is not true that except the powder that was brought by API Kolhatkar, there was no other evidence against the accused Kamal upto 29/08/06. I did not inquire with him by what mode of transport he had come. I will have to see the panchanama of seizure whether weighing machine was used at the time of seizing the black powder. On perusing the panchanama Ext. 500, I say that weighing machine was not used by PI Tajne at the time of seizing the black powder. It is

true that house number is not mentioned in the panchanama. I did not inquire in this connection with the officer who handed over the panchanama and the articles. I do not know whether these officers had been called by any superior officers before they went to Patna. I did not inform anyone except DCP Bajaj about the progress of my investigation. He and ACP Tawde used to make suggestions. DCP Bajaj has not put his signatures on any papers of investigation about having seen them. I do not know whether other investigating officers also used to be called by him. The other investigating officers did not inform me about it. DCP Bajaj was giving suggestions till the time the investigation was with me. Though I was assisting ACP Patil till the filing of the chargesheet, I do not know whether DCP Bajaj was giving suggestions to him. It is not true that I am saying that DCP Bajaj was giving the suggestions as the Addl. CP Jaiswal is not going to be examined as a witness and therefore there is no document to show that he had seen the progress of the investigation.

190. I did not seize any article from the accused Ehtesham at the time of his arrest. However, I came to know that his occupation was of publishing books. (Learned advocate asks the witness to go

through the panchanama Ext.1933). It is true that there is no mention of the sections of Explosive Substances Act in the panchanama. It is not true that I did not have power on that day to detain the custody of any accused under sections 302 and 307 of the IPC as mentioned in Ext. 1933. It is written by HC Padval. (Learned advocate asks the witness to go through the panchanamas Exts.1971 and 1973). Both are written by HC Padval. It is true that his name and buckle number is not specifically mentioned in Ext. 1971, but his buckle no. 1402 is mentioned in Ext. 1973. I dictated the contents of the panchanamas.

191. I have not produced the medical examination papers. It is not true that accused Kamal and Ehtesham were tortured when they were in my custody and that the medical officers obliged us by not taking down proper history when the accused were produced before them on medical examination. I do not know whether the accused Ehtesham had made a complaint in that behalf on 04/08/06 to the medical officer at KEM Hospital. It is not true that he had complained of pain in thigh because of tortur during his police custody, that on the say of my superiors the accused have been involved in this case.

(Adjourned for recess).

Date : 20/01/12

Special Judge

Resumed on SA after recess

Further cross-examination by Wahab Khan for A2, 7, 10 & 13

192. (Learned advocate asks the witness to go through the station diary entry in Ext. 1935). This entry was made after returning from the Crime Branch, Unit-II office and it mentions the receipt of the letter of the Crime Branch at 2230 hours. It is not true that the arrest panchanama of the accused Tanveer had started before this. We required about 10-15 minutes to reach the Crime Branch, Unit-II office from the ATS office. (Learned advocate asks the witness to go through the panchanama Ext. 1933). It is true that it is mentioned in the panchanama that it started at 2220 hours and concluded at 2250 hours. (Learned advocate asks the witness to go through the station diary entries in Exts. 1966, 1967 and 1972). It is true that the station diary entries are in respect of sending the accused in CR No.77/06 for medical examination. It is true that the accused were not in police custody in CR no. 77/06 on those dates. (Learned advocate requests the witness to go through the documents received from MTNL under

RTI that he has produced now with his application Ext. 2042). It is true that the letter from the General Manager, MTNL, shows that mobile no. 9869320457 was lastly recharged on 14/10/06. (Learned advocate requests for exhibiting the true copies of the documents sent by the MTNL office. Hence, the covering letter and true copies of the letter sent with it are marked as **Exts. 2043 to 2045**). (Learned advocate requests that true photocopy of station diary entry no. 5 dated 05/10/06 which he had shown to the witness during cross-examination in paragraph 127 be exhibited. Prosecution is directed to produce its true photocopy. It is marked as **Ext. 2046**).

193. I do not know whether the complete report from the Government Examiner of Questioned Documents, Hyderabad is not produced. It is true that CDs were sent with the report. It is not true that the CDs are suppressed by me. (Learned advocate shows Ext. 2035 (354 and 355) to the witness). I cannot say whether the transcribed words in the message on page 354 and 355 are objectionable or incriminating. This message is of 09/07/06 and sent at 1434 hours. I cannot say whether it is a religious message. It is not true that on the basis of this message, the ATS officers went to

Bihar. I do not know whether API Bagwe recorded the statement of Qamruzama, who had received this message. (Learned advocate shows the statement dated 11/10/06 at page 165 of Vol-IIIF to the witness and asked him to go through it). It is true that it is seen to be of a person by name Qamruzama Ansari recorded by API Bagwe for ascertaining the mobile number and the sms. I do not know whether without printouts of the CDRs of the mobiles, the details in the report are incomplete. I do not know whether the transcription of the debates, lectures, etc., in the report shows that they were condemning all types of terrorist acts and violence and act of creating disharmony in the society, whether the 09/11 attack in the US has also been condemned on the basis of verses of the Kuran and Hadis. I have heard the name of Zakir Naik. I think that he is a preacher of Islam. (Learned advocate asks the witness to go through Ext. 2035 (104)). It is an article by him. I cannot say whether there is nothing objectionable in it, because I have not read it. It is not true that I had read all the reports, but I am saying that I have not read them as all the data that was retrieved from the mobiles and the computers was condemning any act of violence. It is not true that I had not sent any

accused for medical examination and bogus station diary entries were made.

194. I do not know whether the accused Kamal had sent the above referred sms on 9th and 10/07/06 from his village Basupatti in Dist. Madhubani, Bihar. It was not revealed in my investigation that any accused had kept his mobile at his house or with any friend on the earlier day, on the day and after the day of the incident. No other investigating officer told me so. I came to know during the investigation that all the accused were using mobiles. I do not know whether any accused had switched off his mobile on the earlier day, on the day and after the day of the incident. It is not true that I have thoroughly studied the report of the GEQD, Hyderabad. I do not know whether other ATS officers including ACP Patil have studied it. It is not true that locations of the accused on the earlier day, on the day and after the day of the incident were revealed after going through the CDRs, that those locations were contrary to the case of the ATS, therefore, they are suppressed. It is not true that I falsely implicated the accused in this case.

No re-examination.

R.O.

Special Judge

Date:-20/01/2012

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