

M.C.O.C. SPECIAL CASE NO. 21 OF 2006**DATE:20TH JANUARY 2012****EXT. NO.2049****DEPOSITION OF WITNESS NO.177 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Balasaheb Sakharam Tambe

Age : 47 years

Occupation : Service

Res. Address : Room No.1, 3rd Floor, 'D' Bldg., Saptarang Society,
Sector-7, Sanpada, Navi Mumbai,

Examination-in-chief by SPP Chimalkar for the State

1. I was attached to Police Station D. B. Marg in 2006 as PSI. I am working as Asst. Commissioner in the State Intelligence Department at present. After the bomb blasts in the Western Railways on 11/07/06, I was directed to join the ATS on 12/07/06 and accordingly I did. I reported to Jt. CP Raghuvanshi at Nagpada. I was directed to inquire with the injured persons in the hospitals to see whether any information about suspects could be obtained and to

obtain their medical certificates.

2. ACP Patil, the investigating officer, called me on 23/10/06 and asked me to take the accused Sajid Margoob Ansari to DCP (Preventive) Sanjay Mohite on 24/10/06 at 9.00 a.m. Accordingly I took out the accused Sajid Margoob Ansari at 8.30 a.m. on 24/10/06 from the Bhoiwada lockup, veiled him and informed the Kalachowki office of the ATS on phone to make station diary entry. The station diary entry no. 1 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. 2050**). I took him in a police jeep to the office of DCP Mohite. I reported to DCP Mohite and produced the accused before him in veil. I handed over the letter that was given by ACP Patil to him and he gave his acknowledgment on the letter. Ext. 1032 is the same now shown to me. He asked me the brief information of the crime and the accused and then he asked me to go out of the cabin. I asked his reader whether I should go to my office. He called the Azad Maidan Police Station and told me that the guard has not yet come and asked me to wait. API Nana Shinde of that police station came there at

about 11-11.15 a.m and reported to DCP Mohite. He then came out and told me to go saying that he was directed to keep the accused in a separate cell in the lockup of Azad Maidan Police Station. I returned to Kalachowki office and asked the SHO to make the station diary entry. The station diary entry no. 9 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. 2051**). I then went to Bhoiwada and handed over the letter containing the acknowledgment of DCP Mohite to ACP Patil. I will be able to identify the accused, whom I had taken on that day. (Witness looks around the court room and points to the accused no. 7 sitting in the dock. He is asked to stand up and tell his name, which he states as Mohd. Sajid Margoob Ansari). He is the same accused.

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

(Adv. Izrar h/f Wahab Khan submits that Adv Wahab Khan is in the Sewree Court and has requested for deferring the cross-examination to 23/01/12. Hence, adjourned to 23/01/12).

MCOC SPL.21/06

PW 177/4

Ext.2049

(Y.D.Shinde)

Date : 20/01/12

Special Judge

Date : 23/01/12

Resumed on SA

3. I started acting as API on promotion in August, 06. Therefore, in station diary entries my designation is shown as API. I do not know Pramod Tambe. I have no relative of that name in the police department. ACP Patil did not take my statement. Station diary entry no. 9 in Ext.2051 is not in my handwriting. The station house officer made the entry, but I do not remember his name. The contents are made as per my instructions and I had read it. (Ld. Adv. asks the witness to go through Ext.2051). It is true that ACP Patil had given me letter O. No. 1309/06 dtd. 23/10/06. It is not true that I have hidden that letter with me. (Ld. Adv. asks the witness to go through Ext. 1032). The O. No. of this letter is 1302 dtd. 24/10/06. It is true that this letter is not referred in both the station diary entries. I cannot assign any reason why it is so. Ext.1032 is the office copy of the letter. It was given to me by DCP Mohite. I do not know whether the original letter given to DCP Mohite is not before the court.
4. I did not take the accused for medical examination. There is no reason for this. It is not true that there were injuries on his body. I do not remember the number of the police vehicle in which I had taken

the accused and it is not mentioned in the station diary entry. I do not remember whether an entry was made in the log book of the vehicle about I taking the accused in it. It is not true that PI Prasad Khandekar had taken the accused to DCP Mohite in Bolero jeep of police, that he had pressurized the accused and taken his signature. I gave information to ACP Patil after the station diary entry was made. I cannot say whether the mention in the station diary in Ext.2051 about I having given information to ACP Patil is right or wrong. I was not maintaining personal diary. There is no specific reason for this. I cannot say whether as per the Police Manual it is necessary for a police officer to maintain personal diary.

5. DCP Mohite was in civil dress when I took the accused before him. I do not know whether the accused was fasting on that day. DCP Mohite did not tell me anything about it. I went in his chamber at about 9.00 a.m. and met him. He was not writing anything when I entered his chamber. He had asked me about the brief facts of the case. He did not write in my presence the information that I gave. I was in his presence for about 5-7 minutes. The instructions to the police officers from Azad Maidan police station were not given in my

presence. It is not true that I did not take the accused Sajid before DCP Mohite. The station diary entry in Ext.2050 is not in my handwriting and it was not made in my presence. I cannot tell the name of the SHO who made it. It is true that it is not mentioned that I had taken a letter or any documents with me. The entry was made as per my instructions. I did not tell about taking letter or documents. ACP Patil had given me only one letter. It is true that as per the entry I had taken the accused as per the letter O. No. 1309 dtd. 23/10/06. I did not bring back office copy of this letter.

6. I was assisting in the investigation of this case upto 4/12/06. I did not attend any meeting in connection with the investigation conducted by ACP Bajaj, Addl. CP Jaiswal or CP Roy. I did not interrogate any accused. It is not true that I deposed falsely and bogus station diary entries are made.

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

Declined.

No re-examination.
R.O.

Special Judge

Date:-23/01/2012

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