

M.C.O.C. SPECIAL CASE NO. 21 OF 2006**DATE:23RD JANUARY 2012****EXT. NO. 2054****DEPOSITION OF WITNESS NO.178 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Sunil Mahadev Yadav

Age : 40 years

Occupation : Service (API)

Res. Address : Flat No. 108, Police Officer's Quarters, D. N. Nagar,
Mumbai 53.

Examination-in-chief by SPP Chimalkar for the State

1. I was attached to D. N. Nagar Police Station in 2006 as PSI. At present I am attached to Main Control Room. After the railway bomb blast on 11/7/06, a wireless message was received in the police station when I was on duty, directing me to report to the ATS on 12/7/06. Accordingly, I reported to the ATS office at Nagpada on 12/7/06. I was orally directed to help ACP Tawade and other investigating officers of the ATS.
2. ACP Patil called me in his office on 5/10/06. PI Sunil Deshmukh was present there. ACP Patil told PI Deshmukh to take the accused Suhail Mehmood Shaikh for recording of his

confessional statement to the office of DCP Ashutosh Dumbare. The accused was taken out from the Bhoiwada lock-up, veiled and a station diary entry was made about going out of the police station. The station diary entry no. 4 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. 2055**). We took the accused in the police vehicle to the office of the DCP in the compound of the office of the Commissioner of the Police. PI Deshmukh and I produced the accused before DCP Dumbare. PI Deshmukh handed over letter given by ACP Patil to the DCP. The DCP asked some preliminary information about the name, etc., of the accused and about the crime and asked us to leave. Ext.1245 is the letter that was given to the DCP. After coming out, PI Deshmukh left for somewhere and I returned to the Bhoiwada office, reported to ACP Patil and as per his instructions, I phoned Kalachowki office and directed the SHO to take the station diary entry. 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. 2056**). 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. 10 sitting in the dock. He is asked to stand up and tell his name, which he states as Suhail Mehmood Shaikh). He is the same accused.

3. ACP Patil called me in his office on 13/11/06 and gave me a letter O. No. 1511 addressed to the FSL, Kalina and told me that property seized in C. R. No. 156/06 of Borivali Railway Police Station had been sent to the laboratory vide O. Nos. 1282, 1332 and 1399 and that it has been examined and asked me to collect and bring back the property and the report. Accordingly, I made station diary entry. 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. 2057**). I went to the FSL by government vehicle. The FSL gave the property and report in sealed condition to me bearing Nos. M-485, K-384 and K-398. The box Art. 360 bearing No. K-398 is the same. The packet bearing No. M-485/06 is the same. (It is marked as **Art.375**). The packet Art.343B bearing No. K-

384 is the same. I brought the property back to the Kalachowki office, gave it in the possession of HC Ghag, muddemal clerk and gave the sealed reports to ACP Patil at Bhoiwada. He took my statement about it. I told the SHO to make station diary entry. 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 true photocopy of that entry are as per the contents of the original entry. (It is marked as **Ext. 2058**).

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

4. My statement was recorded only once, i.e., on 13/11/06. I was remembering at that time about taking the accused to the DCP on 5/10/06. I did not tell about this when my statement was recorded. There is no reason for this. It is not true that I had not done so, therefore, I did not state about it to ACP Patil. No station diary entry is in my handwriting. I do not remember the names of the persons who made the entries. The station diary entries No. 4 and 8 were not made in my presence. I had talked on phone with the officers who made the entries. I did not tell about the outward number of the letter or its date. I did not get the accused medically examined. I had gone

from the Bhoiwada office. The accused was in the lock-up when we took him out. It is true that it is not mentioned in the station diary entry prior to the station diary entry no.4 that the accused was taken out of the lock-up. Station diary entry is made about taking out accused from the lock-up or taking him for medical examination. It is not true that I was not on duty on 5/10/06. PI Tajane and Khanwilkar are senior to me. (Learned advocate asks the witness to go through the station diary entries No. 1, 2 and 3). The station diary entries no. 1, 2 and 3 of 5/10/06 show that HC 2327, PN 25610, 24879, 25710 and PC 5041, 03434, etc., came on duty at 9.20 a.m., PI Tajane, Khanwilkar, API Kolhatkar, PSI Kadam, Awari came on duty at 9.45 a.m. and PC 29774 Londhe came back from Rajkot, Gujarat at 10.00 a.m. I had not taken the accused for investigation outside on 4/10/06. (Ld. Adv. asks the witness to go through the station diary entry No. 19 dtd. 4/10/06). The entry mentions my name. I do not remember for what purpose the accused was taken out for investigation.

5. I met the DCP on 5/10/06. He did not ask me any questions. PI Sunil Deshmukh is still in the police department. I cannot tell the number of the vehicle in which we had gone and it is not mentioned

in the station diary entry. The entry in the log book of the vehicle was not made before me. It is not true that we had not taken the accused anywhere on 5/10/06 and false station diary entries are made, that I identified the accused on the say of the superiors and gave false evidence.

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