

M.C.O.C. SPECIAL CASE NO. 21 OF 2006**DATE:24TH JANUARY 2012****EXT. NO.2060****DEPOSITION OF WITNESS NO.179 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Dr. Naresh Wadhoram Ochaney
Age : 48 years
Occupation : Medical Officer
Res. Address : 64A/1, Vrindavan Society, Thane (W)- 400 601.

Examination-in-chief by SPP Thakare for the State

1. I am attached to Bhabha Hospital, Kurla since November 2002.
I am an MBBS graduate having passed out in the year 1985. Dr. Angre, Dr. Manoj Varma, Dr. Sawant, Dr. Geeta, Dr. Mane and Dr. Kadam were the other medical officers who were working with me in 2006. I am conversant with their handwriting.
2. When the police come with a patient, the medical officer in the casualty department gives them the medico-legal case papers for registration to RA department. After registration the police give the OPD case paper and the medical officer examines the patients one by one. Name of the patient, age, OPD registration number are

written in the OPD case paper. The registration stamp is already there. The buckle number of the police constable is written in the case paper at the registration counter. Then we ask the patient about his complaints. The complaint includes the history given by the patient about his illness or injuries. After writing about his complaints the medical officer examines the patients. The patient is examined on the examination table behind a curtain and the police are asked to wait outside. Irrespective of the complaints of the patient, we examine him generally and systemically and also examine him for any injuries and about his specific complaints. There is a rubber stamp for filling in all these details, including 'brought by' and 'the person who gives the information'. The details of examination are made in the MLC register, a carbon paper is placed below the page and the OPD case paper is placed below it. Thus, the carbon impression of the writing on the MLC register appears on the OPD case paper. The validity of an OPD case paper is for 15 days. If a patient is brought again within this period, then the notes of examination are again made similarly, but the reverse of the same OPD case paper is used. Bhabha Hospital at Kurla is a Municipal Hospital. Similarly, the Sion, KEM,

Nair and Bhabha Hospital at Bandra are Municipal hospitals. The format of the OPD case papers in all these hospitals is the same and the procedure for examination of the patients is also the same.

3. I have brought to court four MLC registers for the period from 11/07/06 to 04/11/06. The registers are maintained in the ordinary course of the work in the hospital and the entries are made by the respective casualty medical officers date-wise and serially as the patients are examined. Sometimes the findings are written in the MLC register as well as the MLC case paper in the original without keeping carbon.
4. As per the entry at sr. no. 3809 of the MLC register dated 11/08/06 and OPD No. 19236, patient by name Faisal Aatur Rehman Shaikh, aged 32 years was brought by PC-960616 at 10.10 p.m. He was examined by Dr. Kadam, whose name is written therein and whose handwriting I identify. She mentioned in the examination column 'Bomb blast accused, NAD' means no abnormality detected. The contents of the certified true photocopy of that entry now shown to me are as per the original entry. (It is marked as **Ext.2061**).
5. As per the entry at sr. no. 3871 of the MLC register dated

15/08/06 and OPD No. 19702, patient by name Muzzammil Aatur Rehman Shaikh, aged 22 years was brought by PC-22895 of DCB CID at 10.00 a.m. He was examined by Dr. Manoj Varma, whose name is written therein and whose handwriting I identify. All the examination findings are seen to be normal. Therefore, specific findings are not written and if a patient is not in a position to give history then the name of the person giving history is mentioned. Normally the patient himself gives the history. The contents of the certified true photocopy of that entry now shown to me are as per the original entry. (It is marked as **Ext.2062**). The original MLC case paper now shown to me is the same. (It is marked as **Ext.2063**).

6. As per the entry at sr. no. 3880 of the MLC register dated 15/08/06 and OPD No. 19658, patient by name Ehtesham Qutubuddin Siddhiqui, aged 25 years was brought by PC-1385 at 8.20 p.m. He was examined by Dr. N. W. Sawant, whose name is written therein and whose handwriting I identify. The history is seen to be given by the patient himself as it is not mentioned specifically, complaints – nil (c/o-nil), the general condition was fair (GC fair), pulse was 90 per minute (Pulse 90), blood pressure was 120/80 (BP

120/80), pupils and systemic examination was within normal limits (NAD), external injuries nil (Ext. injuries-Nil). The contents of the certified true photocopy of that entry now shown to me are as per the original entry. (It is marked as **Ext.2064**). The contents of the original MLC case paper now shown to me are as per the contents of the entry in the MLC register. (It is marked as **Ext.2065**).

7. As per the entry at sr. no. 3881 of the MLC register dated 15/08/06 and OPD No. 19657, patient by name Suhail Mehmood Shaikh, aged 37 years was brought by PC-25287 at 8.20 p.m. He was examined by Dr. N. W. Sawant, whose name is written therein and whose handwriting I identify. The history is seen to be given by the patient himself as it is not mentioned specifically. Complaints – nil (c/o-nil), the general condition was fair (GC fair), pulse, blood pressure, pupils and systemic examination- NAD, external injuries nil (Ext. injuries-Nil). The contents of the certified true photocopy of that entry now shown to me are as per the original entry. (It is marked as **Ext.2066**). The contents of the original MLC case paper now shown to me are as per the contents of the entry in the MLC register. (It is marked as **Ext.2067**).

8. As per the entry at sr. no. 3882 of the MLC register dated 15/08/06 and OPD No. 19759, patient by name Tanveer Ahmed Mohd. Ibrahim Ansari, aged 35 years was brought by PC-25287 of DCB CID at 8.45 p.m. He was examined by Dr. Mane, whose name is written therein and whose handwriting I identify. The history is seen to be given by the patient himself (self), the general condition was fair (GC fair), pulse was 90 per minute (Pulse 90), blood pressure was 130/80 (BP 130/80), pupils of both eyes reacting to light (BERL), systemic examination was within normal limits (RS-respiratory system, CVS- cardio vascular system, AS- alimentary system and CNS – central nervous system = N -normal), external injuries nil (Ext. injuries-Nil). The contents of the certified true photocopy of that entry now shown to me are as per the original entry. (It is marked as **Ext.2068**). The contents of the original MLC case paper now shown to me are as per the contents of the entry in the MLC register. (It is marked as **Ext.2069**).

9. On the same day, as per the entry at sr. no. 3883 dated 15/08/06 OPD No. 19760, patient by name Mohd. Faisal Ataur Rehman Shaikh was brought at about 8.50 p.m. by PC-11385. He

was examined by Dr. Mane, whose name is written therein and whose handwriting I identify. The history is seen to be given by the patient himself (self), the general condition was fair (F), pulse was 90 per minute (Pulse 90), blood pressure was 130/80 (BP 130/80), pupils of both eyes reacting to light (BERL), systemic examination was within normal limits (RS-respiratory system, CVS- cardiovascular system, AS- alimentary system and CNS – central nervous system = NAD), external injuries nil (Ext. injuries-Nil). The contents of the certified true photocopy of that entry now shown to me are as per the original entry. (It is marked as **Ext.2070**).

- 10.** As per the entry at sr. no. 4060 of the MLC register dated 25/08/06 and OPD No. 20920, patient by name Faisal Aatur Rehman Shaikh, aged 32 years was brought by PC-9772 of DCB CID at 9.00 p.m. He was examined by Dr. Geeta, whose name is written therein and whose handwriting I identify. The history is seen to be given by the patient himself (self), there were no complaints, the general condition was fair (F), pulse was 80 per minute (Pulse 80), blood pressure, pupils, systemic examination was within normal limits. (NAD), external injuries nil (Ext. injuries-Nil). The contents of

the certified true photocopy of that entry now shown to me are as per the original entry. (It is marked as **Ext.2071**).

11. As per the entry at sr. no. 4138 of the MLC register dated 30/08/06 and OPD No. 21603, patient by name Faisal Aatur Rehman Shaikh, aged 32 years was brought by PC-9772 of DCB CID at 11.55 a.m. He was examined by me. The history is seen to be given by the patient himself (self), there were no complaints, the general condition was fair (F), pulse was 72 per minute (Pulse 72), blood pressure 120/80 (BP 120/80), pupils, systemic examination was within normal limits. (NAD), external injuries nil (Ext. injuries-not seen). The contents of the certified true photocopy of that entry now shown to me are as per the original entry. (It is marked as **Ext.2072**). The contents of the original MLC case paper now shown to me are as per the contents of the entry in the MLC register. (It is marked as **Ext.2073**).

12. As per the entry at sr. no. 4171 of the MLC register dated 01/09/06 and OPD No. 21827, patient by name Faisal Aatur Rehman Shaikh, aged 32 years was brought by PC-10988 at 12.00 p.m. He was examined by Dr. Angre. The history is seen to be given

by the patient himself (self), there were no complaints, the general condition was fair (F), pulse, blood pressure, pupils, systemic examination was within normal limits (NAD), no external injuries (Ext. injuries-no). The contents of the certified true photocopy of that entry now shown to me are as per the original entry. (It is marked as **Ext.2074**). The contents of the original MLC case paper now shown to me are as per the contents of the entry in the MLC register. (It is marked as **Ext.2075**).

13. As per the entry at sr. no. 4853 of the MLC register dated 09/10/06 and OPD No. 28702, patient by name Mohd. Majid Mohd. Shafi, aged 28 years was brought by PC-9772 of Crime Branch at 8.29 p.m. He was examined by Dr. Varma. In front of all the findings the alphabet 'N' is written, which means that there were no abnormal findings. The contents of the certified true photocopy of that entry now shown to me are as per the original entry. (It is marked as **Ext.2076**).

14. As per the entry at sr. no. 5087 of the MLC register dated 20/10/06 and OPD No. 29793, patient by name Mohd. Majid Mohd. Shafi, aged 28 years was brought by PC-9772 at 10.40 a.m.

He was examined by Dr. Bharti Takale. Information was given by the patient himself (self), complaints nil. In front of all the findings the alphabet 'N' is written, which means that there were no abnormal findings. Fresh external injuries-nil. The contents of the certified true photocopy of that entry now shown to me are as per the original entry. (It is marked as **Ext.2077**).

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

15. It is true that copies of almost all the entries about which I deposed have been issued to the concerned parties under RTI and accordingly endorsements are made about giving the copies on the original entries. It is not true that generally only accused from Police Station Kurla and Crime Branch Office, Kurla are brought to our hospital. I have not taken the thumb impression or the signature of the patient on the case paper or in the register. It is true that it is required to be obtained in case of patient brought by police. It is not true that we are required to mention the identification mark of the patient. Today I cannot identify any patient who was examined by me. It is not true that accused Faisal Shaikh was not brought before me for examination and other accused were not brought before the

respective medical officers for examination on the respective dates. I do not know whether all the medical officers are available. Some of them are transferred. It is true that the examination and the entries about the examination by the other medical officers were not made in my presence. It is not true that there are guidelines for examining the custody patients. By only examining the pulse rate one can ascertain whether the patient has some internal injury. Same is the case about blood pressure. It is true that I have not written the exact respiratory rate and temperature of the patient. Respiratory rate and temperature individually can indicate internal injury. External injury cannot be ascertained by seeing the pulse rate or blood pressure simplicitor. We do not examine patients by removing all his clothes. This is done only if he complains of injuries. In police cases the examination of the entire body is required to be done for ascertaining the injuries. I have not come across any patient in police case complaining about torture. (Adjourned for recess).

Date : 24/01/12

Special Judge

Resumed on SA after recess

16. I examined the patient only once. The patient Tanveer

Ahmed was examined on 15/08/06. The patient Mohd. Faisal was examined on 11/08/06, 15/08/06, 25/08/06, 30/08/06 and 01/09/06. The patient Ehtesham Siddiqui was examined on 15/08/06. The patient Mohd. Majid was examined on 09/10/06 and 20/10/06 and the patient Muzzammil Aatur Reham Shaikh was examined on 15/08/06. (Learned advocate asks the witness to go through the MLC register). Mohd. Majid was examined on 11/10/06 and 16/10/06 also between 09/10/06 and 20/10/06. It is true that pulse rate and blood pressure are not specifically mentioned in Ext. 2076. Same is the case about Exts. 2062 and 2077. The hospital provides the rubber stamp of the format. It is not true that it is necessary to mention these details in respect of custody patients. (Learned advocate asks the witness to go through the MLC register). The entry at sr. no. 4170 is blank. It is not true that deliberately the entry is left blank to introduce the name of some patient. The registers are checked. It is true that the findings are not mentioned in the entry no. 4169 although the name of the patient and other details are mentioned. There are some observations in the findings in entry no. 4174, but I am unable to read. (Learned advocate asks the witness to go through the MLC

register). The serial number of the entry is 385, but it is canceled. The doctor's name, date and time is written, but the patient's name is not written and the findings are not written. The same doctor might have canceled it as it might not be a police case. The entry no. 3822 shows that 16 patients were examined and the findings show that no abnormality was detected. The name and other details of the patient in sr. no. 3823 are not mentioned. It may have been not written out of oversight. The name of the patient and other details except date are not written in sr. no. 3825. The findings are no abnormality detected. There is an endorsement that there were 20 patients and the observations are NA, i.e., no abnormality. Same is the case about the entry no. 3826. As per the endorsement at sr. no. 3829, list of child labour attached with this register, but there is no such list attached to the register. There is common observation of the findings for all the patients. I cannot read the findings at sr. nos. 3838 and 3939. There is a common observation of the findings for all five patients at sr. no. 4823. Name of the patient is not mentioned in the entry at sr. no. 4829. The observations are not written for the two patients in the stamp at sr. no. 4836 and 4855. There is no stamp of findings at sr.

no. 4861 and only the letter 'N' is written. Examination was not done for the patient at sr. no. 4904 as MLC was done at Govandi Hospital on the same day at 11.00 a.m. and therefore, he was sent back to the same hospital. The entry at sr. no. 4913 is blank and it is canceled without initialing it.

17. In case we find some abnormality or some complaints or there are some findings that require specialized opinion and investigation, we advice follow up. It is not true that we all doctors were working under tremendous pressure of police. It did not happen that the police did not show the face of the patient to me. (Learned advocate asks the witness to go through the MLC register). The entry no. 4915 shows the endorsement repeat medical. Same patient was brought on 11/10/06 and as he was again brought on 13/10/06 the said remark was passed. I do not know where the OPD case paper is. It is true that the entry shows that the face of the patient was not shown. The findings on that date were that no abnormality detected. Findings of 13/10/06 are not mentioned. The figure 3 is overwritten in the date. There is no mention in sr. no. 4915 as to who gave the history. Entries at sr. no. 4926 and 4927 are canceled and

nothing is written in the rubber stamps. The patient at sr. no. 4971 was a woman who had delivered at home, therefore, the findings home delivery is written. She was brought from the post-natal care ward for taking entry in the MLC book. She was not brought by any policeman. The name of the patient and other details are not mentioned at sr. nos. 4977 and 4987. Sr. no. 4995 mentions the name of the patient as Mohd. Majid brought by PC- 34098 on 16/10/06 at 11.15 a.m. There is an endorsement that the patient complains of fever with chills, rigor, cold for one day, headache, but no diarrhea and vomiting. A patient may have fever in case of injury, but not chills. Investigation of blood, CBC, MP and HB was advised and treatment and medicine was given for three days and advised follow up after three days. The reports of investigation are not before the court and follow up paper is not before the court. Pulse and blood pressure were not written. Pulse rate increases in case of fever. Temperature is not measured, but it is mentioned that the patient is febrile.

- 18.** Patient's name is shown as unknown and other details are not mentioned at sr. no. 5010. Entry at sr. no. 5011 does not

mention the patient's details, but the findings are there. Findings are not mentioned in entry no. 5015, 5040. Entry at sr. no. 5053 does not mention the patient's details, but the findings are there, but I cannot read them. Entry no. 5103 shows findings written and canceled and patient's name and other details are not mentioned. Entry no. 5115 is blank and canceled. Witness volunteers – sometimes the doctor does not see the previous page and writes on the next page. Therefore, the earlier entry is canceled as further entry cannot be made by going back. Entry no. 5123 is completely canceled. Findings are blank in entry no. 5128.

19. The rubber stamps of the details of the patient and of the findings are put by the medical officer. The RA department writes the serial numbers in advance. The medical officer fills in the next blank entry after seeing the earlier entry. Sr. No. 5143 is blank and canceled. Sr. no. 5193 shows the name of the patient as Zubeda Chaudhary and then it is canceled. The next entry does not show that she was examined as a patient. Sr.No. 5216 is blank and canceled.

20. It is not true that the cancellations of the entries have been done today morning. Sr. No. 3347 and 3348 appear to be in the

handwriting of the same doctor, but the findings in the first one are not mentioned and the identity of the patient in the second is not mentioned. The design in front of sr. no. 3358 is not a finding. Last digits in the sr. nos. 3574 to 3721 appear to be overwritten. It is true that there are similar entries in this register that are incomplete or blank or canceled.

- 21.** It is not true that all the findings that are in the entries that I produced are made without examining the patients, that the medical faculty does not have the guts to ask the police to show the face of the prisoner patients. It is true that if a person is asked to do rigorous exercise or to adopt a particular posture for a long time or if his legs are stretched apart from each other against his will, it will amount to torture. There will be no evidence of torture if a person is examined after 5-10 hours. It is not true that marks of beatings by stick on the palm and soles will go away if a person is asked to bang his hands on hard surface or he is asked to run. It is not true that without examining the accused the entries are made at the behest of DCB CID, Unit headed by PI Salaskar. (Learned advocate requests for directing the prosecution to produce true photocopies of the serial

numbers in the MLC registers referred by him during his cross-examination. Learned SPP objects on the ground that they are not relevant. To my mind, the witness has categorically admitted the deficiencies in certain entries. Hence, it is not necessary to produce the copies. However, the relevant entries concerning the accused no. 5 Mohd. Majid should be produced).

(Adjourned as court time is over).

Date:24/01/12

**(Y. D. SHINDE)
SPECIAL JUDGE**

Date : 25/01/12
Resumed on SA

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

22. Dr. Angrey, Dr. Sawant and Dr. Varma are still attached to the Bhabha Hospital. OPD papers are issued as soon as the patient is brought to the hospital for examination. The entries about issuance of the OPD papers is made in the registration department. All municipal and government hospitals are provided with the OPD case papers and respective hospitals have their own rubber stamps. One hospital should not use the OPD case paper of another hospital. The hospital where the patient is examined should issue its own OPD case paper. OPD registers are different than casualty registers. There is separate registration for OPD patients and casualty patients. (Learned advocate shows Ext. 2069 to the witness). It is an OPD case paper having the casualty stamp. Out patient department does not use the casualty stamp. It has got its own stamp. The case paper is common. The number on the right side 19759 is the OPD registration number. It is true that unless and until an OPD registration number of the hospital is given on the case paper, no

person can be examined in the casualty department of that hospital. We will not examine a patient who comes to our Bhabha Hospital with the case paper of KEM hospital.

23. Police bring accused for routine checkup on many occasions. Casualty medical officers have duty timings by rotation. I do not remember my duty timing on 15/08/06. I cannot now tell my duty timings on any day in August and September 2006 unless I see the register. I do not remember on what days I was off duty and when I had taken leave during that period. The OPD case papers are filled up by the registration clerk. The findings are filled up by the medical officer who examines the patients and he makes the entry in the casualty register, i.e., MLC register. The MLC register is the only register that is maintained in the casualty department by the CMO for examination of the medico-legal cases. All types of persons examined in the casualty department are known as patients, but except the medico-legal cases, entries of other patients are not taken in the MLC register. In case a patient cannot be managed in our hospital and he is transferred or referred to other higher hospital, then entry is made in a separate register, irrespective of whether it is a

medico-legal case or otherwise. If a person, who is not a medico-legal case, comes for treatment, the treatment is written on the case paper, but no entry is taken in any register. Witness volunteers – as per the instructions of the high authorities, record is maintained about particular types of patients in the monsoon period.

24. I do not remember the duty timings of Dr. Varma as CMO on 15/08/06. We have worked together in one shift. The format of the rubber stamp of the examination that is put on the OPD case paper is as provided by the hospital. The rubber stamp is put by the medical officer. Same rubber stamp is affixed on the MLC register. It is the responsibility of the medical officer to fill up the columns of the rubber stamp in the OPD case paper and in the MLC register. All the entries regarding the examination and findings are required to be made in the MLC register.

25. I do not know where the office of DCB, CID is in my area. I do not know any office of the DCB, CID in Mumbai. (Learned advocate asks the witness to see the entry at sr. no. 3870 in the MLC register). It is pertaining to casualty no. 19700. The patient was examined by Dr. Varma at 9.42 a.m. The name of the patient is Mohd.

Firoz Mohd. Mushtaq. I cannot read the endorsement in the rubber stamp of examination. This is not a correct practice of writing the findings. It is not true that same is the case about sr. no. 3871, because the word 'N' is readable. None of the columns in this entry are filled and only a vertical line is drawn in front of all the columns and the word 'N' is written in circle. It is not a proper procedure. Signature or thumb impression of the patient examined in the casualty is taken in the MLC register sometimes. Some doctors do this. I do not know whether it is necessary. I have not taken the signatures of any patients in the MLC register, but I have taken thumb impressions. I have taken the thumb impressions as routine and not because the patient is illiterate. Witness volunteers – signatures are not taken, but thumb impressions are only taken in the MLC register. The thumb impressions are taken as per the guidelines. I do not know whether there are guidelines not to take signatures. (Learned advocate asks the witness to go through the entry at sr. no. 3856 of the OPD No.19602 dated 14/08/06 in the MLC register). Dr. Keni had examined this patient. He is still working in our hospital. He has taken the signature of the patient, but has not taken the thumb

impression. Below that entry is the entry at sr. no. 3857. It shows that six patients are examined under one MLC number. It is not under one OPD number. It is true that four patients have signed and two have put their thumb impressions. Thumb impressions or signatures of all are not there. The findings of all six patients are noted in one rubber stamp. I cannot read the findings. (Learned advocate asks the witness to go through the entries at sr. nos. 3860 upto 3863 in the MLC register). It is true that in some entries there are thumb impressions and in some there are signatures of patients. I do not remember the number of patients that I examined in medico-legal cases that are in the register from 12/08/06 to 11/09/06 and on 30/08/06. (Learned advocate asks the witness to go through the entry at sr. no. 4138 in the MLC register). I examined another patient after this patient. I examined the patient at 11.15 a.m. before the patient at sr. no. 4138. I did not obtain the thumb impression or the signature of the patient in sr. no. 4138 Ext. 2072. The entry is entirely in my handwriting. I wrote the name of the person from the OPD paper. The registration department wrote the name. I did not ask the person his name or age. It is true that in the OPD paper as well as the MLC

register, the name Faizan is written. I do not know whether it is the correct name of that person. People of Muslim community reside in Kurla near Bhabha Hospital. I do not know whether there are many people by name Faizan in Muslim community. This is the only patient that I examined out of the papers that I referred to yesterday.

26. We examine entire body of the person brought by police. Even if the person does not make any complaint, we examine his body. We do not generally ask the patient to remove all the clothes. Doctors ask patients to unbutton the shirts so as to put the stethoscope. If no injury is noticed, I use the word 'not seen' in front of the column external injuries. I do not use the words 'NAD'. If the words 'not seen' are independently read, then they may carry some different meaning. (Learned advocate asks the witness to go through the entry at sr. no. 4138 in the MLC register). The words in the last line in the rubber stamp are 'FU in OPD No.____'. I put my initials below the rubber stamp. The four columns below the words 'BP' and before the words 'external injury' are 'Pupils, RS, CVS, AS and CNS'. In front of all these columns I have written the word 'NAD', i.e., no abnormality detected.

27. A person may have external injury as well as internal injury. It is possible that some internal injury may not be connected to an external injury. A person may not have any external injury, but may have internal injury. The method or procedure that we follow for finding out whether there is any internal injury is first that the patient will have some complaint. Then the general examination for pallor, cyanosis, lymphadenopathy, pulse, blood pressure, temperature is done and then systemic examination like RS, CVS, AS, PA, CNS is done. If any abnormality is detected, then we go for investigation. It is true that no document produced by me shows whether any internal injury was detected or not. OPD case papers of MLC cases are given to the police. I do not know whether they are retained by them. (Learned advocate asks the witness to go through the OPD case paper Ext. 2075). I know the handwriting of Dr. Angrey, who wrote this paper. His name is not mentioned, but his initials are there. (Learned advocate asks the witness to go through the register in which there is entry sr. no. 4171 in the MLC register). The entry at sr. no 4170 does not bear the name of the patient and other details. However, there are findings about examination of some person by Dr. Angrey. It is

also a medico-legal case. Entire rubber stamp from top to bottom is blank. It is improper to do so. It is true that one can fill up the rubber stamp by writing the name of any person.

28. (Learned advocate asks the witness to go through the entries in the MLC register, copies of which were produced yesterday). It is true that no other medical officer has used the words 'not seen' in front of the column 'external injuries'. I cannot say whether in almost all cases the persons were brought from the DCB, CID. (Learned advocate asks the witness to go through the entry no. 3809, Ext. 2061 in the MLC register). It is true that neither the pulse rate nor the BP is mentioned in the entry. The medical officer has also not put the rubber stamp. It is true that except writing the words 'bomb blast accused' and 'NAD' nothing is written. I agree that it is a casual approach of the concerned doctor. Same doctor, i.e., Dr. Kadam has put the rubber stamp of findings and has filled some columns by writing NAD in the some entries near that entry on the same day. It is not true that all the papers that are produced are prepared at the instance of the police officers of the Crime Branch Unit without the concerned patients being examined and that is the

reason why the signature or the thumb impression of the person examined are taken.

- 29.** If the patient complains of fever and wherever the investigation is advisable, we advice x-ray, CBC and urine tests. This is done even if nothing is found in external examination.

(Adjourned for recess).

Date : 25/01/12

Special Judge

Resumed on SA after recess

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

- 30.** I do not know whether the DCB, CID office and Kurla Police Station are near our hospital. It is true that accused arrested by them are brought to our hospital many times. There are various reasons for fluctuations in the blood pressure of persons. Fear also causes such fluctuation. It is not true that the degree of fluctuation depends upon the nature of the person and the situation in which he is. (Learned advocate shows Ext. 2076 to the witness). It is true that particulars of findings are not mentioned in it. I did not examine this person. The endorsement about giving copy of the entry under RTI is not given after taking the thumb impression of the applicant. The

thumb impression in this entry is of the patient when he was examined. It is true that date is not mentioned below the thumb impression. (Learned advocate asks the witness to go through the entries No. 4915 and 4995 in the MLC register). I do not know whether copies of these entries were supplied under RTI. There is a remark in the entry at sr. no. 4915 that photocopy is given. (The true photocopies of the entries no. 4915, 4995 and 5921 are produced by the prosecution in view of the request by learned advocate Wahab Khan. Hence, they are marked as **Exts. 2078 to 2080**).

31. The police come to the casualty department with the OPD case paper after it is registered and then we examine the patient. The time of examination and the date are put on the case papers by the medical officer. (Learned advocate asks the witness to go through the entries No. 3870 and 3871 in the MLC register). In entry no. 3870 the casualty number is 19700 and the time of examination is 9.42 a.m. The casualty number in entry no. 3871 is 19702 and the time of examination is 10.00 a.m. There was no medico-legal case in between. (Learned advocate asks the witness to go through the entries No. 3880, Ext. 2064 and 3871 in the MLC

register). The casualty number in entry no. 3880 is 19658 and the time of examination is 8. 20 p.m. I cannot explain why the patient at OPD No. 19658 in entry at sr. no. 3880 was examined at 8.20 p.m. and why the patient at OPD No. 19702 in entry at sr. no. 3871 was examined at 10.00 a.m. on the same day. It is not true that I deposed falsely to assist the police.

No re-examination.

R.O.

Special Judge

Date:-25/01/2012

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

“ Taken before me and signed by me in the presence of the accused, to whom the deposition was explained and opportunity given to cross examine”.

Special Judge

Date:-25/01/2012

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