

**M.C.O.C. SPECIAL CASE NO. OF 21/06****DATE: 9<sup>th</sup> July, 2010****EXT.No.483****DEPOSITION OF WITNESS NO.19 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Rohit Shashikant Warang  
Age : 31 years  
Occupation : Business  
Res. Address : 1/18, Soufi Mahal, Dr. B.R.Ambedkar road,  
Lalbaug, Mumbai-12.

**EXAMINATION-IN-CHIEF BY SPP RAJA THAKARE FOR THE STATE.**

1. On 01/08/06 at about 3.30 to 4.00 pm I was called to the office of the ATS at Kalachowki. An officer, a constable and a person whose head was covered by black veil, was there. One more person was also there. The black veil of that person was removed. He told his name as Dr. Tanveer Ansari. He started making a statement that he is ready to produce maps and books. Police wrote down the statement and took my signature. I had read it and as it was correctly written I signed it. The memorandum now shown to me is the same, it bears my signatures at sr. no.1, signatures of the other person at sr. no.2, it also bears the signatures of the person who was in veil and of the police officer, at two places. Its contents are correct. (It is marked at **Ext.484**).
2. The officer told me that we are to collect the articles that the said person is ready to produce. That person said that he will show us the place where those articles are. Thereafter, alongwith the officer, the other

person, the accused who was veiled and two constables, I sat in a Maruti van. The accused told the police to take the vehicle towards the Jacob Circle. We went to Agripada to BIT Chawl no. 4. Accused led us to the second floor and in front of a room he gave a call saying "Ammi" and asked to give the keys of the house of his brother. His mother came ahead and gave the keys. We got down from that building and he took us to an adjacent small building. The name of that building was Pila Mahal. He took us to the second floor in a small room that was locked. Accused stated that it is of his brother. He opened the lock of the room and we followed him inside. There was a television and a sewing machine in that small room. There was bag by the side of sewing machine. He opened the bag and took out its contents, which were some maps and some books. Some maps were of Mumbai and the books were titled Teherik something. Police took the maps and the books in their custody and put them in a khaki cover and sealed it. They took my signature and the signature of the other person. An officer was writing what was going on. After completing he gave it to me to read. I read it and signed it. The panchanama now shown to me is the same, it bears my signatures at sr. no.1, signatures of the other person at sr. no.2 and of the police officer on two pages and it also bears the signature of the accused. Its contents are correct. (It is marked at **Ext.485**). I will be able to identify the books and the maps if they are shown to me. (Witness is shown two packets described at sr. no.3 (2) of list Ext.16A. Packets are of brown paper, tied across by white thread and having a label pasted on one side containing description of CR number and other details. One is dated 01/08/06 and second is dated 06/08/06. SPP requests for opening the packet dated 06/08/06 first. On opening, it is found to contain a brown paper folded as an envelope with a

similar label pasted as above. It also contains a map described as Tourist Road Map of Mumbai Suburbs (with Index), six books in Hindi, two bearing the name Teherik-E-Milat and four books bearing the names Simi 1977-2002). The label pasted on the brown paper contains my signature at sr. no.1, signature of the other panch at sr. no.2 and the signature of the police officer by the side. The map contains my signature at sr. no.1, signature of the other panch at sr. no.2 and the signature of the police officer by the side. The map and the books are the same. (The brown paper with the label pasted is marked as **Art-41**, the map is marked as **Art-42**, two books bearing name Teherik are marked as **Art-43 (1&2)** and the books bearing the name Simi are marked as **Art-44 (1to 4)**. The outer envelope with label pasted on one side is marked as **Art-45**). (The other envelope is opened and found to contain one book of Teherik-E-Milat, April 2004 and one more of the same name). The label pasted on the envelope contains my signature at sr. no.1, signature of the other panch at sr. no.2 and the signature of the police officer by the side. The books are the same. (The brown paper with the label pasted is marked as **Art-46**, the books are marked as **Art-47 and 48**). (Ld Adv Shetty submits that the accused are not given copies of these documents. Prosecution is directed to give copies of the map and the documents to the Ld advs for all accused and to the accused no.8).

3. I will be able to identify the accused who was veiled. (Witness looks around the court room and points to the accused no.2 sitting in the dock, who is made to stand up and tell his name, which he states as Dr. Tanveer Ahmed Ansari). He was the same accused.

(Ld. advs for all the accused submit that they will cross examine the witness after going through the copies of the documents. Ld SPP submits

that there is probably one more map. Hence, he requests that he be allowed to keep the chief-examination open. Since, the cross examination of witness is also deferred, chief examination is deferred till next date).

**Date:- 09/07/10**

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

**Resumed on SA**

**Date : 21/07/2010**

4. The map now shown to me is the same, it bears my signature at sr. no.1 and the signature of the other panch at sr. no.2. (It is marked as **Art-116**).

**Cross-examination by adv Wahab Khan for A/2, 7, 10 and 13**

5. It is not true that I have worked as a panch witness before 01/08/06

and even thereafter. I have never signed on any document as a panch witness after 01/08/06. I have not given statement after 01/08/06 in any case. I have not heard the name of National Investigation Agency (NIA). I have not acted as a panch witness or signed on a panchnama in any case of the NIA and panch of ATS after 01/08/06. It was the first and the last occasion for me on 01/08/06 to go to the office of the ATS. I have not heard the name of Ravi Dhiren Ghosh. I do not know officer Khanvilkar of ATS. He never introduced me to the said Ravi Ghosh. It is not true that on 17/05/09 I had gone to the office of ATS at 12.05 hours. Said Ravi Ghosh had not made any statement before me. On that day I had not signed as a panch at sr. no.2 on the memorandum of the statement given by him in CR no. 07/09. I have not signed as a panch in a case of counterfeit currency notes. I do not know Ravi Gambhir, DSP,NIA,Delhi and I have not met him. He has not recorded my statement. I do not remember whether I gave statement to him that I have acted as panch witness on 17/05/09 at 12.05 hours at Kalachowki ATS office of disclosure made by accused Ravi Gosh. Mobile No. 9869548246 does not belong to me.

6. I do not know whether the packets were sealed or not. I do not remember whether my signature was not taken on the books. I do not know whether they are colour zerox. The books that were seized were like Art-43 (1&2), Art-44 (1to4), Art-47 and Art-48. It is not true that the accused no. 2 had not produced the books from the bag and they were not seized by the police. I do not remember whether there was a cardboard below the TV and books were taken out from below the cardboard. It was written in the panchanama that the books were taken out from the bag. I do not know the reason why it is not mentioned in the panchanama, but I stated whatever I remembered. It is not true that the police officer told me

that we are to go for seizing books and maps. A person in civil dress drove the Maruti van but I do not know whether he was a policeman. It was white. I do not know who brought it there and whose it was. I do not know whether it was a police vehicle, therefore I cannot say whether I had gone in a police vehicle. I do not remember what is written in the panchanama about the vehicle. Nothing was written *en route*. It is true that the accused was in veil. There was no writing at the house of the mother of the accused. No summons or notice was given to the persons in the house. I saw only his mother. I do not know whether his father was present in the house. She did not come with us to the other building. The building to which we went was on the left side of the first building. I do not know whether it was in Mominpura. I do not remember whether it was on the backside of the first building on Tank Pakhadi road. I do not remember how many floors that building has. I do not remember how many staircases were in that building. I cannot say to what direction the entrance door was. It is true that that building is in a crowded locality. I did not see whether people were staying in that building and it was mostly vacant. It was an old building. Photograph of the lock of that room was not taken before opening it. I cannot say whether the building was in a dilapidated condition. I do not remember whether there were proppings to that building. I do not remember whether police took the key of that lock. Police did not seize the bag. Nearby persons had not gathered there. We were in that room for about 30-45 minutes. I do not remember whether police took fingerprints or photographs in that room. Police may have taken the search of the room but I do not remember exactly. Police did not search the house of the mother of the accused. I did not give my search to the accused. I do not know whether police gave their searches to the accused.

Police had a plastic bag with them. I do not remember whether the plastic bag was not transparent. Police had a plastic bag with them when they started from the police station. I do not remember whether I did not ask the police to show what is in that bag and they also did not show the contents to me. I cannot say what was in that bag. It may be a normal sized plastic bag. I cannot say whether the bag was in the hands of the police when we went to the house of mother of the accused. I do not remember whether I did not see that bag when we went to the Pila Mahal building. I do not know whether police showed me the the seized books and maps that were in the bag. I do not remember whether the plastic bag was with the police when we came out of the room. Police did not inquire with the neighbours of that room as to who was residing there and I do not remember whether they had inquired. There was a small window to that room.

7. I was called to the ATS office from across the road. It is not true that police were interrogating the accused. It is not true that he was present when I reached the office. He was brought there within five minutes. During these five minutes the police officer asked me my name, address and occupation. He told me about the nature of the case. My name, age, occupation and address were noted down. It is not true that then the police officer wrote down the details of the case. My name, age, etc., were written on a paper. Panchanama was not written on that paper. Before starting to write the panchanama the police officer again asked me my name etc.

**Q-** Whether after your name and address, etc., were written and the accused gave statement, whether the police officer wrote that the accused gave statement as under?

**A-**After asking my name and address, etc., the accused gave the statement, it was written and then I signed.

8. I do not remember the room number from where the accused took the key. It is not true that the accused did not make any statement before me, that he did not take us anywhere, that he did not produce books, that I signed on the ready-made panchanama and the maps in the police station, that the accused did not sign in my presence, that I identified the books, the articles, maps and the accused as per the say of the police. It is not true that I am the regular panch of the ATS.

(Further cross-examination deferred on the application Ext.523 by the Ld Adv for summons and on the ground that he wants to confront the witness with the memorandum and panchanama recorded by PSI Avhad on 17/05/09, signed by this witness in the case of the NIA, ATS CR No. 07/09 and the statement recorded by Ravi Gambhir, DSP/NIA/Delhi, Camp Mumbai).

**Date:-21/07/10**

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



**Date : 07/01/2011**

**Resumed on SA**

9. It is true that on 27/05/09 I was called in the ATS office for preparation of memorandum panchanama of Ravi Dhiren Ghosh in a fake currency case. At that time my mobile number was 9869548246. DSP Ravi Gambhir of NIA, New Delhi had taken my statement on 10/10/09 in this respect. It is not true to say that I stated falsely on the last date.

**Cross-examination by adv P.L Shetty for A/3, 9, 11 and 12**

10. I did not make any inquiry with any person from the room from where the key was taken. One person came out but I do not know how many persons were there in that room. I do not remember whether the person who came out gave the keys. I did not ask the name and address of that person. I now say that the key was taken

from the mother of accused no.2. I do not remember how many persons were in the room from where the key was taken. I do not remember whether there was any name plate on the room to which we went after obtaining the key. I did not make any inquiry as to who used to reside in that room and I do not know whether police inquired about it. Police did not take the statement of any other person on that day in my presence. I do not remember whether they did not take the statement of the woman from whom the key was taken. It is not true that I deposed falsely to help the police. I cannot say whether the map Art-142 is coloured zerox or is a printed map. Such type of maps are available in any book stall.

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

11. Declined.

No re-examination.

R.O.

Special Judge

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

MCOC SPL NO. 21/10

PW-19/11

**Date:- 07/01/11**

**MUMBAI.**