

M.C.O.C. SPECIAL CASE NO. OF 21/06

DATE: 13th July, 2010

EXT.No.495

DEPOSITION OF WITNESS NO.21 FOR THE PROSECUTION

I do hereby on solemn affirmation state that:

My Name : Ratan Namdeo Tarware
Age : 43 years
Occupation : Hamal
Res. Address : Near platform no.5 of Jogeshwari Railway
Station, Jogeswari (E), Mumbai.

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

1. After the first panchanama Ext.494 was over, the ATS brought dog squad at the spot. The police gathered certain articles like a plastic watch, metal pieces and springs. All the articles were brought in the police chowki below the bridge in between the platform no. 1 & 2 and sealed in plastic bag. A label was pasted on the sealed packet and my signature was taken. (Witness is shown the packet at sr. no.15 of list Ext.16E. It is a sealed packet with label of Andheri Railway Police Station, CR no. 14/06 and bearing no. M 306/06). The label on the packet contains my signature at sr. no.2, signature of one Jaywant at sr. no.1. (The packet is opened and found to contain one wrist watch, pieces of metal, etc., that were seized from the spot). The article now shown to me are the same. (The wrist

watch of Gruen company with belt broken is marked as Art.49, broken chain with piece of rexine bag is marked as Art-50, two deformed steel pieces are marked as Art-51(1&2), one deformed spring is marked as Art-52, one small spring attached with black metal piece is marked as Art-53, one broken battery cell is marked as Art-54, a tube of white metal is marked as Art-55, back portion of steel wrist watch is marked as Art-56, a hook with nuts engraved with the words 'M6 and Jumbo' is marked as Art-57, and pulp of gray colour like cotton is marked as Art-58, the plastic bag is marked as Art-58A and the outer brown cover with label pasted on it is marked as Art-58B). Police prepared panchanama of all that had happened and took my signature. The panchanama now shown to me is the same, it bears my signature at sr. no.2, signature of the other panch at sr. no.1, signature of the police officer by the side and its contents are correct. (It is marked as Ext.496).

Cross examination by adv Mokashi for A/1, 4,5 & 6

2. It is true that during my work as hamal on the railway station, I have seen many accident cases. It is not true that I had acted as panch witness in such accident cases. It is true that I work as panch witness in accident cases. It was raining slightly on 11/07/2006. It was raining hard for some times and then raining slightly continuously from evening upto night. It was dark at the spot, but there were electric floodlights and torches. It is true that the roof of the coach was

torn and rainwater was coming inside. It is not true that water had accumulated on the floor of the coach. It is true that all articles in the coach were soaked with rain water. It is true that the entire coach was searched when the first panchanama was prepared. It is true that considerable time had elapsed between the blast and the first panchanama. It is true that after the blast the coach was not covered on the top by plastic sheet. Many wrist watches were there on the floor of the coach and most of the articles in the coach were scattered. It is not true that wrist watch Art-49 was not recovered from the coach on that day. I do not know what day of the week it was. I remember the date. The date and day on that watch was not seen and noted. It is true that many bags were lying around scattered, broken and in half burnt condition. Pieces of metal of the coach were also there.

3. At the time of the second panchanama, I was made aware that specific articles are seized from the coach. I have passed the 8th standard. I was told that they were suspicious articles. It will not be correct to say that the articles recovered at the time of the second panchanama were not there at the time of the first panchanama. At the time of the first panchanama the articles were taken in the same condition as they were lying in the coach. Bomb Detection Squad had not come at the time of the first panchanama. It is true that before the first panchanama, many people had gone inside the coach. It is not true that the panchanama was written in the police station, that it was not read over to me. It is

not true that nothing happened in my presence and I am deposed only to please the police. It is not true that neither I nor the other panch was present at the spot.

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

4. Declined

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

5. I did my duty as hamal upto 6.30 pm on that day. My house is by the side of platform no.5. After my duty I went home. It is not true that police called me from my house. I had come to the spot after the blast took place. It is true that I had not taken any of the articles in my hand.

Cross-examination by Adv S.D.Erande for A/8

6. (Cross examination by advs Mokashi and Shetty adopted)

No re-examination.

R.O.

**Spl. Judge
Date:- 13/07/10**

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