

M.C.O.C. SPECIAL CASE NO. OF 21/06**DATE: 20th July, 2010****EXT.No.515****DEPOSITION OF WITNESS NO.28 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Pappu Radheyshyam Giri
Age : 40 years
Occupation : Canteen boy at Bandra railway station.
Res. Address : Room no. 501, Rythem Tower, Mira Road (E)
Dist.Thane

EXAMINATION-IN-CHIEF BY SPP CHIMALKAR FOR THE STATE.

1. On 11/07/2006 Bandra Railway police had called me at 10.00 pm. in the police station. The Sr. Police officer there asked me whether I am ready to act as a panch witness of the spot where the blast had taken place. I consented. Another nearby canteen boy was already there. The blast had taken place about 50 mtrs from the platform and the train had halted at the distance of about 150 mtrs. The top the coach in which the blast had taken place was blown away, the sides of the coach were bent outside and the rexine, sunmica of the coach was broken and there were glass pieces also. Pieces of these articles and cotton swab of blackened spots were taken. All this was put in plastic bags, packed in brown paper and my signature was taken. I signed at two places on the panchanama that was prepared. The panchanama now shown to me bears my signatures at sr. no.1, signature of Motilal, the other panch, canteen boy at sr. no.2, at three places, the contents now explained to me in Hindi are correct. (It is marked as **Ext.516**).
2. I will be able to identify the articles that were seized. (Ld SPP requests for opening two sealed parcels at sr. no. 1 & 2 of list Ext.16C. They are sealed parcels in khaki cover on which the words Bandra Railway Police Station, CR no. 86/06

and bearing no. M 309/06, Ex-1 & 2 and MM no. 79/06 are written. They are given to the Id advs for the accused for inspection. The lac seals are of FSL. Ld Adv Mokashi points out that the parcel at sr. no. 2 is torn at one end and he has taken out one small piece of metal strip from the torn end. The parcel at sr. no. 1 is opened and found to contain a torn brown paper with white paper label pasted on it and lac seal with thread and a white plastic carry bag that contains assorted blackened pieces of cloth, pieces of chains of bag, plywood, metal, sponge, glass, plastic, torn pouches of gutkha, some mud, etc.). The label on the brown paper contains my signature at sr. no.1 and the signature of Motilal at sr. no.2. The articles that are in the carry bag are the same that were taken from the spot. (The assorted articles described above are marked as **Art-113 (colly.)**, the carry bag is marked as **Art-113A**, the brown paper with label is marked as **Art-113B**, the khaki outer wrapper is marked as **Art-113C**). (The parcel at sr. no. 2 is opened and found to contain a torn brown paper with white paper label pasted on it and lac seal with thread. It also contains two aluminum bent strips with holes and one black metal strip). The metal pieces are the same. The label on the brown paper contains my signature at sr. no.1 and the signature of Motilal at sr. no.2. (The three strips are marked as **Art-114 (1 to 3)**, the brown paper with label is marked as **Art-114A**, the khaki outer wrapper is marked as **Art-114B**).

3. Thereafter, we were taken to the site of the blast that had taken place between Santacruz and Khar. Before going there we were asked whether we are ready to act as panchas again and we consented. The station master of Santacruz Railway Station was present and we went to the train standing on platform no.3. The train was a slow train of nine coaches. The roof of the coach in which the blast had taken place was blown off. The side walls of the coach were bent out and upwards. The seats were destroyed and burnt, i.e., damaged. The window glass were broken and glass pieces were lying in the coach and outside. The rods

and the handles inside the coach were broken. There were pieces of rexine, sunmica, glass, etc., there. Pieces of these articles and cotton swabs of blackened spots were taken. Human body pieces were also lying there. All the articles were put in a plastic bag, packed in brown paper and my signature was taken. I signed at two places on the panchanama that was prepared. The panchanama now shown to me bears my signatures at sr. no.1, signature of Motilal, the other panch, canteen boy at sr. no.2 at two places, the contents now explained to me in Hindi to me are correct. (It is marked as **Ext.517**). (SPP requests for opening a sealed parcel at sr. no.1 of list Ext.16D. The parcel is a sealed brown paper parcel containing white paper label pasted bearing No. M 38/06, ATS MM No. 80/06. It is given to the Id advs for the accused for inspection). The parcel now shown to me is the same, the label bears my signature at sr. no.1 and the signature of the other panch at sr. no.2. (It is opened and found to contain a carry bag bearing the name 'Waman Hari Pethe'. It contains assorted burnt pieces of cloth, plastic carry bag, paper, coir, plastic, pieces of metal wire, etc.). The articles that are in the carry bag are the same that were taken from the spot. (The assorted articles described above are marked as **Art-115 (colly)**, the carry bag is marked as **Art-115A** and the brown paper with label is marked as **Art-115B**). After the panchanama I went home.

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

4. I have studied upto the 10th standard at Banaras. I am working in the railway canteen on the Bandra Railway station since last 20-21 years. I manage the four stalls that are on the platforms. Railway Police Station is about two minutes walking distance from the stall. I do not know the railway police. I do not know whether they come to the stalls for taking tea/snacks. The stalls open at 3.30 am and close at 1.30 am. It is true that I am required to run around the four

stalls for managing them during this period. On 11/07/2006 also my stalls were open. I have never worked as a panch witness for the Bandra railway police before this case. I was called from my canteen. No summons or notice was given to call me. Police did not ask me whether I had acted as panch witness earlier and whether I had any relation with the police. I do not know whether there is traffic of educated persons on the railway station upto 12.00 in the night. Police did not request any person from the public to act as panch witness.

5. The spot of the panchanama was 240-250 feet from my canteen. I was on the platform no.1 at that time. The spot was on platform no.4 and track no.3. Platform no. 4 was near that spot. There is a canteen stall on platform no.4. It is not true that there was a crowd of persons on platform no.4 when I was called. Police told me that the blast had taken place at 6.35 pm. Rain had fallen, but it was not raining when I was called. I do not know whether it had rained in between the time of the blast and at the time of the panchanama. I do not remember whether fire brigade people had come on the platform after the blast. There were about 10-15 policemen at the spot. Police did not introduce me to any person as a technical expert in bomb blast. I was called at 10.30 pm. I had not gone to the spot after the blast. I went there at 9.30 pm for the first time. I did not go for help of the injured. Police and public had taken out the bodies of the dead persons and the injured. I am not mentally strong enough to help any injured person. The dead bodies and injured were not being taken from in front of my canteen on platform no.1, but I saw it from a distance. I do not know whether police searched the entire train at 9.30 pm in my presence. It is true that I do not know what happened between the time of the blast and the time when I was called there. Police took photographs at the spot. I do not know how many photographs were taken. I do not know whether media channel people were video filming at the spot.

6. The articles that were seized were neither soaked nor dry. Police did not make any efforts in my presence to dry the articles. I do not know whether police photographed the articles as they were lying there before taking them in their possession. I do not remember whether the policemen did not have umbrellas or raincoats. After the panchanama at Bandra railway station, I was not taken to the Railway Police Station. There were search lights on the coach. Police had called seal in my presence. The seals were already with the police. It is not true that I signed on both the panchanamas and the labels in the Bandra Railway Police Station, that I had not gone to the spots, that nothing was seized in my presence and that I identified the articles on the say of the police.
- (Adjourned for recess).

Date:- 20/07/10

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

Resumed on SA after recess.

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

7. It is true that there was commotion at Bandra station after the blast. There is a crowd of persons at the station in the evening as it is in the morning. I am working at the Bandra Railway station since last 20-21 years. There is a crowd in the train at the evening hours as always. I was in the canteen on platform no.1 when the blast took place. It will be correct to say that attention of the people on the platform was attracted towards the spot of the blast. Some people ran out and the remaining ran towards the spot. I saw the train in which the blast had taken place after it stopped. I saw the passengers in the train getting down from the train. It had rained on that day. It is true that the ground surrounding the tracks was wet. I do not remember whether it had rained heavily or slightly after the

blast and before I went there. I had not taken an umbrella with me when I went to the spot. It is not true that there were many people near me when I was called for the panchanama. There were other people on the platform when I was called. I do not know why only I was called out of the many people on the platform. It is true that before I went there many people had gone inside the coach in which the blast had taken place. It is not true that there are scrap articles on the railway tracks. It is true that articles of passengers had fallen by the side of the coach on the tracks. It is true that police were present at the spot before I reached there. Police came there immediately after the blast. They took out many persons. Many persons from the public also took out passengers. They were helping the injured. I saw this from the platform no.1, where I was. Police did not tell me what they had done in that coach before I reached there. I do not know whether Western Railway had switched off the electric supply of the power lines. The overhead wire over the train was not broken. It is true that articles of the passengers were scattered in the coach. It is true that the articles in the coach were moist. It is not true that no articles were seized in my presence. It is not true that no other person was present with me at the time of the first panchanama. There was no crowd at the time of the panchanama. The station master was with me since beginning. I do not know him closely but I know that the person is the station master. I had a talk with him on that day and he told me about the blast. It is not true that I came to know about all the things from him. It is true that police picked up some articles and the other articles were lying there. It is true that police picked up only those articles that they thought fit. I was present in the coach when the articles were picked up. At that time the coach was cool. It is not true that the articles were seized from the tracks. The panchanama was being written at the same time when the articles were being picked up. The panchanama was being written in the adjacent coach. It is not true that there was no co-ordination between the writing of the panchanama

and taking the articles.

8. We had gone to the second spot by road in a jeep. It was at the distance of ten minutes. The track there was similarly wet as it was at Bandra. The articles in that coach were scattered. Police picked up the articles that they thought fit. I did not pay attention to the shoes and chappals. It is not true that police did not inform me about the articles before picking them up. The second panchanama was not drawn in the adjacent coach. It was drawn standing. It was being written simultaneously as the articles were picked up. The panchanama was written in the coach as well as on the track. It will be correct to say that the panchanama was written in the coach about the articles that were seized from the coach as well on the tracks about the articles that were picked up from the tracks. The panchanama was translated to me and thereafter I signed on it. I do not know whether I signed differently. (Witness is shown Ext.516). It is not true that my three signatures on Ext.516 are different. (Witness is shown Ext.517). It is not true that my signatures on Ext.517 are different. It is not true that I deposed falsely, that no articles were seized in my presence, that no panchanama was prepared in my presence and I signed later on. It is not true that I gave evidence as per the say of police.

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

9. I cannot tell the numbers or names of the officers present at the time of both panchanamas. The first panchanama was written by officer by name Devekar. Second panchanama was written by Hathy madam. It is not true that after the panchanamas were written, the officers signed and then I signed. I do not know whether the police officers signed on the panchanamas before or after I signed. When I signed the panchanamas I did not pay attention whether the police officers had signed it.

Cross examination by Adv Mokashi h/f S.D.Erande for A/8

10. (Cross-examination by Advs Mokashi for A/1, 4, 5 & 6, Wahab Khan for

MCOC SPL NO. 21/10

PW-28/8

A/2,7,10 &13, P.L Shetty for A/3, 9, 11,12-Adopted).

No re-examination.

R.O.

**Spl. Judge
Date:- 20/07/10**

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