

M.C.O.C. SPECIAL CASE NO. OF 21/06**DATE: 22nd July, 2010****EXT.No.526****DEPOSITION OF WITNESS NO.30 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Mukesh Shripat Jadhav
Age : 27 years
Occupation : Sub-contractor
Res. Address : 4/9,, Bhoiwada Transit Camp, Shankar Tanaji
Ghadibua Marg, Parel, Mumbai-12

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

1. On 31/07/06 I was called to the office of ATS at Kalachowki at about 3.30 pm. The head constable there asked me whether I am ready to act as a panch witness for the house search of an accused caught in the railway bomb blast case. I consented. There was an officer there and an accused in veil. The veil was removed and the name of the accused was asked, which he told as Zameer Shaikh. Another panch witness was called. Then I, the other panch, the police officer, the accused and three-four constables sat in a vehicle. The police officer told the driver to take the vehicle as directed by the accused. The accused gave directions and accordingly the driver took the vehicle to the Lotus Junction ahead of Worli. The accused then asked him to take the vehicle in a slum and asked to halt the vehicle in front of a dargah. We all got down and the accused led us to his house. There was a name plate by name Latif Shaikh on the door. The accused knocked on the door. A lady opened the door. The officer told the lady that we have come for search. He introduced all of us to her. He asked her whether she wanted to take our searches. She declined. The accused said that the lady is his mother. She told the officer to take the search of the house. We all entered the house. There

was a loft in the room. The accused was showing around and the officer was searching. There was a wooden cupboard. Accused opened the cupboard and opened the drawer in the cupboard. He took out a passport, two books, three maps, one of Mumbai and Navi Mumbai, one of Mumbai and one zerox of map containing part of India, Pakistan and Afganistan. There was a number on the zerox map, something written in Urdu and an e-mail ID. The map of Mumbai was marked by green and red colour at certain spots. One of the books was titled 'Atankwad ka jimmedar kaun'. The officer took my signatures and the signatures of the other panch on the maps and he also put his signatures. A purse containing two ATM cards, one driving licence and some money was also found. Police were writing a panchanama of the articles that were found. The money was put in an envelope, it was closed and a label was pasted on it, on which I and the other panch and the officer signed. Remaining articles were taken in possession and our signatures were taken on the panchnama after it was read over to us. A carbon copy of the panchnama was given to the accused and his signature was taken. The panchnama now shown to me is the same, it bears my signatures at sr. no.1, signatures of the other panch at sr. no.2 , signatures of the police officer by the side, on three pages and the signature of the accused on the last page. Its contents now read by me are correct. (It is marked as **Ext.527**).

2. I will be able to identify the articles that were seized. (The articles at sr. no. 5 of list Ext.16A are shown to the Ld. Advs. for the accused. The articles at sr. no.5 are, a green envelope stapled with a label containing description of CR No. 76/06 and contents of the envelope and signatures, a passport on which a label is pasted on the cover and a brown envelope which is closed by a label containing description of CR No. 76/06 and contents of the envelope and signatures and zerox copy of map of part of India, Afganistan, etc. The articles are shown to the witness). The label on the passport, green envelope, brown envelope and the map

contains my signatures at sr. no.1, signatures of the other panch at sr. no.2 and signatures of the police officer. The passport is the same. (It is marked as **Art-133**). The zerox copy of the map is the same. (It is marked as **Art-134**). (The green envelope is opened and the contents are shown to the witness). The books, map, road map of Mumbai and Navi Mumbai, purse, the driving licence, two ATM cards, the pocket diary, three visiting cards and two chits are the same. The books and maps bear my signatures at sr. no.1, signature of other panch at sr. no.2 and signature of the police officer by the side. (The book titled Taherik-e-millat, Atankwad ka jimmedar kaun is marked as **Art-135**, the book titled Taherik-e-millat, Asia, April-2004 is marked as **Art-136**, the map of Mumbai is marked as **Art-137**, the booklet titled latest road map of Mumbai and Navi Mumbai is marked as **Art-138**, black leather purse is marked as **Art-139**, the driving licence No. MH-01-97 50299 in the name of Zameer Ahmed Latif-ur-rehman Shaikh is marked as **Art-140**, the ATM Card of Canara Bank in the same name is marked as **Art-141**, the ATM of Canara Bank in the name of Mohd. Zubair Ansari N Y is marked as **Art-142**, pocket diary is marked as **Art-143**, three visiting cards and two chits of Sun-n-Sand are collectively marked as **Art-144 (1to5)**, green envelope with label pasted is marked as **Art-144A**).

3. (The brown envelope closed with label is opened and found to contain 6 currency notes of Rs.100/-, 10 currency notes of Rs.50/-, 3 currency notes of Rs.10/- and 1 currency notes of Rs.5/-, total Rs.1135/-) The notes are the same. (They are marked as **Art-145 (colly)** and the brown envelope is marked as **Art-145A**. The plastic bag containing all the Art-133 to 145A is marked as **Art-145B**). I will try to identify the accused but I cannot say definitely. (Witness looks around the court room and points to the accused no.11 sitting in the dock, who is made to stand up and tell his name, which he states as Zameer Ahmed Latifur Rehman Shaikh). He was the same accused. After the panchnama was over, I

went home.

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

4. I work as sub-contractor for supplying manpower to Radiant Hospitality Services, PLS Upkeep Services Pvt. Ltd and Sanjay Maintenance Services Pvt. Ltd. since last 2 ½ years. I have office at Dadar. In July, 2006 I was serving with a contractor of BMC for encroachment removal. I do not know the name of the employer. His office was in the building in front of Kabutarkhana, Dadar (W), but I cannot tell the exact address. I cannot tell the name of the building. I do not remember the phone number of the office. I worked there for about 1 ½ years.
5. Even today I stay in the Transit Camp at Bhoiwada. I am staying there since five years. Before that I used to live in Bhoiwada, in Room no. 593/9, Municipal Chawl, Jeribai Wadia Road, Bhoiwada, Parel, Mumbai since my age of four years. I am educated upto 12th standard. I failed in the 12th in March, 2002. I took education in open university for 2 years. I stopped my education in May, 2005. In July, 2006 I was not taking education anywhere and I was not working in any educational institution.
6. I did not know the constable or officer who called me on 31/07/2006. I had not seen him at any time before that day. At the time of panchnama, police asked me my occupation. I told them that I serve with a contractor of BMC for encroachment removal. I was born on 21/10/1983. I do not remember whether I had not stated before police that I am taking education. If my occupation in the panchnama is written as education, then I must be taking education at that time. At present I do not have any documentary evidence to show that I was taking education in July, 2006. I will be able to produce it on the next date. It is the result of the open university. I do not have any documentary evidence to show that I was working with a contractor of BMC for encroachment removal. I took admission in the Yashwantrao Chavan Open University in May, 2004. I gave the

first and second year exams of that university in Marathi medium. Main office of that university is at Grant Road. I do not know whether I still have the identity card of that university.

7. My working hours in July, 2006 were from 8.00 am to 12.00 noon. I was going to a relative by name Yadav when I was called by the police of ATS, Kalachowki. I do not know his full name and his room number and name of building. I do not know in what society he used to live. The building is on the road on the upper side of the ATS office. There were two-three officers and three-four constables in the office of the ATS when I went there. I did not see how large the room was, therefore I cannot tell its measurements. I do not know whether the other panch was called before or after my arrival. I did not have any talk with him. I and the second panch did not talk with the accused since the time I went in the office and till the panchnama was over and I went home. After 31/07/06 I did not have any occasion to go to the office of ATS, Kalachowki. I do not know when and from where the accused was arrested and who had brought him in that office. I did not ask any officer about it. Police did not tell me about it. I have never worked as panch witness for any other panchnama. I do not remember how many people were around me when I was called. The policeman who called me was in plainclothes. He showed his identity card and asked me whether I am ready to act as a panch witness about the search of the house of the accused caught in the bomb blast case. I readily agreed. He did not tell me that we would have to go to Worli and come back. It is true that there was no lady constable or officer with us when we went to the house of the accused and returned back. The writing of the panchnama started when we started from the office. Nothing was written in the office. I do not know the name of the road on which the Lotus Junction is. We went there via Saat Rasta. However, I cannot tell the exact road. I cannot tell the exact time that we required to reach there. I cannot tell the time that we required

for reaching the house of the accused from the Lotus Junction. On one of the roads from Saat Rasta, we come across Mahalaxmi Railway Station. I do not remember by which road we went ahead from Saat Rasta. I cannot say whether we crossed Mahalaxmi Railway Station and went ahead. I know Mahalaxmi Railway Station. It will be correct to say that I cannot say from what route we went to the Lotus Junction. From the cross road in front of Mahalaxmi Railway Station we went ahead. There is a sports club by the side of the slum. The road on the Lotus Junction is from Mahalaxmi to Worli. We came from the cross-road in front of Mahalaxmi Temple. We turned left at the signal and again turned right.

8. I cannot tell the number of the huts in the slum. I do not remember whether there were small lanes in the slum. There were small shops but no showrooms. I cannot tell the time that we required for reaching the house of the accused from the dargah.

(Adjourned for recess)

(Y.D. SHINDE)

Date:- 22/07/10

SPECIAL JUDGE

Resumed on SA after recess

9. It is true that there are huts around the house where we went and people live there. Accused knocked the door on the ground floor. I do not know how many rooms were there on the ground floor. The room on the ground floor where we went was 8x10 feet. There was only one loft. The loft was 10 feet high. It was larger than the room on the ground floor. I and the other panch did not make any inquiry with the lady in that house. Police did not inquire with her as to the persons who are residing in that house. I do not know the name of the officer who told the lady that she could take our searches. All the persons in the team went in

the room. It is true that neither I nor the other panch took the search of any article in the house. The cupboard and the drawer from which the accused took out the articles, was not locked. All the policemen in the team were searching. It is true that all the events that took place are recorded in the panchnama. It did not happen that something that took place was not recorded in the panchnama. I know that Muslim women are in 'purdah'. I cannot say whether no woman will take the search of an unknown man. I cannot say whether it will be improper to ask a woman to take the search of an unknown man. I do not remember whether the other houses were adjoining the house. On seeing that there is only one woman in the house, I did not tell the police to call for any lady police officer. I did not tell the police to call for any man from the neighbourhood as there was no male person in that house. It is true that till the conclusion of the entire panchnama, no person from the neighbourhood came in that house.

10. Alongwith the accused and we two panchas, there were in all seven persons in a Bolero jeep from the office of the ATS. I did not see whether the police had any bag or carry bag with them when we started from the office. I did not pay attention as to what items the police took when we went in the house. I do not know from where the plastic bag, the envelopes and the packing material were brought there. I cannot tell who gave those articles to the police. I travel by bus and train in Mumbai. It is true that the road map Art-138 and map Art-137 are available on the railway book stalls and are sold by hawkers in the trains. It is true that there was no date and any writing in that book. I cannot tell who signed first on all the articles and the panchnama. I do not know who signed last on all the articles and the panchnama. I do not know whether I signed by my pen or the pen of police, whether one pen was used for signing on all the documents or different pens were used. I did not personally open the maps and see them. It is true that therefore I do not know where the markings were done and where lines were

drawn on the map. I do not know how police wrote the names no.67 Sachivayala, no.36 Rajabai Tower, no. 65 Reserve Bank of India, no.82 CST, no. 56 Mumbadevi Temple, no 51 Maharashtra Temple in between Century Bazar and Khed Galli in the panchnama. It is not true that police did not show me the points where there were markings and the lines thereon. It is true that I did not understand the spots shown by the police. I did not have a mobile on that day. I do not know whether police had mobile. I cannot talk, read or write Urdu and I cannot tell the meaning of any Urdu word. The book Art-136 is an original book. I cannot say whether it is a colour zerox copy. I had not opened and seen the pages of the book. I do not know who did the underlining on page 3. The book does not contain pages no. 24 to 26. It is true that after page 3 there are no pages upto page 16. It is true that if we look at the index, the last page is upto 58. It is true that it will be correct to say that therefore the book is not a complete book. It is true that the signatures of the mother of the accused were not taken on any articles or on the panchnama. I do not know whether police did not inquire with the lady in my presence.

(Adjourned at the request of Ld Adv)

Date:- 22/07/10

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

Date : 27/07/2010

Resumed on SA

11. I did not take the articles that were seized from the spot in my hands. It is true that therefore, I did not personally see how many pages are there in the two books and as to what are the contents of the books. I cannot say even now as to what is written in the books. (Witness is shown the book Art-135). It is true that I am not able to say whether it is the original book or a colour zerox. I cannot say whether the cover page is a colour zerox and the inside pages are zerox copies. It is true that it contains only pages 35 to 39. It is true that the inside pages of the books Arts-135 and 136 are stapled to the cover. It is true that signatures of us panchas were not taken on the inside pages of both the books. It is not true that the books Arts- 135 and 136 were not seized from the house of the accused no.11, that they were foisted on him by the police and our signatures were taken on the covers later on. It is true that page no. 16 in the book Art-136 is loose. It is true that there are no staple marks on that page. It is true that at many places in the book, the sentences are underlined. It is true that I saw the underlining for the first time. I cannot say who did the underlining and when. It is true that the underlining appears to be a photocopy.

12. I do not remember whether the zerox copy of the map Art-134 had

punching holes. It is true that as I did not look carefully at that time, therefore, I cannot tell about it. It is true that the purse Art-139 is a common article. I do not remember whether a label containing my signature was not pasted on it. I do not have a passport. Before the date of the incident, I had occasion to see other passports. I did not take the passport Art-133 in my hand and open it. It is true that I cannot say what is written in the passport and what seals are there. It is true that police did not make any inquiry about the person by name Zubair Ansari, whose name is there on Art-142. It is true that in Art-141 the full name Z A Latifur Rehman is written. It is true that the police did not make any inquiry about the person by that name. I do not remember whether we panchas and police did not sign anywhere in the pocket diary Art-143. It is true that Art-143 does not bear our signatures. I did not note down the serial numbers of the currency notes. It is true that the notes that are produced in court do not bear my signatures. I cannot tell whose visiting cards were found. I cannot tell the details of the matter in them. It is true that I did not open and see the contents of the driving licence Art-140. It is true that no page inside the licence bears my signature, the signatures of the other panch and police.

13. After this panchnama I have acted as panch witness twice in the cases of ATS, Kalachowki. I do not remember the names of the officers who had called me. I remember the dates. I had once gone on 08/01/2010 and on the second occasion on 23/04/2010. The panchnama dated 08/01/2010 was concerning a mobile that was with an accused. I cannot say whether it was a personal search or house search. I cannot tell the number of the mobiles that were seized or their numbers, where it was found, how many accused had produced the mobiles, the names of the accused. I cannot say about the nature of the panchnama dated 23/04/2010, what was found during that search, where I had gone for the panchnama from the ATS office. I cannot tell the time when I had gone on both

days. I cannot say whether police had called me on both days when I had gone to meet my relatives. I do not remember because there is confusion. It is not true that before giving evidence, police gave the panchnama to me in the office and I was tutored. It is not true that as police did not tutor me about subsequent two panchnamas, I cannot tell about their contents. It is not true that on 31/07/2006 police did not take me anywhere and nothing was seized in my presence, that the panchnama was written in the police station and my signatures were taken there, that I deposed falsely.

Cross-examination by adv Azmi h/f Mokashi for A/1, 4, 5 & 6 and by Azmi h/f Mokashi h/f S.D.Erande for A/8

14. (Cross-examination by adv Shetty-adopted)

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

15. (Accused no.2 submits that as his advocate is not present and no other junior is also present, the cross-examination be deferred till after 2.00 pm. Hence, cross-examination is deferred till after recess as Ld Adv Wahab Khan is not present upto 12.50 pm).

Date:- 27/07/10

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

After recess resumed on SA

16. I have not given evidence in court before this case.

No re-examination.

R.O.

**Spl. Judge
Date:- 27/07/10**

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