

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

DATE: 3rd September, 2010

EXT.No.563

DEPOSITION OF WITNESS NO.34 FOR THE PROSECUTION

I do hereby on solemn affirmation state that:

My Name : Ramesh Kailash Varma
 Age : 41 years
 Occupation : Labourer
 Res. Address : Harishchandra Chawl, Near Bhayender Railway
 Station, Bhayender(W), Dist. Thane.

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

1. I work in the fish market of Bhayender. On 11.07.2006 I was sitting outside Bhayender Railway Station at 2.30 p.m. At that time I heard the sound of a loud explosion. I went to the platform of the railway station. A bomb blast had taken place in a train that was standing on platform no.1. It was going towards Virar. There were injured and bodies of people. Police and other persons were taking out the bodies. At about 10.30 p.m. when I was at the site of the blast, a policeman called me. He took me to the senior officer. Station master of Mira Road was there and he said that there was a bomb blast and panchnama is to be prepared and asked me to act as a panch witness. I consented. The station master showed the spot. The blast had taken place in the first class compartment that was first from the motorman's cabin. The roof of the compartment was torn, the fans were lying down, there was blood and pieces of flesh everywhere in the compartment. The signal was broken, the overhead wires were broken and lying down. A dog

squad came there. It was taken inside the coach. The dog sniffed at particular articles. Police picked up pieces of rexine, a piece of aluminum, a piece of pipe/rod and some blood. All these articles were put in plastic bags, which were put in khaki envelopes. They were tied by thread and after taking our signatures a label was pasted on the envelopes. I, another panch and the police officer signed on the labels. Bags and other articles that were lying in the coach were collected. Photographer had also come and had taken photographs and video shooting. Thereafter, police prepared panchnama. It was read over to us and as it was correctly written I and the other panch signed on it. I will be able to identify the panchnama. The panchnama now shown to me bears my signatures at sr. no.2, signatures of the other panch at sr. no. 1 and signatures of the police officer by the side at two places. Its contents now read over to me are correct. (It is marked as **Ext.564**).

2. I will be able to identify the articles that were put in two envelopes. (SPP requests for opening the envelopes at sr. no.1 & 2 of list Ext.16G. They are given to learned advocates for accused for inspection. They are brown sealed envelopes marked Ex. A and B and labels described CR No. 69/06 of Vasai Road Railway Police Station. They are shown to the witness). The labels on the envelopes bear my signatures at sr. no.2, signatures of other panch at sr. no. 1 and signatures of the police officer by the side. (The envelope marked Ex. A is opened and found to contain two plastic carry bags, which contain pieces of rexine and some flat pieces and other assorted pieces. It also contains two round small white papers and one big white paper containing stains). The articles are the same that were taken from the

spot. (The rexine and assorted pieces are marked as Art-245 colly., the three white round papers are marked as Art-246(1to3), the big plastic bag is marked as Art-246A, the small plastic bag is marked as Art-246B and envelope is marked as Art-246C).

3. (The envelope marked Ex.B is opened and found to contain two plastic carry bags, which contain assorted pieces of broken articles and mud). The articles are the same that were taken from the spot. (The assorted pieces are marked as Art-247 colly., a plastic bag is marked as Art-247A, another plastic bag is marked as Art-247B and envelope is marked as Art-247C).
4. The panchnama was over at about 12.15 hours in the night on 12/07/2006. Thereafter I went home.

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

5. I do not do hamal work in the railway station. However, during the day I go in the railway station five-six times. I do not purchase platform ticket. I have a card issued by the station master. The station master, therefore, knows me. It is true that policemen on the station also know me. I was not called in the railway station. I was near the spot when I was called. There were twenty-five to thirty persons at the spot. Some educated persons were also there. Media and TV channel persons were there. They were shooting at the spot. I was at the spot for about two and a half hours before the police called me. I do not know what police were doing there. Witness volunteers-they were lifting the bodies. It is true that other than police and media persons, other persons were not allowed to go inside the coach. There were four-five media persons. There were fifty-sixty policemen in uniform

and plainclothes.

6. I had minutely seen the inside of the coach. It is true that I did not see watches, cash or gold or silver ornaments. Police did not tell me that they have already taken such articles from the spot. They did not tell me that another panchnama is prepared before our panchnama. I did not have any doubts as to why such articles are not at the spot. I did not even see any mobile. I was called at 10.30 p.m. for the panchnama. They took my signatures at 12.15 a.m. and told me that I could go. I reached home at about 1 or 1.30 a.m. I require 20 minutes to reach my house from that spot. I required more time to reach home as it was late in the night and there was less train service. Police did not read over the panchnama to me today before giving evidence. Police had taken the pipe/rod in their possession. It is not true that I signed on the panchnama in the office of the station master, that I identified all the articles on the say of the police, that no article was seized in my presence, that I deposed as tutored by the police.

Cross-examination by Adv Rasal for A/1 and 4 to 6

7. I work there as a labourer since last twenty to twenty-five years. I am well acquainted with the Bhayender and Mira Road Railway Station. It is true that police take my help whenever there are accidents on these railway stations. It is true that as people from the public told me, I came to know that there was a bomb explosion. I came to know about it when I was sitting outside Bhayender Railway Station. The train was standing at a walking distance of ten minutes from Bhayender Railway Station. It is true that several other persons started towards that spot from the railway station. People from Mira Road Railway Station also came towards the spot. People

from the public were taking the injured for treatment to outside hospital. They were taken out from the coach. This was going on for the period of two hours that I was standing there. I did not take any injured to the hospital. Railway police of Bhayender and Mira Road Railway Station were also there. During this period no officer of the said railway stations met me. My first contact with the police was when I was called for panchnama. I do not know whether the other panch also does hamali work there. I did not inquire with him as to what he does and I did not talk with him. I did not pick up the articles that were seized by the police. It is true that I signed at the places pointed out by the police.

8. It is not true that no panchnama was drawn at the time mentioned in the panchnama, that I signed subsequently at the behest of the police.

Cross-examination by Adv P. L. Shetty for A/3, 8, 9, 11,12

9. Declined.

No re-examination.

R.O.

**Spl. Judge
Date:- 03/09/10**

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