

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

**DATE: 3<sup>rd</sup> September, 2010**

**EXT.No.565**

**DEPOSITION OF WITNESS NO.35 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Prashant Kisan Zunjarrao

Age : 30 years

Occupation : Business

Res. Address : Room No.2, Sahakar Chawl, Wadia Estate, Behind  
Bldg. No.17, Bail Bazar, Kurla(E), Mumbai-70.

-----

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

1. I am in construction business. In 2006 I had a construction site at Bhoiwada. On 06/08/06 at about 10-10.30 a.m. in the morning when I was going to my site and I was standing by the road waiting for labourers, two plainclothes policemen approached me and asked me whether I am ready to act as a witness about certain muddemal that was seized in the case of bomb blast. I consented. I went with them to the first floor of the two storied building that was near the Bhoiwada Police Station and was like a jail. There was a police

officer, some constables and one more person sitting there. The police officer told me that some muddemal in the bomb blast case is seized and it is to be opened. He also introduced me to the person who was present there as another witness. His name was probably Shah. The police officer showed four khaki envelopes and one plastic polythene packet tied with thread and pasted with labels. The labels contained some description and signatures. The envelopes were not torn and the thread was not broken anywhere.

2. One envelope was shown to me, the label thereon contained the name Tanveer. It was opened and it was found to contain a map of Mumbai and a zerox map of Central-Eastern Asia. Six books, two which had title 'Tehrik' and four more were also found. The officer kept aside the zerox map and put the other map and the books in a new khaki envelope, tied a thread on it and pasted a label containing my signature and the signature of the other panch. The envelope that was opened was also put inside the new envelope. I will be able to identify the envelope and its contents.

(Adjourned for recess).

**(Y.D. SHINDE)**

MCOC SPL NO. 21/10

PW-35/3

**Date:- 03/09/10**

**SPECIAL JUDGE**

**Resumed on SA after Recess**

3. (Witness is shown Arts-41 to 48 and 116). The envelope Art-45 bears my signature at sr. no.1, signature of the other panch at sr. no.2 and signature of the officer by the side. Art-41 is the envelope that was shown to us. Art-116 is the zerox map that was kept aside. The map Art-42 and the books Arts-43 (1 & 2) and 44 (1 to 4) are the same.
4. The officer showed the packet wrapped in plastic paper, which was tied by thread and on which label was pasted. The name Muzzamil was written on the label and also that it contained mark-sheets, maps, passports, etc. It was opened and it was found to contain a map of Mumbai in English, a zerox copy of Central-East Asia, a passport and mark-sheets and certificates. The zerox map, the passport and a certificate of Bharatiya Vidyapeeth were kept aside. All the remaining articles were put in a new khaki envelope alongwith the plastic bag containing the label. The envelope was tied by thread and labels containing my signatures, signatures of the other panch and of the police officer were pasted on the envelope and on

the passport. I will be to identify the articles. (Witness is shown Art-164 to 182B). The label on the envelope Art-177B and the passport Art-178 bear my signatures, signatures of the other panch and of the police officer. The plastic bag with label Art-177A, the map of Mumbai Art-164, the zerox map Art-165, the books Arts-166 (1&2), 167, 168, the statement of marks Art-169, passing certificate Art-170, licence Art-171, brown leather purse Art-172, identity cards, white plastic card, ICICI bank card, two internet cards, blank identity card (Arts-173 (1&2) to 177, 179, 180(1&2)) are the same.

5. Another envelope was shown to us. The label contained the name Mohd. and two maps. It was opened and found to contain a map of Mumbai and a zerox map of Central-East Asia. The names Afganistan, Iran and India on the zerox map were in bold letters. It was kept aside. The map of Mumbai was put in a new envelope alongwith the earlier envelope, tied with a thread and a label containing my signature, signature of the other panch and of the police officer was pasted on it. I will be able to identify these articles. (Witness is shown Arts-153, 153A, 153B and Art-161). The label on the envelope Art-153B bears my signature, signature of the other

panch and of the police officer. The envelope Art-153A and the maps Arts-153 and 161 are the same.

6. The next envelope was shown to us. The label thereon contained the name Sohail, two maps, books and rate card. The envelope was opened and found to contain six books, two titled 'Tehrik', two titled 'Atankwad ka jimmedar kaun' and two titled 'SIMI'. There was a map of Mumbai and a zerox copy of map of Central-East Asia. There was a rate card of ISD calls. I will be able to identify all these articles. Zerox copy of the map was kept aside and the remaining articles were put in a khaki envelope, tied with thread and label containing our signature and the signature of the police officer was pasted on it. I will be able to identify the articles. (Ld SPP requests for showing and opening the packet at sr. no. 4 of list Ext.16A. It is given to the learned advocates of the accused for inspection. Witness is shown the envelope). The envelope now shown to me is the same, the label bears my signature at sr. no.1, signature of the other panch at sr. no.2 and signature of the officer by the side. (It is opened and found to contain an envelope having a label, a map of Mumbai, three papers and six books). These are the

same articles that were found in the envelope. (The map of Mumbai is marked as **Art-248**, the envelope with the label is marked as **Art-248A**, the three papers containing the rates of internet telephony are marked as **Art-248B (1 to 3)**, two books titled 'Tehrik-E-Millat' are marked as **Art-249(1 & 2)**, the two books titled 'Tehrik Atankwad ka Jimmedar Kaun' are marked as **Art-249(3 & 4)** and two books titled 'SIMI' are marked as **Art-249(5 & 6)**) and the other envelope containing signature of this witness and dated 06/08/06 is marked as **Art-249A**). The zerox map now shown to me is the same. (It is marked as **Art-250**).

7.        Thereafter, the last envelope was shown to us. The label thereon contained the name Sohail, it was tied with thread and it was described as containing passport, mobile phone and cassette. The envelope was opened and found to contain passport, four audio cassette and one Samsung Reliance black mobile. The passport was kept aside and a label containing our signatures and the signatures of the police officer was pasted on it. Remaining articles were put in a khaki envelope, tied with thread and label containing our signature and the signature of the police officer was pasted on it. I will be able

to identify the articles. (Ld SPP requests for showing and opening the packet, the passport at sr. no. 4 of list Ext.16A and a mobile that was found in the envelope Art-163C, which was opened during the evidence of PW-31. All these articles are given to the learned advocates of the accused for inspection. Witness is shown the articles). The passport now shown to me is the same. The label thereon bears my signature at sr. no.1, signature of the other panch at sr. no.2 and signature of the officer by the side. (Passport is marked as **Art-251**). The mobile having the label of GEQD HYD on the back side, bearing the description CAH-38-42/2006 EX M5 is shown to the witness. The mobile is the same. (It is marked as **Art-252**). The packet is opened and found to contain two envelopes having labels and four audio cassettes. They are shown to the witness). The envelope containing the label having my signature at sr. no.1, signature of the other panch at sr. no.2 and of the police officer by the side is the same, the other envelope containing the label on which the name Sohail, passport, mobile, four audio cassettes is the same and the four audio cassettes are the same. (The audio cassettes are marked as **Art-253 (1to4)**), the envelope with the label



dated 30/07/06 is marked as **Art-253A**, the envelope having the label containing the signature of the witness dated 06/08/06 is marked as **Art-253B** and the outer envelope having label dated 10/08/06 is marked as **Art-253C**).

8. On the zerox maps of Central-East Asia, a line was drawn connecting Tehran to Muzzafarabad. Then police prepared panchnama on the computer of all the events that had taken place in our presence, read it over to us, I also read it and then we signed. The panchnama now shown to me is the same, it bear my signatures at sr. no.1, signatures of the other panch at sr. no.2 and signatures of the officer by the sides at two places and its contents now read by me are correct. (It is marked as **Ext.566**). The panchnama was over at about 12.30 to 1.00 p.m. Then I went away.

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

9. I make small constructions like repairing, interiors constructions, etc. It is my proprietary business that I do from my house. I do the work wherever I get it from acquaintances. I do not have any licence for my business. I was not required to take permission from the BMC for doing the constructions as they were

small and not big construction. I do not have any details about the work that I do. I do not have any document about quotation and agreement about the work. I do not have any bills of purchase of construction materials. It is true that I do not have any documentary proof to show that I do the business. I cannot tell the exact address of the house where I was doing the construction work in 2006. It was in the house of one Sunil Jadhav. He was not a police officer. That site was ten minutes distance from Police Station Bhoiwada. The police station was five minutes distance from the spot where the policeman came to call me. He did not ask me whether I had worked as a panch earlier and whether I have any relation with the police. He did not tell me how much time will be required for the work. It is true that no packet was in a lac sealed condition when it was shown to me and no packet was sealed with lac after the work was over. I did not know whether police use lac seal and they also did not tell me.

(Cross-examination is deferred to 07/09/10 at the request of Id advs).

**(Y.D. SHINDE)**

**Date:- 03/09/10**

**SPECIAL JUDGE**

**Date : 07/09/2010**  
**Resumed on SA**

10. Police did not tell me since when the envelopes and packets were with them. They told me that the articles were recovered from the houses of the accused. They did not show me the station diary or the movement register concerning the seizure or any

other document. I do not know whether the international map like the zerox maps Art-116 and others is easily available in the market. Police did not tell me when and from where the zerox maps were made. Police did not tell me where and when and under what circumstances the handwritten matter was written on the maps.

11. I went to the police station at about 10.00 or 10.30 a.m. Police asked me my name and address. I did not request the police to conceal my name and address. It is not true that other than this case I have acted as a panch witness. I do not know whether, therefore, police concealed my name and address till I came to court. There were two officers and around three staff members. When I went there police told me that they want to separate some articles out of the articles that were seized from the accused. It is true that police opened the envelopes and kept aside the required articles one after the other. Police did not prepare separate envelopes of the maps and passports that were kept aside. It is true that after all this was over, the dictation of the panchnama started. The entire work upto the preparation of the panchnama was going on for about two and a half hours. The work of the opening of envelopes, keeping aside the

maps, etc., and putting the remaining articles in other envelopes went on for about one and a half hours. The dictation of the panchnama took about half hour to one hour. The police officer did not prepare any rough note about the work of opening the envelopes and preparing new envelopes. Police did not show me the permission of the court for opening the envelopes. Officers Kshirsagar and Rathod were dictating the contents of the panchnama at the same time.

12. It is not true that no envelopes and packets were opened in my presence, that I signed on ready-made panchnama after 06/08/06, that I identified the articles in court at the instance of police and that I deposed falsely.

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

13. I did not know any police officer prior to that day. I remember their names today as Kshirsagar and Rathod. I cannot tell the name of the policeman who typed the panchnama on the computer. An officer typed it. I do not know whether it was typed by Kshirsagar or Rathod. Officer Kshirsagar signed the panchnama. It is not true that I signed after he had signed. Thereafter the other panch signed and thereafter the police officer signed. I do not remember

whether all three of us signed by the same pen. I signed by my pen. The other panch took my pen for signing. The police officer did not take my pen. I saw the other panch on that day for the first time. He was there when I went there. I did not inquire when, from where and who had called him. I do not know where he resides. I came to know his name at that time but not his address. I did not come to know his address till I signed the panchnama.

14. I reside in Wadia Estate since 10-15 years. I know today that the other panch stays in Wadia Estate, i.e., in my locality. After the panchnama, we both went out of the police station together. It is not true that at that time I came to know while talking with him that he resides in Wadia Estate. I came to know it after I signed the panchnama and when I asked him. His house is about half hours walking distance from my house. He told me that he stays in front of building no.2. I know that locality. It is not true that he is my friend and we went in the police station together, that officers Kshirsagar and Rathod knew us from before, therefore, they called us and obtained our signatures, that nothing as written in the panchnama took place in our presence, that the panchnama was not prepared on

06/08/2006.

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

15. Declined.

**No re-examination.**

R.O.

Spl. Judge  
Date:- 07/09/10

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