

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

**DATE: 7<sup>th</sup> September, 2010**

**EXT.No.570**

**DEPOSITION OF WITNESS NO.36 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Samuelraj Sadanand Kukkala

Age : 27 years

Occupation : Service

Res. Address : 229/2, Bismilla Bldg., Jumma Masjid line, Takiawar,  
Kurla (W), Mumbai-70.

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

1. On 10/08/2006 I was going to the Tata Hospital and was on the road near the hospital. Two constables met me and asked me whether I would help them in their work about some articles. I consented. They took me to a two storied building in Bhoiwada. Officers Rathod and Kshirsagar and two-three constables were there. My friend Ganesh Shelake was also with me. He was also called there as he was with me when the two constables had met me. Officer Rathod showed us an envelope and told us that he would

open it in our presence, show the contents and then again put it back. The envelope was opened and it was found to contain one opened envelope, four audio cassette and one mobile. They kept aside the mobile, put the four cassette and the two envelopes inside it. It was tied by thread, a label was pasted on it and after writing on the label we signed on it. Thereafter, police took our signatures on a paper on which whatever happened before us was written. We read it and signed it. I will be able to identify the paper. The paper now shown to me is the same, it bears my signature at sr. no.2, signature of my friend sr. no.1 and signature of the police officer by the side and its contents are correct. (It is marked as **Ext.571**).

2. I will be able to identify the envelopes and the articles. (Witness is shown articles Arts. 252, 253 (1to4) and 253(A to C)). The label on the envelope Art-253C bears my signature at sr. no.2, signature of my friend at sr. no.1 and signature of the police officer by the side. The envelopes Art-253 A and B, the cassette Art-253 (1 to 4) and the mobile Art-252 are the same. Thereafter, we went away.

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

3. I reside in Kurla since 27 years. I have heard the name of

police officer Vijay Salaskar. His office is ten minutes walking distance from my house. Crime Branch office is in the same building. Kurla Police Station is 7-8 minutes walking distance from my house. We have to go from in front of the police station for going to the railway station, market, etc. It is not true that I have worked as panch witness before this case.

4. I work as salesman in Airtel. I never came to court to give evidence. In 2006 I was not in service. I was unemployed. Police had asked me about the work I do. I had told the police at that time that I do service. I know Koyanabai Chawl in Kurla. It is behind my house. I know Ganesh Baban Shelke since my childhood. It is true that he is a social worker. Bailbazar is about 15 minutes by auto-rickshaw from the Crime Branch office. It is not true that people from the Bailbazar have to go in front of the Crime Branch office for going to the railway station.

5. We had gone to Tata hospital to meet my friend's mother, who was admitted there. The place where the police took us was just in front of the spot from where we were called. I do not know whether it was Bhoiwada Police Station. It is not true that one requires 10

minutes for going to the Tata hospital from the spot where we were called. I do not know since when the police had the envelope. Police did not show us any record about seizure of the articles. Police told us to witness what articles they take out in our presence. Our signatures were not taken on the cassettes. I had taken the mobile in my hand. I did not see whether it had sim card. Police did not show us the sim card. It was a mobile without sim card. The number of that mobile was not checked. Police did not check whether it was working. Police told us that the mobile was separated for obtaining the contact details. (Adv Wahab Khan states that he gives oral notice to the prosecution to produce the printout of the call details of that mobile. Ld SPP submits that printout of the call details of this mobile are not with the prosecution). It is true that every mobile has a separate IMEI number. I did not see the IMEI number of this mobile and police did not show it to me. It is true that if a mobile is started, the call details can be seen and contact numbers can also be seen. Police did not check the incoming and outgoing calls of the mobile.

6. When we reached that office, police showed the envelope to us. Then it was opened and the mobile and cassettes were

separated. It is not true that the opened envelope inside, the cassettes and the mobile were put in separate envelopes. It is not true that my name and address were asked thereafter. It is true that thereafter the officer started dictating the contents of the panchnama. The work of opening the envelope and preparing the envelope was going on for about one hour. The typing work took about 15-20 minutes. I do not know whether all this work took place in the office of Vijay Salaskar.

7. It is not true that I and my friend had not gone to the office at Bhoiwada, that we signed on ready-made panchnama in the office of Vijay Salaskar, that no envelope was opened in our presence and no new envelope was prepared in our presence, that I identified the articles at the instance of police. It is true that there was no lac seal on any articles that was shown to us and no lac seal was put on any article. It is not true that I deposed falsely.

**Cross-examination by Adv P. L. Shetty for A/3, 8, 9, 11,12 and Rasal for A/1 and 4 to 6**

8. Declined

MCOC SPL NO. 21/10

PW-36/6

**No re-examination.**

**R.O.**

**Spl. Judge  
Date:- 07/09/10**

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