

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

DATE: 8th September, 2010

EXT.No.574

DEPOSITION OF WITNESS NO.38 FOR THE PROSECUTION

I do hereby on solemn affirmation state that:

My Name : Dr. Madhukar Purushottam Chaudhary

Age : 61 years

Occupation : Retired

Res. Address : Kshipra, B-22, Arya Chanakya Nagar, Kandivali(E),
Mumbai-101.

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

1. In 2006 I was working in Saibaba Maternity and Nursing Home, Kandivali(E), Mumbai. I treated Shweta Narayan Ambede. She was admitted in the hospital on 11/07/2006 for injury on her right leg lower one third. There was a 3 to 3 ½ cms square shaped wound with ragged margins, the muscles and tendons were cut and there was oozing from the wound. After taking her parameters, she was immediately taken to the operation theater and the wound was explored and the bleeding was stopped. There was a free bone piece of fibula and a metal piece impacted posterio medially.

After cleaning the wound, as there was no x-ray, the muscles were tied and the wound was closed and a posterior slab was given. On the next day after we got the x-ray, which showed an impacted foreign body posterior to medially behind the bone, the surgery was planned at 1.00 p.m. and it was done. With great difficulty the foreign body-metal piece was removed and preserved for handing over to the concerned police. No other thing was found and the wound was closed. Again posterior slab was given. The metal piece was handed over to the relative of the patient alongwith a letter. I will be able to identify that letter. The letter now shown to me is the same, it is in my handwriting, it bears my signature and its contents are correct. (It is marked as **Ext.575**). (Witness is shown the letter Art-244). It is in my handwriting, it bears my signature and its contents are correct. (It is marked as **Ext.576**). I will be able to identify the metal piece. (Witness is shown Art-243 metal piece and Art-243A plastic box). The metal piece Art-243 is the same that I removed from the leg of patient and the plastic box Art-243A bears my signature on the label.

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

2. When the patient was admitted and seen by me, I took the history of injury from her and it was revealed that it was a medico-legal case. In such

a case, the patient should first go to the municipal or government hospital. After admission, I informed the Samta Nagar Police Station. I realized from the history given by the patient that the incident had taken place on the railway platform. I know that there is railway police station on that railway station. I did not make any efforts to contact the railway police station in connection with this patient. Ext.576 is the first document after examination of the patient. It is true that it is mentioned in this document that I found bone pieces and no trace of any foreign body. No papers of Bhagwati Hospital were produced by the patient. I did not make any independent inquiry in this regard. I handed over the metal piece to the patient's father. I took his acknowledgment. After recovery of the metal piece, I did not contact any officer of the railway police. It is not true that this metal piece was not removed from the body of the patient, that it was subsequently shown to me.

Cross-examination by Adv Salunkhe h/f Wahab Khan for A/2, 7, 10 &

13,

3. (He requests for deferring the cross-examination of the witness and keeping back the case as Adv Wahab Khan is coming in a short time).

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

4. I am MS of Mumbai University. I issued the information letter Ext.576 at about 10.00 p.m on 11/07/2006. I gave it to the patient's relative. Ext. 575 is addressed to Police Station Samta Nagar. It is true that on the back side there is an endorsement that the Samta Nagar Police Station requested me to approach the Borivali Railway Police Station. There is no document to show that I handed over any document regarding this case to Borivali Railway Police Station. There is nothing to show that I approached the Borivali Railway Station pursuant to the request by Samta Nagar Police Station. No one from the ATS, Mumbai approached me about this case. Nobody from Borivali Railway Police Station also approached me. I handed over the metal piece to the patient's father on 12/07/2006.
5. When the patient came to our hospital, she had been treated at Bhagwati Hospital and the wound was dressed. I agree that at the time of giving first aid for any wound, it is to be cleaned by using chemicals. It will be correct to say that till today I have no occasion to go through any medical papers of Bhagwati Hospital concerning this patient. It is true that, therefore, I am not in a position to say what chemicals were used for cleaning the wound and what medicine was applied. I cleaned the wound of the patient by applying chemicals and medicines. The wound was cleaned

twice before the operation. I used Savlon and Betadine. I did not use Hydrogen Peroxide. Before the x-ray I tried to find the depth of the injury. To avoid infection Betadine was used. If a foreign body is removed from the body of a person, blood and pieces of muscle are attached to it. I may add that blood is always there but pieces of muscle may not be attached. The metal piece in this case was having blood and no pieces of muscle when it was taken out. I did not clean the metal piece before putting it in the plastic box. It was first put in a tray. After the operation was over I put it in the plastic box and sealed it. I am positive that no chemical was used to clean the metal piece after it was removed. While cleaning the wound, the chemicals and medicines that are used for cleaning may reach the metal piece in the body. After removing the metal piece, I did not personally contact any police. I do not remember whether no police contacted me thereafter. Except Exts. 575 and 576 no other letter was handed over to police. It is true that I did not hand over the indoor case papers to the police and they did not ask for it. It is true that till today police have not recorded my statement.

6. Removing of the metal piece from the body of the patient is an important event so far as the railway bomb blast is concerned. As the

patient's relative told me that Samta Nagar Police had directed them to go to Borivali Railway Police Station, I did not personally send the letter and the plastic box to Borivali Railway Police Station. I gave the letter Ext.575 with the plastic box containing the metal to the patient's father. I saw the endorsement on the back side of Ext.575 on 13/07/2006 in the afternoon.

Q- What happened to the letter Ext.575 after you saw the endorsement behind it on 13/07/2006?

A- It was given back to the relatives.

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

7. It is not true that we do not handle medico legal cases. There is no duty constable at our hospital. I am assisted by nurses while performing the operations. On 11/07/2006 I required about one and a half hours and on 12/07/2006 I required about one hour for the procedure on this patient. At the first time I did not find any foreign body. I did not use the suction machine to clean the wound. However, I used sterilized towel. If there are small pieces of foreign body, they become attached to the towel. I did not preserve the towel that I used in this case. X-ray was advised at the first time. At the second time when I operated the x-ray was with me. On going through the x-ray one can ascertain the location of foreign body. I have not

seen that x-ray today. I do not have it with me with the case papers. There is no endorsement on the case papers to show that the x-ray was handed over to the patient, her relatives or to the police. I cannot tell where the x-ray is today.

8. MLC record was prepared by me. We had telephonically contacted the Santa Nagar Police Station. My staff had done so. It is not true that the doctor who prepares the MLC record is required to personally contact the police. There is no endorsement on Exts .575 and 576 about handing them over to the relative of the patient. Shape, size and weight of the metal piece is not written in both the documents. It is not true that no x-ray was taken and no metal piece was removed from the body of this patient, that I am deposing at the instance of the police.

No re-examination

R.O.

**Spl. Judge
Date:- 08/09/10**

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

“ Taken before me and signed by me in the presence of the accused, to whom the deposition was explained and opportunity given to cross examine”.

MCOC SPL NO. 21/10

PW-38/8

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

Date:- 08/09/10