

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

DATE: 17th September, 2010

EXT.No.595

DEPOSITION OF WITNESS NO.41 FOR THE PROSECUTION

I do hereby on solemn affirmation state that:

My Name : Mahadeo Sudam Auti
Age : 51 years
Occupation : Service (Head Constable-ATS)
Res. Address : Room no. C/4, Bhagyoday CHS., Plot No. 76,
Lokmanya Nagar, Thane(W).

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

1. I joined police service in 1981 as constable and was promoted as head constable in 2002. My buckle number is 1793. In 2006 I was attached to Police Station Matunga. On 11/07/06 there were railway bomb blasts. A wireless message was received on 22/07/06 at the police station asking me to join the office of the ATS at Kalachowki on deputation. Accordingly I joined the office of the ATS on 24/07/06. On 31/07/06 I was on day duty. At about 9.00 a.m. PI Tajane called me and gave me a sealed packet and a forwarding letter and asked me

to reach the same to the Forensic Science Laboratory at Kalina, Santacruz. I checked the lac seal and the brass seal on the packet and the signatures on the letter and its copy. The packet was in sealed condition. I took the packet and the letter in my possession at about 9.00 or 9.15 a.m., took station diary entry about it in ATS Police Station, Kalachowki and left for Kalina by BEST bus. At about 3.00 or 3.15 p.m. I handed over the packet and the letter at the office of the FSL and obtained an acknowledgment on the office copy. Then I returned back to ATS office, Bhoiwada and gave the office copy of the letter to PI Rathod. He told me to take the letter and go to ATS Police Station, Kalachowki and to make entry in the station diary. Accordingly I went to the ATS Police Station, Kalachowki and made entry in the station diary. Then I returned to the ATS office, Bhoiwada, gave the office copy to PI Rathod. He took my statement on computer. I will be able to identify the office copy of the forwarding letter and the packet. The office copy of the letter now shown to me is the same, it contains the acknowledgment of the senior clerk of the Asst. Chemical Analyzer to Government, FSL, Mumbai. The letter is signed by P. I. Rathod. (It is marked as **Ext.596** as learned

advocates for the accused consent). The envelope Art-40C now shown to me is the same.

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

2. The ATS malkhana/muddemal room was in the ATS Police Station at Kalachowki. There were five units of the ATS in Mumbai. They are at different places. When I gave my statement, I did not state at which unit PI Tajane gave me the sealed packet and the forwarding letter. I had seen the label containing the signatures of the panchas. I did not know whether it contains the signatures of police and PI Tajane. I had not stated so. I did not read my statement but it was read over to me. There may have been a typing mistake if it is written that the label contains the signatures of police and PI Tajane. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as 'A'). I had not stated so. I did not take the packet from the muddemal room. I do not know since when it was with PI Tajane. I do not remember who was the incharge of the muddemal room or his rank.
3. In July 2006 we were using the seal of Police Station Kalachowki, because there was no seal for the ATS. From 24/07/06

to 31/07/06 I was on duty. One requires about one and a half or two hours to go by bus from Kalachowki to Kalina. I did not state when I gave my statement that PI Tajane called me at 9.00 a.m., that I had checked the seals. It is not true that I did not take the sealed packet to the FSL, Kalina on that day and I am deposing falsely.

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

4. I cannot read the names on the lac seal and the brass seal.

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

5. Declined.

No re-examination

R.O.

**Spl. Judge
Date:- 17/09/10**

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