

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

DATE: 17th September, 2010

EXT.No.597

DEPOSITION OF WITNESS NO.42 FOR THE PROSECUTION

I do hereby on solemn affirmation state that:

My Name : Sachin Sadashiv More
Age : 32 years
Occupation : Service
Res. Address : B/7, Shivam Complex, Behind Birla College,
Kalyan(W), Dist. Thane.

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

1. I am attached to Head Quarters, Thane City at present as a constable. In July, 2006 I was attached to Mumbai Central Railway Police Station. On 11/07/06 there were two bomb blasts in the jurisdiction of this police station, one at Matunga and one at Mahim. P.I. B.B. Rathod was the PI of this police station. He was the investigating officer of the Matunga blast. All investigations of the bomb blasts were transferred to the ATS. Therefore, PI Rathod was also deputed to the ATS. I was helping him in the investigation since

beginning. Therefore, after some days he got me transferred on deputation to the ATS.

2. PI Rathod called me in the office of the ATS at Bhoiwada on 03/08/06 at about 1.30 to 2.00 p.m. He gave me a forwarding letter, one original and the office copy addressed to the Chemical Analyzer, FSL, Kalina, Mumbai. He told me to go to the muddemal clerk at the office of the ATS at Kalachowki and collect a box wrapped in brown paper, sealed and with label and to reach it to the office of the CA, FSL. He gave me a chit to give to the muddemal clerk. Accordingly I went to the muddemal clerk, gave him the chit, took a box that he gave me and made entry in the muddemal register. Then I took entry in the station diary of Police Station ATS at Kalachowki.
3. Then by government vehicle I went to Kalina. When I tried to hand over the box to the inward clerk, he did not accept it saying that it should have lac seal. I told him that it is from the ATS and as there is no lac seal, the label containing the signatures is fixed on it. But he did not accept it. He told me to get a lac seal of any police station on the box and then he would accept it. Therefore, I returned back and deposited the box with the muddemal clerk at Kalachowki and made

entry in the register as well as the station diary. Then I went to our office at Bhoiwada, met PI Rathod and told him about the events.

4. On the next day PI Rathod made some necessary changes in the letter and told me to go to Kalachowki, collect the box, go to the Police Station Kalachowki and put the lac seal of that police station on the box. He told me to put the ink impressions of the seal on the original letter and its office copy and to take the box to the CA. Accordingly I took the letter and its office copy, went by government vehicle to the ATS office, Kalachowki, met the muddemal clerk, took the box, took entry in the muddemal register and made an entry in the station diary and then went to Police Station Kalachowki. I told the muddemal clerk that I want the seal of the police station on the box and the letters. Accordingly he did that procedure. From there I went to Kalina and deposited the box and obtained acknowledgment and stamp of the office of the CA, FSL, Kalina on the office copy. I returned back to our office at Kalachowki, made an entry in the station diary, returned to Bhoiwada office and gave the office copy to PI Rathod. He took my statement on 13/08/06 as he was busy on that day and I was attached to that unit itself.

5. I will be able to identify the office copy of the letter and the box.

The letter now shown to me is the same, it bears the signature of PI Rathod. (It is marked as **Ext.598**). (The report of the CA, FSL, Mumbai dated 11/08/06 concerning this forwarding letter is received in evidence and marked as **Ext.599** in view of Section 293 of the Code of Criminal Procedure). The brown paper with label Art-146C now shown to me is the same and the seal on the backside is of Police Station Kalachowki.

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

6. I do not remember the name of the muddemal clerk on duty on 03/08/06 and 04/08/06. It is not true that on both these days I did not make any entry in the muddemal register. I made entry on 03/08/06. I took entry about getting possession of muddemal and starting for Kalina and after return I took entry that the muddemal was not accepted as it was not sealed. I did not make entry on 04/08/06 in the muddemal register. It was PI Rathod only who gave me the directions on both these days. He gave me the letter Ext.598 on 04/08/06. He had given me a letter on 03/08/06 also. I returned it to him on that day itself. On 04/08/06 he did not give me the letter of 03/08/06. I

cannot say what happened to it. (Ld Adv calls upon the SPP to produce the letter dated 03/08/06. Ld SPP submits that he will have to ask the officer about it. Ld Adv submits that it is necessary for the purpose of the cross-examination of this witness. Ld SPP again submits the same thing and says that he will take instructions and make submission on the next date).

(Adjourned for recess)

Date:- 17/09/10

**(Y.D. SHINDE)
SPECIAL JUDGE**

Resumed on SA after recess

7. Before 30/08/06 I had an occasion once to go to the office of CA at Kalina in other cases. I had gone in connection with a crime of Police Station Karjat Railway but I cannot tell the CR number, the date when I had gone and the nature of the muddemal. I cannot say whether the packet of the CR of that police station was properly sealed. I have completed ten years of service in police. I have assisted my officers in the investigation of many crimes. There was no occasion before me during such investigations to seize some articles from the spot, to seize some articles and of search and

seizure of articles at the time of arrest of any person.

8. It is true that on 3rd and 04/08/06 PI Rathod did not take out the packet from his possession and hand over to me. On both days I took the packet from the muddemal clerk. I cannot say whether on the three occasions that I went to the muddemal clerk, it was the same person or different person. It is not true that I came to know that there was no lac seal on the packet when the inward clerk of the CA office did not accept it. It is true that on 03/08/06 when I took the packet from the muddemal clerk, I realised that there was no lac seal. Thereafter, I did not go to PI Rathod and tell him about it. I did not minutely peruse the letter that was given to me on 03/08/06. I did not go through it. It is true that as a police officer I know that it is necessary that a packet is sealed by lac seal to prevent tampering. I do not know whether any other packet in this crime was sent to the CA's office at Kalina before 03/08/06. The chit that PI Rathod gave me for giving to the muddemal clerk had the CR no. 77/06 and something more that I do not remember. It was not addressed to anyone. It was not a letter, order or request. When I gave my statement on 13/08/06, the incidents of 3rd and 04/08/06 were clear in

my mind. PI Rathod took my statement. The lac is heated on a candle or lamp and it is put on the place where it is to be put and it is fixed by brass seal. The brass seal is round and it contains the name of the office to which it belongs and the emblem of the department. I had stated to PI Rathod when I gave my statement that I told the inward clerk of the CA office that it is from the ATS and as there is no lac seal, the label containing the signatures is fixed on it, but he did not accept it and he told me to get a lac seal of any police station on the box and then he would accept it, that therefore, I returned back and deposited the box with the muddemal clerk at Kalachowki. I cannot assign any reason why it is not written in my statement. I read my statement and found it to be correct. I did not realise at that time that the above things are not in my statement. I did not tell PI Rathod when I gave my statement that therefore, I returned back and deposited the box with the muddemal clerk at Kalachowki and made entry in the register. Bringing back a muddemal and giving it to the muddemal clerk are important things. I did not think of it at the time of giving statement. I did not tell PI Rathod when I gave my statement that then I went to our office at Bhoiwada, met PI Rathod and told him

about the events. It was necessary to inform PI Rathod about whatever had happened in the office of the CA, Kalina. As I had given the information to PI Rathod on 03/08/06 about it, I did not tell it again on 13/08/06 when I gave my statement. On 04/08/06 I told PI Rathod to take my statement but he said that he was busy in some important work, that I am working there and he can take my statement at any time. I cannot tell the number of PSI, PI and ACPs attached to ATS, Bhoiwada on 04/08/06. There were many officers on 03/08/06 when I returned to the office. I cannot tell about 04/08/06 as I directly went to PI Rathod's office. I cannot tell the name and rank of the muddemal clerk who put the seal on the box and the letters on 04/08/06. I did not state when I gave my statement that on the next day PI Rathod made some necessary changes in the letter and told me to go to Kalachowki, collect the box, go to the Police Station Kalachowki and put the lac seal of that police station on the box, that he told me to put the ink impressions of the seal on the original letter and its office copy and to take the box to the CA, that accordingly I took the letter and its office copy, went by government vehicle to ATS office, Kalachowki, met the muddemal clerk, took the box, took entry in the muddemal

register and made an entry in the station diary and then went to Police Station Kalachowki, that I told the muddemal clerk that I want the seal of the police station on the box and the letters, that the muddemal clerk did that procedure, that from there I went to Kalina and deposited the box and obtained acknowledgment and stamp of the office of the CA, FSL, Kalina on the office copy, that I returned back to our office at Kalachowki, made an entry in the station diary, returned to Bhoiwada office and gave the office copy to PI Rathod, that he took my statement on 13/08/06 as he was busy on 3rd and 04/08/06 and I was attached to that unit itself. When I gave my statement on 13/08/06 I had not stated that PI Rathod called me in the office of the ATS at Bhoiwada on 03/08/06 at about 1.30 to 2.00 p.m., that he gave me a forwarding letter, one original and one its office copy addressed to the Chemical Analyzer, FSL, Kalina, Mumbai, that he told me to go to the muddemal clerk at the office of the ATS at Kalachowki and collect a box wrapped in brown paper, sealed and with label and to reach it to the office of the CA, FSL., that he gave me a chit to give to the muddemal clerk, that accordingly I went to the muddemal clerk, gave him the chit, took a box that he

gave me and made entry in the muddemal register. (Ld Adv submits that he will continue with his further cross-examination after the letter handed over on 03/08/06 is produced by the prosecution).

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

9. I did not take any letter of PI Rathod or any other officer to Police Station Kalachowki about putting the lac seal. I did not give any application in that police station about it. Kalachowki police did not take my signature in their record. In my presence they did not take entry anywhere about my visit and the work that was done. This was the only occasion on which I had gone to Police Station Kalachowki for doing such work. I had never seen the seal of Police Station Kalachowki at the ATS office. I do not know what procedure was followed about the articles seized by the ATS. I did not make any entry in the office of the ATS about going to Police Station Kalachowki and obtaining the lac seals and ink impressions of the seal of that police station. I did not tell anyone to make an entry about it. One requires about half an hour from the ATS office to Kalina. I do not know whether a copy of label is required to be taken along with the ink impression of the seal to the office of the CA. A copy of label was

not attached to the forwarding letter that I took in this case. From 28/07/06 to 03/08/06 and from 04/08/06 to 13/08/06 I and PI Rathod were on duty.

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

10. Declined.

(Deferred for cross examination by Adv Shetty).

Date:- 17/09/10 **(Y.D. SHINDE)**
SPECIAL JUDGE

Date : 20/09/2010
Resumed on SA.

Cross-examination by Adv Shetty for A/3,8,9,11 &12

11. (SPP has produced the letter dated 03/08/06, one original and one office copy. They are marked as **Ext.601(1&2)** as consented by Id adv). I cannot say who prepared this letter. I cannot say who wrote in the words in the column 'mode of despatch'. I cannot say whose writing it is in the same column in Ext.598. I did not read the contents of Exts. 601 and 598.

MCOC SPL NO. 21/10

PW-42/12

No re-examination

R.O.

**Spl. Judge
Date:-20/09/10**

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