

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

**DATE: 21ST OCTOBER, 2010**

**Ex.No. 658**

**DEPOSITION OF WITNESS NO.53 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Dr. Atiyar Sayyed Arif

Age : 31 Years

Occupation : Doctor

Res. Address : 97, 2<sup>nd</sup> floor, Dubhash Building, Heins Road, Near  
Byculla Station, Byculla (W), Mumbai.

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

1. I work in the Sabu Siddique Hospital near Imam Wada Road, Bhendi Bazar, Mumbai from six to seven years. Dr. Tanveer was the hospital Registrar and incharge of ICU in the year 2006. I know him. He is present in the court. (Witness looks around the court room and points to the accused no. 2, who is made to stand up and tell his name, which he states as Tanveer Ahmed Ansari). He is the same person. I know that he is arrested in the railway bomb blasts case of July, 2006.

2. On 12/08/2006 ATS police had come to the Sabu Siddique Hospital at 4.00 p.m. for their investigation. An inspector, two panch, two-three other persons had come. Dr. Tanveer was with them. They had come to check his locker. On that day I was on duty as RMO. There is a personal room for the doctors on the first floor in the ICU. The lockers are in that room. I do not know how the police knew about Dr. Tanveer's locker. I do not know how the police opened the locker, because I was not present at that time. They took all the things in the locker. I saw some bottles in the articles that they had taken. They took the bottles and the other articles with them.
3. After a few days the police came with the panchanama in which they had recorded taking the articles from the locker. They took my signature on the panchanama. All the signatures were made in my presence. I will be able to identify the panchanama and the signatures. (Witness is shown the panchanama Ext.458). The panchanama now shown to me is the same. It bears my signature on the last page and the signatures of Dr. Tanveer, the panchas and the inspector. Its contents now read over to me are correct, except that my signature was taken after a few days. I will be able to identify the

articles that were seized. (Witness is shown the bottles Arts-34 to 36).

These are the same bottles that were seized. (Witness is shown the key Art-33). It is the same key.

4. At that time one Salamat was the accounts manager. He was on duty at that time. Police did not record my statement. (Ld SPP seeks permission to put a leading question to the witness. Permitted). It did not happen that the accused no.2 took out a key from below the bed and opened the second locker from the middle row and took out the articles that were seized.

**(Ld SPP requests permission to declare the witness hostile as she is not supporting the prosecution case and to cross examine her.**

**Witness is permitted to declared hostile and to be cross-examined).**

**Cross-examination by Ld SPP Raja Thakare for the State**

5. It is true that I have put the date 12/08/06 below my signature. Similarly, same date is written below the signatures of panchas, Dr. Tanveer and the PI. The panchanama was read over to me and its entire contents are correct. I had not read the panchanama when I

signed it at that time. The panchanama was read to me in my chief-examination and I said that its contents are correct. It is true that at that time, I did not point out to the court that any portion is not correct. It is not true that as Dr. Tanveer is my colleague I have stated that I signed on the panchanama a few days after the visit of the police, that I had not read the panchanama at that time and that I had not seen accused no.2 taking out the key from below the bed and opening his locker. It is not true that my statement was recorded on 12/08/06, it was read over to me and I found that it was correct.

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

6. I hold the degree of B.H.M.S. I think that the Sabu Siddique Hospital started in 2003 or 2004. I joined it when it started. It is true that there was a digital arrangement for entry and exit for doctors by putting their thumb impression on a device. It is compulsory for all doctors to put their thumb on the device while entering the hospital at the time of duty and at the time of going back after finishing the duty. In July 2006 this system was working. On going through the record of this system, we can find out whether a particular doctor was on duty on a particular day. Muster register was also maintained and we had

to sign it.

7. It is true that Hydrogen Peroxide  $H_2O_2$  can be used for cleaning wounds. It is true that Acetone can be used for removing acne. Sulfuric Acid can be used for cleaning toilets and bathrooms after diluting it with water. It is true that Hydrogen Peroxide and Acetone are common things that are used by doctors in the hospitals everyday. It is true that the hospital administration supplies them to the hospital and in case of shortage, the doctors get it from outside on their own. These articles are available at the stores that stock them, only if the doctors have registration number. The bottles before the court have the company labels.
8. I used to go daily for my duty in the Sabu Siddique Hospital in July, 2006. It is true that on 20/07/06 in the evening, the ATS police had come to the hospital for the first time for accused no.2. It is true that they had taken him with them and since then he is not on duty. All staff members of the hospital came to know that he was taken by the police. On 12/08/06 I was on duty in the ICU. There were patients in the ICU and I was looking after them. It is true that on 20/07/06 when the police took the accused no.2, there were two-three

emergency patients and accused no.2 was treating them. It is true that the police did not introduce them and the persons with them by name when they came on 12/08/06, except that one was an inspector and they had come with the accused no.2. I did not see who took out the key, who took out the articles from the locker and what articles were taken out. It is true that police did not involve me in the procedure of search by asking me to remain present when the locker was opened. On 12/08/06 also the digital thumb impression system was working. It is true that police did not prepare panchanama in my presence on 12/08/06 nor did they tell any person to sign on the panchanama in my presence. I cannot tell the name of the police officer who came after a few days to take my signature. They told me to sign on the panchanama as I was on duty on the day when they had come with accused no.2 and they also told me that what they had done on that day is written in the panchanama. It is true that the officer told me to put the date 12/08/06 below my signature. They did not give me copy of the panchanama. There were other doctors present in the other wards, but only I was present in the ICU. It is true that as it was the police who told me to put the back date, I did not

dare to say no.

9. I was given summons one week back for coming to court. Police did not meet me in between handing over the summons and when I came to the court the day before yesterday. It is true that police had instructed me on my mobile phone about the details of my evidence. They did not meet me personally. They had instructed me one day before the day before yesterday. It is true that accused no.2 was on duty from 02/07/06 to 20/07/06 except on 07/07/06. In May, June and upto his arrest in July, 2006 accused no. 2 was sincerely doing his duties. Accused no.2 was the hospital incharge. He used to come on duty in the morning and used to stay even after his duty hours.

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

10. Declined.

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

11. I had not taken the key Art-33 and the bottles Arts-34 to 36 in my hands. I do not remember the markings on the key or what was engraved on the key. There are about ten-twelve lockers in that room. It is a common room for doctors and nurses to change their

clothes. They use all the articles in that room.

No re-examination.

**R.O.**

**Special Judge**

**Date:- 21.10.2010**

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