

**M.C.O.C. SPECIAL CASE NO. OF 21/06****DATE: 23RD NOVEMBER, 2010****Ex.No.****688****DEPOSITION OF WITNESS NO.57 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Subhash Kamlakar Nagarsekar  
Age : 61 years  
Occupation : Retired  
Res. Address : Room No. 18, Gr. Floor, 278/C, Suryamahar, J.S.S.  
Road, Thakurdwar, Mumbai-400 004.

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

1. I stay at the given address since birth. I retired from service in 1980. Thereafter, I started the work of estate broker of the properties at Thane, Mulund and other places. I used to travel for my work by local train.
2. I remember the date of the Mumbai railway bomb blasts. It was on 11/07/2006. On that day it was Gurupournima. Therefore, I wanted to go for darshan to the Saibaba Temple in Vartak Nagar, Thane. At

about 5.15 to 5.30 p.m. I started from my house and went to the Charni Road Station. I sat in the fast train going towards Churchgate. I was in the first class compartment, which was the first from Virar side. I was sitting inside the compartment by the window side facing towards Virar. I did not get down at Churchgate as I wanted to go to Dadar and then to Thane. At Churchgate station people entered the compartment. Some people kept their bags on the racks. At that time two persons entered the train from the left side door with a big rexine bag. They kept it on the rack above me. As there was more crowd, I asked my neighbour as to which train it was. He told me that it was the 5.57 p.m Virar fast train. It had halted at platform no.3 at Churchgate. The bag was blackish in colour. The two persons stood in the passage.

3. The train started at 5.57 p.m. It was slow upto Bombay Central. As I wanted to get down at Dadar, before Bombay Central I went towards the left door and stood there. The train started from Bombay Central. There was a heavy rush at Dadar, therefore, at Dadar from the corner I got down immediately and stood by the side wiping my face by my handkerchief. At that time I realized that the person who

had kept the bag there had also got down along with me at Dadar. Two persons were with him when he got down. I went to the Central Railway side and by a slow train I went to Thane. There was a crowd at the Thane station and there were policemen. On inquiry I came to know that there were bomb blasts in the Western Railways. After I took darshan in the temple, I returned home.

4. I saw the news on the TV that there had been seven bomb blasts in the western railways ahead of Dadar and many people had died. I was quiet thereafter. In the first week of October, I read in the news papers that the ATS people had caught thirteen accused. It was in the TV news that rexine bags containing bombs were kept in the first class compartments and the bombs went off. It was also in the news that a bomb was kept in 5.57 p.m Virar fast local train and it had gone off. I then remembered that I was also in that train. I thought that I should go to the ATS office and inquire in which first class compartment the bomb was placed. Therefore, on 18/10/06 I went to the ATS office at Bhoiwada and made inquiries. I was directed to ACP Patil. Therefore, I went to him on the second floor and met him. I told him that I was traveling in the first class compartment of the 5.57 p.m.

Virar fast train and I inquired with him in which first class compartment the bomb blast had taken place. He told me that it had taken place in the first first class compartment towards Virar. He called four-five more persons and they started making inquiries with me. I told them about my travel on that day in the train and what had happened in my presence. I told them that if the person who had kept the bag is caught by them, I can identify him. One of the officers asked me to describe the persons. I described them. The police were typing my statement.

5. On 06/11/06 two constables came to my house and told me that I am called in the ATS office on the next day at about 9.00 or 9.30 a.m. Accordingly I went around that time to the ATS office. I met ACP Patil. He introduced me to an SEO by name Purandare and two panchas and told me to accompany him to the prison where he would be holding identification parade. We were taken to the Aurthur Road Prison in jeep. There were eight more persons with me. We were asked to wait outside. A policeman and the SEO went inside the prison. The policeman came out after some time and went away saying that we would be called inside. Jail police called us inside and

made us to sit in a room on the right side. SEO Purandare came there. He asked all of us whether police had shown us any accused or their photographs. I said no. Then he went inside. The SEO wrote down names of all of us. One panch came to the room where we were sitting and called out the name of one person and took him with him inside. The other persons were so taken inside one by one. I was the eighth. He took me inside. From a small door in a gate, I was taken inside. There was an open space and a barrack of grills, which was covered by cloth on all sides. The panch took me to the door of that room, knocked on the closed door and said that he had brought Nagarsekar. The door was opened and I was taken inside. SEO Purandare was sitting there writing. He asked me to see whether I had seen any persons out of the persons standing there and to tell him. There were fourteen persons standing there. I went near the persons and looked at them. But I did not identify anyone. I told the SEO about it and he asked me to leave. I was taken to the room on the left side and made to sit there. Thereafter we were taken to the right side room where we had sat earlier.

6.           Thereafter again one panch used to come and take us inside

one by one. I was also taken inside by following the same procedure. There were other fourteen persons inside. The SEO and the panch were there. The SEO asked me to see whether I could identify any person out of the fourteen persons standing there. I went to those persons but I could not identify any persons. Then again I was taken to the left side room and then we all were taken to the right side room.

7. One SEO by name Barve came there and told us that now he is going to take an identification parade. He also asked us whether any accused or their photographs were shown to us. I said no. Thereafter, one panch took us one by one inside and I was the fourth to be taken inside. The panch knocked on the door and said that he had brought me, the door was opened. SEO Barve told the panch to stay outside and to send me inside. Accordingly I went inside. Fourteen persons were standing there. SEO Barve told me to see whether I knew anyone from them and if I recognized someone I should describe what he had done. I went near the persons and looked at them but I could not identify anyone. I told the SEO about it and I was asked to go out with a panch. I was taken to the left side

room and we all were taken to the right side room.

8. A panch came and took us one by one inside. I was the fourth. Same procedure was followed for taking me inside. SEO Barve told me to see whether I could identify any persons out of the fourteen persons standing there. I looked at all those persons and I took another round and at the seventh place I saw the person who had kept the bag in the railway train. I told SEO Barve that I had seen that person keeping the bag on that day on the rack in the train. SEO Barve asked me to touch that person. I touched that person and told the SEO that he was that person. SEO Barve asked him his name. He stated it as Kamal Vakil Ansari. SEO Barve again asked me to look at him carefully and I looked at him and told him that he was the same person. Then SEO Barve asked me to go out. I will be able to identify that person today also. (Witness looks around the court hall and points to the accused no.1, who is made to stand up and tell his name which he states as Kamal Ahmed Mohd. Vakil Ansari). He was the same person.

**Date : 23/11/10**

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

**Resumed on SA after recess**

9. After the identification parade was over, we were taken back to the ATS office. ACP Patil met us and asked us what had happened and we told him what had happened. I told ACP Patil that I had identified a person as the person who had entered from the left door of the train at Churchgate and kept the big rexine bag on the rack above me. At that time I also told him that I also remember that the other person with him was stout and having a beard. He was wearing black shirt and white pants. When the accused no.1 got down at Dadar station behind me, two more persons had got down with him, but the stout person who was with him had not got down. The accused no.1 went towards the window of the train and was signaling someone by hand inside the train to come out. When the accused no.1 got down at Dadar Station, he did not have the rexine bag with him. ACP Patil took my statement. There were four five other persons with him at that time. ACP Patil told me to come to the office on the next day also at about 9.30 a.m. for another identification parade.
10. Accordingly I went to the ATS office on the next day. ACP Patil introduced me to an SEO by name Bendje and told me that



I would have to go with him for the purpose of identification parade. I went with him to the Aurthur Road prison. Same procedure as the day before was followed for three parades. There were fourteen persons in first two parades and seven in the last parade. I did not identify anyone. Then we all went to the ATS office. ACP Patil showed me two photographs and told me that one of the persons is killed in an encounter and the other photograph is of the person who was killed in the bomb blast. I could not identify him as his face was disfigured. I could not identify the other person also. My statement was recorded on that day also. On every occasion my statements were read over to me and they were correctly written as stated by me.

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

11. I do not want to tell in which company I used to serve. I was a machinist. I am a matriculate. I had done the turning course in ITI in 1967 from Mumbai ITI. I was required to go to Thane for my service. I served for ten years. That was the only service that I did. There is Swami Samartha temple and two Saibaba temples in Girgaon. Saibaba temple in Girgaon is famous. It is about 10-15

minutes from my house.

12. The estate broker business is not in any name. It is a proprietary business. I did not file income tax returns. I have no documentary evidence to show that I do that business. I had a three monthly railway pass of first class. ACP Patil did not ask for my pass when I met him and I did not show it to him. I was accustomed to train travel. I do not know whether trains going to Churchgate do not stop in stations in between Bombay Central and Churchgate as people board the trains for going towards Virar. I do not know whether many times there is heavy rush in the trains going towards Virar in the evenings. I do not know whether people traveling to Virar beat the passengers of stations in between. I cannot say whether people who want to get down at the middle stations do not normally travel in Virar trains and they change the train at Churchgate station. When the passenger by my side told me that the train is the 5.57 p.m. Virar fast train, I was a bit anxious as I wanted to get down at Dadar. I have gone to the Churchgate many times. I know that slow locals start from platform no. 1 and 2. I cannot say whether there is a common platform for platform no. 2 and 3. I entered the compartment, turned

left and sat by the window facing towards Virar. At that time the window was on my right side. About two-three persons boarded the train at Churni Road along with me. About seven-eight persons boarded it at Marine Lines Station. I cannot say how many seats were there in that compartment. It is not true that before reaching the Churchgate station, all seats in my compartment were occupied. I cannot say how many seats were vacant. It did not happen that at the Churchgate station there was a big crowd and the compartment filled up. It is not true that when I asked my neighbour about the train, the entire seats were occupied and people were standing in the passage. The train halted at Churchgate for about 7-8 or 10-12 minutes. During this period people were standing but there were some seats vacant. It is true that at that time one could alight from the train. Considering my age, I did not feel it necessary to get down from the train and go and sit in a slow train. It is not true that during the period the train was at the station, people were coming in and going out also. They were only coming in. I cannot say whether the passengers who had boarded the train at Charni Road and Marine Lines were seated on their seats. No co-passenger inquired about any slow train to Virar.

As the train reached Bombay Central, I got up from my seat and went towards the door. The compartment was not full when it reached Bombay Central. There was space for people to move about. The person whom I asked about the train, was seated on my left side. I cannot say who was the person besides him. I do not remember the age of my neighbour and his clothes. Same is the case about the person who was sitting in front of me. I cannot tell the number of persons standing in the passage. People were keeping their briefcases/small bags on the racks. I do not remember the make and the colours of those bags. I cannot say how many persons got down at Dadar. I cannot describe the persons who were standing besides me at the door when I stood there at Bombay Central Railway station. I did not see whether an indicator on the platform at Churchgate was visible from the window where I was sitting. There was no platform on my right side. It did happen that as I wanted to get down at Dadar and as my neighbour told me that Virar train is always crowded, I was a bit worried. Before that I did not know that there is crowd in that train. I do not know whether co-passengers object to persons who have big luggage. No one took objection to the accused no.1

keeping the bag there.

(Adjourned at 4.15 p.m. at the request of Id. Adv).

**Date : 23/11/10**

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

**Date : 26/11/2010**

**Resumed on SA**

13. There are about 70-80 tenants in the chawl in which I live. I cannot say whether it is in the area of VP Road police station. I cannot say whether a chowki of that police station is on the JSS Road. I do know whether there is a free public newspaper stall on that road. I read Lokmat newspaper. I see television when I am in the house. It is true that after the bomb blasts, the news about them were continuously shown on the TV. I cannot say whether it was going on for months together. It is not true that I

was following the news about the bomb blasts to gather information about the people who had died and who were responsible for the blasts. After one or two days I saw the news about the blasts casually. I do not remember whether I saw in the news that it was raining at the spots of the blasts. I saw on the TV that common people were carrying the injured to the hospitals. Upto the first week of October, I did not think it necessary to find out about the persons who were responsible for the blasts. I cannot tell the distance between my house and the Commissioner office, but I have seen that building. I do not know at how many places ATS has its offices. On making inquiries with the police on bandobast duty at the Thakurdwar naka, I came to know that ATS office is situated in the campus of the Bhoiwada police station. These police are on bandobast duty off and on but I cannot say on what days they are particularly. I have seen them on duty many times before I made inquiry with them. The Thakurdwar naka is on the corner of the building. Daily Lokmat used to report the developments in the investigation of the blasts. When I first saw the news on the TV, I came to know that the blasts were because of bombs and many people had died. It is not true that names and photographs of the suspected persons caught by the police were published in the newspapers

and it was also shown on the TV.

14. It is true that at that time at Dadar there was a huge crowd of passengers and there is common platform for two tracks. I cannot say whether at that time the Dadar station was jampacked. There are canteen stalls on the platform, but I cannot say whether cigarettes and 'pan' are sold there. There is a crowd at such stalls. At that time also there was general crowd at the stalls. I cannot say whether the first first-class compartment halts in front of one such stall. There was ladies first class in front of the first-class compartment that I boarded. I cannot say whether there is ladies first-class compartment near the other first-class compartments of that train. As soon as the train stopped at Dadar, there was a rush of persons from the crowd to enter the train. I cannot say whether people try to get down the train while the train is in motion in order to avoid this rush. I was the first person to get down on that day. It is not true that the persons behind me pushed me while they were getting down. I got out when the train was about to stop. It was not necessary for me to run with the train when I got down. I cannot say how many persons got down behind me. I cannot say how many people stood on the platform after getting down. I cannot tell the age group of persons who got down

behind me. At that moment people were trying to get in and get out of the train. I cannot say whether I was the only aged person who got down from that compartment.

**(Adjd. for recess)**

Date: 26.11.2010

Special Judge

**Resumed after recess on SA**

15. I reached Thane at about 6.15 to 6.30 p.m. I cannot tell the exact time of the train that I boarded at Dadar for going to Thane. I cannot tell the exact time of the train from Thane that I boarded for returning back. At that time I went to V.T. directly. I cannot tell when the trains started from Dadar to Churchgate. When I got down at Thane I came to know about the bomb blasts. I now say that I got down at Thane at about 7.00 to 7.15 p.m. I realized in the first week of October that a bomb blast had taken place in the first-class compartment of the train that I had traveled and that it was the 5.57 p.m. train. Before first week of October I did not inquire on my own as to in what train the blast had taken place. Till the time I came to know that the blast had taken place in the train that I had traveled, I did not inform anyone about traveling in a Virar train. I told my wife when I returned home and saw the news, that I had traveled in the 5.57 Virar train.



I cannot say whether in the news on the TV it was shown that blast had taken place in the 5.57 Virar train. After informing the police I was not called to identify any injured passengers in the train that I had traveled. ACP Patil and the other four officers did not ask me as to whether I was in a position to identify the injured passengers. It is not true that ATS officers did not ask me to describe the rexine bag. I had given the description and they wrote it.

16. I went to the ATS office at about 10 or 10.30 a.m. on 18.10.2006. When I met ACP Patil, I described in short the incident that had taken place. He called four more persons thereafter. ACP Patil was present when I discussed the incident with the four persons. I cannot say whether those four persons were present on the occasions on 7<sup>th</sup> and 8.11.06 when I went to the ATS office and my statements were recorded.

I cannot tell the name of the officer who took down my statement on 18.10.06. I do not know the names of the four officers. No one out of the four officers came with us to the Arthur road jail on 7<sup>th</sup> and 8.11.06.

17. After reaching the Arthur road jail on 7.11.06, I was called inside after 15-20 minutes. Jail police and officers were present in the room

where we were made to sit. There was no officer of the ATS with us at that time. I do not know whether there were rooms in front of the bench on which I was sitting. It is not true that the bench was in front of the room. There were offices of the jailors on the left side. I cannot say whether there are big windows to those offices. My name was not entered at the entrance of the prison. I was not given any token when I went inside. SEO came 15-20 minutes after I sat in the room. There was no jail officer with him. No jail personnel accompanied me to the room inside. When I went inside after entering the small door in the gate, there was open space inside. It is not true that the room having grills was in front of the offices of the jail officers. I cannot say whether the room had grills from the floor to the roof. There was a wall at the ground and above the wall there were grills. I cannot tell the height of the wall but it may be approximately 3 ft. The grill barrack may be approximately 20' x 25'. It is not true that the door of the barrack was of grill. The cloth to the grills was on all four sides of the room. The SEO was writing but I do not know what he was writing. I did not read whatever the SEO wrote and it was not read over to me. There was no talk with the persons with whom I sat after the parades were over. Therefore I do not know whom they had identified and they do not know whom I had

identified. I cannot tell the name of the jail officer who was present when I went to the jail. It is not true that I did not have any talk with SEO after I identified. It is not true that after I identified the accused, SEO Barve asked me to touch the accused and to bring him out of the line. SEO Barve was writing when the parade was going on. On the second occasion, SEO Barve had called me at about 3.15 to 3.30 p.m. The remaining persons came and sat near me during a period of 30 to 45 minutes. We eight persons went to the ATS office in the jeep of the ATS after the parade. No ATS officer was with us in that jeep. We did not meet the SEO after the parade. I was in the ATS office upto 6.00 or 6.30 p.m. I cannot tell the name of the person who recorded my statement at that time. I cannot say whether the same officer recorded my statement on 7<sup>th</sup> and 8.11.06. I had told the police officer that I cannot recognize the person in the photograph as his face was disfigured. I cannot assign any reason why this is not written in my statement. I cannot assign any reason why it is not mentioned in my statement that I told ACP Patil that I had identified a person as the person who had entered from the left door of the train at Churchgate and kept the big rexine bag on the rack above me.(Ld. SPP submits that the sentence in the statement when read fully shows that the accused was

standing with his three accomplice. Ld. adv. submits that the emphasis is on the words 'big' and 'on the rack above me'). It is not true that I had not stated to ACP Patil that the person with the accused no. 1 was stout and having a beard and he was wearing black shirt and white pant. I cannot assign why this is not mentioned in my statement. It is true that I had not stated to SEO Barve that when the accused no. 1 got down at Dadar station behind me, two more persons had got down with him, but the stout person who was with him had not got down, that the accused no.1 went towards the window of the train and was signaling someone by hand inside the train to come out, that when the accused no.1 got down at Dadar Station, he did not have the rexine bag with him. (The witness is confronted with the relevant portion from his statement and as he has denied it is marked as 'A'). I cannot assign any reason why it is so written in my statement. At that time I was 55 or 56 years. It is true that because of my age I used to travel in first-class to avoid crowd. It is true that because of my advanced age, at Dadar I went to platform no. 4 to avoid climbing the staircase. It did happen that when I reached Churchgate from Charni road, as soon as the train stopped at Churchgate, people entered the compartment and it became full. It did happen that on coming to know that

the train goes to Virar and as trains to Virar were always crowded I became a bit worried. It is true that when the train left Bombay Central and I went to the door, I was engrossed with the thought of getting down at Dadar. It is true that after the train passed Bombay Central, crowd came in my compartment and after the local started I immediately got up and I went to the door left side and stood there and there was a considerable crowd there also. It did happen that when I got down at Dadar and was wiping my face with the handkerchief I saw a person keeping a bag on the rack and other two with him coming out and then immediately the Virar local started and left. It did happen that when I reached home on that day I came to know from the television news that bomb blast had taken place in the 5.57 p.m. Virar local in which I had traveled. It is true that thereafter I told my family members that I was saved because of blessings of Sai Baba.

18. The fourteen persons in the Arthur road jail were more or less of the same height, built and complexion, but their clothes were different. Some people had small beard and some people did not have beard.

19. It is not true that in the ATS office I was shown the photograph of the person whom I had to identify, that I was shown that person in the jail, that no identification parade took place there,

that I had seen the photographs of the persons whom the police had caught in the newspapers and on the TV channels. It is not true that I did not board any train at Charni road station, that the 5.57 p.m. train going to Virar does not stop at Charni road while going towards Churchgate, that I deposed falsely as the police did not have any evidence against the persons who were in their custody, that I identified the accused no.1 in the court as he was shown to me outside the court hall. It is not true that I had not served anywhere.

**Date:- 26.11.2010**

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

**Date : 30/11/10**

**Resumed on SA**

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

1. On 18/10/06 my statement was recorded in between 10.00 am to 11.00 am. Thereafter, I immediately left the office of the ATS. Thereafter, it was only on 07/11/06 that I went to the office of the ATS at Bhoiwada. On 18/10/06 my statement was read over to me. It was generally correctly written as stated by me. I do not remember now whether something I stated to the police remained to be written in my statement and whether something I did not state was written in it. One of the four officers read over the statement, but I cannot tell his name. ACP Patil and the other four officers were inquiring with me. It was typed on the computer in Marathi but I do not remember who typed it. One of the four officers typed it. I do not know who signed my statement.
2. From the date of the incident till 18/10/06, I did not give any statement anywhere about the incident. It is true that I told my family

members specifically how I was saved because of blessings of Saibaba. There might be four doors to that compartment, two on each side, facing each other. I cannot tell about the seating capacity in between the portion of the compartment flanked by the four doors. I mostly travel by train in Mumbai. It is true that there are seats on the other sides of the two sets of doors and there may be two rows of seats. I did not change my seat that I had occupied at Charni Road, till I went towards the door at Bombay Central. There are three seats on both sides. In the first class compartments four persons do not sit on such three seats. I was sitting on the east side. I was not sitting in the portion of the compartment, which is in between the two sets of the doors. I sat in the window seat, which was the end of the coach, with my back to Churchgate. There was no seat behind me in that compartment. The person came and kept the rexine bag above my head. There were thirteen seats in that portion of the compartment. All seats in that portion were not fully occupied from Charni Road to Churchgate. I cannot say how many persons from those sitting in that portion got down at Churchgate. I cannot say how many persons came in that portion at Churchgate. I was not paying much attention



to the persons entering the coach. I cannot say how many persons were sitting in that portion because I did not count. No seat was vacant after Churchgate. I cannot tell the number of persons standing in that portion from Churchgate to Bombay Central. Persons were standing in that portion during that journey. Many persons were standing in the portion in between the two doors adjacent to the portion of the compartment where I was sitting. I did not pay attention to that portion till I got down. It is true that I did not pay attention to the portion in between the two sets of doors and the portion thereafter that was towards Virar side.

3. I had described the bag as a big square rexine bag. I cannot assign any reason why the words 'big square' are not written in my statement. The bag may be approximately more than two feet long. Now I say that it was rectangular. It might be one feet broad. I cannot tell its height. It is true that the bag was kept there before the train started from Churchgate. I did not think that it would fall on me when it was kept on the rack, therefore, I did not take any objection. Other passengers also did not take any objection for keeping it. The rack was above the window and not above my back. I did not count how

many more bags were kept on that rack. However, other people had kept bags on that rack. I cannot say whether bags were kept on the racks on both sides. I cannot tell the number of persons who had kept bags on the rack on my side and the number of bags. The other bags were small suitcase type bags or small bags of tiffins. My intention for sitting on that seat was to facilitate me to get down at Dadar and also to see at what station the train has come. It is true that many persons in that compartment had kept their luggage on the racks. I had stated to the police that I was sitting facing towards Virar. I cannot assign any reason why it is not mentioned in my statement dated 18/10/06. The person who had kept the bag and the other person with him stood in the passage in between the two doors. I cannot tell the number of persons in that passage when the train started from Churchgate. I cannot tell the number of persons in that passage when the train reached Bombay Central. Some persons got in at Bombay Central. I cannot say how many persons got down. I cannot say how many persons were standing in that passage from Bombay Central to Dadar. I cannot say how many persons got down at Dadar and how many boarded the train. It is true that because of the crowd at Dadar,

I was a bit troubled at Dadar while getting down. Because of that I sweated and therefore, I was required to wipe my face with the handkerchief. At Dadar the platform was on the left side. I had stated to the police that I went to the left door at Bombay Central and stood there and at Dadar from the corner I got down immediately and stood by the side. I cannot assign any reason why this is not written in my statement.

4. After returning home at about 11.30 p.m. on that day, I got fresh and then started watching the TV. It is true that mainly the news of the bomb blasts were being shown on the TV. Sites of the blasts and the trains were being shown. It is true that the progress of investigation and that ATS was investigating the blasts and the arrests of certain persons was being reported in daily Lokmat.
5. Different panchas were used for the identification parades conducted by the two SEOs on 07/11/06. If I see a person specifically I can describe him. I may be 5'4" or 5'6" tall. Your height may be slightly less than me. If one is required to identify a person whom one has seen once, then it is necessary to keep his description in the mind. It is true that one normally identifies a person by his face.

When I identified the person in the parade, I saw his face and identified him. It is true that on all seven occasions when I went inside the parade room, I saw the faces of the persons and if I identified any person I said so and if I did not identify I said so. I do not remember whether I did not describe the face of any of the persons when I gave my statement on 18/10/06. It is true that I did not describe the face of any person. (Ld adv asks adv Wahab Khan to stand up). I cannot tell the height of adv Wahab Khan. It is not true that I did not give the description of the face of the person on 18/10/06 as I could not give it. I say that police did not ask me, therefore, I did not give. It is not true that police asked me only the approximate age and height of the person.

6. I cannot say whether some persons on all the four occasions of the identification parade on 07/11/06 were common. I required about 5-7 minutes on every occasion for going inside and doing the work and going out. On that day on every occasion there were always fourteen persons standing in a row. It is true that on every occasion I saw the face of all fourteen persons and told the SEO. It is true that I did not again see the persons I had seen once on the other

occasions. On 08/11/06 on the first two occasions there were fourteen persons and on the last occasion there were seven persons. On every occasion I required 5-7 minutes for going inside and coming out of the identification room. Persons present on the three occasions were not repeated. I could not have told that that some persons who was earlier used, was again used in the subsequent parade.

(Adjourned for recess)

**Date : 30/11/10**

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

**Resumed on SA after recess**

7. I again say that the persons were different on every occasion. My statement was recorded at about 5.30 to 6.00 p.m. on 7<sup>th</sup> and 08/11/06 at the ATS office at Bhoiwada. The statement on 07/11/06 was correctly written as stated by me. It did happen that on that day ACP Patil had introduced me to SEO Purandare and Barve and had told me that I would have to accompany them for identification parade to Mumbai Central Prison. I had stated to ACP Patil that SEO Purandare came there and asked all of us whether police had shown us any accused or their photographs and I said no. I cannot assign

any reason why this is not written in my statement. I cannot assign any reason why it is not written in my statement though I stated to ACP Patil that SEO Barve asked all of us whether police had shown us any accused or their photographs and I said no. It did not happen that the person who brought the rexine bag kept it on the rack above the seat on which he was sitting. I did not state so to the police. (Witness is confronted with the relevant portion in his statement, hence, it is marked as '**B**'). I cannot assign any reason why it is so written in my statement. It may be a typing mistake. I came to know it during the cross-examination by Adv Rasal. It is true that on 07/11/06 I did not come to know it when it was read over to me.

8. I had stated to the police when I gave my statement on 18/10/06 that on that day on making inquiries with the ATS officers, I came to know that the blast had taken place in the first class compartment of the Virar local. I cannot assign any reason why it is not written in my statement. That local was slow from Charni Road to Churchgate. It was slow upto Bombay Central when it started from Churchgate. It is not true that the train had not stopped at Charni Road and I did not travel in it, that I deposed falsely to help the

police.

**Cross-examination by adv. Wahab Khan for A/2, 7, 10**

**& 13**

9. It is not true that on 11/07/06 the accused no.1 was at Madhubani, Bihar. I had the pass of CST, Churchgate via Dadar. It is not true that I did not have any ailment at that time. I was and am suffering from high blood-pressure and diabetes. At that time I was in a difficulty to climb stairs. If I was at CST, I used to go by bus to my home. There were frequent buses and I used to get down at Thakurdwar. I did not realize on 11/07/06 that I can avoid climbing stairs by going by bus to CST and then to Thane. It is true that if one goes from CST, one is not required to climb any stairs. I had not decided before hand to go by the western line. I knew that by going by the western line, I would be required to change the train and climb the stairs. I cannot say whether Charni Road station is 800-1000 meters from my house. CST station is about 3 ½ to 4 kms from my house. It is not true that it is 2 kms from my house. There is a main road adjacent to the Charni Road station on the eastern side having traffic both ways. There is a foot over bridge on the eastern side of

the road by which one can directly get down on any of the platforms of the Charni road station. There are two entrance gates at the center to go on platform no.4 from the eastern side. They are 30-40 feet apart. I cannot tell the distance from the corner of the platform towards Bombay Central side upto the first entrance gate. I cannot say whether the first first class compartment of the trains going towards Churchgate halt in front of both these entrance gates. I do not know whether double fast trains do not halt in the stations between Bombay Central and Churchgate. One has to go to the platform no.2 to board the train towards Churchgate.

10.               After coming to know about the blasts at Thane, I did not feel it necessary to inform my family that I am safe. I did not think that my family members would be in tension on coming to know of the blasts. I did not think that I would go home late. My wife and daughter stay with me. My daughter was not serving anywhere. I did not think it necessary to inquire whether she was home. I had mobile phone at that time and it was working. It was of Reliance company having no. 9322513769. It was in my name. I do not remember whether there were any incoming or outgoing calls on that day after I



left home. One can know the location of a person on the basis of the calls. On that day my mobile phone was not with me. It was at my house. There was no reason for not taking it with me on that day. I cannot say whether it was on or switched off. Witness volunteers-the mobile phone was with my daughter and she was to go to Bhandup side on that day. She was to go to a friend at Bhandup and then to Vartak Nagar. I cannot say when she was to go. I do not remember whether she went before I left the house or after I left the house. She had not told me when she would be going. I cannot say whether I had left the mobile at my house as she was to go to Bhandup. I do not know whether she went to Bhandup taking the mobile with her on that day. I knew before leaving house on that day that she was to go to Bhandup. I did not call her on the mobile asking her location. I did not call at my house after I left my house. There was no land line phone at that time in my house. My business contacts were done on my mobile. I did not feel it necessary, therefore, I did not take the landline phone. I have purchased two mobile sim cards on my house address. I am using mobile since 5-6 years. The second mobile was with me on the day of the incident. I am not willing to give that number. I never

took any landline number in my name.

11. It is true that I am not giving false evidence. It is not true that landline no. 23811910 is in my name on the address of my house. It may be that this landline number was obtained by giving my name as Nagarsekar S.K. and my address. Witness volunteers- This may be as I had rented this house and the tenant wanted to take the landline number. I do not remember when it was taken and upto what time it was working. It was not for me. It was taken in my name by a person by name Deepak. I had rented him my house for three years. He was staying alone. I had not prepared any agreement of lease and had not registered it. I used to use the landline sometimes. I never paid the charges of that landline. I had issued cheque lastly when he left my house. I had given cheque for the charges to take the connection. I had signed on the application form.

12. I have a PAN card. I got it four years before by showing my business as catering. The address of the office of that business was of my town. I will not tell the name of the business. It was not in the name of any firm. I had given the names of State Bank of India and Bank of India, Girgaon branch. Cheques have been received and

given from these accounts. I have given cheques for repaying moneys taken from some persons, for paying the price of cement, etc. Arun Gawali has given me money by cheques, other than the cheques I have received from the post retirement benefits. At that time Arun Gawali was union leader. He stays in Dagadi Chawl, Byculla. I do not know his business. He had given me about Rs. 4/- lacs before the blasts. It is true that Arun Gawali is a notorious criminal and is in custody. I received Rs.75,000/- as my retirement benefits.

13. Since last four years I am filing income tax return from 2005. It is true that I have not shown my business as estate agent to the income tax department because there was not much income from it. I cannot tell the yearly volume of transactions of my catering business. I have 3-4 labourers. I have not registered my catering business anywhere else. I do my catering business in Mumbai wherever I get the order. I have never given any catering service in any police program. I have not received any cheque from the police about my catering business. My daughter is college going in M.Sc.

14. My main source of income is the catering business and

estate agent. The business of estate agent concerns small room of chawls of unauthorized rooms. No agreements have been registered for such transactions. I have not signed any agreement and notarized it. No party has issue cheque as my commission for any transaction. I can give the exact location of the properties about which I made the transactions. I cannot tell the names of my two partners. They are also estate agents and they only refer customers. I did not think that I was committing crime by doing the work of unauthorized and illegal structures. I am doing this work since 1983. I may have done 25-26 such transactions. Police or BMC have not demolished any such structure upto now and I have not received any notice from the police or court about it.

15.                Nowadays I travel less by train. I may have the train pass of that period along with the identity card. If it is at my house, I will produce it. I had paid Rs.1,700/- for the pass. I feel a danger to my life if I disclose the number of my other sim card. I do not know whether my daughter went to Bhandup on that day. It may be that the location of that mobile no. 9322513769 was of Bhandup in the evening on that day. It is not true that the said mobile was with me

and I had gone to Bhandup on that day.

(Adjourned as court time is over)

**Date : 30/11/10**

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

**Date : 13/12/10**  
**RESUMED ON SA**

16. I had not stated to the police that I retired in 1980. My company had shut down in 1980. Therefore, according to me I did not retire in 1980 but I retired after I got the retirement benefits. I did not state to the police that I sat in the fast train going towards Churchgate. I had stated to the police that the two persons stood in the passage. I cannot assign any reason why this is not written in my statement. I had stated to the police that the train started at 5.57 and it was slow upto Bombay Central, that I went by slow train to Thane,

that I saw the news on the TV that there had been seven bomb blasts in the western railways ahead of Dadar and many people had died, that I was quiet thereafter, that in the first week of October it was also in the news that a bomb was kept in 5.57 p.m Virar fast local train and it had gone off, that I then remembered that I was also in that train, that I thought that I should go to the ATS office and inquire in which first class compartment the bomb was placed, that I was directed to ACP Patil, that therefore, I went to him on the second floor and met him, that I told him that I was traveling in the first class compartment of the 5.57 p.m. Virar fast train and I inquired with him in which first class compartment the bomb blast had taken place. I cannot assign any reason why all this is not written in my statement.

17. On 07/11/06 ACP Patil had introduced me to SEO Purandare as well as Barve at the office of the ATS. I had stated to the police that we were taken to the Aurthur Road Prison in jeep, that there were eight more persons with me, that we were asked to wait outside, that a policeman and the SEO went inside the prison, that the policeman came out after some time and went away saying that we would be called inside, that jail police called us inside and made

us to sit in a room on the right side, that the SEO wrote down names of all of us, that one panch came to the room where we were sitting and called out the name of one person and took him with him inside, that the other persons were so taken inside one by one, that I was the eighth, that he took me inside, that from a small door in a gate, I was taken inside, that there was an open space and a barrack of grills, which was covered by cloth on all sides, that the panch took me to the door of that room, knocked on the closed door and said that he had brought Nagarsekar, that the door was opened and I was taken inside, that SEO Purandare was sitting there writing, that he asked me to see whether I had seen any persons out of the persons standing there and to tell him, that there were fourteen persons standing there, that I went near the persons and looked at them, that but I did not identify anyone, that I told the SEO about it and he asked me to leave, that I was taken to the room on the left side and made to sit there, that thereafter we were taken to the right side room where we had sat earlier, that thereafter again one panch used to come and take us inside one by one, that I was also taken inside by following the same procedure, that there were other fourteen persons

inside, that the SEO and the panch were there, that the SEO asked me to see whether I could identify any person out of the fourteen persons standing there, that I went to those persons but I could not identify any persons, that then again I was taken to the left side room and then we all were taken to the right side room, that one SEO by name Barve came there and told us that now he is going to take an identification parade, that thereafter, one panch took us one by one inside and I was the fourth to be taken inside, that the panch knocked on the door and said that he had brought me, the door was opened, that SEO Barve told the panch to stay outside and to send me inside, that accordingly I went inside, that fourteen persons were standing there, that SEO Barve told me to see whether I knew anyone from them and if I recognized someone I should describe what he had done, that I went near the persons and looked at them but I could not identify anyone, that I told the SEO about it and I was asked to go out with a panch, that I was taken to the left side room and we all were taken to the right side room, that a panch came and took us one by one inside, that I was the fourth, that same procedure was followed for taking me inside, that SEO Barve told me to see whether I could



identify any persons out of the fourteen persons standing there, that I looked at all those persons and I took another round and at the seventh place I saw the person who had kept the bag in the railway train, that SEO Barve again asked me to look at him carefully and I looked at him and told him that he was the same person, that then SEO Barve asked me to go out, that the stout person who was with him had not got down, that the accused no.1 went towards the window of the train and was signaling someone by hand inside the train to come out, that when the accused no.1 got down at Dadar Station, he did not have the rexine bag with him. I cannot assign any reason why all these things are not written in my statement.

18. I can identify ACP Patil if he comes before me. ACP Patil had introduced SEO Purandare and Barve on 07/11/06. I went with SEO Purandare to the Aurthur Road Jail. I cannot say whether we had gone in police jeep or private jeep. Only one policeman was with us. I cannot say whether it was R. R. Joshi. We reached at Aurthur road prison at 11.00 a.m. We were outside the prison for about 5-7 minutes. I did not meet SEO Barve or ACP Patil there. On 07/11/06 I visited the identification room four times. I entered the

identification room for the first time at about 12.15 to 12.30 p.m. At about 12.45 p.m. I went inside for the second time. I went inside for the third time at 1.30 p.m. for the parade held by SEO Barve and at about 2.15 p.m. for the fourth time. I met SEO Barve for the first time in the prison in the room on the right side where we were sitting. Nobody introduced him. He came by himself. I did not see ACP Patil there and did not meet him inside the prison. It did not happen that I met SEO Barve for the first time on that day in the prison, that ACP Patil was present with him, that ACP Patil introduced him and said that he would take the further parade. For the parades conducted by SEO Barve, two other persons were used as panchas. There were two panchas from the ATS office to the prison along with me. When SEO Barve conducted the parade, there was only one panch present inside the parade room on both occasions.

19. Today after looking at the accused sitting in the dock, I cannot say whether any particular accused out of them was present on the first, second and fourth occasion on 07/11/06 and on the three occasions on 08/11/06 when I went inside the parade room.

20. Police did not take me to the compartment to ascertain

on what seat I was traveling in that train. I did not come to know on seeing the news as to in which portion of the compartment the blasts had taken place. Police did not show me photograph of that compartment. I cannot today tell the portion of the compartment in which the blast had taken place. I cannot say whether the blast did not take place in the portion of the compartment in which I was sitting. (Adjourned for recess).

**Date :13/12/10**

**SPECIAL JUDGE**

**Resumed on SA after recess**

21. I did not come to know on the next day on reading the newspapers and on watching the television that the blast had taken place in the first first class compartment towards Virar side.

**Q-** The mobile number that you are using now was not being used by you in 2006 and it was not in your name?

**A-**It is true.

22. I am not ready to give that number. I do not remember whether that number was with me and whether I had used it on that day. I do not know whether I had received calls on that mobile

number from the landline number of my house. I never had any contact with the ATS officers from my two mobiles or landline till my statement was recorded. It is not true that in 2006 there was a sim card in the name of my daughter.

23. The labour union in our company was 'Akhil Bhartiya Kamgar Sena' headed by Arun Gawali. He was not a worker of our company. I do not know whether it was a registered union. I was an ordinary worker in that union. I do not know where the union has bank account and who operates it. I cannot tell how much amount was deducted from my salary for the union. I do not know whether any settlement took place between our union and the company owner before the High Court. That case was filed by the union. There was a settlement about the amount before the High Court. The company was ordered to give Rs. 4/- crores to the union. The Akhil Bharatiya Kamgar Union had issued the cheque of Rs. 75,000/-. I cannot tell the date on which I deposited the cheque of Rs. 4/- lakhs in the bank. It is not true that it was deposited after the blast. I do not know whether Arun Gawali had issued it. DCB CID had taken my statement about this. I do not remember whether I had received any other

cheque from the account from which I got the cheque of Rs.4/- lacs. The cheques were deposited in State Bank of India and Bank of India. I can produce the bank account. (Ld Adv asks the witness to produce the passbook of both banks). I may have received some more amount by cheque from the account from which I received the amount of Rs. 4/- lakhs. I do not know whether that account is not of the Akhil Bharatiya Kamgar Union. Other labourers may have received amounts from the Akhil Bharatiya Kamgar Union.

24. The ATS officers did not call any expert on 18/10/06 to prepare a sketch of the person whom I had seen and had not shown me any photographs. They did not take me to any bag shop to show any similar bag. They did not show me any remnants of any bag. ACP Patil did not take me to his superior officer. The ATS officers did not show me any dead body. They showed me a photograph bigger than passport size. At that time no SEO was present and no panchanama was prepared. They showed me one photograph of the dead body of the person who was killed in the blast and one who was killed in an encounter. They showed me both photographs on the same day. They did not show me a person by name Riyaz

Nawabuddin, a Pakistani national. They or the crime branch officers did not show me any persons stating that they are belonging to the Indian Mujaheedin. I do not remember whether Rakesh Maria had stated in a press conference that the 7/11 blasts were done by accused persons of Indian Mujaheedin arrested by DCB CID. It is not true that I am associated with Arun Gawali, that I deposed falsely on the say of Arun Gawali and police, that I do not have catering and estate agent business, that I have the business of converting Arun Gawali's black money to white, that the ATS officers had shown me the photographs and video CDs of accused no.1, that my tenant Deepak is killed in encounter, that on the day of the incident both mobiles were with me and my location on that day was at Bhandup. It is not true that during that period I used to purchase monthly pass. I had not stated so to the police. If it is so written in my statement then it is wrong. (Witness is confronted with the relevant portion of his statement dated 18/10/06. Hence, it is marked as A'). I cannot assign any reason why it is so written in my statement. I do not have any other property than the property in which I live today.

No re-examination.

**R.O.**

**Special Judge**

**Date:- 13.12.2010**

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