

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

**DATE: 4TH JANUARY, 2011**

**Ext.No.745**

**DEPOSITION OF WITNESS NO.60 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Kishore Popatlal Sahani  
Age : 57 years  
Occupation : Business  
Res. Address : Flat No. 1004, 10<sup>th</sup> Floor, Kurup Wadi, Raheja  
Estate, Borivali(E), Mumbai.  
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**EXAMINATION-IN-CHIEF BY SPP RAJA THAKARE FOR THE STATE.**

1. I have cloth business in Swadeshi Market on Kalbadevi Road. I commute to my shop from my house by local train of western railway. I have a first class pass. Generally I leave home at about 10.30 or 10.45 a.m. and return at about 7.30 or 8.00 p.m.
2. The incident took place on 11/07/2006. On that day, I started from my shop at about 5.00 p.m. and went through the subway to the Churchgate Station. I boarded the 5.37 p.m. Virar fast local, which was already standing on platform no.3 and went in the first first class

compartment towards Virar side. There was no place for sitting. I was standing in the middle of the two doors. About two minutes before the departure time of the train, two persons entered the compartment and said that they wanted to go inside. I moved aside to let them go inside and they went inside and kept their bag on the luggage rack. Thereafter, they came and stood near me. Out of the two men, one was slightly fat and one was medium built. The bag was in the hand of the medium built person. The bag was black coloured having chain. I do not know whether it was of rexine. The bag was kept on the right hand side luggage rack if one stands facing towards Virar in the train. There was more crowd in the compartment at Marine Lines. After Bombay Central, the train was to directly halt at Dadar. At that time those two persons tried to go towards the door and they had some some exchange of words with other passengers who asked them where they wanted to get down. The two persons told them that they wanted to get down at Dadar. The other passengers asked them as to why they were standing so much inside in the compartment and that there were many trains for going to Dadar and why they caught the Virar train. I also thought that why they had boarded that train and

troubled others. Those persons said that they are new. Thereafter they got down at Dadar. I went towards the opposite door as I wanted to get down at Borivali and I was waiting for the platform no.4 to come. The train reached Borivali at about 6.30 p.m. When the train was about to stop, there was a loud explosion and I along with the other persons who were standing in the door were thrown on the platform. I did not know as to what had happened. People were falling on each other and there was a chaos and commotion. I lost my spectacles, purse, mobile and a handbag of clothes and my pant was torn. I sustained injuries on my forehead, lips, both elbows and legs. People started saying that there was a bomb and then I also realized it. I wanted to go to platform no.6, but there was a huge crowd on the bridge and I did not have the strength to go through the crowd. Therefore, I crossed the railway tracks, went to the platform no.6 and went out of the railway station. I wanted to catch an autorickshaw but a policeman approached me and told me that I am injured and he would take me to the Bhagwati Hospital. I told him that I did not want to go to the hospital and asked him to engage an autorickshaw for me so that I can go home. A couple was going by an autorickshaw, the

policeman asked them to come out and made me sit in that rickshaw and then I went home. When I went inside my home, even my wife could not recognize me as my face had blackened and there were injuries and blood on my face. Then I went and took treatment from Dr. Gohil, who is my family doctor. In the same night I also went to an ENT doctor, who advised me to take rest. Then I went home.

3. After about two days, i.e., on 14/07/2006, I went to Borivali Railway Police Station. I told them that I was injured in the bomb blast and I have a doubt about two persons. Police took my statement about the incident. I gave some description of the two persons, but the police asked me to wait as they were going to call a person who would prepare a sketch. I waited for some time but he did not come, therefore, I went back. Police had read over my statement to me and it was correctly written as stated by me.
4. In between police visited my house two or three times to meet me but I was not at home. Thereafter, in the last week of October, 2006, I went to the ATS office behind Bhoiwada Police Station to inquire as to why they had come twice or thrice. I was taken to officer Patil. He told me that they had caught some persons and asked me

whether I could identify the persons about whom I had stated in my statement. I told him that if they are brought before me, I can identify them.

5. On 06/11/2006 one person from the ATS office came and told me that officer Patil had called me on the next day at 9.00 a.m. for the purpose of identification parade. Accordingly I reached the ATS office at about 9.00 a.m. Officer Patil introduced me to SEO Purandare and Barve. The SEO Barve was busy writing something. SEO Purandare took me to a side room. There were seven more persons like me who had come there for the purpose of identification parade. He introduced me to two more persons saying that they are panchas. Then we all went in a police jeep to Aurthur Road prison. The policeman first went inside the prison and returned after 10-15 minutes and thereafter the SEO and two panchas went inside. Thereafter we were also called inside. We were made to sit in a room by the side. The SEO asked us whether the ATS police had shown us the persons or the photographs of the persons whom we had come to identify. We said no. The SEO and panchas went outside and then after some time one panch came and took one of us inside for the

identification parade and then we went inside one by one. On that day I was taken inside the parade room four times. On the first two occasions, SEO Purandare was present. On those occasions there were fourteen persons standing in a row, but I did not identify anyone. Thereafter, SEO Purandare went away. Thereafter another SEO conducted the parades. When I was taken inside, I identified a person standing at the 8<sup>th</sup> place out of the fourteen persons standing in the row there. I told the SEO that he was the person who had kept the bag in the train on the day of the blast. SEO Barve asked him his name and he told it as Asif Bashir Khan. I was again taken inside for the second time but I did not identify anyone. After the parade was over we went back to the Bhoiwada office. I told officer Patil what I had done. He recorded it and read it over to me.

6. Officer Patil told me to come on the next day, i.e, on 08/11/06 for another identification parade. On the next day I went to the ATS office where one SEO by name Bendje was present. We went to Aurthur Road Prison and there I was taken inside three times for the identification parades. There were fourteen persons in the row on the first two occasions and thereafter seven persons. I could not identify

any person during that parade. Thereafter we went back to Bhoiwada office and told officer Patil as to what had happened. He showed photographs of two dead persons and asked us whether we could identify them. I told him that I could not identify either of them.

7. I will be able to identify the person whom I had seen keeping the bag on 11/07/06 and whom I had identified on 07/11/06, if I see him again. (Witness looks around the court room and points to the accused no. 13, who is made to stand up and asked to tell his name, which he states as Asif Khan Bashir Khan). He is the same person. I have not seen the second person upto now.

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

8. (Adv Rasal is absent as he had informed that he would not be available during the vacation upto 05/01/2011. Hence, his cross-examination is deferred).

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

9. (Adv Wahab Khan submits that he may be permitted to cross-examine the witness after adv Shetty cross-examines the witness).

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

10. I went to Borivali Railway Police Station on 14/07/06 at

about 4.00 or 4.30 p.m. I do not remember the name of the officer whom I met and the officer who wrote my statement. I know the location of Borivali Police Station. I stay in Borivali East. It is in the jurisdiction of Kasturaba Police Station on Road no.1, which is 10 minutes walking distance from my house. It is nearer to my house than the Borivali Railway Police Station.

11. I reached my house at about 7.15 p.m. on 11/07/06. Thereafter, I went to the clinic of Dr. Gohil with my wife. I took treatment at about 7.30 p.m. I went to the ENT doctor after about half an hour. His name is Dr. Maliya and his clinic is on the main road, but I cannot tell his full name and address. Other than these two doctors, I did not go to any other doctor or hospital. After reaching home, I was there for about ten minutes during which time I washed my face and then I went to Dr. Gohil. Before 14/07/06 I did not go to any police station and give my statement. I did not give any prescription of the two doctors to the police.

12. Officer Patil did not ask for the medical papers from me. He did not take my statement before 07/11/06. After 11/07/06 I traveled in the train on a few occasions. I came to know about the



loss of the articles like spectacles, purse, etc., when I was on the platform itself. At that time I had the first class pass. It was from 1<sup>st</sup> June upto August end for three months. I cannot tell the exact date on which I had purchased it. When I went to the Borivali Railway Police Station, I knew that I had lost my spectacles, purse, mobile and a handbag of clothes. I do not know whether the officer who took my statement was having two stars or three stars. He was not in uniform. I do not know whether he was an inspector or a constable. He was of Railway Police Station. Police did not ask me about my railway pass on that day. Upto the identification parade, officer Patil did not ask me about the railway pass. My railway pass was lost on that day as it was in the purse. There were two pants and one shirt in the bag with me. My mobile was purchased at a cost of Rs. 2,500/- or 3,000/-. The value of the clothes may be maximum Rs.1,000/-. There was around Rs. 3,500/- in the purse. I had stated about the loss of all the articles when I gave my statement. I do not know whether they wrote it in my statement. I do not exactly remember whether it was read over to me. I did not read it. It might be that I was read over the statement and I said that it was correctly written as stated by me. My

statement was typed on the computer. I could not see the words on the screen. I gave my statement in Hindi, but it was written in Marathi. I do not remember whether he explained what he had typed to me in Hindi. I did not complain to him that something I told was not typed by him. At that time I did not feel that something I had stated was not recorded and something remained to be stated. It may be that my statement that I have lost my spectacles, purse, mobile and a handbag of clothes is not written in the statement. I cannot assign any reason why these things are not written in my statement, but I thought that they must be taking down whatever they thought necessary. I did not inquire with the police as to what they felt necessary. As my life was saved, I did not think that the articles that I lost were valuable.

(Adjourned for recess).

**Date : 04/01/2011**

**SPECIAL JUDGE**

**Resumed on SA after recess**

13. I had stated to the police that I had sustained injuries on my face and left hand. I cannot assign any reason why this is not written in my statement. From Dr. Gohil's clinic I directly went to Dr.

Maliya's clinic as per his advice. I may have stated to the police about taking treatment from Dr. Maliya. I cannot assign any reason why this is not written in my statement.

14. I cannot say what material the bag was made of. I did not describe the bag to the police. Police did not ask me to describe the size of the bag. I did not state to the police that the bag had a chain. Today also I cannot describe the bag. I cannot tell the number of seats that are in the first class compartments. There were only two doors to the compartment in which I was. It was a small compartment. I now again say that there were in all four doors to the bogie, two on each side. There are four rows of seats in between the two pairs of doors. There are two rows of seats after the pairs of doors on each sides. I cannot tell whether the train runs from south to north or west to east when it goes from Churchgate to Virar.

15. When the two persons entered the train, it was full and people were standing. I cannot tell how many minutes before I entered the train before those two persons entered. I did not count the number of persons who entered after I had entered and before those two persons entered the train, therefore, I cannot tell how many

persons entered. People traveling in trains in Mumbai have some sort of bags with them. It is not unusual for people to board trains with bags and keep them on the luggage racks. Even persons who get seats, keep their bags on the luggage racks. From Churchgate to Borivali I was standing in the passage in between the two doors. Upto Dadar I did not go to the luggage rack where I had kept my bag. I cannot tell how many persons were sitting or standing in the portion of the four rows of seats. I cannot describe the persons who were sitting or standing in that portion. At Churchgate about 8-10 persons were standing in that portion. I also stood near the entrance as there was no place to sit. There was place to stand in the sitting portion in between the two pairs of doors. Some out of the persons who entered the train after the two persons, may have gone and stood in that portion. I did not pay attention where they went and stood. The two persons had to request other passengers to allow them to go inside and put their bag on the rack. After keeping their bag on the rack, they immediately came back and stood near me. They stood there upto Dadar. I do not remember whether I had stated to the police that those two persons stood near me upto Dadar. I cannot assign any

reason why this is not written in my statement. When I went and stood in the train, I was facing towards Churchgate. I do not know in which direction I was facing during the journey. Upto Dadar I was facing towards Churchgate. I cannot tell the number of persons around me upto Dadar. Upto Bombay Central the train was slow and thereafter it did not stop upto Dadar. I do not know how many persons entered or got down at Bombay Central. At Dadar Station only the two persons got down, but I cannot tell how many persons entered. I cannot say whether any person got down at Bombay Central because it was on the other side from where I was standing. I did not count how many persons got down and how many boarded the train at Marine Lines, Charni Road and Grant Road. If it is a fast train, there is no restriction on the passengers not to board or get down at any station in between.

(Adjourned as court time is over).

**Date : 04/01/11**

**SPECIAL**

**JUDGE**

**Date : 05/01/11**

**Resumed on SA**

16. Except the clothes bag, I had no other bag with me on 11/07/06. I had kept it on the luggage rack. I was facing towards the Churchgate side when I was standing in the train and I had kept the bag on my right side towards the direction of the Law college which is on the west side. The person who had kept the black bag had kept it on the luggage rack on the same side. I cannot say at what distance that bag was kept from my bag. After the train had crossed Andheri, I took my bag as I wanted to get down at Borivali. I saw that black bag at that time. It was at a small distance from my bag. Those persons did not have the bag with them when they got down at Dadar. I did not have any talk with them when they were getting down. I did not tell those persons that they had a bag with them when they came inside the train but they have not taken it, because at that time I did not realize it, but I realized it when I went to take my bag. It did not happen that after keeping the bag on the luggage rack, those persons stood in between the rows of seats. I do not remember

whether I had so stated to the police. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as 'A'). I cannot assign any reason why this is so written in my statement. It is true that there was a heavy rush at Dadar and therefore, those two persons found it difficult to get down. I was in the middle of the passage from Churchgate to Dadar. Platform no.4 at Borivali Railway Station came on the east side. I travel regularly, therefore, I know about it. Therefore, after Andheri I went to the east side door.

17. It is true that the police officer who took my statement on 14/07/06, asked questions and I gave answers to him. The sentence at the end of my statement that my statement was first typed in Marathi on computer and it was read over to me and it is correct and true as stated by me, is correct. Except describing the two persons as medium built and slightly fat, I did not give their any other description as they did not ask me. I did not give the other description as the police had asked me whether I would help them in preparing the sketches and I said yes, but that person did not come early. I do not know how to prepare sketch. I cannot assign any reason why it is not written in my statement that one person was

slightly fat. I do not remember whether I had stated to the police that those persons wanted to go inside and I moved aside to let them go inside and they went inside. I cannot assign any reason why it is not written in my statement. I do not remember whether I had stated to the police that the bag was kept on the right hand side luggage rack if one stands facing towards Virar in the train. I am getting confused between east and west. I was not confused about the directions on 14/07/06, because there was no question of such directions. When I gave my statement to the police on that day, I had stated the directions referring to east and west. I now say that I am confused between right and left, therefore, I am stating about east and west. Yesterday when I gave evidence I had confusion about right and left sides. Even then I referred to right and left sides, but did not refer to east and west directions. I do not remember whether I had stated to the police that there was more crowd in the compartment at Marine Lines, that after Bombay Central, the train was to directly halt at Dadar, that they had some exchange of words with other passengers who asked them where they wanted to get down, that the two persons told them that they wanted to get down at Dadar, that the



other passengers asked them as to why they were standing so much inside in the compartment and that there were many trains for going to Dadar and why they caught the Virar train. I cannot assign any reason why this is not written in my statement. I do not remember whether I had stated to the police that I also thought as to why they had boarded that train and 'troubled others' (emphasis supplied). I may not have stated to the police that those persons said that they were new. I cannot assign any reason why this is not written in my statement. I do not remember whether I had stated to the police that I went towards the opposite door as I wanted to get down at Borivali and I was waiting for the platform no.4 to come. I fell on platform no.4. I cannot say whether the platform no.4 will be on the right side or left side if one faces Virar. I cannot tell the number of persons who fell along with me on the platform. I do not remember whether I had stated to the police that I along with the other persons who were standing in the door were thrown on the platform, that I did not know as to what had happened, that people were falling on each other and there was a chaos and commotion. I cannot assign any reason why this is not written in my statement. I do not remember whether I had

stated to the police that people started saying that there was a bomb and then I also realized it, that I wanted to go to platform no.6, but there was a huge crowd on the bridge and I did not have the strength to go through the crowd, that therefore, I crossed the railway tracks, went to the platform no.6 and went out of the railway station, that I wanted to catch an autorickshaw but a policeman approached me and told me that I am injured and he would take me to the Bhagwati Hospital, that I told him that I did not want to go to the hospital and asked him to engage an autorickshaw for me so that I can go home, that a couple was going by an autorickshaw, the policeman asked them to come out and made me sit in that rickshaw and then I went home, that when I went inside my home, even my wife could not recognize me as my face had blackened and there were injuries and blood on my face, that then I went and took treatment from Dr. Gohil, who is my family doctor, that in the same night I also went to an ENT doctor, who advised me to take rest. I cannot assign any reason why these things are not written in my statement. During the course of my statement, police told me that they would call a person who would prepare a sketch. I told them that I would help them to prepare the

sketch. I waited for about ten minutes for that person and then I went away. It is true that after that day police did not call me to help them to prepare the sketch and I did not go on my own to them for that purpose.

18. During all the four occasions at the time of identification parade on 07/11/2006, there used to be fourteen persons standing in the row. I required maximum five to seven minutes on every occasion for going inside the parade room, looking at the fourteen persons and coming out of that room. On every occasion, I saw the face of everyone out of the fourteen persons. I do not remember whether any person from the first parade was repeated in the subsequent parades. I cannot say whether I could have recognized any person if he would have been repeated in the subsequent parades.

19. I cannot tell the age group of the persons present in the third parade on 07/11/2006. I cannot tell how many of them were black and how many were fair. One can or cannot generally identify a person as to whether he is a Muslim or a Hindu by looking at him. I cannot say how many Muslims and Hindus were there in the third parade. I cannot tell the average height of the persons who were

standing in the row but they were more or less of the same height. I cannot say what type of shirts and what type of pants they had on them. I cannot say whether there was any identification mark on any person by which one could identify him. I went inside on the third occasion at about 2.00 or 2.15 p.m. We came out of the prison at about 3.30 p.m.

20. I required maximum ten minutes for going inside, looking at the fourteen persons and coming out of the room on the occasion of the first parade on 08/11/10. I saw the face, the body structure and the clothes they were wearing, but I did not identify anyone. Same thing happened on the second occasion on that day. I required about 5-7 minutes on the third occasion. I cannot say whether any person who was present in the first parade was again present in the subsequent parade. I cannot say whether 6-7 persons from the first parade were again used in the third parade. I did not state to SEO Barve that the person who kept the bag stood at the same spot.

(Adjourned for recess)

**Date : 05/01/11**

**SPECIAL**

**JUDGE****Resumed on SA after recess**

21. No person out of the fourteen persons in the third identification parade on 07/11/06 had a bandage. I cannot tell the height of the first person in that row or the clothes that were on him.
22. Normally I use to leave Kalbadevi at about 7.30 or 8.00 p.m. I do not remember whether I had stated to the police that I return at about 7.30 or 8.00 p.m. I do not remember whether I had stated to the police that on that day, I started from my shop at about 5.00 p.m. and went through the subway to the Churchgate Station. I do not today remember what I had stated to the police and what I had not stated.
23. It is not true that on 11/07/06 I did not travel by the 5.37 p.m. Virar fast local, that therefore, I did not produce my railway pass and medical papers to the police, that I deposed falsely on the say of police.

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

24. It is not true that the blast did not take place in the portion of the bogie in which the bag was kept, that no blast had

taken place towards the side of the platform no.4. Police did not take me to show where the bag was kept in the compartment, they did not show me any photograph of the bogie in which the blast had taken place, they had not showed me any sketch of any bogie to point out where the bag was placed. If I am shown the zerox copy of the photograph of the compartment in which the blast had taken place, I will not be able to recognize it. I may try to do so. (Learned advocate for the accused wants to show enlarged zerox copy of a photograph to the witness, which is with him. However, learned SPP objects on the ground that its authenticity is not established. Hence, the witness cannot be shown the enlarged zerox copy of the photograph that is with the learned advocate. Learned advocate submits that he will produce it).

25. I did not use to take monthly first class pass of the railway. I did not state so to the police. I do not remember whether I had stated so to the police at that time. (Witness is shown the relevant portion. Hence, it is marked as 'B' ). I cannot assign any reason why it is so written in my statement. It did not happen that first I went to the doctor and then I went home. I do not remember

whether I had stated so to the police. (Witness is shown the relevant portion. Hence, it is marked as 'C'). I cannot assign any reason why it is so written in my statement.

26. The two persons were not similarly built. I had not stated to the police that both were medium built. (Witness is shown the relevant portions. Hence, they are marked as 'D1 and D2'). I cannot assign any reason why it is so written in my statement.

(Adjourned as court time is over)

**Date : 05/01/11**

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

**Date : 06/01/11  
Resumed on SA**

27. I cannot tell the exact time when I reached the Churchgate station, but the 5.37 Virar local was standing there. I cannot say whether I had stated to the police that I reached the Churchgate station at 5.30 p.m. and the train was already there. I

cannot say why this is so written in my statement. (Witness is shown the relevant portion. Hence, it is marked as 'E').

Q. It is my suggestion that the 5.37 Virar fast local was not standing on platform no. 3 in the Churchgate Railway Station.

A. I do not know when that train came, but when I reached there, it was standing.

28. My statement that I gave on 07/11/06 was read over to me. It was written correctly as per my narration. It did not happen that after identifying one person in the parade I had stated to SEO Purandare that he had kept the bag. It will be incorrect if it is so written in my statement. (Witness is shown the relevant portion from the statement dated 07/11/06. Hence, it is marked as 'A'). I cannot assign any reason why it is so written in my statement. It did not happen that SEO Purandare asked the name of the accused whom I had identified and he told it as Asif Khan Bashir Khan. (Witness is shown the relevant portion from the statement dated 07/11/06. Hence, it is marked as 'B'). I cannot assign any reason why it is so written in my statement.

29. I may have stated to the police that I have cloth



business in Swadeshi Market, Kalbadevi, that generally I leave home at about 10.30 or 10.45 a.m. and return at about 7.30 or 8.00 p.m., that on that day, I started from my shop at about 5.00 p.m. and went through the subway to the Churchgate Station, that about two minutes before the departure time of the train, two persons entered the compartment. I do not remember whether I stated to the police that there was more crowd in the compartment at Marine Lines, that after Bombay Central, the train was to directly halt at Dadar, that at that time those two persons tried to go towards the door and they had some some exchange of words with other passengers who asked them where they want to get down, that the two persons told them that they want to get down at Dadar, that the other passengers asked them as to why they were standing so much inside in the compartment and that there were many trains for going to Dadar and why they caught the Virar train. I cannot assign any reason why all these things are not written in my statement.

30. I had not stated when I gave my statement on 07/11/06 that officer Patil introduced me to two more persons saying that they are panchas, that then we all went in a police jeep to Aurthur Road

prison, that the policeman first went inside the prison and returned after 10-15 minutes and thereafter the SEO and two panchas went inside, that thereafter we were also called inside, that we were made to sit in a room by the side, that the SEO asked us whether the ATS police had shown us the persons or the photographs of the persons whom we had come to identify, that we said no, that the SEO and panchas went outside and then after some time one panch came and took one of us inside for the identification parade and then we went inside one by one. I had stated that SEO Barve asked him his name and he told it as Asif Bashir Khan. I cannot assign any reason why it is not written in my statement.

31. Before going to Aurthur Road jail, I had met ACP Patil. I had met him once before 07/11/06. I cannot tell the exact date when I met him. Officer Patil may have inquired with me. I cannot tell the period for which he inquired with me. I had given to him all the information that I had. There were some officers with him at that time. I do not know whether officer Patil wrote down what I stated or dictated it to some other person or there was no question of writing down anything. I do not know whether my statement was recorded on

that day. On that day no photograph was shown to me. It is not true that accused no. 13 was shown to me on that day. I remember officer Patil's face. He had introduced me to two SEOs. I was with them for about two minutes in the ATS office. At that time SEO Barve was busy writing something. SEO Purandare was not writing anything. We all went to Aurthur prison in two vehicles. Officer Patill did not accompany us. I do not know whether he was in the other vehicle. I do not remember whether the two SEOs were in my vehicle. SEO Purandare was in my vehicle. I do not know whether the panchas were in our vehicle. I do not know whether they were in the other vehicle. I did not meet officer Patil at the gate of the prison. I do not remember whether I had seen both the SEOs before they entered the prison. The policeman had gone first in the prison prior to the SEOs. I had seen one policeman going inside the prison. There was no other policeman with us, therefore, no policeman except that one went inside the prison. I do not know who entered the prison with both SEOs. The two panchas may have gone inside with them. I do not remember whether I had seen any other person going inside with them.

32. When I first went inside the parade room for the first identification parade, the two panchas were inside that room. I cannot tell the exact time for which we were waiting in the jail before entering the parade room. It is not true that officer Patil met me during that period. The Aurthur Road jailer, a lady officer, was present there. We were made to sit in the room on the right side after we entered the gate. I do not know whether a policeman sat in that room with a file. It is not true that officer Patil was also present there. It did not happen that I met some SEO for the first time in the prison. It did not happen that I met SEO Barve in the Aurthur Road prison for the first time and officer Patil introduced him to me there for the first time.

33. We reached Aurthur Road prison at about 10.30 or 11.00 a.m. We waited outside for about 15-20 minutes. I went in the parade room for the first time at about 12.30 a.m. and for the second time at about 1.30 p.m. I do not know whether the panchas had signed on the writing that SEO Barve had done in the ATS office and how many pages SEO Barve wrote there, whether he had put his stamp on the papers and whether he was writing after asking officer Patil. At the time of the first identification parade, there was one

panch present in that room. It did not happen that on all the four occasions both panchas were present and I was asked to identify.

34. I do not remember whether any SEO or panch was present when officer Patil showed me photographs of two dead persons on 07/11/06. I do not know whether police prepared a panchanama at that time. It did not happen that police told me their names and told me that one of them had died in the bomb blast and the other was killed in an encounter. I had not stated so to the police about it.(Witness is shown the relevant portion from the statement dated 08/11/06. Hence, it is marked as 'A' ). I cannot assign any reason why it is written in my statement. That statement was read over to me and it was correctly written as per my narration. Police had not shown me any Pakistani national by name Riyaz Nawabuddin and told me that they have caught him.

35. I do cloth business. I purchase and sell cloth. I purchase it from Mumbai, Ahmedabad, Bilwada, etc. The persons who sell the cloth to me, send it by transport. Usually the goods come by trucks. I give the lorry receipts and the invoices for obtaining the delivery of the goods. I have never been prosecuted for octroi

evasion. I am not ready to give the name of my firm. I do not have any octroi receipts. It is not true that I have been prosecuted for octroi evasion, therefore, I am hiding the name of my firm. After the blast I have stopped my business and I have stopped coming to Kalbadevi. Before that I used to file income-tax and sales-tax return. I did not have any car in 2006.

36. From 11/07/06 to 14/07/06 I was in Mumbai. I saw the news on the TV about the blasts. After one year of the blasts I was also interviewed at my home by the TV reporter of Sahara One channel. No politician had come to meet me. It did not happen that my photographs were in the news showing me receiving Advani. Injured persons were called at the BJP's office at Hindmata for giving guidance about getting compensation and there we had met Advani. I do not know whether my photograph with my name with Advani had appeared in the Times of India dated 12/07/07. I do not know whether he had given a statement to the media that wrong people are implicated by the ATS. Media persons had approached me for interview. The TV channel people had approached me. Only one channel had approached me.

37. Borivali Railway Police Station is about 15 minutes walking distance from my house. By a fast train one can reach Churchgate from Kandivali in 45-50 minutes and in one hour by slow train. Accused no. 13 may be on duty upto 6.25 p.m. at Kandivali on 11/07/06. It is not true that the ATS officers came to my house twice or thrice and showed me the photograph of accused no. 13 saying that he is the person whom I have to identify. It is not true that on 11/07/06 in the 5.37 Virar Fast train, some persons had boarded the train at Marine Lines and had got seats to sit. One could not see the other barracks from the room where the identification parade was held. I do not remember whether my name and signatures were taken while entering the jail. I was given a token at the entrance of the jail. I do not remember whether my signature was taken when I went outside the jail. I do not remember the colour of the bogie in which I had traveled.

38. It is not true that I did not give any statement in the Borivali Railway Police Station, that my bogus statement was recorded when I went to meet officer Patil in the ATS office, that I had not traveled by the 5.37 Virar fast local train on 11/07/06, that there

was no parade in Aurthur road prison and I had not identified anyone, that I deposed falsely on the say of the ATS that the accused no. 13 had kept the bag, that I identified the accused no. 13 in the court as the ATS police showed his photograph to me and showed him to me in the office. I do not know whether any other businessman from Kalbadevi was injured in the blast. It is not true that Kalbadevi businessmen do not go home at 5.30 p.m., that I deposed falsely on the say of the police.

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

39. I do not know whether the arrests of persons in this case were also in the news along with their photographs. Police did not inquire with me about my mobile number and the make of my mobile handset. I did not again meet the constable who met me outside the Borivali Railway Station on 11/07/06. I cannot describe the police officer who took my statement in Borivali Railway Station. I cannot tell about his age. Platforms of Andheri, Bandra and Borivali come on the east side. After Churchgate upto Bombay Central, the platforms come on the west side.



No re-examination.

**R.O.**

**Special Judge**

**Date:-06/01/2011**

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