

M.C.O.C. SPECIAL CASE NO. OF 21/06**DATE: 17TH JANUARY, 2011****Ext.No.764****DEPOSITION OF WITNESS NO.63 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name :Santosh Kedar Singh
Age :43 years
Occupation :Taxi Driver
Res. Address :Rom No. 7, Kedar Singh Chawl, J.B. Nagr Pipeline,
Mumbai-59.

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

1. I am driving taxi in Mumbai since 1989. I have licence and badge. In 2006 I used to drive Fiat taxi no. MRK 8286, during the day in one week and during the night in the next week in Andheri. I used to pick up passengers outside the Andheri railway station and take them to the desired destinations.
2. On 03/11/06 I was on the Hill Road in Bandra in the afternoon. Police were making inquires whether anyone out of the taxi drivers there had reached any passenger from Perry Cross Road, Bandra to Churchgate on 11/07/06. They also inquired with me and I told them that I had reached two passengers. They asked me whether I would

accompany them to the Bhoiwada Police Station to tell them about it. I consented. I went in my taxi to the Bhoiwada Police Station along with them. They took me to some office behind Bhoiwada Police Station. Upstairs there were some officers. They made inquiry with me. I described those persons to them. I told them that on 11/07/06 as usual I went to Andheri Station. I got a customer for Trombay. After leaving him there, I got a customer for Mulund. From there I got a customer for Leelawati hospital. Thereafter, I took my empty taxi to Elco market to a shop of a friend and waited there. After about 10-15 minutes an old person came, but the other taxi drivers did not take him as he wanted to go nearby. I took him to Perry Road. At about 3.15 to 3.30 p.m. two passengers for Churchgate came. One of them had a black heavy bag and an umbrella. They sat in my taxi on the back seat keeping the bag between them. I took them to Churchgate. *En route* they told me to drive the taxi carefully as the articles that they had with them were delicate. They asked me how much time it would take. I told them that it would take about one hour and if there is traffic it would require more than that. I left them at the subway by which one can go to Churchgate station. The fare was Rs.180/-. They

gave me a note of Rs.500/-. I did not have change to give the balance amount to them. I told them that I would bring it and they should wait for two minutes. However, they were in a hurry and they told me to keep the change. They got down taking the bag with them. This was my first experience about passengers keeping such a big amount of change. Normally before we take passengers, we look at the passengers. *En route* one of the passengers was talking in Mumbai-Hindi language and the other was talking somewhat in Punjabi language. One of the passengers was medium built aged about 30-35 years and the other was thin aged about 23-25 years. I will be able to identify them if I see them again.

3. During the inquiry the police officers wrote down what I stated, read it over to me and I stated that it was correctly written. Then they told me that they would call me if required. They took my address.
4. On 06/11/06 police came to my house and told me to come at 9.00 a.m. on 07/11/06 to the office at Bhoiwada. Accordingly I went there and reached at about 9.15 a.m. I went on the first floor. One officer by name Patil was there. He told me that I would be required to go for identifying the person whom I had taken in my taxi. He

introduced me to SEOs Purandare and Barve and then told me to go with them in the other room. There were some more persons like me in the other room and I was told that two of them were panchas. We were taken in two vehicles to Aurthur Road jail. SEO Purandare, two panchas, two more persons and a police officer were in my vehicle. The police officer went inside the prison and came back after 5-7 minutes. Then he sent SEO Purandare and two panchas inside. After 15-20 minutes we all were called inside the jail and made to sit in a room on the right side. SEO Purandare asked us whether we were shown photographs or some persons. I said no. Thereafter, we were taken inside one by one. I was the fifth to go inside at about 12.00 or 12.30 p.m. Fourteen people were standing in a room having grills and with curtain on the grills. They were similar looking. SEO Purandare asked me whether anyone of them is the person whom I had reached in my taxi. I said no. Then I was taken outside and made to sit in another room. Thereafter, at about 1.00 or 1.15 p.m. I was again taken inside. Again there were fourteen persons standing there. SEO Purandare asked me whether I can identify anyone out of them. I looked at them and said no. Then again I was taken to the second

room.

5. After about half an hour SEO Barve asked us whether we were shown any photographs or persons. I said no. Thereafter we were taken inside one by one. I was the seventh to go inside. A panch used to take us inside and used to leave us at the door of the room. When I went inside, again there were fourteen persons standing there. SEO Barve asked me to look at them and see whether I could identify anyone. I looked at those person and identified one person as one of the persons who had traveled in my taxi on that day. SEO Barve asked him his name. He told it as Asif Bashir Khan. Thereafter I was taken outside to the second room. After about 35-40 minutes I was again called inside. Again there were fourteen persons. SEO Barve asked me to look at them and see whether I could identify anyone. I looked at those persons, but did not identify anyone. At about 4.15 to 4.30 p.m. we were taken back to the Bhoiwada office. ACP Patil asked me whether I had identified any person. I told him that I had identified one person. He took my statement and read it over to me. I said that it was correctly written. He told me to come on the next day for the same purpose.

6. On the next day, i.e., on 08/11/06 I went to the office at Bhoiwada. ACP Patil introduced me to one SEO Bendje. Along with two panchas we went to Aurthur Road jail. He asked us whether we were shown any photograph or person. I said no. I was taken inside thrice. On the first two occasions there were fourteen persons standing there and on the third occasion there were seven persons. I did not identify any person on all three occasions. Same procedure was adopted for taking us inside the room as was done on the earlier day. In the evening we were taken to the office at Bhoiwada. My statement was recorded and read over to me. They showed me photographs of two persons who were dead, but I did not identify them. Then they told me that they would call me when required.
7. In the identification parade I had identified the person who had the bag and umbrella with him and had traveled in my taxi on 11/07/06. He paid the fare. I will be able to identify that person. (SPP asked the witness to look around the court room and see whether that person is present in the court. Witness looks around the court room and points to the accused no. 13, who is asked to stand up and tell his name, which he states as Asif Bashir Khan). He was the same

person.

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

8. I know all roads and places in Mumbai. One requires about half an hour from Lokhandwala area in Kandivali to reach Kandivali station. I have never traveled by train, therefore, I do not know whether one requires about one hour to take the ticket and travel from Kandivali to Churchgate. One may require about one and a half hours by taxi from Kandivali station to Churchgate station. It is not true that on 11/07/06 from 9.05 a.m. to 6.25 p.m. the accused no. 13 was on duty at Lokhandwala in Kandivali.
9. I do not ply my taxi locally, but I take it anywhere as per the demand of the passengers. Andheri to Trombay is about 15-20 kms. One requires about one hour at normal speed to cover this distance. On that day the fare for taking the passenger for that distance was Rs.115/-. I cannot describe that passenger. He had given notes of Rs.100/-, Rs.10/- and Rs.5/-. On that day I reached Trombay in between 11.00 to 11.30 a.m. It was not a Sunday. At Trombay I did not get the passenger for Mulund immediately. I picked him up from the place from where I left the earlier passenger. At Trombay after 10

minutes the passenger for Mulund came. That distance was about 8-9 kms. I reached within 20-25 minutes. The fare was Rs. 63/-. The passenger give Rs.65/-. He was slightly bald like you but had mustaches like me. Minimum fare at that time was Rs.13/-. I got the next passenger after about one hour. I started from there at about 1.00 p.m. Lilavati hospital may be about 20 kms from there. The fare was Rs. 145/-. The next old passenger gave Rs. 15/- fare though the fare was Rs. 13/-. I had Rs. 100/- in my pocket when I started from my house. I cannot tell how many passengers I carry in a day on an average. I cannot say whether I used to get 7-8 passengers daily on an average. I did not tell the police about this as they did not ask me. I may have stated so to the police at that time.

Q. Are you required to maintain log book?

A. Owner is not required to maintain log book.

10. I used to earn Rs. 400-500/- on an average every day. I used to pull on on that amount. I was required to give some amount out of this to the owner of the taxi. Police did not see the documents of my taxi. They did not ask for it. It did not happen that it was my experience that on a number of occasions criminals used to travel in

my taxi and run away without paying fare. I may have stated so to the police.

11. Police had read over my statement and it was correctly written. Q. Did it happen that your statement dated 03/11/06 at Hill road, Bandra when you were waiting for passengers, police were inquiring with the taximen?

A.- Police had made inquiries at the Hill Road.

I had not stated so to the police. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as 'A'. Emphasis on 'my statement dated 03/11/06 at 3.00 p.m. at Hill Road, Bandra'). I cannot assign any reason why it is so written in my statement. (Ld SPP submits that the witness has stated that on 03/11/06 at 3.00 p.m. police had made inquiry with him at Hill road and his statement is recorded at Bhoiwada on computer.

12. I used to drive the taxi daily in 2006. I used to drive the taxi number MRK 8286 during that period. I did not keep any record about taking out the taxi and reaching it and about driving it during the day or night. In the other shift my younger brother used to drive the taxi. There is no record about he driving the taxi in a particular

week and during the day or night. A driver has to maintain a log book in which the name, licence and badge number, the date and the time of taking out and reaching the taxi are required to be mentioned. From the log book one can know from what time upto what time a driver has driven the taxi. Log book is required to be submitted in the RTO office at the time of passing.

13. In July, 2006 I had started to drive the taxi during the day from 10th. After that week was over, I drove it during the night. I do not remember from what time to what time I drove it on 10/07/06.

Q- At what time you took out the taxi on each day from 10/07/06 to 16/07/06?

A- I used to take out the taxi at about 9.00 or 9.30 a.m. and used to reach it at about 7.00 to 7.30 p.m.

The taxi no. MRK 8286 is now scrapped. It was scrapped around 9th or 10th of November 2006. It is not true that I was not driving it on 03/11/06 when police inquired with me. There was no permission to ply it after it was scrapped. I did not deal with the scrap dealer about it. It was parked after it was scrapped.

(Adjourned as court time is over).

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SPECIAL

JUDGE

Date : 17/01/11

Date : 18/01/2011

Resumed on SA

14. One cannot drive a taxi without the badge. I had shown my licence in which badge number is mentioned. I had not stated to the police that I have a badge. Police did not take my licence or its copy. I had stated to the police that In 2006 I used to drive Fiat taxi no. MRK 8286 during the day in one week and during the night in the

next week in Andheri, that on 03/11/06 I was on the Hill Road in Bandra in the afternoon, that police were making inquiries whether anyone out of the taxi drivers there had reached any passenger from Perry Cross Road, Bandra to Churchgate on 11/07/06, that they asked me whether I would accompany them to the Bhoiwada Police Station to tell them about it, that I consented, that I went in my taxi to the Bhoiwada Police Station along with them, that they took me to some office behind Bhoiwada Police Station, that upstairs there were some officers. I cannot assign any reason why these things are not written in my statement.

15. I had stated to the police that from there I got a customer for Lilawati hospital, that thereafter, I took my empty taxi to Elco market to a shop of a friend and waited there, that after about 10-15 minutes an old person came, but the other taxi drivers did not take him as he wanted to go nearby, that I took him to Perry Road, that at about 3.15 to 3.30 p.m. two passengers for Churchgate came, that one of them had a heavy black bag and an umbrella, that *en route* they told me to drive the taxi carefully as the articles that they had with them were delicate, that I left them at the subway by which

one can go to Churchgate station, that I told them that I would bring the change and they should wait for two minutes, that however, they were in a hurry, that they got down taking the bag with them, that this was my first experience about passengers keeping such a big amount of change, that the other passenger was talking somewhat in Punjabi language, that the other was thin aged about 23-25 years. I cannot assign any reason why all these things are not written in my statement.

16. I had stated to the police that on 06/11/06 police came to my house and told me to come at 9.00 a.m. on 07/11/06 to the office at Bhoiwada, that accordingly I went there and reached at about 9.15 a.m., that I went on the first floor, that one officer by name Patil was there, that he told me that I would be required to go for identifying the person whom I had taken in my taxi, that he introduced me to SEOs Purandare and Barve and then told me to go with them in the other room, that there were some more persons like me in the other room and I was told that two of them were panchas, that we were taken in two vehicles to Aurthur Road jail, that SEO Purandare, two panchas, two more persons and a police officer were in my

vehicle, that the police officer went inside the prison and came back after 5-7 minutes, that then he sent SEO Purandare and two panchas inside, that after 15-20 minutes we all were called inside the jail and made to sit in a room on the right side, that SEO Purandare asked us whether we were shown photographs or some persons, that I said no, that thereafter, we were taken inside one by one, that I was the fifth to go inside at about 12.00 or 12.30 p.m., that fourteen people were standing in a room having grills and with curtain on the grills, that they were similar looking, that SEO Purandare asked me whether anyone of them is the person whom I had reached in my taxi, that I said no, that then I was taken outside and made to sit in another room, that thereafter, at about 1.00 or 1.15 p.m. I was again taken inside, that again there were fourteen persons standing there, that SEO Purandare asked me whether I can identify anyone out of them, that I looked at them and said no, that then again I was taken to the second room, that after about half an hour SEO Barve asked us whether we were shown any photographs or persons, that I said no, that thereafter we were taken inside one by one, that I was the seventh to go inside, that a panch used to take us inside and used to

leave us at the door of the room, that when I went inside, again there were fourteen persons standing there, that SEO Barve asked me to look at them and see whether I could identify anyone, that thereafter I was taken outside to the second room, that after about 35-40 minutes I was again called inside, that again there were fourteen persons, that SEO Barve asked me to look at them and see whether I could identify anyone, that I looked at those persons, but did not identify anyone, that at about 4.15 to 4.30 p.m. we were taken back to the Bhoiwada office. I cannot assign any reason why all these things are not written in my statement dated 07/11/06.

17. I had stated to the police that along with two panchas we went to Aurthur Road jail, that he asked us whether we were shown any photograph or person, that I said no, that I was taken inside thrice, that on the first two occasions there were fourteen persons standing there and on the third occasion there were seven persons, that I did not identify any person on all three occasions, that same procedure was adopted for taking us inside the room as was done on the earlier day. I cannot assign any reason why these things are not written in my statement. I had stated to the police that in the

identification parade I had identified the person who had the bag and umbrella with him and had traveled in my taxi on 11/07/06, that he paid the fare. I cannot assign any reason why these things are not written in my statement dated 07/11/06.

18. As the condition of the taxi no. MRK 8286 had deteriorated, it was scrapped and not as it was fifteen years or twenty five years old. As customers were preferring cool cabs, they were not taking my taxi, therefore, it was scrapped. I had not stated to the police that I was the owner of that taxi. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as '**B**'). The reason why it is so written in my statement is that the permit was in my name and my father was the owner as he had paid the price. He had purchased a secondhand vehicle. At present there is taxi in my name as owner. The registration book, fitness and insurance is in my name. It was purchased fresh from the dealer about four years before. I may have purchased it around 16/11/06. Its registration no. is MH-02-WA-8139. The taxi MRK 8286 was a 1979 model. It was a taxi before our purchase. I do not know whether the RTO office starts new series of numbers every year. I do not know in which year the

series MRK was started. I do not know at what price my father purchased it, whether he was the second or third purchaser. It was not transferred in my father's name at any time till today. No agreement of purchase was made. One Anil Kumar Singh was the previous owner. I used to drive it. I took permit in 1995. My father used to get the taxi passed from the RTO from 1989 to 1994. It was not declared in the RTO office that it was purchased by my father. During that period there was no problem for passing the vehicle. It is not true that it is wrong for a person to ply a taxi, the permit of which is in the name of some other person. Anil Kumar is no more. I do not know when he died. I cannot say when I met him last. I did not sign any agreement with him. He did not give any declaration to me but he had given the necessary papers in the RTO office, about transferring his permit in my name.

19. Perry Road is about one and a half kilometers from Hill Road. It is not true that I had not taken any passenger from Hill Road on 11/07/06. He was the aged man. I did not take those two passengers from the Hill Road. It did not happen that on 03/11/06 I was on the Hill Road in Bandra and there police were making

inquiries and they inquired with me and asked me whether at any time I had taken two young persons with the big bag to Churchgate Railway Station from that place. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as 'C'). I cannot assign any reason why this is not written in my statement. I had not stated the words 'Tyane mala tyana ase sangitale ki'. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as 'D'). I cannot assign any reason why it is so written in my statement.

20. Two policemen were making inquiries at the Hill Road. I do not know their names or buckle number. I did not give the entire information to them. I do not remember whether they had any register with them. I had seen them making inquiries with about 5-6 taximen. I do not remember whether they were noting down the names of the persons with whom they were making inquiries. At that time I did not tell them that those persons had traveled in the same taxi. I reached the ATS office at about 3.45 p.m. I did not meet ACP Patil on that day. I was not asked to talk with him on phone. No officer talked with him on phone in my presence. I was in the ATS office for about two or two

and a half hours. I do not remember whether I stated to them that I had reached the passengers in the same taxi. They did not ask me to show that taxi. They did not inspect my taxi and did not prepare any panchanama.

21. I first met ACP Patil on 07/11/06 in the Bhoiwada office. I was there upto 11.00 a.m. It did not happen that during that period I was introduced only to SEO Purandare and SEO Barve was not present there. I remember the face of ACP Patil. I do not know whether he came in the other vehicle to the Aurthur Road prison. He was not in my vehicle. We reached the gate of the jail at about 11.30 a.m. I saw SEO Purandare at the gate. I did not see SEO Barve at the gate and entering the prison. I did not see ACP Patil at the entrance gate. I did not see both the SEOs writing something in the ATS office. I entered the gate at about 11.45 a.m. I did not see both the SEOs together. I did not see ACP Patil inside the jail. I had met SEO Barve before I went to the place of parade in the room on the right side where we were sitting. It did not happen that ACP Patil introduced SEO Barve to us for the first time in the prison.

22. I entered the parade room on the fourth occasion at

about 2.45 p.m. I was taken inside to the parade room after every half an hour. Inside that room the SEO asked me whether I was shown any photographs or persons. In the first parade the fourteen persons were standing in one row. I had looked at them carefully. I had looked at them so carefully that I could have identified any new person if mixed amongst them on the second occasion. On the second occasion the fourteen persons were different from the fourteen persons on the first occasion. No person from the first and second occasion was repeated on the third occasion and the fourth occasion.

23. It is true that there were rooms around the room in which we were standing. There was no jail officer in any room. No work of writing big registers was going on in our room and in the other rooms. At that time names of the prisoners were not being called out and they were not going to and fro in front of our room. The panch who used to take me to the parade room every time, did not enter the identification room at any time. I was in the jail for about three and a half hours. After the work of the parades started, none of the SEOs sat with us for any time in any of the two rooms. They did not come to the room where we sat after the fourth parade. I did not

meet ACP Patil when I came out of the jail.

24. It is not true that there was no identification parade, that I did not go to the jail and that I did not identify any person. I may have visited police chowkis two or four times in connection with the driving of the taxi for bringing back licence. I paid fine four times. I was not required to go to court at any time.

25. Police did not show me any dead body. The photographs were of the whole dead bodies. ACP Patil had not shown them, but they were shown in their presence. I do not know whether the photographs were there since beginning or whether they were brought from somewhere or whether they were taken out from any sealed envelope. Two photographs were shown. There was no SEO or panch present and no panchanama was prepared. ACP Patil did not tell me that one of them is a person by name Salim who was killed in the bomb blasts and the other is Abu Umed who is killed in encounter. I had not stated so to the police. (Witness is confronted with the relevant portion from his statement dated 08/11/06. Hence, it is marked as 'A'). I cannot assign any reason why it is so written in my statement.

26. I used to drive my taxi daily during 11/07/06 and in 02/11/06 in two shifts. I used to drive the same taxi MRK 8286 in both shifts. During this period I had gone to Hill Road and Perry Cross Road. I have seen the regular local taxi drivers on those stops. During this period I did not get any information from them that police are inquiring about passengers being taken from there to Churchgate.

27. On 11/07/06 on three occasions I took pairs of passengers. Police did not prepare a sketch of the bag or the two persons with my help. I had not described the length and breadth of the bag to the police. Police did not ask me about the log book. Police did not tell me that they want to see and search the taxi. I do not know whether at Churchgate there are subways for crossing the roads and also for going to the Churchgate station. I did not take the police to the spots to show from where I took the two passengers and where I left them. Police also did not ask me to do so.

28. In the night of 11/07/06 I came to know about the bomb blasts. I saw the news on the TV only once. I did not read newspapers and I do not read them. Till 02/11/06 I did not think that I had some important information about the incident of bomb blasts. I

did not used to halt at the airport. It is true that after about a week it is difficult to remember a passenger and it becomes more difficult after a month or so. Police did not show me any person and said that he is a Pakistani national by name Riyaz Nawabuddin and had not shown his photograph.

29. It is not true that accused no. 13 had not traveled in my taxi on 11/07/06, that he did not have a bag with him and I did not reach him to the Churchgate station and he did not get down with the bag and I deposed falsely on the say of the ATS police. It is not true that the taxi MRK 8286 was never owned by my father or by me and was never driven by me, that many days before 11/07/06 the taxi was scrapped, that therefore, I did not give any papers of that taxi to the police and police did not ask for them. It is not true that before 03/11/06 police had shown the accused no. 13 to me when he was in the police custody and had shown me his photographs and video clippings, that I identified him in the court on the say of the police and have deposed falsely.

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

30. Carter Road is about two and a half kilometers from Hill

Road. Carter Road is one kilometer from Perry Cross Road. I was taken from near Mehboob Studio at the Hill Road. I told about the distances of the various places from the Mehboob Studio. On 03/11/06 I started back for my house from Bhoiwada at about 5.30 or 6.00 p.m. Two three officers inquired with me in the office. I cannot tell their names or who inquired with me and who wrote and who signed my statement. Only I was taken from the Hill Road. I cannot tell the names of the taxi drivers or the numbers of their taxis who were at the Hill Road. Till I started back from the ATS office, police did not bring any other taxi driver. I did not meet any taxi driver on 07/11/06 or 08/11/06 in the ATS office or in the jail. I look at passengers before taking them in the taxi to avoid taking drunk persons and any problems about non-payment. It is not true that if I find that the person is a decent person, then only I take him in my taxi. If there is some drunk person or a person who does not appear to be proper, I try to refuse to take him but I have to take him if he insists. I try to take passengers who look decent. It is my effort to look at the passengers, to see if he is decent and then only to take him. I do not remember whether I had stated to the police that I take only

those persons whom I find decent. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as 'E'). I cannot assign any reason why it is so written in my statement. Police did not inquire with me at Perry Cross Road at any time.

31. Both the passengers sat on the back side. From Perry Cross Road I went to Churchgate via Lucky hotel, Bandra, Mahim, Prabhadevi, Worli Naka, Haji Ali, Mahalaxmi, Peddar Road, Opera House and then Churchgate. I cannot say whether I halted the taxi near the income tax office.

(Adjourned for recess)

Date : 18/01/2011

SPECIAL JUDGE

Resumed on SA after recess

32. I dropped the passengers at Churchgate at about 4.45 to 5.00 p.m. I have no idea whether one requires hardly one minute to reach the Churchgate station from the spot where I dropped them. I required about one and a half hours from Perry Cross Road to Churchgate. There was some traffic but it was not heavy. There is some traffic in Mumbai everywhere. At Peddar Road and Opera House there was heavy traffic. I required about 45 minutes from Haji

Ali junction to Churchgate *via* Peddar Road and Opera House. From Haji Ali junction one can go directly to Grant Road, Opera House and Churchgate. One will require about 45 minutes to cover that distance. That distance is more or less similar to the distance from Haji Ali junction to Churchgate *via* Peddar Road and Opera House. I cannot tell the distance in kilometers of the above two routes. It is true that from Haji Ali *via* Peddar Road there is always heavy traffic. Taxi drivers have to take their taxis by the route where there is less traffic, if the passenger wants to reach early.

33. I did not feel that the person who was talking Hindi with Punjabi accent was a Pakistani. Therefore, there was no reason for stating so to the police. I do not remember whether it was so written in my statement. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as '**F**'). I cannot assign any reason why it is so written in my statement. I thought that one of them was from Mumbai and the other was from outside Mumbai. They did not talk in any other language other than in Hindi and Punjabi. I had described the person who was carrying the bag to the police. I cannot assign any reason why it is not in my statement specifically. I did not

state to the police that one of the person had a black bag and the other was having an umbrella. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as 'G'). I cannot assign any reason why it is so written in my statement. It did happen that one out of the two passengers asked me about the fare and I told him that it is Rs. 180/- and he gave me Rs.500/- note. I had stated so to the police. I had not stated to the police when I described the two persons that one was talking English mixed Hindi in Mumbai style and one was talking in Mumbai Hindi. (Witness is confronted with the relevant portions from his statement. Hence, they are marked as 'H and I'). I cannot assign any reason why it is so written in my statement.

34. I first met ACP Patil in connection with this case on 07/11/06 and then on 08/11/06. There was no common person in the three parades on 08/11/06. After identifying the accused no. 13, I had stated to SEO Barve that he was the person who had paid the fare. I cannot tell which person out of the fourteen was wearing what type of clothes in the third parade. There was no bandage on the face or any part of the body of any person. Six or seven persons may be having

long hair. Some seven-eight persons had short beards and wore round net caps like Muslims. I cannot say whether a person is a Muslim or Hindu if I see him. I can say that the persons wearing caps were Muslims. They were of similar height about 5'4" to 5'5". SEOs Purandare and Barve were about the same height. Same panch took me for both parades conducted by SEO Purandare. I do not know whether the same panch also took the other witnesses for the parades. Same panch reached me to the other room. One or two more witnesses came to that room after me. I do not know whether the same panch who had taken me and brought me had reached them to that room. That panch may be about 35 years of age. Both SEOs might be more aged but I cannot tell their ages.

35. The panch who took me for the parades conducted by SEO Barve was in between 30-35 years of age. I cannot say whether same panch took the earlier six persons. Two-three persons were brought back to the second room after me. They were the persons who like me were brought there for identification parade. I cannot say whether the panch who took me back to the second room had brought the persons after me. Some persons in the fourteen persons

at the time of the third identification parade were wearing open shirts, kurta, full shirt and half shirts. I cannot say how many were wearing half shirts like me. Four five persons were wearing kurtas. Mostly the kurtas were white. One was off white coloured. I have no idea about the colours of the half shirts. Five persons were wearing full shirts. Some were sky blue coloured. The person whom I identified was wearing sky blue full shirt with full buttons on the front side. I cannot say whether some were wearing pants and some were wearing pyjamas. I did not pay much attention to it and to the type of their footwear.

36. Except asking me as to whether I was shown photographs or any persons, both the SEOs did not ask me anything. SEO Barve met me in the prison after the parades by SEO Purandare were over. Both SEOs did not talk with me in the ATS office, Bhoiwada. They asked me in the jail, in the room where I was sitting, as to whether I was shown photographs or any persons. Except asking me to see whether I could identify any person out of the fourteen persons standing there, both SEOs did not ask me anything.

37. We have our own chawl. It is owned by my father. We

get rent from it. It is not true that I deposed falsely.

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

38. Hill Road is about 3-4 kilometers long. On that road I was near the Elco market on 03/11/06. There were 3-4 taxis standing there. I do not know from which police station those policemen were. Bandra Police Station is on the Hill Road. The police officer who took my statement did not inquire with the two policemen who had inquired with me at the Hill Road. Those two policemen were not in uniform. They had come in a police vehicle. I cannot tell its number. There were 4-5 policemen in it, but I do not know whether there was any officer.

39. I did not give my name and details at the entrance gate of the prison on 07/11/06 and 08/11/06 to the jail officers.

No re-examination.

R.O.

Special Judge

Date:-18/01/2011

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