

M.C.O.C. SPECIAL CASE NO. OF 21/06**DATE:24TH FEBRUARY, 2011****Ext.No.797****DEPOSITION OF WITNESS NO.73 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Mangesh Harichandra Kadage
Age : 40 years
Occupation : Police Constable, Buckle no. 32846 Spl. Br. I, CID, Mumbai
Res. Address : Room No. 16, 1st floor, BMC Chawl No. 2, Sabu Siddhiqui Police Vasahat, Crawford Market, Mumbai

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

1. I was attached to Police Station Azad Maidan in 2006 and on 17/07/06 I was deputed to the Bhoiwada unit of the ATS. On 04/08/06 I went on day duty. My superior PI Vijay Kadam told me to take a sealed glass test tube containing metal pieces removed from the body of an injured in the bomb blasts at Bandra for which CR No. 87/06 was registered with Bandra Railway Police Station, to the FSL, Kalina. He gave it to me along with a forwarding letter and its copy. The letter was bearing his signature. I took them to the office of the FSL at Kalina where its seal was verified and it was received by the

concerned clerk. He took the letter in his possession and gave an acknowledgment on the office copy. The office copy of the letter now shown to me is the same. The concerned clerk of the FSL gave the acknowledgment on the letter of Police Station Azad Nagar addressed to the ACP, ATS. My buckle number was on the office copy of the letter. (It is marked as **Ext.798**). The acknowledgment on the letter by Police Station Azad Nagar was given by the concerned clerk. (It is marked as **Ext.799**).

(Adjourned for recess)

Date : 24/02/11

Special Judge

Resumed on SA after recess

2. (Ld SPP requests for opening a sealed khaki envelope bearing the name FSL, State of Maharashtra, Mumbai, Name of Division-G. A. & I-Div., Case No.-M-355/06, Exhibit No.1, police Station-ATS, C.R.No. 87/A/06 Bandra Rly. It is given to the learned advocates for the accused for inspection. On opening it it is found to contain a glass test tube with small paper label bearing CR No. 87/A-06 ATS M-355/06 and a strip of sticking plaster bearing the words Mr. Singh Amit Prakash 100/ Dr. MLS, Opn : Jt. SS Fixator FD Removal on

15/07/06. The test tube is shown to the witness). The test tube now shown to me is the same. When it was given in my possession its mouth was closed by cloth strip and having seal. The metal piece that I now see inside the test tube, was in it at that time. (The metal piece inside the test tube is marked as **Art-311**, the test tube with cotton in its mouth is marked as **Art-311A**, the khaki envelope of FSL is marked as **Art-311B**). I returned back to the ATS office and gave the office copy of the letter to PI Kadam.

3. Thereafter on 11/09/06 I was on day duty in the office. PI Vijay Kadam gave me a letter with its office copy concerning the articles of CR no. 87/06 registered with Railway Police Station, Bandra that were given to the FSL, Kalina and asked me to take that letter to the FSL office. Accordingly I went to the office of the FSL at Kalina, gave that letter and obtained acknowledgment of the concerned clerk on the office copy of the letter. After going through the letter, he gave me a sealed khaki packet containing the articles that were seized from the spot of the incident in CR no. 87/06 of Railway Police Station, Bandra. The sealed khaki packet Art-113C now shown to me is the same. He also gave me the test tube that was in the sealed cover of

the FSL . The sealed envelope Art-311B is the same. He also gave me reports in a sealed envelope. I took these three items to the office and gave it to PI Vijay Kadam.

4. When I was on day duty in the office on 03/11/06, PI Vijay Kadam gave me a letter for collecting articles that were given to the FSL, Kalina. Accordingly I took that letter to the office of the FSL. The concerned clerk gave me a sealed khaki packet and a sealed envelope containing its report. The khaki cover Art-95D now shown to me is the same. It contains the CR No. A-87/06 of Bandra Railway Police Station. I brought it to the office and gave it to PI Kadam. My statement was recorded in this connection.

Cross-examination by adv Shetty for A3, 8, 9, 11 & 12

5. It was my first occasion in my service to go to FSL, Kalina on 04/08/06. The store in-charge in the ATS office had given me the articles. I do not know his name and buckle number. I had given the copies of the letter Ext. 799. I had given the zerox copies of the two papers that are alongwith the letter Ext.799 to the FSL office. Ext.799 is given by Sr. PI of Police Station Azad Maidan to DCP, ATS, Mumbai. It does not contain any remark that its copy should be given

to the FSL. PI Kadam had given its zerox copy for giving it to the FSL. After giving the zerox copy, I gave it back to him with the acknowledgment thereon. I do not remember the exact time at which I reached the office of the FSL at Kalina. On 04/08/06 I made entry in the station diary at about 11.00 a.m. and started for Kalina. I cannot tell the exact time when I started from the office and reached the office of the FSL. PI Kadam had told me around 7.30 to 8.00 p.m. on 03/08/06 about going to Kalina for that work on the next day. I met him in the morning on 04/08/06. Letter Ext.798 does not contain any matter written by me. My buckle number and date in that letter were written by the concerned clerk of the FSL office. The clerk who made the endorsement of acknowledgment on Ext.799 wrote the buckle number and date on Ext. 798. I gave the original of Ext.798 to the him. I did not ask him why he did not give the acknowledgment on Ext.798. The lac seal on Ext.798 was not put in my presence. I do not know who put it. One cannot read the letters on that lac seal.

6. It is not true that I did not take the letter and the test tube to the FSL, Kalina. Its report was received on 11/09/06. I had brought it from the office of the FSL. The envelope that I brought was sealed, I was

not opened in my presence. The seal on the test tube was lac seal. The words on the lac seal were not readable. The lac seal was on the mouth of the test tube.

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

7. Declined.

Cross-examination by adv. Salunkhe h/f Wahab Khan for A/2, 7,

10 & 13

8. I did not take the inward number from the FSL office about receiving the letter on 04/08/06.

No re-examination.

R.O.

Special Judge

Date:-24/02/2011

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