

M.C.O.C. SPECIAL CASE NO. OF 21/06**DATE:3RD MARCH 2011****Ext.No.804****DEPOSITION OF WITNESS NO.74 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Vishal Kishore Parmar
Age : 30 years
Occupation : Private service
Res. Address : Room. No. 17, A'Block, BMC colony, Ambedkar
Nagar, Mahalaxmi, Mumbai-34.

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

1. I reside at the given address since my birth. I work with Mukesh Rabadia in Tulsiwadi, Mumbai Central. He is a money lender. My work is to go to banks and BMC office and to meet clients. I commute to my place of work by train.
2. I had gone to an ENT hospital in front of Hutatma Chowk at 4.30 p.m. on 11/07/06. After the work there was over, I got a call from my employer who directed me to go to the BMC Bank at Dadar. Therefore, at 5.15 p.m. I went to Churchgate Station as I wanted to go to Dadar. I went to platform no.3. I stood near the first class bogie that was in front. The indicator on the platform was showing a train of

5.19 p.m. going towards Virar. Two persons came there and asked me whether Virar fast train would go from there. I looked at the indicator and told them that such a train is going from there. Thereupon they stood there. After two or three minutes the train came there. Two-three persons got down and I was about to board it. Out of those two persons, the person other than the person who had asked me about the train and the time, had a black rexine bag with him. They had started to board the train before me and when I was boarding the train, the rexine bag hit my leg. I wanted to catch a window seat, but I did not get it. I sat on the long seat having seven seats facing Churchgate, at the third seat from Hutatma Chowk side. Those two persons stood in the passage in between at some distance. After the train started I looked at the bag and thought that it was a big bag being carried in the first class compartment. At Bombay Central the bogie became crowded. After Bombay Central the train stopped at Dadar. After the train had passed the Elphinstone Station, I started moving towards the door as I wanted to get down at Dadar. I got down at Dadar. The two persons got down in front of me at Dadar and were walking fast empty handed. As I was engrossed in the thought of my work, I did not think much about the persons

walking away without taking their bag with them. At Dadar I went to the BMC Bank in front of Plaza Cinema and met the client. After about half an hour there was a talk in the public that there were blasts in the trains. Then I returned home.

3. There were news after some months that some accused had kept bombs in black coloured bags in the trains. It struck to my mind that on that day I had also seen the two persons keeping a black coloured bag in the train. Therefore, I searched in the news papers as to who is making the inquiry about the blasts. I learnt that the ATS police of Bhoiwada are doing the inquiry. Therefore, I went there and met officer Patil and told him about the incident of 11/07/06. He called two three officers. He told officer Khandekar to take my statement. He took my statement by typing it on the computer. He asked me whether I could identify those persons. I said yes. I described those persons to him. Thereafter, I went home. My statement was recorded on 02/11/06. It was correctly recorded.
4. I got a message from officer Patil on 06/11/06 that I was to go there on the next day. I went to his office on the next day at 9.00 a.m. and met him. He made me sit in the side room. There were seven more persons like me sitting in that room. Officer Patil brought a

person there after some time and introduced him as SEO Purandare. SEO Purandare introduced two panchas to us saying that they would help him in the identification parade. We started from there after some time. Officer Patil brought a person by name Barve there and introduced him saying that he would also conduct an identification parade. We went to the Arthur Road Prison. The policeman went inside. He came out after some time, gave something to Barve and left the place.

5. Thereafter we were taken inside the prison in a room on the right side. We were made to sit in that room and SEO Purandare latched it from outside. SEO Purandare came there after sometime and asked us whether police had shown us any accused or any photographs of any accused. We said no. A panch came after some time and took us inside one by one. I was at the third number. He took me inside. He knocked on the door of the room saying that he has brought a witness. The door was opened and we were taken inside. I saw fourteen persons standing in a row inside the room and SEO Purandare writing something. He stopped writing when I went inside and asked me to look at those persons and say whether I could identify anyone out of them. I looked at those persons one by one,

but I did not identify anyone. I told him accordingly. The panch then took me to a room on the left side. The two persons who had preceded me to the identification room were sitting there. After all eight had gathered in that room, we were again taken to the first room.

6. The next identification parade then started. I was the third to go inside the identification room. SEO Purandare asked me to see whether I could identify anyone out of the fourteen persons. I identified one person who was at serial number seven, as I had seen him with the black rexine bag at Churchgate and when the two persons had got down at Dadar they did not have the bag with them. SEO Purandare was writing as I was narrating to him. SEO Purandare then asked that person his name. He told it as Ehtesham Siddique. The panch then took me outside to the left side room. After we all eight persons gathered there, we were taken to the first room.
7. SEO Barve came there thereafter and introduced us to two panchas. He asked us whether the police had shown us any accused or any photographs of any accused. We said no. The identification parade started thereafter and same procedure as per the earlier procedure was adopted twice. I did not identify any person in those

two parades.

8. We went to the ATS office at Bhoiwada after all the parades were over. Officer Patil asked me whether I had identified any person. I told him that I had identified a person by name Ehthesham Siddique, Then he took my statement. It was read over to me. It was correctly written.
9. Officer Patil asked me to come again on the next day, i.e., on 08/11/06. Accordingly on that day I went at 9.00 a.m. to the ATS office. He brought a person and introduced him to us as SEO Bendje. From there we eight persons went to the Aurthur Road Prison. Same procedure was done for going inside the prison. He conducted three identification parades adopting the same procedure. At the time of the first two parades, there were fourteen persons standing in a row and at the time of the last parade there were seven persons standing in a row. I did not identify any person in all the three parades. Then we were taken to the ATS office at Bhoiwada. I said no when officer Patil asked me whether I had identified any person. He showed me two photographs of two persons saying that one was killed in an encounter and one was killed in the train blasts. He asked me whether I could recognize anyone of them. I said no. Then my

statement was recorded as narrated by me.

10. I will be able to identify the person who had the black rexine bag with him at Churchgate, who had got down at Dadar without the bag and whom I identified in the identification parade. (Ld SPP asks the witness to look around the court room and see whether that person is present. Witness looks around the court room and points to the accused no.4. He is made to stand up and tell his name, which he states as Ehtesham Qutubuddin Siddique). He was the same person.

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

11. I have passed the 8th standard in Robert Money Technical School at Grant Road. I work with Mukesh Walji Rabadia since last ten years. I was not doing money lending business. He had not appointed me by any order in writing. He had a money lending licence. The ATS police did not call him at any time after I gave my statement on 02/11/06. I do not know whether he was called before 02/11/06. I do not have any knowledge about his relations with the police. I do not know whether police had called him to act as a panch witness in any other case prior to 02/11/06. He lends money to the employees of the BMC and they repay him after they obtain loan from their bank. He keeps a record of the money that he lends. The BMC

employees come to his office to borrow the money. It is not true that I am required to go to meet a borrower only when he fails to repay the money. I am required to go to the BMC banks to tell the people that they are required to pay my employer. Whenever a BMC employee comes for a loan he is told about the dates of repayment. My employer takes the identity card of the BMC Bank of that person when he comes for loan. Inquiry is made and then he is called on the next date. It is necessary that such a person is a member of the BMC Bank. Then only my employer lends money to him. I have to go to the office of those employees. I meet that person. I do not meet his officer. On meeting such a person, I see his pay slip to ascertain whether he has repaid the installment of the BMC Bank. I go to the BMC Bank on the date of disbursement of the loan by the BMC Bank and call the employee there and after he gets the money, I take him to the office of my employer where he makes the repayment of the loan. It is not true that I know how much loan he has taken and how much amount is to be recovered from him.

12. I had gone to meet a person by name Baban Rankhambe at the ENT hospital on 11/07/06. I knew his name on 02/11/06. I do not remember whether police inquired with me about his name on

02/11/06. I had gone to meet him in connection with loan. I had gone to meet Lalit Waghela at the BMC Co-operative Bank in Dadar. I did not tell his name when my statement was recorded. I do not remember whether police did not ask me about his name. ENT Hospital is opposite Videsh Sanchalay. I had gone to Churchgate station by the subway. I was to go to Dadar after I received the phone call from my employer when I came out of the ENT hospital. Prior to that day I had gone to Dadar from Churchgate in between 4.00 to 5.00 p.m. many times. I knew that there is a heavy rush in the Virar trains in the evenings. It is not true that there is only a difference of two minutes between the traveling time of fast and slow trains going from Churchgate to Dadar. There are electronic indicators in the subway showing the destinations of trains. There is a big indicator in the Churchgate Station in front of the subway by which one enters the Churchgate station. I knew that there are slow trains on platforms no. 1 and 2 and 2 and 3. I was standing on platform no. 2 and 3. I did not see which train was standing on platform no.1 and 2. I did not know that in the evenings trains going to Andheri and Bandra start from platform no. 1 to 3. I did not pay attention whether many persons were getting down from the slow trains and boarding the fast trains

and *vice versa*. I did not pay attention whether there were many persons standing around the Virar train. I do not know whether most of the persons who want to get down at Dadar or nearer stations, stand near the doors.

13. I did not see from where the two persons came. One was able to see the indicator from the place where I and those two persons were standing. They were standing at a distance of four steps from me. It is not true that there were other persons standing in between us. There were persons standing by my sides. At that time the train was not standing on the platform. It is not true that the persons who want to secure a window seat go some distance ahead as the train enters the station and then board the train. This happens in second class and not in first class. No passenger of first class boards a running train. They board the train comfortably after it comes to the platform and after passengers get down, when there is no crowd.

14. About 5-6 persons had boarded the train before I boarded it. I do not know how many boarded it from the other side. Other passengers were also boarding the train when I was boarding it. No other passenger was hit by that bag while boarding the train. I did not hear any passenger near those persons complaining to them about

the bag. The bogie was not filled up completely at Churchgate. It did not fill up completely upto Bombay Central. It filled up at Bombay Central. I did not hear any other passenger making any complaint to those persons. I do not know how many persons got down at Dadar. There was a big crowd at Dadar. There is a crowd on the staircases on the platform. It is not true that the entire platform was packed at Dadar. The first class bogie halts in front of the stalls at Dadar. There was a crowd at the stalls. When I got down at Dadar, I did not see what train is standing on the other platform. The platform there is common for two tracks and there is a rush of people coming and going. I had seen those persons at a distance of 2-3 steps. Some persons were walking in between them and me. I was behind them. People were walking in front of them. I did not see whether there were people behind them. People were climbing on and getting down from the staircases. It is not true that there was a big crowd on the platform and it was difficult for people to move.

(Adjourned at the request of Id adv at 5.00 p.m.)

Date: 03/03/11

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

Date : 04/03/11
Resumed on SA

15. I was at the ENT hospital for 10-15 minutes on that day. The person whom I had gone to meet was working as a compounder there. He was in the dispensary. There were 4-5 other persons in the dispensary. As it is a BMC hospital it is open for the whole day. The duty hours of that person were from 3.00 p.m. to 11.00 p.m. There is no register in that hospital for visitors to make an entry if they want to meet any employee. It is not true that in that register the name of the visitor, the time of his visit and the name of the person and his department whom he wants to meet are required to be written. It is

not true that an entry has to be made at the time of leaving the hospital. When my statement was recorded I knew the name of the person whom I had gone to meet there and the purpose of my visit. I had stated these details to the officer who recorded my statement. I had not stated that I had gone there to meet some person for some work. I had not stated so similarly about the person whom I went to meet at Dadar. If it is so written in my statement, then it is incorrect. I had stated to the police that I had gone to the ENT hospital for some work to meet some person. I cannot assign any reason why it is not written in my statement that I had gone there to meet some person. I had stated to the police that after the work there was over, I got a call from my employer who directed me to go to the BMC Bank at Dadar, that therefore, at 5.15 p.m. I went to the Churchgate Station. I cannot assign any reason why this is not written in my statement. Police did not inquire with me about the person whom I had gone to meet at Dadar. It is true that I went to the platform no. 3 to wait for the train going to the Dadar. I had stated to the police that I stood near the first class bogie that was in front, that the indicator on the platform was showing a train of 5.19 p.m, that two persons came there and asked me whether Virar fast train would go from there, that I looked at the

indicator and told them that such a train is going from there. I cannot assign any reason why these things are not mentioned specifically in my statement. It did happen that at that time two persons out of the persons standing around me came near me and one of them asked me whether Virar train leaves from there and on looking at the indicator I told him that Virar train will leave from there. I had stated to the police that after two or three minutes the train came there, that two-three persons got down and I was about to board it. I cannot assign any reason why it is not written in my statement. I had stated to the police that out of those two persons, the person other than the person who had asked me about the train and the time, had a black rexine bag with him, that they had started to board the train before me and when I was boarding the train, the rexine bag hit my leg, that after the train started I looked at the bag and thought that it was a big bag being carried in the first class compartment. I cannot assign any reason why these things not mentioned in my statement. I had stated to the police that the two persons got down in front of me at Dadar and were walking fast empty handed. I cannot assign any reason why these things are not written in my statement. I had stated to the police that at Dadar I went to the BMC Bank in front of Plaza Cinema and

met the client. I cannot assign any reason why it is not written in my statement. I had stated to the police that I searched in the news papers as to who is making the inquiry about the blasts, that I learnt that the ATS police of Bhoiwada are doing the inquiry. I cannot assign any reason why it is not written in my statement.

16. I had stated to the police when I gave my statement on 07/11/06 that he made me sit in the side room, that there were seven more persons like me sitting in that room, that SEO Purandare introduced two panchas to us saying that they would help him in the identification parade, that we started from there after some time, that officer Patil brought a person by name Barve there and introduced him saying that he would also conduct an identification parade, that the policeman went inside, that he came out after some time, gave something to Barve and left the place, that thereafter we were taken inside the prison in a room on the right side, that we were made to sit in that room and SEO Purandare latched it from outside, that SEO Purandare came there after sometime and asked us whether police had shown us any accused or any photographs of any accused, that we said no, that a panch came after some time and took us inside one by one, that I was at the third number, that he took me inside,

that he knocked on the door of the room saying that he has brought a witness, that the door was opened and we were taken inside, that I saw fourteen persons standing in a row inside the room and SEO Purandare writing something that he stopped writing when I went inside and asked me to look at those persons and say whether I could identify anyone out of them, that I looked at those persons one by one, but I did not identify anyone, that I told him accordingly, that the panch then took me to a room on the left side, that the two persons who had preceded me to the identification room were sitting there, that after all eight had gathered in that room, we were again taken to the first room, that the next identification parade then started, that I was the third to go inside the identification room, that SEO Purandare asked me to see whether I could identify anyone out of the fourteen persons, that I identified one person who was at serial number seven, that SEO Barve came there thereafter and introduced us to two panchas, that he asked us whether the police had shown us any accused or any photographs of any accused, that we said no, that the identification parade started thereafter and same procedure as per the earlier procedure was adopted twice, that I did not identify any person in those two parades. I cannot assign any reason why

these things are not mentioned in my statement. I had stated to the police that from there we eight persons went to the Aurthur Road Prison, that same procedure was done for going inside the prison, that he conducted three identification parades adopting the same procedure, that at the time of the first two parades, there were fourteen persons standing in a row and at the time of the last parade there were seven persons standing in a row. I cannot assign any reason why these things are not mentioned in my statement.

17. We reached Aurthur Road Prison at about 10.45 or 11.00 a.m. on 07/11/06 and were there upto 3.00 or 3.30 p.m. I do not remember whether the prison officers did not write anything about me. I did not sign on any register in the prison. It is not true that I was talking with the seven persons who were with me. We all did not talk with each other during the entire period that we were together. Upto now I do not know their names and from where they were. The identification room was like a barrack, it had a grill about 17-18 feet in height and covered with curtain. I was not introduced to any jail officer by any person. The jail staff was present in the premises whenever I went inside that room and came out of it. The persons who were standing in the row were wearing different clothes. I cannot describe the

clothes worn by the persons who were by the sides of the person whom I identified. I do not remember the clothes worn by the person whom I identified. I was in that room for five minutes at the time I identified the person. On every occasion, I was there for about five or seven minutes. It is not true that during that period the SEO did not ask anything to me or write down anything. The SEO did not write anything on other occasions, except the occasion when I identified a person. All the persons stood in a row in that room. I alone went towards the row of the persons. All the fourteen persons were of the same height, medium built. Some were wearing T-shirts, some were wearing shirts. I do not remember whether some were wearing kurta. I do not remember whether all the persons had similar hair, how many out of them had mustaches, how many were clean shaven and how many had beards. Some of them had beards. The person whom I recognized had a beard. He had a four inches long beard. I do not remember whether he had a small beard. (Ld adv asks the accused no. 2 to stand up and asks the witness whether that person had a beard like the accused no.2). I do not remember whether that person had such a long beard. I did not see any bald person. The panch who had taken me to the identification room did not take me out of it, but

the other panch took me out and took me to the other room. I do not remember the name of the police officer who wrote my statement in the ATS office at Bhoiwada. I do not remember the name of the police officer who was with us when we started from the prison for the ATS office on both days. It is not true that I did not identify any person in the identification parade on 07/11/06.

18. I reached home at about 9.00 or 9.30 p.m. on 11/07/06. I have a television at my house. I saw the news about the blasts when I reached home. The news were continuing for several months. There were news about what the police, social workers and politicians were doing and saying. After some months there were news about the persons who were caught by the police. It is not true that there used to be videos about the police going to the houses of particular persons for arresting them. I used to read the Times of India. There used to be news in that paper about the persons who were arrested, but not their names and photographs. I did not talk with my employer about the incident of 11/07/06. I talked about the incident for the first time on 02/11/06 when I went to the office of the ATS. I first talked about it in the ATS office with officer Patil. He did not write anything. The two-three officers who were called after sometime did not make

any inquiry with me. Officer Khandekar only talk with me. He typed my statement on the computer after 5-10 minutes. He read it over and explained it to me in Hindi. It was correctly written as stated by me. It did not happen that I read the statement and found it to be correctly recorded. If it is so written in the statement, then it is wrong. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as 'A'). I cannot assign any reason why it is so written in my statement. It did not happen that many people boarded the train at the same time when I boarded it. I did not state so to the police when I gave my statement. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as 'B'). I cannot assign any reason why it is so written in my statement. I do not remember whether there were announcements about trains when I was standing on the platform. I stood at the platform at Churchgate for about 2 or 3 minutes. I do not remember how many times I heard the announcements during that period. I heard the announcement about the train when the train came. I cannot describe the persons sitting by my sides and on the benches in front. I cannot describe the persons who were standing by my sides on the platform. I cannot describe the persons who were getting down when I got down at

Dadar and who were on the platform at Dadar. I cannot describe the bags or luggage kept by passengers in the bogie at Churchgate. I do not remember what was in the hands of person who got down with me at Dadar.

19. It is not true that the train was already at the platform at Churchgate at 5.15 p.m. when I went there, that it was standing there from 5.07 p.m., that I did not travel by that train on 11/07/06, that no passenger asked me anything about any train, that the bag did not hit me, that I had not gone to the ENT hospital on that day, that I did not identify the accused no.4, that I deposed falsely on the say of the police and my employer. I do not know whether my employer has acted as a panch witness in this case on 29/09/06.

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

20. When I met officer Patil and told him about the incident, he did not say to me that my story is false. He did not tell me that the bomb was kept in a dark green coloured rectangular shaped small zipper hand bag with a hanging grip. I had not seen a person in the bogie aged 30-35 years, medium built, wheatish complexion, height about 5'4 ", clean shaven face, bones below the eyes were risen, cheeks pressed inside, wearing white stripes shirt and full pant, appearing

older and weak. ACP Patil did not tell me that they are in search of a person by this description, that they had got a witness by name Ramanand Marutirao Macheward whose statement they have recorded four days after the incident. It is true that eight people can sit on the seven seat bench if they compress and adjust. ACP Patil did not tell me that they had contacted all the seven persons who were sitting on that seat in that bogie and had recorded their statements within ten days after the blasts. It is not true that a window seat was vacant and it was occupied by a passenger who boarded the train at Marine Lines.

(Adjourned at the request of Id adv at 5.00 p.m.).

Date: 04/03/11

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

**Date: 08/03/11
Resumed on SA**

21. My employer's full name is Mukesh Walji Rabadia. He stays at Room No. 125, N' Block, B.N. Rathod Marg, Tulsiwadi, Tardeo, Mumbai. He does not have a shop. His office is opposite his house, but I cannot describe the address. I cannot produce any document about that office. I do not have any documentary evidence about I working for him. My employer has money lending licence. I can bring it. (Learned advocate asks the witness to produce the licence on the next date). I have good close relations with him. I do not have homely relations. I do not have any knowledge as to where he had gone and where he stayed, if he did not attend the office for 2-4 days or 15-20 days. I have not signed along with him on any panchanama prepared by police. I have not worked as panch witness in any case and have not given evidence in the court at any time. My house is within the area of Police Station Tardeo. I do not know whether any crime is registered against my employer during the last two-three years. I do not know whether he and three-four other persons were arrested in a murder case and were in prison and were later on released on bail. I do not know whether my employer was in the prison for four-five months and then he was released on bail.

Q. Whether it happened during the last three-four years that your employer

did not attend the office continuously for three-four months or more?

A. His brother used to attend the office.

It did not happen so at any time. My employer never takes me with him outside. He never talked with me about his relations with the police. I did not see whether police of Crime Branch or ATS used to come to visit him. I do not know whether he has worked as a panch witness many times since 1999 for the Crime Branch and later on for the ATS. I have never talked with him about this case. I did not tell him that I had gone to the ATS office and to the prison for identification parade. I did not tell him about my traveling in the Virar fast train in which there was blast. He did not tell me that he had acted as panch witness in the case of the train blasts.

22. At that time my mobile number was 9322220839. This was my employer's mobile. He used to use his residential number 24943560. He used to use the same mobile. I did not have any personal separate mobile. No sim card was issued in my name in 2006. My employer had only that mobile. It was with me in the evening on 11/07/06.

23. I do not remember the number of the train in which I had traveled on that day. I did not take the police and they did not ask me to take them to the Churchgate station to show the place where I was

standing and from where I had boarded the train or to the bogie to show the place where I had sat. Police did not show me any photograph or video clipping of the bogie where the blast had taken place. I did not see in the media the photograph or video of the bogie in which I had traveled. Till today I do not know which portion of the bogie in which I had traveled was substantially damaged. The ATS police also did not tell me about it.

24. I do not remember whether the luggage rack of the bogie in which I had traveled was full with luggage or it was empty, whether I had seen any person keeping any bag on the rack. I was not a regular traveler by the train. From the talks and behaviour of the passengers sitting around me, I did not think that they were regular travelers by that train. It is true that it is a common thing on the platforms of railway stations in Mumbai for persons to make inquiries about trains, their timings and their departure timings. It is a common thing to carry luggage in the trains and to be pushed around in the trains. Quarrels and abuses are common in the trains. I do not know whether a casual passenger can be identified amongst the regular passengers. I cannot say whether it is doubtful for a person to keep a light handbag on the rack, if it can be easily carried in his hands.

25. I always travel by first class. I use my motor cycle since last four years. I did not have it in 2006. I used to travel on pass. I did not give it to them and the ATS police did not ask me about it. I have not preserved the pass of 2006. There is an identify card with such a pass. There is an individual number on the identity card. I do not have the identity card and I do not remember the number. I had purchased the pass on the first or second of June, 2006 at Churchgate of the routes Churchgate to Virar and CST to Thane. I cannot tell the date of its validity. The cost of the pass was Rs. 1500/- or 1600/-. I had the pass with me when I went to the ATS office. I do not know whether persons working in the same company or office, normally occupy the same compartment in the local trains. I do not know whether people in the same group play cards and sing bhajans. I have not heard train number 1742 Virar fast. I do not know whether sometimes when one reads about a train on the indicator in the station and when one goes to the platform, it is realized that the train has not arrived or that it is canceled or that it has left. It happens sometimes that one is misled by the information on the indicator about the particulars of the train.

26. I did not see the train coming on the platform. It came there 3-4 minutes after 5.15 p.m. I do not remember whether it came at 5.18

or 5.19 p.m. It did not happen that it halted only for one minute and then started again. I do not remember whether the train started on time or whether it was late. I did not see my watch before catching the train. I do not know whether sometimes there is a confusion as to whether a train is slow, fast, double fast or harbour.

27. I do not know whether the scheduled time of arrival of 5.19 p.m. Virar fast train at Churchgate Station was 5.07 p.m., whether on that day it had arrived at the scheduled time, whether on that day it left at 5.20 p.m. I do not know whether on that day from morning to evening the accused no. 4 was at Mira Road. The train halted for about 2-3 minutes at the platform. I do not know whether it reached at the scheduled time at Bombay Central and Dadar. It is not true that I had not boarded the 5.19 p.m. train on that day.

28. My employer Mukesh Rabadia is no more. He died on 11/11/10. I had withdrawn money from his account with the help of the cheque issued by him and by signing on the back side of the cheque. I do not remember from which bank I did so. I have filled up pay-in slips and deposited cheques for him, but I do not remember the name of the bank. He died because of fever. He had accounts in many banks, but I do not remember the number of those banks. He

had an account in the Bank of India, Breach Candy branch, in the BMC Bank, VT branch in his name. He had eight employees. They were Mahadev Shinge, Prakash Pawar, Sanjay Mane, Dilip Sumbra, Prakash Khetrane. I do not remember the names of remaining. We did not receive our salaries by cheque. My employer used to charge interest @ 2 % p.m. I do not know whether he used to get any application filled up from the customers. We used to recover the loans every month. The customers did not take loans from the BMC Bank for the purpose of repaying the loan taken from my employer. They did not repay by cheques. Hamals, peons, sweepers used to take the loans. There was no complaint about this to the police. There used to be five or ten customers every month. My sister gifted the motor cycle to me. It was in her name and it is in her name.

29. I catch the trains and sit on the available vacant seat. I board the bogie which comes near the exits on the platforms. It is not necessary that it is comfortable to sit facing towards the direction where the train is going. I got down from the same door by which I had boarded the train. It did not happen that I got down from the last door of that bogie. I do not remember whether I stated so to the police. (Witness is confronted with the relevant portion from his

statement. Hence, it is marked as 'C'). I cannot assign any reason why it is so written in my statement.

(Adjourned for recess)

Date : 08/03/11

SPECIAL JUDGE

Resumed on SA after recess

30. I cannot say on the basis of the clothes worn by the two persons who had met me on the platform as to whether they were educated or uneducated persons. I had described their clothes to the police. The indicator was clear and it was not blinking. I do not remember whether the announcement was by a man or a woman. I heard the announcement only once when the train arrived. I had not decided to go by any particular train before entering the station, but I wanted to go by a fast train. The indicator was at the distance of one bogie after the door of the first class bogie that I boarded.

31. I was in Mumbai doing my routine work from 11/07/06 to 02/11/06. I did not feel that I had any important information with me before I read in the newspapers about the bag. I did not tell it to any of my family members, my employer, my co-employees or police. I came to know about the black bag from the news that was given by the police. I felt that my life was saved.

32. I went to the Churchgate station from the subway that is on the Virar side. It is by the side of ACC cement building. The subway is on the east side. There are four platforms at Churchgate. I do not know whether there are more platforms. It is true that one goes to the last platform on the east side from that subway. From the subway one can go to the platform no.3. There is no foot over bridge for going from the last platform to the platform no.3. There are tracks in between the last platform and the platform no.3 on which trains halt. Generally fast trans are available on these tracks. From the subway one can go to all the platforms.

33. I went out by the bridge that connects the platforms at Dadar. It is true that fast trains normally halt at one platform at Dadar. One has to go by the foot over bridge for going to the west side. If one goes by the slow train one can directly go outside without using the bridge. The bridge that I used was behind the first class bogie, towards Churchgate. I do not remember whether at that time railway police used to sit at tables on both corners of the bridge. I did not feel that I should go and inform the police that the two persons were walking empty handed. The BMC Co-op Bank in Dadar (W) was five minutes walking distance from the station. The ATS police did not ask

me and I did not tell them the name of the person whom I had gone to meet. I used to watch the news on the television and read the newspapers about the blasts. I do not remember when the news of the arrest of the first accused came. The news about the black bag came for the first time two-three months afterwards. Names and photographs of the accused were not published in the news. There was no news item showing any accused confessing to the blasts. I did not see whether the Joint Commissioner of Police, Rakesh Maria said in an interview on TV that the blasts were done by Indian Mujaheeddin. Police did not show me any person saying that he is Riyaz Nawabuddin, a Pakistani national and did not ask me whether I know him. It is true that generally when trains come in the Churchgate and CST stations, the passengers who are sitting in the trains do not get down immediately, but some of them get down after the passengers on the platform enter the trains.

34. The ATS police did not prepare any sketch of any person. They did not ask me to give a facial description of the persons. I did not tell them and they did not ask me about any special identification mark.

35. It did not happen that there was only one SEO on 07/11/06.

ACP Patil did not accompany us to the prison. It did not happen that he had gone inside the prison. It did not happen that I did not meet SEO Barve in the ATS office and I met him for the first time in the prison when ACP Patil introduced him to me there. At the time of every parade only one panch used to be inside the identification room. It happened that one panch used to take me to the identification room and the other panch used to take me back. It used to happen that the panch who used to take me to the identification room, used to wait outside and after my work, he used to take me back to the waiting rooms. I used to be taken back by another panch. There was no construction work going on at the place of identification room and no construction material was lying there. It did not happen that I was taken to an open place where the persons were standing in a row. I had identified the accused no.4 at 1.15 or 1.30 p.m. I do not know whether the accused no. 4 was taken out from the 'Anda' barrack at 12.35 p.m. and sent back at 12.40 p.m. and thereafter he was never taken out. It is not true that on 03/11/06 I and my employer had come with PI Tajane in this court and on that day the accused no. 4 was shown to me. It is not true that I was shown his photograph and video clipping in the ATS office. It is not true that Mukesh

Rabadia was not doing any money lending business and I was not working for him, that he was running an extortion racket and I was working for him, that on 11/07/06 I did not have a first class pass and I did not travel by that train on that day, that I did not identify any person in the identification parade, that I identified the accused no. 4 before the court since he was shown by PI Tajane and his photograph was shown to me in the ATS office, that my employer has worked as panch witness for the ATS and the crime branch many times, therefore, he portrayed me as a got up witness. It is not true that I deposed falsely.

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

36. I did not contact any police upto 02/11/06. I travel regularly by western and central railway. Byculla is the nearest station to my house in central railway. It is not true that the ENT hospital is nearer from CST station than the Churchgate station. I took part in four identification parades on 07/11/06. A different panch took me inside the identification room on every occasion. One panch took me out twice from the identification room out of the four occasions. This took place on the first and second occasion. Another panch took me out on the third and fourth occasions. Same is the case about the

panchas who took me to the identification room on the four occasions. There used to be seventeen persons including me in the parade room on all the four occasions. One panch used to be there. He was the panch who used to take me out. I cannot tell the age of the SEO who took the first parade or of the remaining two SEOs. I had seen the two SEOs in the ATS office on 07/11/06. Police had introduced them to us saying that they would be taking the parades. There was no space in between the fourteen standing persons on all four occasions. At all times I saw the face, the structure and the clothes of the persons standing there. I do not remember whether there were some persons who were common in the parades. I did not tell the SEO that some person from the first parade or the earlier parade is also in this parade and I did not ask him why he is again paraded. I could have recognized any person who was repeated in the earlier parades. However, I did not identify any such person at the time of all the parades on both days.

37. I do not remember how many persons got down from my bogie at Dadar. I do not know how many persons got down before I got down. I got down from the west side door. It was the door on the front side of the bogie. I got down from the same side by which I

boarded the train. There were two benches of three seats in front of the bench on which I sat. I do not remember the number of persons who were in the compartment of the seven seat bench and the two three seat benches and how many of them got down upto Dadar, how many persons were standing in the passage in between the rows of seats. I was sitting in the compartment consisting of the seven seat bench and the rows of three seat benches. There is a passage in between the doors on both sides. Thereafter is a bigger portion having several rows of seats. I do not remember the number of persons standing in the passage between the two doors. I could not see whether any person was standing there from Churchgate to Dadar and I did not pay much attention to it.

38. I saw the two persons at Dadar when I and they were walking. There was no other person in between us on the platform. They were four steps away from me. They were walking fast. I was also walking fast. I do not remember whether many people got down along with me at Dadar from the two doors of that bogie. I was required to struggle to get down at Dadar. I got down on the western side. The bridge was at a distance on 10-15 steps from the spot where I got down. It will not be correct to say that when I started going towards

the bridge I saw those two persons walking ahead of me. I had not stated so to the police. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as 'D'). I do not remember whether I had stated so to the police. I cannot assign any reason why it is so written in my statement. It will not be correct to say that when I got down at Dadar, I was engrossed in the thought of my work and therefore I was not attentive to the persons walking in front of me. I had not stated to the police that as I was engrossed in the thought of my work, I neglected (Durlaksha) them and started climbing the stairs. (Witness is confronted with the relevant portion from his statement. Ld SPP submits that it will have to be taken together with the earlier two sentences. Hence, it is marked as 'E'). I cannot assign any reason why the sentence that 'as I was engrossed in the thought of my work, I neglected (Durlaksha) them and started climbing the stairs' is so written in my statement.

39. I saw the news about the blasts on television on the same day in the night at about 9.00 or 9.15 p.m. I do not remember whether I came to know at that time that a blast had taken place in the Virar fast local train ahead of Mira Road. I do not remember in which news paper and of what date I read that the bombs were kept in black

bags. Tardeo Police Station is 10-15 minutes walking distance from my house. I did not go there in this connection upto 02/11/06. After starting from Churchgate the train had halted at Bombay Central. I do not remember whether when that train arrived at Churchgate station all the passengers who were sitting in it got down. I had not stated so to the police. (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.

No re-examination.

R.O.

Special Judge

Date:-08/03/2011

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

Date: 29/08/12
Resumed on SA

Further cross-examination by adv Sharif Shaikh for A4 and A5 as per the order below Ext. 3024

40. I am not staying at the address given by me after 2006. I did not state falsely that I stay at that address since birth. I was called by Tardeo Police Station and I had stated to the officer there that I had acted as a panch witness in an accident case that had occurred at Mahalaxmi Race Course. I have not acted as a witness or panch witness for any police station or crime branch. It is not true that I have acted as panch witness for a recovery panchanama in CR No. 11/06 of the Crime Branch, Unit-II. It is not true that I am deposing falsely that I have not acted as a panch witness.

41. I have acted as panch witness for test identification parade in the Byculla prison on 21/01/12. I had given the same address as I gave in this case though I do not live there. I have acted as panch witness for test identification parade in the Arthur Road Prison on 17/03/11. Both the test identification parades relate to the cases of the Crime Branch. I have acted as panch witness for test identification parade in the Arthur Road Prison on 03/09/11. It is not

true that I am the regular and stock panch witness of police, Crime Branch and the ATS and therefore, I am being called to act as panch and be a false witness. It is not true that I deposed falsely.

(Learned SPP requests for re-examination of the witness on the ground that he wants to get an explanation from him in connection with he giving the same address though he is not staying there after 2006. Learned advocate Sharif Shaikh has no objection. Permission granted).

Re-examination by LD SPP Raja Thakare for the State

42. I have a fear in my mind as I am a witness in this case, therefore, I give my old address and do not give my new address where I stay after 2006.

Re-cross-examination by adv Sharif Shaikh for A4 and A5

43. I have not applied to the Commissioner of Police or to any other police authority to give protection to me as I fear for my life. I did not tell the police officers who took me as panch witness subsequently that I do not want to work as panch witness as I fear for my life. It is not true that I am residing at a different address, but I am giving false address at the time of panchanama. It is not true that I am saying on the say of the ATS that I fear for my life. I did not tell

the court when my evidence was recorded earlier that I am giving a different address as I fear for my life. It is not true that I deposed falsely.

No re-examination.

R.O.

Special Judge

Date:-29/08/2012

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