

M.C.O.C. SPECIAL CASE NO. OF 21/06**DATE: 15TH MARCH, 2011****Ext.No.818****DEPOSITION OF WITNESS NO.76 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Vijay Rajaram Ambekar
Age : 47 years
Occupation : Service (Police constable-10988)
Res. Address : 4/12, Aminabai Chawl, Maulana Compound,
Sanghani Estate, Gaodevi Road, Ghatkopar (W),
Mumbai-86.

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

1. I stay at the given address since my birth. At present I am attached to Unit-VII of Crime Branch at Ghatkopar. I know one Ajmeri Shaikh who resides in Kurlawala Chawl at Gaodevi Road since many years. The bomb blasts in railways took place in July 2006.
2. On 28/10/06 said Ajmeri Shaikh came to my house at about 10.00-10.30 a.m. with his friend Amar Khan. He said to me that he wants to talk to me about something special and confidential. As there were children in my house, we went outside the house to a secluded place. On reaching there he looked around to confirm that

no one is hearing him and then showed me the issue of Mumbai Mirror dated 01/10/06 that was with him. It was in the news item that two or three days before the bomb blasts, bombs were prepared in the house of Mohd. Ali in the presence of some Pakistani persons. (Witness is shown Ext.810). This is the same newspaper and the news item on the first page is the same. Ajmeri Shaikh further told me that two or three days before the blasts he and his friend Amar Khan had gone to the Shivaji Nagar area in Govandi in the afternoon and had gone to the house of Mohd. Ali, their friend, as they had not met him since many months. He told me that when they went to his house, they saw Dr. Tanveer Ansari, Ehtesham Siddhique and three unknown persons present in his house. He told me that he wondered as to how Mohd. Ali, Dr. Tanveer Ansari and Ehtesham Siddhique were together. He told me that he saw an electric wire in the hands of one unknown person and that he was joining the wires. There were heaps of black, gray and white powder in front of the other two unknown persons.

3. On hearing this I felt that it was a very important information and that it can be useful in the investigation of the crime and can be

used as evidence. I took both of them to the office of the ATS at Nagpada, as the ATS was investigating the crime. I made them to sit outside and met DCP Nawal Bajaj of ATS. I told him about the information that I had received and also told him that I had brought those two witnesses with me. He immediately asked me to call the two inside his office and heard the information that they had. On their request he assured them that their names would be kept secret and asked them to help the police in the investigation. He then told me to take the two persons to ACP Patil of ATS at Bhoiwada. Accordingly I went to the ATS office at Bhoiwada. ACP Patil and three-four other officers were there and we informed them in detail about the information. ACP Patil was in a hurry to go out. Therefore, he told API Alaknure to record our statements. Accordingly API Alaknure recorded the statement of Amar Khan first, then of Ajmeri Shaikh and then my statement.

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

4. My statement was recorded around 2.00 to 3.00 p.m. on 28/10/06. I cannot tell the exact time when Amar Khan's statement was recorded before my statement. I do not remember how much

time he required to record his statement and the statement of Ajmeri Shaikh. I reached Bhoiwada at about 1.00 or 1.15 p.m.

5. In 2006 I was attached to Anti Dacoity Squad at Kurla (W). PI Vijay Salaskar was head of that squad. I do not remember who was our ACP. PI Phadke, API Alaknure, PSI Sudhir Dalwi and PSI Mayekar were also attached to the unit. API Alaknure is the same officer who recorded my statement. API Alaknure did not accompany us when we went to meet DCP Nawal Bajaj. I met API Alaknure on 28/10/06 for the first time at about 1.00 or 1.15 p.m. I did not meet PI Salaskar on that day. We had no fixed timings of going to the office in the Crime Branch. I did not report to duty in the morning or during the whole day on 28/10/06. I do not remember at what time I reported for my duty on 27/10/06. I reported to duty at about 11.00 a.m. on 29/10/06. I do not remember till what time I was on duty on that day, as many years have passed. We report to an officer when we go on duty. I do not make any entry in any register about reporting to duty and going back from the duty. In charge ASI or the most senior head constable makes the entry in the station diary about reporting on duty. I do not know whether entries about my reporting on duty on 27, 28

and 29/10/06 are made or not. I joined service as police constable since 1983. I was attached to Anti Dacoity Squad since 18 months before the 28/10/06. Before that I was attached to another unit of Crime Branch. I may be attached to Unit-III or Unit-VII. The jurisdiction of Unit-VII is from Ghatkopar to Mulund and of Unit-III it is Worli, Delisle Road, now N.M. Joshi Marg. I do not know whether Sewree and Byculla also come in its jurisdiction. After I joined service, I worked in Police Station Bhandup, then Airport Police Station, Tilak Nagar Police Station and Kanjur Marg Police Station.

6. I know Ajmeri Shaikh since many years, but not since childhood. Aminabai Chawl is at a distance of 30-40 meters from my house. I do not know whether Ajmeri Shaikh was caught by the police at any time. I saw Amar Khan on 28/10/06 for the first time. I had not seen him with Ajmeri before that. I have passed the 12th standard. I knew before 28/10/06 as to who was doing the investigations in the bomb blasts case. I do not remember now the names of the officers whom I had heard to be investigating the blasts. The Anti Dacoity Squad office at Kurla is in the compound of Kurla Police Vasahat by the side of Bhabha hospital. I do not remember where Bilgrami Road

in Kurla is and whether it is adjacent to our office.

7. After the railway blasts, I was regularly attending my duty upto 28/10/06. It is not true that during this period PI Salaskar used to inquire at our office with the accused caught in this crime. No officer of the Crime Branch office had brought any accused in the bomb blasts case at our office for inquiry. I used to help PI Salaskar in the inquiry of the accused in other crimes. I cannot tell in what cases I had so helped and about which accused he had made inquiries.

8. I purchase and read Loksatta newspaper. I do not read English newspapers. I can read and understand English. There used to be news in the Loksatta newspaper about the railway blasts. I used to see the news on the television also. There used to be news about the direction and progress of the investigation. I do not remember when exactly I met Ajmeri before 28/10/06. He does the work of interior decoration and POP. I had not met him between 11/07/06 and 28/10/06. I had not seen the news item in the Mumbai Mirror before Ajmeri showed it to me on 28/10/06. Maharashtra Times and Samna newspapers used to be taken in the office at that time. I do not remember whether Indian Express and Times of India were also

taken. I do not know whether Mumbai Mirror is circulated along with the Times of India. I did not read the news item in Ext.810. I had not read it till my statement was recorded by API Alaknure. As Ajmeri was personally telling about it, I did not read the news item. It is true that I cannot tell what was in the news item as I have not read it. It is not true that therefore I did not state to API Alaknure that it was in the newspaper that two-three days before the bomb blasts, the bombs were assembled in the house of Mohd. Ali by some Pakistani nationals. I stated about it as Ajmeri Shaikh told me about it, though I had not read the news item. I stated that Ajmeri Shaikh told me about it. I cannot assign any reason why it is not written in my statement. It will be correct to say that till today I have not read the Mumbai Mirror dated 01/10/06. It was on the front page but I do not know on how many pages it was. I do not know on what other page the news was continued after the first page. (Witness is given Ext-810 and asked to show where it is mentioned that two-three days before the blasts bombs were assembled in the house of Mohd. Ali by Pakistani nationals). On reading the first page I say that these things are not in the news item. I have gathered on reading the news now, that Mohd.

Ali was arrested on 14/07/06 and was detained upto second week of September, 2006. I do not remember for how much time I talked with Ajmeri when he came to my house. I did not note our talks in any diary or anywhere. We went out of the ATS office together after the statements of all of us were recorded. As per my knowledge DCP Nawal Bajaj wrote something in his diary or somewhere.

9. I cannot say whether Ajmeri does social worker. I do not remember whether his photo was displayed as a worker, on the hoardings of Swabhiman Organization founded by Nilesh Rane son of Narayan Rane. As per my knowledge Ajmeri produced Ext.810 before API Alaknure. I do not know whether he produced only the first and the last page that is before the court or he produced something more. I do not remember whether API Alaknure took the newspaper under panchanama and whether he had called panchas.

10. I did not know at that time about the antecedents of Amar Khan. I now know that there is one case against him filed by the Park Site Police station, but I do not know its nature. I do not remember who told me about it.

11. It is not true that I deposed falsely that Ajmeri Shaikh

and Amar Khan came to me on 28/10/06 and I took them to the places that I stated and that I deposed falsely to help the ATS.

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

12. I do not remember the faces of suspects that were brought to our office for inquiry during the period from 11/07/06 to 28/10/06. Bhabha Hospital is a municipal hospital. It is adjacent to the Crime Branch office. We used to take sick suspects to that hospital. I do not remember the faces of the suspects that I had taken to that hospital in August and September 2006 and how many suspects I had taken. I do not remember whether I had taken any suspects. (Learned advocate asks the accused no. 2,3,4,10,&11 to stand up and asks the witness to look at them). I do not remember whether I had taken these accused to the Bhabha Hospital in August and September 2006. If a suspect in any case is sick, he is not taken to the hospital by us. I do not remember whether official record is prepared whenever any person was taken to the Bhabha Hospital in August, September 2006. I did not prepare any personal diary and I have not made any entry in it. Since many days I do not have my personal diary. I cannot state exactly upto what date I had it and since

when I do not have it. I do not have personal diary now. I do not remember whether I had it when I was attached to the Anti Dacoity Squad at Kurla or Ghatkopar. I had it when I was attached to the police stations. My superior officers have not asked for my diary to know as to what work I had done. None of them had told me that it is not necessary to maintain a personal diary when we work in the Crime Branch. I have not read any instructions about it.

(Adjourned as court time is over).

Date:-15/03/2011

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

Date: 16/03/11
Resumed on SA

13. I do not know whether every policeman has to maintain a personal diary as per the Police Manual. I used to maintain a diary when I was attached to the police stations. An officer had told me to maintain it. Our superior officers examine our personal diaries. It is not true that one has to write about doing at least one important work during the day in the personal diary. It is not true that by reading the personal diary one can know what important work one has done during the day. I remember some important cases that were investigated when I was in the Crime Branch and in the Anti Dacoity Squad. I do not exactly remember the cases in which investigation was done by the Crime Branch or Anti Dacoity Squad parallel with the investigation done by a police station. As per my knowledge, an entry is taken in the station diary whenever any crime is made over to the Crime Branch for investigation. Such entries are also made in case of parallel investigation. Sometimes we come to know about any complaints made against the unit. I do not remember whether there

was such a complaint against the unit of PI Vijay Salaskar in 2006 about illegal detention, torture, harassment and whether it was made by the family members of the accused in this case. I do not know whether there was a writ petition in the High Court about it. I had not gone for the purpose of identification parade in this case.

14. Mumbai ATS office was at Nagpada. My statement was not recorded there. I had not stated that my statement was recorded in the Mumbai ATS office. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as 'A'). I cannot say whether I have stated so to API Alaknure. He can explain this. I cannot assign any reason why it is so written in my statement. At the time when my statement was recorded I knew that I had gone from Nagpada to the ATS office at Bhoiwada with Ajmeri Shaikh and Amar Khan, that ACP Patil and three-four other officers were there and we informed them in detail about the information, that ACP Patil was in a hurry to go out, that therefore, he told API Alaknure to record our statements, that accordingly API Alaknure recorded the statement of Amar Khan first, then of Ajmeri Shaikh and then my statement. I had stated so to API Alaknure. I cannot assign any reason why it is not

written in my statement. It did happen at Nagpada that Ajmeri Shaikh and Amar Khan were asked to stay there and co-operate with the police. PI Vijay Salaskar was deputed to the ATS. I do not know whether he used to go to the ATS office and work there only or he used to make the investigation from his own office. I do not remember what investigation he did in this case. I had seen him making the investigation in this case. I did not know what investigation he was doing as it was very confidential. We were given instructions not to talk with the witnesses who were called for this case and ask their names. I do not remember whether he was appointed on the third or fourth day after the blasts. We could see the suspects whenever they were brought to our office. I do not remember whether I had seen 8-10 suspects in this case.

15. It is not true that our unit had investigated the blasts of Gateway of India and Zaveri Bazar. I knew Ajmeri since prior to Zaveri Bazar blast. He was a witness in the case of both the blasts. I do not remember whether our Ghatkopar unit made the investigation of Ghatkopar blast. He had told me once that he was a witness in that case. I do not remember whether his statement was recorded at the

Ghatkopar unit. I do not know whether he was associated with SIMI, whether there was a confidential watch on him, whether he had given evidence against Hasan Batteriwala and Rizwan Laddu. I do not know whether these two accused were in the custody of our Ghatkopar unit. I cannot say whether I and Ajmeri used to meet once a week. I do not know whether he was having my mobile number. I do not remember whether I had his mobile number. I did not know his family members. I did not know that his wife is a converted Muslim. He is available today. I knew that PI Salaskar, API Alaknure and PSI Dalvi were also making the investigation of this case, when he came to me on 28/10/06. I had the mobile numbers of all three. I did not call any of them as I thought that if I would take the witnesses to a higher officer I would get the credit. I was appreciated. However I did not get any certificate or monetary reward.

16. Kurla Unit of Anti Dacoity Squad is about 7-8 kilometers, Bhoiwada ATS office is about 16-17 kilometers and Nagpada ATS office is about 20-22 kilometers from my house. I do not remember who was the ATS chief at that time. I do not remember how many more DCPs were attached to the ATS at that time. I think

that K. P. Raghuvanshi was the ATS chief and Anami Roy was the Commissioner. I do not know whether they had given their contact numbers for persons to give information about the blasts. I do not remember whether DCP Bajaj had made such an appeal in the media. He was also making the investigation. I do not remember whether he had come to Kurla unit many times. I did not tell PI Salaskar that I had taken Ajmeri and Amar Khan to DCP Nawal Bajaj or to the ATS office. All members of my office had come to know that I had taken the witnesses to the ATS office. PI Salaskar did not tell me that he knew Ajmeri Shaikh since the time of the Gateway of India and Zaveri Bazar blasts.

17. I do not remember whether Ajmeri Shaikh brought the entire issue of Mumbai Mirror to me. He orally told me about the news item. I cannot say whether I had seen the entire issue of the Mumbai Mirror in his hands. I did not feel that I should take it in my possession. We went to Nagapada by train. I do not remember whether I purchased the ticket. We took the train from Ghatkopar, but I cannot tell its time. We got down at Byculla. I do not remember at what time exactly we got down. I do not remember whether we went

to the ATS office walking or by taxi. I cannot tell the distance between the Byculla station and the ATS office. I have not gone to that office from Byculla station at any other time. I do not remember how much time we required to go from Byculla station to the ATS office. We went by the Khada Parsi square and then J.J. Hospital junction. I did not make a phone call to verify whether DCP Nawal Bajaj is in his office. I did not have his office number and the office number and mobile number of K. P. Raghuvanshi and Anami Roy. I was required to wait for about 2 or 5 minutes before meeting DCP Bajaj. No entry was made in my presence in any register. I do not remember whether the officers maintain visitors register. I had gone to that office on 5-6 occasions. I did not make any entry in the visitors registers on these occasions, because I used to sit in the vehicle outside and the superior officers used to go to that office. I do not remember whether I saw any visitors register at the office of DCP Bajaj. I talked with him for 5 to 10 minutes. He was alone at that time. I do not remember whether I met any ATS officer during the time I was there. DCP Bajaj inquired with the witnesses in my presence. He did not call any other officer. He did not ask anyone to take their statements. He did not

give me any memo or forwarding letter for being taken to the ATS office at Bhoiwada. I do not remember whether he took the newspaper in his hands, whether he read it and whether he was shown the entire issue or only the first and the last page. He did not take it in his possession. The entire news item was not read over to him.

18. Ajmeri Shaikh did not come to the Kurla unit. I do not remember whether PI Salaskar called him to that unit and whether I talked with him in the Kurla unit. As per my knowledge, his statement was not recorded at the Kurla unit. Kurla bailbazar is about 15-20 minutes from Kurla unit of Crime Branch. The office of the Anti Dacoity Squad was on the ground floor in the building of our office and the DCB CID Unit-V was on the first floor. Jumma Masjid in Takiawar lane is five minutes from our office. It is true that one has to go by the road in front of our office for going to the Kurla station or the market. As per my knowledge I was not asked by PI Salaskar or API Alaknure or PSI Dalvi to call panch witnesses for this case. As per my knowledge I had not called Samuel Raj or Prashant for panchanama. I do not know whether any panchanamas were prepared at our office,

because it was confidential work. There is an attendance register in the Crime Branch. Entries are taken in the station diary when staff members go out for inquiry of any case. One of us makes the entries in the attendance register. I do not remember whether it is available at our unit now. I do not remember whether I was shown to be present on 28/10/06. No entries are made while leaving the office after work. I do not remember whether I had made such an entry on 28/10/06. I do not remember what statements, panchanamas and documents I prepared on that day. I do not remember whether PI Salaskar was present in the unit on that day. I did not go to the Ghatkopar office on that day with him.

19. I do not remember whether Mansoor Peerbhoy and other co-accused in Indian Mujaheedin case were arrested by the team of Crime Branch officers that was headed by the then Joint C. P. Rakesh Maria. I do not remember whether any accused in that case had given a confessional statement about this crime, whether C.P. Hasan Gafoor, Anami Roy and Rakesh Maria had stated in a press conference that the Indian Mujaheedin people had done the blasts in the present case, whether any accused in this case was shown

confessing to the crime before the media, whether photographs of other accused had also appeared in the newspapers. I do not know whether PI Salaskar was knowing Ajmeri since the Gateway of India, Zaveri Bazar and Ghatkopar blasts. He had not called Ajmeri to the Kurla Unit in my presence before 28/10/06. It is not true that he was pressurizing Ajmeri to give evidence in this case as he had given in the earlier case. It is not true that PI Salaskar prepared this false story with my help, that I had seen the accused no. 2,4,10 & 11 in the Kurla unit and had taken them to the Bhabha Hospital, that accused no. 6 was unlawfully detained for two months at our unit, that the other accused were also unlawfully detained. It is not true that I deposed falsely that Ajmeri Shaikh came to me with Amar Khan and that I took them to the Nagpada.

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

20. I do not remember when the Anti Dacoity Squad was established. It is true that officers having good reputation were appointed in the Anti Dacoity Squad. I do not know when the investigation of the blasts in this case was given to the ATS. It is true that the local railway police and other police stations were making the

investigations before they were handed over to the ATS. I do not remember whether the Commissioner of Police had declared prizes for persons who come forward to give information about the blasts. I was regularly on duty after 11/07/06 upto 28/10/06. PSI Mayekar and Phadke of our unit were also deputed to the ATS after the blasts. It is not true that the officers of our unit who were deputed to the ATS after the blasts used to take the help of their subordinates in whom they had confidence. I had the experience of working with PI Salaskar for about two years prior to 2006. Even after being deputed to the ATS, all the above officers used to work in the Crime Branch office also. I did not know at which ATS office they used to work. PI Salaskar used to sit sometimes in the office of the Crime Branch in August and September 2006. I had occasion to visit the ATS office at Nagpada after 11/07/06 upto 28/10/06. There was one sardar officer at the Nagpada office, but I do not know whether his name was Jayjeet Singh and whether he was a DCP. However he was a high ranking officer. I do not remember whether there was an officer there by name Shailesh Gaikwad. I do not remember the telephone numbers of my office. My mobile number is 9870158325 and probably I had

the same number in 2006. I do not remember whether API Alaknure might have taken my mobile number when he took my statement. I cannot say whether it was 9810160425. I have not changed my mobile numbers many times during this period. I did not realize that I had earlier seen the person whose photograph was in the newspaper, when Ajmeri showed it to me. Names and addresses of suspects are entered in a register maintained for that purpose. No entry is taken about their mobile numbers. I cannot specifically tell the nature of my duty from 01/08/06 to 09/09/06. I do not remember which suspects concerning this case were brought by PI Salaskar to our unit. I do not remember whether I had used mobile number 9224253454 during this period. It is not true that the person whose photograph I saw in the Mumbai Mirror was detained in our unit during this period. I do not remember whether PI Salaskar took him on 09/09/06 to officer Shailesh Gaikwad with whom he was upto 29/09/06. I do not know whether the mobile number 9224253454 belongs to that person.

21. I had no knowledge about the progress in the investigation. I did not know whether the ATS had any information regarding the information given by Ajmeri and Amar Khan when

Ajmeri came to me. I knew API Alaknure quite well. He was using a mobile at that time. PI Salaskar was also using mobile. PI Salaskar was not there when I went to the Nagpada office. I had not met DCP Bajaj in this connection before that day. I did not intimate any of my superior officers that I am going to meet him. I did not know to which party Amar Khan belongs when I got the information from him and Ajmeri. I came to know recently that Amar Khan works for the BJP. I did not know that Ajmeri was a witness in some other earlier case when he met me on 28/10/06. I cannot say when I came to know about it. I do not remember when that incident about which he was a witness, had taken place before 28/10/06. I do not remember where I was attached at the time of the blasts at Gateway of India, Zaveri Bazar, etc.,

(Adjourned for recess).

Date : 16/03/11

SPECIAL JUDGE

Resumed on SA after recess

22. I do not know whether DCP Jayjeet Singh was in his office when I went to Nagpada ATS office. I knew at that time that he was also making investigations in this case. I do not remember

whether his office and the office of DCP Bajaj were in the same premises. I do not know where PI Salaskar's cabin was in the ATS office at Nagpada.

23. Many people in the locality around my residence knew that I am a policeman. There are twelve rooms in one chawl and there are five such chawls known as Aminabai chawl. My chawl is number four and room number is twelve at the corner. Some chawls face each other and some chawls are by the side. Families are staying in all the rooms. No other person in the chawls is in the police department except me. It is not true that from the Ghatkopar (w) railway station, the Police Station Ghatkopar comes first and thereafter is our chawl. Our chawl is on the right side and the police station is on the left side. Police station Ghatkopar is nearer than my house from the railway station.

24. It is true that it was the first time before DCP Bajaj that the witnesses requested that their names be kept secret. I cannot say whether DCP Bajaj gave any instructions or order about it to the ATS office, Bhoiwada. He did not give any such instructions in my presence. I was not called to the ATS office, Bhoiwada before or after

28/10/06. Only one officer recorded the statements of the three of us.

I do not remember how much time was required to record the statement of each person. I was attached to the Anti Dacoity Squad upto 2007. Thereafter I was transferred to Special Branch-I.

25. It is not true that I deposed falsely to please my superiors and at their instance. It is not true that Ajmeri and Amar Khan did not come to me on 28/10/06, that my false evidence is prepared as there was no evidence forthcoming against the accused. No re-examination.

R.O.

Special Judge

Date:-16/03/2011

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