

M.C.O.C. SPECIAL CASE NO. OF 21/06**DATE: 16TH MARCH, 2011****Ext.No.819****DEPOSITION OF WITNESS NO.77 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Rajesh Chandrakant Satpute
Age : 37 years
Occupation : Service (driver)
Res. Address : Room No. 13, Chawl No. 3A, Shivneri Welfare
Nagar, Veer Jijabai Bhosale Marg, Mankhurd,
Mumbai-43.

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

1. I work as a driver in the J. P. Tours and Travels company. I used to ply the taxi of one Prakash Jedhe before that. I used to drive taxi no. MH-01-J-4066 in 2006 from 10.30/11.00 a.m. to midnight.
2. There were bomb blasts in the railways in Mumbai on 11/07/06. I took out the taxi on that day at about 10.30/11.00 a.m. I ferried passengers upto 2.00 p.m. There was one passenger for Khar at about 1.30-2.00 p.m. I took him there and went to my sister-in-law's house, which is in Gulab Nagar, Khardanda. I had meals at her house and left her house in the afternoon in search of passengers. I came

to Carter Road in Bandra. I waited there for 15-20 minutes, but did not get any passenger. Two persons came there thereafter from the left side of my taxi and asked me whether the taxi is empty. I said yes to them. They sat on the back seat in the taxi. One of them had a black bag with him. He kept it on the front seat by my side. When I started the taxi, I asked them where to take it. They told me to take the taxi to Churchgate. I was required to apply the brakes when we had gone some distance, at that time the bag moved ahead slightly. The person behind caught the handle of the bag at that time and told me to drive the taxi carefully. I asked him whether I should keep the bag in the boot. Thereupon, the other person said that there are valuable articles in the bag and said that the bag should remain there. From Bandra I went towards Churchgate via Mahim, Prabhadevi, Siddhivinayak, Worli, Haji Ali, Peddar Road, Opera House, Churni Road and Marine lines. I stopped the taxi near a subway at Churchgate station. The persons asked me about the fare and I told them that it was Rs. 140/-. They gave me two notes of Rs.100/- each and I returned Rs.60/- to them. They gave back Rs.10/- to me. Thereafter, they went towards the subway.

3. I was at the Carter Road just ahead of the taxi stand at about 3.00-4.00 p.m. on 03/11/06. Two persons came there at that time and told me that they are policemen and asked me whether I drive the taxi in that area. I told them that the taxi is of Mumbai. Then they asked whether I had taken any passengers from that point to Churchgate on 11/07/06. I told them that I remember taking such passengers on that day. Then they asked me whether I would come with them to their office at Bhoiwada. They took me to their office at Bhoiwada and took me before an officer and informed him that I am the taxi driver who had taken some passengers on 11/07/06 to Churchgate. I gave the information that I had to that officer. He typed it on a computer, read it over to me and then asked me to go. Out of the two persons, one was about 30-35 years of age, having small beard and long hair and the other was about 25-28 years of age. I described them to the officer. I will be able to identify those persons or any one out of them if I see them now.
4. A policeman come to my house on 06/11/06 and informed my wife to tell me to come to the ATS, Bhoiwada office on the next day, i.e., on 07/11/06 in the morning. I was not at home at that time.

Accordingly I went there at about 9.00 a.m. The officer who had recorded my statement was present there. He asked me to sit in a side room. He brought another officer to the room where I was sitting along with seven other persons after some time. He introduced the other officer as SEO Purandare and that he would take us to the Arthur Road Prison for identification parade. We started along with SEO Purandare, at that time the police officer introduced a person as SEO Barve and said that he would also take the identification parade. Then we all went to the prison. The police officer went inside the prison. We waited outside the prison in the vehicle for ten minutes. The police officer came back and we were taken inside. We were made to sit in a room. SEO Purandare came there and asked us whether police had shown us any accused or any photographs. We said no. He left and thereafter one panch out of the two panchas, who were with him, came to take us. I was also taken inside for the identification parade when my number came. Fourteen persons were standing there in a row. SEO Purandare asked me to see whether I could identify anyone out of them. I looked at all those persons, but I did not identify anyone and told him accordingly. Then the panch

took me to another room. The persons who had preceded me to the identification room, were sitting in that room. After we all eight gathered in that room, we were again taken to the room where we had sat first.

5. Thereafter, similar procedure was done and we were taken inside one by one. There were fourteen persons on the second occasion also, but I did not identify any one and told so to the SEO. Thereafter again I was taken to another room and after we all eight gathered, we were taken to the first room. After some time SEO Barve came there. He also asked us whether police had shown us any accused or any photographs. We said no. A panch used to come and take us one by one to the identification room. I was taken inside when my number came. Around fourteen persons were standing there. SEO Barve asked me whether I could identify anyone out of them. I looked at those person and identified him as the passenger who had hired my taxi on 11/07/06 for going to Churchgate and who had a black bag in his hands. I told SEO Barve about it and touched that person by hand. SEO Barve asked him his name, which he stated as Faisal Shaikh. Thereafter I was taken outside to the second

room. After we all eight gathered we were taken to the first room. Similar procedure was done for the next parade, but I did not identify any person.

6. We were then taken to the ATS office, Bhoiwada. I told the police officer about identifying the person who had hired my taxi on 11/07/06 for Churchgate, who had a black bag in his hand and who had caught the handles of the bag during our travel. He recorded my statement and read it over to me. The officer told me to come on the next day again. Accordingly on the next day I went to the ATS office at 9.00 a.m. the police officer was there and he brought a person and introduced him as SEO Bendje. SEO Bendje brought two persons there and said that they would be helping him in the identification parade. Then we all went to the Arthur Road Prison. Three parades as per the earlier day were held, but I did not identify anyone. In the first two parades there were fourteen persons and in the last parade there were seven persons. Thereafter we were again taken back to the ATS office, Bhoiwada and our statements were recorded. The officers showed us two photographs of two persons and told us that one was killed in police encounter and one was killed in the bomb

blasts.

7. (Ld SPP asks the witness whether he would be able to identify the person who had hired his taxi on 11/07/06 for Churchgate, had a black bag with him, had caught hold of the handles of the bag and whom he identified in the third parade on 07/11/06). I will be able to identify that person. (Witness looks around the court room and points to the accused no.3, who is made to stand up and asked to tell his name, which he states as Mohd. Faisal Aatur Rehman Shaikh). He is the same person.

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

8. I used to stay at Kalachowi since my birth upto 3 years from today. I was staying in Room No.3, Chawl No. 74/A, Hiralal Sheth Chawl, Kalachowki, Mumbai-33. I had mobile in 2006, but I do not remember its number. I have mobile now. The number of that mobile is used by me since 3-4 years. The sim card that I used in 2006 was in the name of my friend Chunnu Ramchandra Gupta, residing in our area at Kalachowki, Mumbai. I do not know his room number or the name of his chawl. He was in the slum area. I used the sim card in his name for 2-3 years. It was a prepaid card. He had purchased it,

therefore, I do not know from which retailer he had purchased it. I do not know what documents he had given for purchasing it. It was starting with the digits 98330. I do not remember the further digits.

9. I purchased my current sim card of Vodafone from Bombay Electronics shop at Chembur. I gave copy of my driving licence for purchasing it. I had driving licence since 1993. It was lost as my pocket was picked. I took out a new licence in 1998. I started driving taxi since 2002-2003. I drove the taxi of another person for one day and thereafter I drove the taxi of Prakash Jedhe upto 2007. I drove his taxi for about 4-5 years. I cannot tell the name of the person whose taxi I drove for one day. Prakash Jedhe resides in Rane Adda in Kalachowki. It is a slum area. Therefore, there is no building number. I cannot tell the permit number of his taxi. I do not remember on what date it was issued and upto what date it is valid.

(Adjourned at the request of the Id adv at 4.45 p.m.)

Date:-16/03/2011

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

Date : 17/03/11
Resumed on SA

10. I stopped driving the taxi of Prakash Jedhe after Diwali 2007. I cannot tell the exact date, but it was probably in the month of October. I cannot tell the exact date on which I started driving his taxi. I cannot tell the exact date on which I had driven the taxi of another person for one day. I reached the passenger at Khar at about 1.00 or 1.30 p.m. on 11/07/06. I did not get any other passenger thereafter till the two passengers for Churchgate came. The passenger for Khar was a lady. She hired my taxi at Sion Hospital from the side of the gate at Dharavi. I cannot say whether she was a Maharashtrian, Muslim or Gujarathi. She was around 30-32 years of age. I do not now remember the meter reading from Sion Hospital to Khar. I do not remember how much fare she paid and in what denomination notes she paid me. She was the third or fourth passenger on that day. I cannot tell the exact time when she hired my taxi. The first fare on that day was from Parsi Colony, Kalachowki to KEM Hospital. I do not remember the second or third fare on that day. I stopped the taxi at

about 10.00-10.30 p.m. on that day. The last fare on that day was from Nariman Point to V.T. They may be three passengers. I do not remember where I had taken the next passengers after leaving the two persons at Churchgate.

11. The two persons engaged my taxi at Carter Road at about 3.30 to 4.00 p.m. I left them at Churchgate at about 4.45 to 5.00 p.m. One normally requires about one hour from Carter Road to Churchgate. The minimum fare at that time was Rs.11/-. I again say that I do not exactly remember whether it was Rs.11/-. I do not remember what was the meter reading of those passengers at Churchgate. I had gone to Carter Road many times for taking passengers. I think that the Carter Road is from a club upto petrol pump near Moti Mahal hotel. It is about one kilometer long. I had parked my taxi on 11/07/06 at a short distance from the taxi stand. I did not see how many taxis were standing at the stand. My sister-in-law's house is more than one kilometer from that spot. I was on my seat reading a newspaper when those two persons came. I did not get down from the seat till the time they sat in the taxi and I started it. I had no occasion to pick up that bag. I cannot tell the exact width of

my seat. The bag was kept upright on the front seat. I think that the bag was of rexine. Those two persons did not have anything else in their hands except that bag. They also did not have any handbag in their hands other than the said bag. The bag moved ahead slightly when I applied the brakes at the Mahim junction. There was normal traffic from Carter Road to Churchgate. There was no traffic jam at any place except that we were required to wait at the signals. There was no waste of time when I reached the passengers at Churchgate subway except the talks that we had about the fare. I was not required to get down since the time they sat in my taxi upto Churchgate when they got down and I was sitting on my seat continuously.

12. I came to know about the bomb blasts at about 8.00 or 8.30 p.m. I was in Nariman Point area at that time. I used to watch the news on the television whenever I was at home and watched them. I read newspapers like 'Chaufer' and 'Sandhyakal'. It is not true that news about the blasts used to come regularly in these newspapers. I do not read Maharashtra Times and Loksatta. I cannot tell the exact date and month when I had halted at Carter Road in the

year 2006 before 11/07/06 and thereafter upto 03/11/06, but I had gone there many times. Even today Prakash Jedhe lives at the same address that I gave earlier. There was no written agreement between us about my driving his taxi and the timings. I do not have any documentary evidence to show that I was driving his taxi. I did not take him to the ATS office to give statement. Police did not ask me to bring him.

13. I cannot tell the number of taxis standing at the taxi stand on the Carter Road on 03/11/06 at about 3.00-4.00 p.m. They were on my backside and I was the only one ahead of them. When the policemen approached me at that time also I was on my seat reading newspaper. I do not know whether they inquired with any other person like me. They were two policemen. We reached Bhoiwada at about 5.00 p.m. We went by my taxi. I was at the ATS office Bhoiwada upto 9.30 p.m. I do not remember the name of the officer who recorded my statement. Same officer inquired with me. He was asking the questions and another person was typing on the computer. I do not know his name. After taking printout of my statement, it was given to me for reading. I do not know the name of

the officer who signed it. I do not know whether the officer who took my statement signed it or the officer who typed on the computer signed it. The officer did not read over the statement to me. I do not remember whether I stated to the police that the statement was read over to me. I do not remember whether I stated yesterday that my statement was read over to me. I do not know whether no other taxi driver was brought to that office upto the time I was there. I do not remember exactly, but the name of the officer who recorded my statement was Patil.

14. I did not tell any person upto 03/11/06 about taking the two persons with the black bag on 11/07/06 from Carter Road to Churchgate. It is not true that it is normal for passengers to keep a bag on the front seat if they have only one bag with them. It happens sometimes, but the passengers keep the bag with them. The beard that one passenger had, was in the form of a stubble, as if he had not shaved for 2-3 days. I cannot tell the length of the beard in inches. His hairs were upto the shoulders. The person who caught the handles of the bag after it moved ahead when I applied the brakes of the taxi, continued holding the handles upto Churchgate. He was the

person who was 30-35 years of age. I had stated to the police that he was the person who had the bag in his hands and who caught the handles of the bag in the taxi. I cannot assign any reason why it is not written in my statement. It did happen that when the bag moved ahead slightly, the second person out of the two sitting on the backside caught the bag and did not allow it to fall down and warned me to drive carefully. At that time I asked him whether I should keep the bag in the boot and he refused that. The person who sat in the taxi first is the first person and the person who held the bag is the second person. The first person was sitting exactly behind me. He was about 25-28 years of age. The second person was sitting on the left side and was about 30-35 years of age. The first person paid me the fare. It is not true that he got down first at Churchgate. The person who was holding the bag got down first. The first person paid the fare from outside the taxi after he got down. The person who had the bag did not pay me the fare. The person who paid the fare to me had asked me about the fare and had given me two notes of Rs. 100/- each. It did not happen that thereafter upto Churchgate station the second person had caught hold the handles of the bag tightly, that

I realized that there was some heavy article in the bag, that when I stopped the taxi the same person asked me what was the fare and after looking at the meter reading and the rate card I told him that it was Rs.140/- and he gave me two notes of Rs.100/- and I returned Rs.60/- out of which he gave Rs.10/- as tip to me. I do not remember whether I had stated so to the police. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as 'A'). As I might have stated so to the police, it is so written in my statement. I myself stated about the first and the second person and not at the suggestion of the police. I stated it in the order in which they sat in the taxi. I referred to them as the first and the second person, as they were unknown to me on that day. I had described the two persons, but I had not stated their roles. The first person had told me that there are valuable articles in the bag and I should let it remain there. He was the person who was 25-28 years of age. The person aged 30-35 years of age did not tell me this. I did not tell the police or SEO that the person whom I identified in the prison had told me that there is valuable article in the bag and I should let it remain there.

(Adjourned for recess).

Date:-17/03/2011**SPECIAL JUDGE****Resumed on SA after recess**

15. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as '**B**'). I do not remember, therefore, I cannot say why it is so written in my statement dated 07/11/06. I had read the statements dated 07/11/06 and 08/11/06.
16. I cannot tell the approximate number of passengers that I used to carry everyday. I cannot say whether on an average 20-25 passengers used to travel. I never took holidays. I used to ply the taxi everyday. I do not remember how much fare I collected on 11/07/06 and what amount I gave to Prakash Jedhe. I have not made any entry in any diary about the money given to him at any time.
17. We started from the ATS office Bhoiwada at about 10.00-10.15 a.m. on 07/11/06 for going to Arthur Road Prison. It is true that before we left for the prison, we were introduced to both the SEOs. We were six persons in one vehicle. I do not know how many persons were in the other vehicle. We went in two vehicles. SEOs

Purandare and Barve were not in my vehicle. One policeman, the driver and we six witnesses were in one vehicle. I cannot tell the name of any witness. I cannot tell the exact time when I entered the prison. I did not sign anywhere or make any entry. I was taken for the parade for the first time after a period of about half an hour after entering the prison. Four persons preceded me to the identification room. I was the fifth to be taken to the identification room on all parades on 07/11/06 and probably the third or fourth on 08/11/06, but I am not sure. After I returned from the identification room, three more witnesses were brought to the room where I was taken. I will be able to identify the witnesses who were with me. I do not remember the approximate age of the witness who was after me or of the subsequent two witnesses. All those three witnesses were more than five feet tall. They were of normal built. I cannot say whether they were Hindus or Muslims.

18. I was taken by different persons to the parade room at the time of the parades held by SEO Purandare and SEO Barve. I, the fourteen persons, SEO Purandare and one panch were in the parade room. The panch witness who had taken me there stood

outside. It was he who took me to the other room after the parade was over. When I went inside the parade room, SEO Purandare asked me whether I could identify any person standing there. He did not ask anything to me other than this. SEO Barve had asked me to see and tell whether I could identify any person out of the persons standing there. He did not ask anything to me other than this. There was a slight gap after seven persons at the time of the parade by SEO Purandare. All fourteen persons were standing in one row at the time of the parade by SEO Barve. I cannot tell the exact measurement of the gap. I cannot say whether it was one feet. There was no gap in between the persons who were in the rows of seven persons each. I had seen the faces of the persons, but I did not see their bodies and the clothes they were wore at the time of all four parades. I looked only at the faces of the persons as I was to identify only the two persons who had traveled in my taxi. I was not told about the numbers of the persons that I had to identify on 07/11/06, but I was told that I was to identify the persons who had traveled in my taxi. I cannot say whether there were some persons common in all the four parades on 07/11/06. I did not realize that any person who

was in the earlier parade was again present in the subsequent parade. The persons in the first parade were in the range of 30 to 37 years. I did not come across any person in any parade on 07/11/06 wearing specific clothes as I did not pay much attention to the clothes. By the word 'stubble' I mean that the person had not shaved for 2-3 days. There were bearded persons in the first and second parades. I did not count them. Same is the case about the third and fourth parade. I do not remember how many persons in the third parade had T-shirts. I do not remember how many had long hairs. I do not remember whether anyone had long hairs. I saw one or two persons in the fourth parade wearing round caps. I did not pay attention whether there was any person in the third parade wearing cap.

19. I do not remember whether any persons in the first parade were placed in the second and third parade on 07/11/06. I had seen the faces of all the persons in all the three parades carefully, but I had not seen their clothes. I used to be in the parade room for five to ten minutes at the time of every parade on both days. I observed the persons during this time. In the parades on 08/11/06 I did not see any

persons whom I had seen earlier. We started back from the prison at about 4.30-5.00 p.m. on 07/11/06. I do not remember about 08/11/06. I do not remember the exact time when my statement was recorded. The officer who recorded my statement on 03/11/06 also recorded my statement on 7th and 08/11/06.

20. It is not true that on 11/07/06 I did not take any persons from Carter Road to Churchgate, that I deposed falsely on the say of police, that I identified the accused no. 3 in the parade on 07/11/06 and that I never drove the taxi of Prakash Jedhe.

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

21. It is true that after the work is over, the taxi and the account of the days earnings are required to be handed over to the owner of the taxi. The accounting used to be according to the kilometers that the taxi had run during the day. I used to give him the charges at the rate of Rs.4/- per kilometer. I did not used to fill the petrol tank fully before handing over the taxi. I do not remember what amount I gave to Prakash Jedhe on 11/07/06 and I cannot say how many kilometers the taxi had run on that day.

22. I went to Gulab Nagar by taking the left turn after the

Khatwali Darbar on Linking Road. There is a Maruti temple after that turn and my sister-in-law's house is in a small lane after the junction of the Maruti temple. It is true that this road has heavy traffic and is in a crowded locality. There is a market after the lane. Carter Road area is comparatively calmer than this area. I was at some distance from the taxi stand on the Carter Road. I traveled for about more than one kilometer from Gulab Nagar via Carter Road and then from in front of the club for reaching the spot where I was standing. Khardanda road is near to my sister-in-law's house. I cannot say whether Ambedkar road is also near to my sister-in-law's house. It is true that Khardanda Road and Ambedkar road are nearer to my sister-in-law's house than Carter Road. A CD/cassette library is also similarly nearer. I do not think that people in these area are more in need of taxis. There are bungalows and buildings around the spot where I was with my taxi. One or two taxis are always at the taxi stand on Carter Road.

23. I used to ply my taxi anywhere as per the customer's request. It is true that there is a traffic of auto-rickshaws in that area. I do not stop at the said spot on Carter Road regularly. I did not ask the two policemen from which police station they are. I did not see them

inquiring with any other person. It is true that whenever I see some policeman in uniform, I try to be away from him. I did not see at that time whether any other taxis went away on seeing the policemen. I had gone to that area before 03/11/06. I did not know before 03/11/06 that police had been inquiring at that spot about the incident. It is not true that I deposed falsely at the instance of police.

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

(Adv Wahab Khan had intimated at 2.00 p.m. that he would not be available in the afternoon session as he had some work elsewhere and submitted that he would cross-examine the witness tomorrow morning. Hence, adjourned at 4.30 p.m.).

Date:-17/03/2011

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

Date: 18/03/11
Resumed on SA

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

24. My owner's taxi number MH-01-J-4066 is still in use. He drives it now. I do not know since when he drives it after I stopped driving. He had purchased it new. It is of 1996 make. Documents of registration certificate, permit, fitness, insurance, tax receipt and PUC are always in the vehicle. A taxi cannot ply without these documents. I did not give these documents to the police and they did not ask for it. I did not see the serial numbers of the RC book, permit, etc., as I am a driver. My owner also used to ply the taxi in 2006 in Mumbai. He used to ply it from 3.00 a.m. to 10.00- 10.30 a.m. There was no document to show as to when any person had driven the taxi. I did not take the taxi for passing or for servicing. I do not know how many times insurance claims about the taxi were made. I do not remember

whether insurance claims were made during the period that I drove the taxi and whether any survey of the vehicle was made. I do not know whether for the purpose of insurance claims the taxi is be taken to the service center of the company or to any garage. It is necessary to attach copy of driving licence to the insurance claim papers. I had never given copy of my driving licence for insurance claim. There was no insurance claim about any accident during my driving. The taxi was insured with the New India Assurance Company. I was not fined for any traffic violations because I used to bribe the traffic constable. This happened two-three times in a month. I used to give it voluntarily if I committed any mistake. I was never fined legally and no receipt was issued to me. Sometimes I met honest officers and they let me off with a warning not to repeat it again. I do not remember whether there was no occasion for me to get my licence back from the court. I know the procedure of passing the vehicle. I do not know whether a log book is required to be given to the RTO office. I have never seen any log book in any taxi. I do not know whether entries are required to be made in the log book about the starting kilometer reading on a particular date and time, the name of the driver and the total

kilometers that the taxi has traveled during the day. I had not seen the log book of this taxi. The taxi owner did not tell me to make any entry about my timing of taking the taxi and the kilometers. I do not know whether the log book of this taxi contains the entry of my name or the owner's name.

25. I know police station Kalachowki. It is 20 minutes walking distance from my house. The taxi owner's house is about 35 minutes walking distance from the police station. It is not true that our houses are not that far away from the police station. I had stated to the police when I went to the ATS office at Bhoiwada on 03/11/06, that I have brought the taxi that I was driving on that day and it is outside the police station. I parked it in the compound. There were no other taxis there at that time. The ATS police did not tell me that other taximen were also brought to the office. I did not see any other taximen there. I do not remember whether the police officer asked me to show the place where the persons had sat in the taxi and where they had kept the bag. I do not remember whether he inspected my taxi, whether any panchanama of the taxi was drawn in my presence, whether any chemical analyzer expert was called there, whether any

photographs of the taxi from inside and outside were taken and whether the taxi was sent for chemical examination. He did not take any bond from me to keep the taxi in the same condition as it was. The owner of the taxi was not called to take away the taxi. I do not remember whether I took the taxi on the same day or after two-three days. It did not happen that the taxi was detained there for one week or for three-four days. Police did not ask me to call the taxi owner.

26. It is true that one requires licence and badge for driving taxi. I do not remember whether I had given the licence number and the badge number or their copies to the police when my statement was recorded and whether the officer asked me to tell their numbers. He did not keep the licence and badge with him. I do not remember whether any panchanama was prepared about the licence and badge, whether I was asked to bring their copies or whether any ATS officer brought the copies of my licence and badge.

27. It did not happen that I did not meet SEO Barve during the period when I was at the ATS office and till I reached the prison. I met one officer by name Patil, but I do not know whether he is an ACP. He had introduced SEO Purandare. He did not accompany us

to the prison. It did not happen that for the first time I met SEO Barve in the prison. I did not see ACP Patil outside the prison. It did not happen that ACP Patil introduced SEO Barve to us inside the prison.

28. I met only two policemen when I was on the Carter Road on 03/11/06. I do not know whether they had come on motorcycle or in the police vehicle. I had my mobile at that time and also on 11/07/06. It was in use. It was not kept anywhere else. I do not know whether location of a mobile can be ascertained from the call details record. I do not remember whether my mobile number was 9833087404. I had given my mobile number at the time of my statement, but I do not remember now. The policemen talked with me at Carter Road for about more than half an hour. As they were in plain clothes, I do not know their names and buckle numbers. During our talks initially I did not think that there was any problem. They asked me my name, but did not ask me my address and mobile number. I do not remember whether they took entry of my name on any paper. I did not attempt to bribe them at that time. I told them whatever information I had. I do not remember whether they wrote down the information, whether anyone of them informed their superior officer

after our talk was over, whether they searched my taxi. I was on the road by the side of the footpath. It was not a junction. There is a small stall (tapari) and buildings and bungalows around the spot. They had asked me to show the spot from where I had taken those passengers and I told them that it was the same spot where I was at that time. I do not remember whether any panchanama of that spot was prepared in my presence by calling two panchas. I did not take the ATS officers to that spot thereafter. I do not remember whether I had showed the spot where I had reached the passengers and they did not ask me to show it to them. I do not remember whether any panchanama was prepared at Churchgate in my presence. I had never traveled by train from the Churchgate station and never used the subways of that station. I know that the same subway can be used for going to the station and also for crossing the road.

29. I did not see on 08/11/06 whether the officer took out the photographs from his pocket or from the drawer of his table or from sealed packet. He did not prepare a panchanama when he showed me the photographs in front of an SEO and by calling two panchas. The photographs were of the whole body. Officer Patil

showed me the photographs. He did not tell me that two Indian families had made rival claims for the body of Salim and they are confused, that one of them was killed in an encounter on the say of a Pakistani national by name Riyaz Nawabuddin and that said person is in their custody. He did not show me a person by that name. I did not give the facial description of any person. I do not remember whether the ATS officer had asked me to give it and whether they had prepared a sketch with my help.

30. I have never taken any loan from any bank. I had an account in the Abhyudaya Co-operative Bank, Abhyudaya Nagar branch, Kalachowki in 2006. It was opened prior to 2006. I had given my address of Kalachowki to the bank. I did not fill up the account form. It was filled up by my parents. I do not remember whether I had signed the form. It was opened when I was in the 7th standard, but I do not remember exactly. I do not remember whether I had any more bank account in 2006 and whether I was operating such account at that time. I do not remember whether in 2006 I had issued any cheque from any other bank account, whether any bank had issued cheque book in my name, whether I received any cheque from any

party, whether I had filled up any form for opening an account in any other bank, whether I deposited any cheque of any party in any other bank account, whether I was being paid by cheque. I was not doing any service, therefore, there was no question of any payment of salary by cheque. I have an insurance policy. I do not remember whether it was taken before 2006. I do not know how many times its premium is paid during the year, because my wife looks after that work. It may be for Rs.50,000/-. My wife is not an insurance agent. The policy was obtained from an LIC agent. I do not know the amount of yearly payment. I do not know whether the premium is paid by the cheque of the other bank, because it is paid by my wife. My wife has studied upto 12th standard and is a housewife. I had signed on the form that was brought filled in by my wife. It is not true that I had not shown my occupation as taxi driver.

31. I have a PAN card. I do not file income tax returns. It is not true that while filling the form for obtaining the PAN card I have not shown my occupation as driver. My brother-in-law Pundalik Sonavane is no more.

32. The two passengers whom I had taken did not have

mobile in their hands. I did not see them making or receiving calls. They did not tell me to go by a specific route or by a specific speed. I had not described the height, length and width of the bag to the police. I had told the police that it was a rexine bag. I do not remember whether the ATS police had asked me to describe the bag. They did not show me any bag or any burnt pieces of bag. They did not take me to any bag shop to show the type of bag. It is not true that I first gave the description of the person who sat in my taxi first and then of the person who sat in my taxi second.

33. It is not true that I was never a taxi driver, that I never drove the taxi no. MH-01-J-4066, that police had brought me to the court earlier and showed me the accused no.3 and also on 03/11/06, that I was shown his photographs in the ATS office, that I identified him in the court at the instance of the police, that there was no identification parade and I did not identify anyone, that on the say of the police I gave the false story about the two policemen meeting me on 03/11/06 on Carter Road.

Q.- You had an account in a bank other than the Abhyudaya Co-operative bank in 2006?

A.- I do not remember.

I do not remember whether I deposited cheques in that account and also issued cheques, that I have shown my real occupation for opening that account. I cannot search in my house and say what other bank account I had in 2006, because I live in a slum area. It is not true that I am an informer of the ATS and I deposed falsely to help them.

No re-examination.

R.O.

Special Judge

Date:-18/03/2011

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