

M.C.O.C. SPECIAL CASE NO. OF 21/06**DATE: 25TH MARCH, 2011****EXT.NO.832****DEPOSITION OF WITNESS NO.80 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Kirti Ramchandra Purandare

Age : 56 years

Occupation : Photography business

Res. Address : 32, Kakad Wadi, V.P.Road, Girgaon, Mumbai-4

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

1. I was appointed as a Special Executive Officer in 1990 and since then I am working as such. One of my duties as an SEO is to take identification parade. On 4th or 5th of November 2006 I was asked on phone by the ATS office whether I am available on 07/11/06 for identification parade. I told them that I am available on that day. I received an official letter from the ATS on 06/11/06 asking me to remain present in the ATS office at Bhoiwada on 07/11/06 for conducting the identification parade in connection with the bomb blasts in the local railways. Accordingly I reached the ATS office at

about 9.00 a.m. on 07/11/06 and met the investigating officer ACP S.L. Patil. He gave me information about crime No. 05/06. He told me the names of the four accused as Mohd. Sajid Ansari, Dr. Tanveer Ansari, Ehtesham Siddiqui and Mohd. Ali Alam Shaikh, whose identification parade I had to conduct. He told me the names of the eight witnesses as Amar Khan, Ajmeri Shaikh, Vishal Parmar, Satpute, Santosh Singh, Patil, Shah and Nagarsekar. He told me to conduct the identification parade in the Arthur Road Prison. He called the witnesses and introduced me to them. Police had called five persons to act as panch witnesses. I asked them whether there are any crimes or criminal cases against them. They said no. I asked them whether they are ready to act as panch witnesses for the identification parade. They said yes. I selected two persons out of them, one was Koltharkar and the other was Jadhav. I wrote down the names of the accused, the witnesses and the panchas. Thereafter I went to the Arthur Road Prison along with one investigating officer PI R. R. Joshi and the witnesses and panchas in two vehicles. We reached the prison and stood outside. PI Joshi went inside the office of the prison. After some time he came out after

having taken permission to take the identification parade of the four accused. After the preparations were made, I and the two panchas were called inside and we went inside. I went to the office of the prison, met the prison officers. They took us inside. We crossed one wooden door and one iron door and they took us to a grilled barrack on the left side. There was a curtain on two sides of the barrack. Remaining two sides of the barrack were full walls. There were walls on the two sides upto waist level and above those walls there were curtains.

2. We entered the barrack and the jail officers introduced the four accused to us. They asked me to take the identification parade of all the four accused together, but I said no. I told them that I would take the parade of two accused together. I looked at the accused and took a mental note of their age, physique and appearance. I told the panchas that we would conduct the parade of two accused together. The jail officers had already brought 30-35 persons as dummy suspects in that barrack. I decided to take the accused Mohd. Sajid and Dr. Tanveer Ansari first and selected twelve persons out of them more or less similar to the accused. I gave the other two accused and

the remaining dummy suspects in the custody of the jail officers and asked them to wait outside the barrack. Accordingly the jail officers took them outside. I divided the 12 dummy suspects in two groups of 6 each. I asked the groups to stand at some distance and they stood at a distance of 2-3 feet from each other. Then I and the two panchas went out of the barrack keeping the two accused and 12 dummies inside the barrack.

3. We then went to the office of the prison and I asked the prison officers to bring the witnesses inside. They were taken to a room on the right side. I closed the door of the room from inside and asked the witnesses in the presence of the panchas whether they were shown any accused or their photographs by the police. They all said no. I asked the panchas to see whether the place where we were going to hold the identification parade is visible from that room. They verified and said no. I opened the door and I and the panchas came out of that room and I latched the door of the room from outside. I told the panchas that after a witness finishes his work in the identification room, they should bring him to a room that was on the left side and make him sit there and not allow him to meet the remaining

witnesses sitting in the right side room.

4. Then I and panchas went back to the barrack where the identification parade was to be taken. I opened the door and we all went inside. I asked the panchas to verify whether there is no one except the accused and the dummy suspects inside that barrack. The panchas verified it and told me that it is so. Then I asked the accused whether they were shown to any persons by the police. They said no. Then I sent one panch outside and asked him to bring the witnesses to the parade room one by one. When he went outside, I closed the door of the barrack. I told the dummy suspects to stand in a row keeping some distance between them. Then I asked the accused Mohd. Sajid to stand anywhere in the first group. I asked the accused Dr. Tanveer Ansari to stand anywhere in the second group. I asked both the accused whether they wanted to change their clothes. They said no.
5. After sometime there was a knock on the door and the panch witness intimated me that he had come there with a witness. I opened the door and took them inside and again closed the door. I asked the witness his name. He stated it as Amar Khan. I told him to

identify the accused from the two groups standing in a row. Thereafter he went near them and identified one person from the first group by touching him. I asked that person his name. He stated it as Mohd. Sajid Ansari. Then the witness went to the second group, looked at the persons standing there and identified a person by touching him. I asked that person his name. He told it as Dr. Tanveer Ansari. The witness then described the role of the accused, which I wrote. I kept on writing the memorandum as per the events that were taking place. I asked the second panch to take the witness outside and to bring the second witness Ajmeri Shaikh to the identification barrack. Accordingly he went outside with the witness. I closed the door from inside and asked the accused whether they wanted to change their places and their clothes. Both accused removed their shirts and stood there with the T-shirts that they were wearing inside. I do not remember whether they changed their places.

6. I adopted the same procedure for the remaining seven witnesses. Only Amar Khan and Ajmeri Shaikh identified both the accused. Remaining witnesses did not identify anyone. After this parade was over I gave the accused and the dummy suspects in the

custody of the prison officers and asked them to take them away. I took short notes about the witnesses who did not identify the accused as the prison officers had asked me to hurry. Then I asked them to bring the remaining two accused inside the barrack. I also asked them to bring inside the barrack the twelve dummy suspects that I had already selected. I had selected them from the remaining 20-22 dummy suspects. I noted their names. I asked the accused whether they were shown to any person by the police. They said no. I again went outside with the panchas keeping the accused and the dummy suspects inside the barrack. We went to the room where the witnesses were sitting. I asked them whether police had shown them any accused or their photographs. They said no. Then I instructed the panchas to bring the witnesses one by one and to reach them to the left side room after their work is over. Then we went back to the identification barrack. I adopted the same procedure for the second parade as per the first parade. In this parade witnesses Amar Khan and Ajmeri Shaikh identified Ehtesham and Mohd. Ali Alam Shaikh. Witness Vishal Parmar identified Ehtesham. All the witnesses described the roles of the accused.

7. After the second parade was over, I gave the accused and dummy suspects in the custody of the prison officers and went outside. They asked me to sit in a separate room to complete the writing, if any remaining. Accordingly I sat in that room and wrote a memorandum. The panchas were with me. I read over the contents of the memorandums to the panchas and obtained their signatures on every page. The two memorandums now shown to me are the same. They bear my signatures and seal and the signatures of the panchas on every page, their contents are correct. (They are marked as **Exts.833 and 834** u/s 291-A of the Cr.P.C.). Then we went outside the prison and after some time I met ACP Patil and PI Joshi. I gave the memorandums to ACP Patil.
8. I will try to identify the accused whose identification parade I had taken. (Ld SPP asks the witness to see whether the accused are present in the court hall. Witness looks around the court room and points towards the accused no. 2, 4, 6 & 7. They are made to stand up and tell their names, which they state as Dr. Tanveer Ansari, Ehtesham Siddiqui, Shaikh Mohd. Ali and Mohd. Sajid). These are the same accused.

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

9. I do my photography business at my house. I may have conducted about 30 identification parades before 07/11/06. I do not work for any political party. Police verify the antecedents of a person before he is appointed as an SEO. Government of Maharashtra has given the guidelines about conducting identification parades and the proformas of writing memorandums. I follow the guidelines scrupulously. The memorandums Exts. 833 and 834 are as per the proformas. I knew about the happening of the bomb blasts on 11/07/06. I do not watch television much, but I read newspapers. I was not very attentive to the news about the blasts that used to be on the television and in the newspapers. SEOs are appointed by the government for providing facility to the local residents of their area for some particular work. I got the phone calls and the letter from the ATS office at Bhoiwada. I do not know whether there were local SEOs in the Bhoiwada area in 2006. I had conducted 2-3 test identification parades for Gavdevi Police Station and remaining for V. P. Road Police Station before this parade. This was the first time that I conducted the parade from outside my area. I do not know which

officer had provided my name to the ATS.

10. I inquired with the panchas and not with the police before selecting them. It is true that it is necessary to keep a note of the names, occupations and addresses of the persons who were brought before me for being selected as panchas. I cannot tell the names of the remaining three panchas whom I did not select. I have not maintained any record about them.

(Adjourned for recess).

Date : 25/03/11

SPECIAL JUDGE

Resumed on SA after recess

11. Other than the memorandums Exts. 833 and 834 I have the short notes about the parade with me. It is true that there is no record in the short notes of the three panchas whom I did not select. I noted all the things in the short notes. Names of witnesses and accused are written in the notes. I made notes about the witness identifying an accused and why he has identified the accused. (Ld adv asks the witness to hand over the short notes and he takes it for inspection). I had already written the first memorandum in the parade room and I wrote the second memorandum in the room that was

provided by the prison officers after the parade. Notes were taken about both parades, but for the first parade entire details are not mentioned. I did not mention about the first two witnesses, because I wrote it in memorandum at the same time. I cannot say how much time I required for writing both the memorandums. I have not conducted any other identification parade after these parades on 07/11/06. I have passed the B.A. Examination. I have not read the memorandums after 07/11/06. I did not read them before coming to court today. I saw the memorandums for the first time today after 07/11/06. I have not written the names and addresses of the witnesses and the panchas at any other place other than the memorandums. I know even today the sequence in which the witnesses were brought to the parade room and whom they had identified. PI Joshi was the only officer who came with us and had gone inside the prison. I met PI Joshi and ACP Patil when I came out of the prison after the parades were over. I do not know when ACP Patil had come to the prison.

12. I did not ask for any papers related to the case when I met ACP Patil in his office at Bhoiwada. It is not true that at that time

he apprised me about the role of the accused and the manner in which the witnesses have stated about them. It will be correct to say that till the witnesses identified the accused I had no knowledge about the details of the case. I do not know in what conditions the witnesses had seen the accused before the parade. The prison officers had brought the dummy suspects inside the parade room before I went there. I cannot say whether the dummy suspects were the prisoners from that prison. One officer and two peons from the prison had taken me to the parade room. No prison officer was present with the dummies and the accused when I went inside the parade room. I did not inquire with the dummies as to whether they were prisoners or outside persons. I could not so distinguish them from their clothes. I signed on the register at the gate. I did not realize that all the movements of persons are recorded by the prison officers in the register. There is a big room on the left side after one enters the main gate and there are rooms on the right side in which prison officers are sitting. I did not see an officer with a register sitting at the entrance on the right side after entering the main gate. There were two lady police at the second door inside. They had searched me, but

I did not see whether they made any entry in the register before taking me to the identification barrack. I did not take information from the prison officers about any photographs of the accused being kept in the prison. I did not see any television there during my entire stay in the prison.

13. I do not know from where the police had brought the two panchas whom I selected. I saw them for the first time in the ATS office at Bhoiwada. I personally inquired with them whether they had any connection with the police or whether they are involved in any crime. I did not ask Sachin Koltharkar as to where he works. I do not know whether he was a witness of the Bhoiwada Police station in the murder case of one builder Khanwilkar in 2001. I do not know whether he used to work as a regular panch for that police station since 2001 and he was under the thumb of officer Khanwilkar attached to ATS. I do not know whether the other panch Siddharth Jadhav is also a person of the police. It is not true that officer Khanwilkar and ACP Patil had provided these two panchas and I deposed falsely that five persons were called for being selected as panchas.

14. It is not true that the window of the room that is on the left side after entering the main gate of the prison, is exactly opposite the door of the identification barrack. It is true that I did not describe that there were waist high walls on two sides of the identification barrack and the upper portions were covered with curtain and the other two sides having grills were covered with curtain. The barrack may be 20 x 40 or 45 feet. The grill that I mentioned was in the nature of a mesh. I do not remember whether the door was also having mesh. The fact that there were curtains to that room was an important fact in connection with an identification parade. I cannot say why I did not mention it in the memorandums.

15. I came out of the prison after completing all the formalities of the identification parades. I cannot say now what type of clothes were worn by the dummy suspects and the accused, what type of hairstyles they had, whether they had any mustache or beard and its type. I do not know at what time the accused were taken out from their barracks and at what time they were put inside. I cannot now tell the difference between the two accused that I took for each parade. I did not take information whether photographs of the

accused who were to be paraded on that day had been published in any newspapers and whether they were shown on the television. The dummy suspects in the first parade were not repeated in the second parade by changing their names or clothes. It is not possible to identify whether a person is a Muslim or Hindu from his looks. I used to tell the panchas the name of the witness that was to be brought to the identification barrack. The accused did not change their pants for the second parade. It is true that they removed the shirt that they were wearing on top and did not ask for the T-shirt of any other person. No one was wearing any cap out of the persons paraded. I did not write in the memorandums that I asked the panchas to see whether the place where we were going to hold the identification parade is visible from that room. I went to Worli for my work after handing over the memorandums to the police officers outside the prison.

16. I do not remember whether I had conducted an identification parade for V. P. Road Police Station on 07/03/10 concerning CR No. 32/10 for the offence u/s 307 of the IPC and whether inspector Vilas Joshi was the investigating officer and

whether Harish Popat and Ravi Pujari were the panchas.

17. It is not true that I prepared the short notes yesterday, that I read Exts. 833 and 834 yesterday and then I gave evidence today, that the panchas were the persons in the confidence of the police officers, that the four accused were not produced before me on the day of the parade between 12.55 to 1.30 p.m., that during that period they were in their barracks and that I prepared the memorandums on the say of the ATS to help them, that I was asked to conduct the identification parades as I am the favourite of the ATS officers and do whatever they say.

(Ld adv requests at 4.30 p.m. that the cross-examination be deferred till the next date).

Date: 25/03/11

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

Date : 29/03/11
Resumed on SA

18. (Ld adv asks the witness to hand over the short notes and he takes it for inspection). I had made these short notes in the barracks at the time of identification parades. I am ready to produce them. (Learned advocate requests that the short notes be taken on record. The short notes are on one page). They are in my handwriting and their contents are correct. (It is marked as **Ext.835**). The short notes were taken about whatever had happened in the barracks. The words 05/06 and the date 11/07/06 on the top are with respect to the crime number and the date of the incident. The timings 11.55 to 01.30 p.m. on the top right hand corner are timings during which the identification parades were held. The prison officers had brought the accused before me at one time and not one after the other as per my requirement. The dummy suspects were also brought before me at one time. I was continuously inside the identification barrack from the time of the first parade upto the end of the second parade. The two accused and the remaining dummy suspects who were to be paraded

in the second parade were in the custody of the prison officers. I do not know where they were when I was conducting the first parade. After the first parade they were brought in the identification barrack after five minutes. I do not know where the two accused and the dummy suspects who were paraded in the first parade were when I conducted the second parade. I came in contact with only one prison officer and two constables during the parades. I do not remember their names. They were males. I came in contact with them only for five minutes when I was in the identification barrack. I had no talk with the other jail officers when I came out of the barrack.

19. It is not true that I identified the accused whose identification parade I had taken as they were shown to me outside the court hall on the last date.

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

20. I do not remember whether Swati Sathe was the superintendent of the Arthur Road Prison in 2006. I did not meet her on that day. She did not make arrangements for the parade. I cannot say whether there is a difference between 'room' and 'dalan'. I do not know whether the open space in front of a room is called 'dalan'. It did

not happen that Swati Sathe was supervising over the parades. I did not know before going to the prison that the accused whose identification parades were to be conducted were kept in high security yards. I did not come to know this from any prison officer. I did not come to know that entries are made in separate registers whenever prisoners are taken out from high security yards for parade or for mulakat.

21. I reached the ATS office at about 8.30 or 8.45 p.m. I did not meet SEO Barve. We started at about 10.00 a.m. from the ATS office. I met all the eight witnesses at the ATS office. I do not remember whether I met SEO Barve when we started from there. ACP Patil was there during the period when I was in the office. I cannot say whether the witnesses were present in the office before I reached there or they came later. ACP Patil did not introduce me to SEO Barve. I do not remember whether ACP Patil introduced the witnesses to SEO Barve in my presence. ACP Patil did not tell me about the facts of the case. I had written the names of the witnesses in the ATS office. It was not the paper Ext.835, but it was a separate paper that I tore later on. Police had called the panchas. I had asked

every panch whether he had acted as panch witness earlier. Neither ACP Patil nor any other ATS officer was present at that time. These were important questions. It is true that these questions are important because some habitual panch witness of the police may give hint to the witness about the accused. I do not know whether such habitual panch witnesses sign on memorandums without attending identification parades. All five panchas had stated that they had not acted as panch witness earlier, but the three whom I did not select did not appear to be active, therefore I did not select them. I did not again ask the selected two panchas whether they had acted as panch witness earlier. I had not asked the police to bring the panch witnesses. They had already brought them. I did not ask ACP Patil whether those persons had acted as panch witnesses earlier. I did not think it proper to call any person from the road to act as panch witness, therefore I did not call anyone. It is true that if the two panch witness that I had selected would have stated that they had acted as panch witness earlier, I would not have selected them. I did not think that the two panchas gave me false answers. I do not know whether they are the regular panch witnesses of the ATS.

22. I went in the Qualis vehicle to the prison. I cannot say who out of the witnesses were in my vehicle. They may be three or four. We reached the prison at about 1030 a.m. I cannot say whether the other vehicle reached before us or after us. I saw them outside the Arthur Road Prison as they stood near me. We were outside the prison for about ten minutes. I was with the two panchas and the witnesses outside the prison. We were called inside after about 10-15 minutes after PI Joshi came outside. After entering the main gate I was near that main gate for about 5-7 minutes. This means that I was outside the prison and inside the entrance gate for a total period of about 45 minutes. I did not see ACP Patil outside or inside the prison during this period. I did not meet SEO Barve and no ATS officer introduced any person by that name to me during this period. I was writing the happenings during this period in the final memorandum. I had started writing the final memorandum in the ATS office itself. I wrote outside the prison also when PI Joshi went inside. I was writing till I entered the identification barrack. Before I entered the barrack, I had written the portion of the memorandum of the events that had taken place before the time I reached the identification barrack. I had

asked the names of the dummy suspects to them. I did not get their names confirmed from the prison officers. I did not feel that one of the dummy suspects was telling his age more by four years. I did not think that one name is repeated twice. I did not think that there were two persons of the same name. I do not know whether there was only one accused by name Abdul Samad Mulla in the prison on that day. It is true that except the age difference of four years of the last dummy suspect in the memorandums of both the parades, his name is the same.

23. I have not read the High Court Criminal Manual. I do not know about the guidelines given by the High Court. No one has told me about them and I have not heard about them. I have read the guidelines issued by the State Government. I do not remember whether the point of starting to write the memorandum is given in the guidelines. I do not know from what stage the memorandum is to be written. I do not know the precautionary measures given in the guidelines of the High Court.

24. The two accused in each parade were not similar to each other. It is true that separate parade is required to be held for

dissimilar suspects. I do not know whether that was the only place for holding the identification parades or there were two or three more places for that purpose. There were no windows to the identification barrack. There were no windows to which curtains could be fixed from inside. I had not arranged for extra clothes. I did not ask ACP Patil and PI Joshi whether the accused were shown to the witnesses. I did not ask at the ATS office for seeing the photographs of the accused whose parades I was to conduct, in order to ascertain whether they are the same accused. I did not ask ACP Patil whether he had published photographs of the accused in the newspapers. I did not verify whether they had their photographs with them. PI Joshi did not enter the prison with me. The prison officer and the constables were with the accused and the dummy suspects. Till that time none of the witnesses had come inside the prison. It is not true that the panchas were also outside. They were with me. I cannot say at about what time I entered the identification barrack. I was inside the barrack till the end of the parade. After I selected the dummy suspects to be used for the first parade, I had gone outside to call the witnesses inside the prison and to make inquiry with them. Before

the second parade also I had gone to the place where the witnesses were sitting to make inquiry with them. I cannot say which witness had come at what time and for how much time he was in the identification barrack. Both panchas used to be inside the identification barrack when the witnesses did their work. It did not happen that only one panch used to be inside the identification barrack.

25. It is not true that I did not conduct any parade, that none of the witnessed identified any accused and that I prepared the memorandum in the ATS office.

Cross-examination by Adv P. L. Shetty for A3, 8, 9, 11 and 12

26. I wrote in the memorandums the procedure that I followed and the precautions that I took. It did not happen that any procedure or precaution that I took remained to be written in the memorandums. It is true that I selected the dummy suspects out of the persons brought by the jail officers. The dummy suspects amongst whom the accused no. 2 was and the accused no. 7 was, were having more or less similar beards. It is true that the two accused in each parade were not similar to each other in any respect

insofar as their features are concerned. I did not obtain the endorsement of the panchas on the memorandums. I do not know whether two similar accused are to be paraded in one parade.

R.O.

Special Judge

Date:-29/03/2011

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

Resumed on SA

**Further cross-examination by Adv Wahab Khan in view of order
below Ext.836**

27.The first dummy suspect was not a sardar. I do not know whether he was a Sikh. (Ld adv requests that the accused no. 2 and 7 be made to stand up). I do not know whether the accused no. 2 and 7 were taken out from their high security barrack at 12.35 hours and whether they were put back at 12.40 hours. Witness volunteers- the accused were with me for about half an hour.

No re examination.

R.O.

Special Judge

Date:-29/03/2011

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

MCOC SPL.21/06

PW 80/27

Ext.832