

**M.C.O.C. SPECIAL CASE NO. OF 21/06****DATE: 7TH APRIL, 2011****EXT.NO.846****DEPOSITION OF WITNESS NO.83 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Dr. Dhirendra Shantilal Balsara  
Age : 52 years  
Occupation : Lecturer, KEM Hospital and GS Medical College  
Res. Address : Flat no.5, 2<sup>nd</sup> Floor, Assistant Dean Bungalow,  
Dr. S. S. Rao Road, Parel, Mumbai-12.

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

1. I was attached to the KEM Hospital and GS Medical College in 2006 also. (Learned advocate Shetty submits that a note may be taken that Prof. Dr. Walter Fransis Vaz is also sitting in the court hall). I was a lecturer in Forensic Medicine in the medical college. As a part of my duty I had to perform medico legal *post mortems*. I had occasion to perform *post mortems* on the bodies of the victims of the serial bomb blasts in the western railways on 11/07/06.
2. I had performed *post mortem* along with Prof. Dr. Vaz on the body of one Nitin Sukhlal Patil on 12/07/06 between 02.00 hours and

03.00 hours vide no. MLO/604/06, ADR No. 00/06, Police Station Bhoiwada. The requisition letter bearing O. No. 6864 dated 11/07/06 was received from Police Station Bhoiwada. It is the same now shown to me. (It is marked as **Ext.847**). The summary of the history given in the letter was that the said person had died in the bomb blasts while he was traveling in the train on 11/07/06 at 18.20 hours. The body was sent for medico legal autopsy to determine the exact cause of death. On external examination, along with other things I found blackish, minute tattooing all over the face, anterior part of thorax and front of right side of the abdomen and deformity at the upper side of right arm. I also found following surface wounds and injuries :

- a. Two roughly circular punctured wounds reddish black in colour present one below the other present over the upper part of the front of right arm measuring 4.5 cms and 4 cms in diameters and subcutaneous tissue deep.
- b. Multiple, roughly circular punctured wounds, reddish black in colour each being 3 to 4 cms in diameter present around anterior front of right side of thorax and abdomen, showing triads of

lacerations abrasions and bruises.

c. Roughly spindle shaped split, laceration vertically placed behind the inner side of the right shoulder joint measuring 15 cms x 3 cms x muscle deep.

d. Three roughly circular punctured wounds measuring between 2 to 3 cms in diameters and subcutaneous tissue deep, each present over the upper, inner and posterior side of right arm, middle part of right elbow and middle part of right forearm at the back.

e. Multiple, very small powdered tattooing of upper, front of both the legs.

f. Multiple, minor to moderate sized, reddish coloured impact abrasions present over and around the left collar bone.

3. I also found simple fracture of right humerus at the junction between the upper and the middle thirds. On internal examination I found that there was a generalized mild oedma of the brain. There were two punctured wounds each being 3 cms in diameter over the lower part of the front and right side of chest and subcutaneous tissue deep. There were fractures of the right 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> ribs along the right anterior axillary line. There were anterior contusions in the right

and left lungs. There were multiple punctures over the upper right side of the front walls of the abdomen measuring 4-5 cms in diameters and being subcutaneous tissue to cavity deep. There were contusions over the right lobe of the liver. From the contents of the stomach I could gather that the victim must have died less than two hours after the last meal. The cause of death was haemorrhagic shock as a result of multiple external and internal injuries sustained in a bomb blast. All the external and internal injuries were collectively responsible for the death.

4. Fragments of shrapnel for metallurgical analysis, pieces of burnt/partially burnt explosive material recovered from the dead body and blood for grouping were preserved for chemical analysis and sent to the FSL, Kalina for analysis. I have brought the office copies of the three forwarding letters, they bear my signatures and their contents are correct. (They are marked as **Exts.848 to 850**). I have brought the reports that were received by our hospital from the FSL. The contents of the reports that are on record are as per the reports with me. (They are received in evidence u/s 293 of the Code of Criminal Procedure and marked as **Exts. 851 to 853**). The blackish

powder by which there was tattooing all over the body is a peculiarity of post-explosive residue of Nitrite. This is also confirmed by the reports of the FSL. (Learned SPP makes a request for opening the two sealed envelopes at sr. no.9 of the list Ext.16A. The envelopes are given to the learned advocates of the accused for inspection). The envelopes now shown to me bear the labels of our hospital containing the name of our college and hospital, name of the person on whose dead body *post mortem* was conducted, by whom it was conducted and the *post mortem* number and date, etc. (On opening one envelope it is found to contain a small polythene bag containing two white wrappers and small pieces). The pieces of shrapnel are the same. (They are marked as **Arts- 313 colly**, the two white wrappers are marked as **Arts-313 A & B**, the polythene bag is marked as **Art-313C** and the envelope is marked as **Art-313D**). (On opening the second envelope it is found to contain a small polythene bag containing one white wrapper and small pieces of burnt material). The pieces of burnt/partially burnt material are the same. (They are marked as **Arts- 314 colly**, the white wrapper is marked as **Art-314A**, the polythene bag is marked as **Art-314B** and the envelope is

marked as **Art-314C**).

5. Accordingly I issued the memorandum of the *post mortem* examination. It is the same now shown to me. It bears my signature and the signature of Dr. Vaz and its contents are correct. (It is marked as **Ext.854**).
6. I had performed *post mortem* along with Prof. Dr. Vaz on the body of one Shojiram Modulal Meena on 12/07/06 between 02.45 hours and 03.45 hours vide no. MLO/607/06, ADR No. 00/06, Police Station Bhoiwada. The requisition letter bearing O. No. 6864 dated 11/07/06 was received from Police Station Bhoiwada. It is the same now shown to me. (It is marked as **Ext.855**). The summary of the history given in the letter was that the said person had died in the bomb blasts while he was traveling in the train on 11/07/06 at 18.20 hours. The body was sent for medico legal autopsy to determine the exact cause of death.
7. On external examination, along with other things I found bleeding from mouth and nostrils and generalized fine powder, tattooing all over the face. I also found following surface wounds and injuries :

1. Multiple small irregular reddish-black impact abrasions covering the lower part of the front of left side of chest and almost whole of the front of the left side of the abdomen.
2. Irregular avulsed laceration over the hypothenar eminence of the right hand, reddish black in colour measuring 2 cms x 1 cm x subcutaneous tissue deep.
3. Irregular reddish-black impact abrasion vertically placed over the middle of the front and outer aspect of the lower half of the left thigh and subjacent part of the left knee and calf measuring 30 cm x 6 cms in its greatest dimensions.
4. Irregular impact abrasion, vertically placed near the front and inner aspect of left knee, 15 cms x 4 cms in its greatest dimensions.
5. Multiple imprint abrasions of various sizes and shapes covering the whole dorsum of the left arm including elbow.
6. Two roughly oval split lacerations, each measuring around 4 cms x 2 cms x subcutaneous tissue deep, placed one below the other over the upper end of right posterior axillary line.
7. Irregular impact abrasion covering almost whole of the dorsum of the left hand dotted with blackish minute tattoos. This injury

surrounds a split laceration over the dorsum of the root of index finger, 1 cm x 0.5 cms x bone deep.

8. Multiple bruises in an irregular area, 30 cms x 5 cms in maximum dimensions, vertically placed over the middle thirds of the backs of both thighs.

8. In the internal examination I found mild congestion under the scalp and generalized moderate oedema and congestion of the brain. I also found both lungs massively contused and the massive contusion of para-spinal muscles of lower half of back. On examination of the abdomen, along with other things I found contusion of all the muscles of the left side of the front; massive contusion of para-spinal muscles along the entire length. I found few anterior teeth loosened, the kidneys were bilaterally congested. The cause of death was cerebral and spinal concussion and massive bilateral pulmonary contusion as effects of a bomb blasts (unnatural). All the external and internal injuries were collectively responsible for the death of that person. All the external injuries may have been caused in a high explosive blast and the internal injuries corresponded to the external injuries. Accordingly I issued the



memorandum of the *post mortem*, it is the same now shown to me, it bears my signature and of Prof. Dr. Vaz and its contents are correct. (It is marked as **Ext.856**).

9. Fragments of shrapnel for metallurgical analysis, pieces of burnt/partially burnt explosive material recovered from the dead body and blood for grouping were preserved for chemical analysis and sent to the FSL, Kalina for analysis. I have brought the office copies of the three forwarding letters, they bear my signatures and their contents are correct. (They are marked as **Exts.857 to 859**). I have brought the reports that were received by our hospital from the FSL. The contents of the reports that are on record are as per the reports with me. (They are received in evidence u/s 293 of the Code of Criminal Procedure and marked as **Exts. 860 to 862**). The blackish powder by which there was tattooing all over the body is a peculiarity of post-explosive residue of Nitrite. This is also confirmed by the reports of the FSL. (Learned SPP makes a request for opening the two sealed envelopes at sr. no.9 of the list Ext.16A. The envelopes are given to the learned advocates of the accused for inspection). The envelopes now shown to me bear the labels of our hospital

containing the name of our college and hospital, name of the person on whose dead body *post mortem* was conducted, by whom it was conducted and the *post mortem* number and date, etc. (On opening one envelope it is found to contain a small polythene bag containing one white wrapper and small pieces). The pieces of shrapnel are the same. (They are marked as Arts- 315 colly, the white wrapper is marked as Art-315A, the polythene bag is marked as Art-315B and the envelope is marked as Art-315C). (On opening the second envelope it is found to contain a small polythene bag containing one white wrapper and small pieces of burnt material). The pieces of burnt/partially burnt material are the same. (They are marked as Arts-316colly, the white wrapper is marked as Art-316A, the polythene bag is marked as Art-316B and the envelope is marked as Art-316C).

(Adjourned for recess).

**Date : 07/04/11**

**SPECIAL JUDGE**

**Resumed on SA after recess**

10. We had received many dead bodies in the night of 11/07/06 in connection with the bomb blasts in the western railways

to determine the cause of death. On consultation with the police surgeon, it was decided that *post mortem* examination of all the bodies is not feasible and we will do only sample *post mortem* examination of two bodies. Accordingly I and Prof. Dr. Vaz conducted the above two *post mortem* examinations. With respect to the other dead bodies it was decided to examine them externally and not to do the complete *post mortems* and to issue certificates accordingly. Accordingly I and Prof. Dr. Vaz had examined all the remaining dead bodies and I issued death certificates in respect of eight. The certificates of Anees Baindur, Sanjay Jeswani, Sumanta De, Babubhai Waghani, Zubair Khan, Kalubhai Kasodaria, Anil Shah, Ninad Mahale and Sanford De Sales now shown to me are the same, they bear my signatures and the signatures of Prof. Dr. Vaz on the first eight and my signature and signature of lecturer Dr. Kadam on the last one and their contents are correct. (They are marked as **Exts.863 to 871**). We had ascertained the cause of death after a thorough external examination and on finding more or less similar type of injuries.

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

11. (Learned advocates Rasal and Shetty request that the documents of this witness given to them are not readable and they request for legible copies from the prosecution and request time to go through the documents to cross-examine the witness. They submit that they have no objection if another witness is interposed. They pray for deferring the cross-examination till Monday, i.e., 11/04/11. Ld SPP has no objection. Hence, the cross-examination is deferred).

**Date: 07/04/11**

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

**Date : 11/04/11**  
**Resumed on SA**

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

12. Declined.

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

**& 13**

13. The FSL Laboratory may be roughly 8-10 kilometers from the KEM Hospital. It is not true that none of the bodies were sent by the Police Station Bhoiwada. It is true that the articles that were sent for chemical analysis were not sent with any employee of our office. We have not received any instructions from any authority about taking precautions to avoid tampering with the articles. It is not true that whenever we are forwarding articles for chemical analysis we do not forward an impression of the seal. The office copies of the forwarding letters do not have the impression of the seals. They are on the original letters. It is not true that we do not have any practice of affixing labels. We give instructions to the police while handing

over the articles to reach them immediately to the FSL. Exts.857 to 859 were received by our office containing the acknowledgment of the receiving clerk of the FSL. I am not sure whether on going through the office copies of the forwarding letters, I realized that there was delay of 12 days in sending the samples to the FSL. On going through the reports of the FSL I say that the samples were received in the FSL office on 24/07/06. I cannot say in whose custody the samples were during this period. The correspondence of preparing and dispatching the letters and the samples is done by our office staff under our supervision.

14. We started the *post mortems* within half an hour after receiving the bodies. The bodies were not preserved in formalin before the *post mortems*. The bodies were received at 1.30 a.m. on 12/07/06. They were sent from the site of the blast. I cannot say whether the bodies were lying at the site after the death of the persons and till the time they were brought to the hospital. If a dead body is kept for more than 12 hours without applying any preservatives, then internal chemical reactions start taking place. Such type of reactions may affect any foreign body in the dead

bodies. I am not sure whether such chemical reaction can be detected in chemical analysis.

**Cross-examination by Adv More h/f P. L. Shetty for A3, 8, 9, 11 and 12**

15. Declined.

No re-examination

R.O.

**Special Judge**

**Date:-11/04/2011**

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

“ Taken before me and signed by me in the presence of the accused, to whom the deposition was explained and opportunity given to cross-examine”.

**Date:-11/04/2011**

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