

M.C.O.C. SPECIAL CASE NO. OF 21/06**DATE: 7TH APRIL, 2011****EXT.NO.883****DEPOSITION OF WITNESS NO.85 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Lalji Ramakant Pande

Age : 59 years

Occupation : Private Service

Res. Address : Flat No.402, 4th Floor,Bldg No.10,Sonam Shakti,
Phase No.-9, New Golden Nest, Bhayender (E),
Dist-Thane-401105.

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

1. The incident took place on 11/07/06. I had gone to Churchgate on that day at about 2.30 p.m. to the office of Jt. Director General of Foreign Trade. After that work I had to go to Bandra to attend the puja at the house of my friend Indrapakash Pande as it was Gurupornima. After the work at the office of Jt. D.G.F.T. I went to Churchgate railway station by subway in front of Central Excise office and went on platform no. 3 and 4. The Borivali semi fast 5.54 p.m. train was to arrive on platform no.4. I boarded the first class bogie that was the

first from the side of Borivali. I was standing in the train near the middle pole in the door on the east side. As the train left Mahim Station, there was a loud explosion and something hit me on the back of my neck and head and I fell down. When I got up there was darkness around. I saw injured and dead persons lying around me. All were frightened. Public and police came there from outside and started taking away the injured and the dead. They took me to the Sion hospital. I had sustained injury on the back of my neck and on the head, hands, stomach, legs, etc. After operation the doctors removed some article from the back of my neck. The doctors showed the article to me after the operation. I will be able to identify it. (Learned SPP makes a request to open the sealed envelope at sr. no.7 of the list Ext.16B. The sealed envelope is given to the learned advocates for the accused for inspection. The sealed envelope bears the description as 'M-375/06 CR No. 78/06, Mumbai Central Railway Police Station'. On opening it is found to contain a sealed glass bottle on which a sticking plaster is pasted. It contains the description 'casualty/WD-2 L.R. Pande Dr. 573 D 3-249 metallic foreign--'. It is given to the learned advocates for the accused for inspection. It is

shown to the witness). The article that was removed from the back of my neck is the same that is in the glass bottle. (It is marked as **Art-317**, glass bottle is marked as **Art-317A** and envelope is marked as **Art-317B**). I was discharged from the SION hospital on 24/07/06. After discharge my condition deteriorated, therefore, I was admitted in the Kasturi Hospital at Bhayandar. Even now I am not able to hear properly as my hearing is impaired partially. Police took my statement on 27/07/06 at my house and again on 21/08/06 when I was called to the ATS office, Bhoiwada. Police showed me photographs of suspects on the computer and asked me whether I could recognize anyone. However, I could not recognize anyone.

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

2. Police took my signature on my statement on 27/07/06. I was admitted in the Sion hospital at about 8.00 p.m. on 11/07/06. I do not remember whether police did not take my statement during the period I was admitted there. Police did not meet me during the period from 27/07/06 to 21/08/06. It had happened that at the Churchgate Station when I was boarding the train, I saw two persons getting down hurriedly and they looked frightened, therefore, I became suspicious.

It is true that I looked at them carefully. I do not remember the name of the officer who took my statement on 21/08/06. Police showed me 4-5 photographs on the computer on that day. Those photographs were not of the persons who had got down from the train on that day. I had described the two persons, their features, age, appearance, body structure and the clothes worn by them. I had stated about the mustaches and beards that they had. I told police about the features of the two persons that I remembered. Police prepared sketches of the two persons on the basis of their description that I gave. They were prepared correctly as per the description that I gave. I do not remember the name of the policeman who prepared the sketches and whether it was prepared by the officer who took my statement. Police did not call me again after 21/08/06. They did not show me any person arrested in connection with the case. I was not called in any identification parade to identify any accused caught in the case. It is not true that after the blast at Mahim, my suspicion about the two persons was confirmed. I now again say that after the blast my doubt about the two persons that they may be involved or may not be involved was confirmed. Police had read over and explained my

statement to me on 21/08/06. It was written as narrated by me. I had stated to the police that I had a doubt about those two persons that they had a hand in the blast and that I would be able to identify them if shown.

3. It is true that the description of one of the persons that I gave was that he was around 27-28 years of age, height 5'10", wheat complexion, longish face, medium built, clean shaven, small mustaches, wearing half shirt and full pant. I had described the other person as around 28-30 years of age, height 5'7", sallow complexion, round face, slim built, clean shaven, small mustache, wearing checks full shirt and full pant.

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

4. Police did not inquire with me during my stay in the hospital. I had stated to the police the way by which I went to the platform in the Churchgate station. There was a medium crowd on the platform at that time. First I went to the platform no.3 and then to the platform no.4. Both platforms are common. As there was a train at platform no.3, the platform no. 1 and 2 were not visible. There are single tracks in between platform no. 1 and 2 and, 3 and 4 and tracks on

the other sides of platform no. 1 and 4. It is true that the platform no.3 is common for a train in between platform no.2 and 3 and platform no. 3 & 4. The train in between platform no.2 and 3 was the 5.57 p.m. Virar Fast train. It is true that there is a considerable crowd for the fast trains in the evening. It is true that passengers who want to get down at the stations in between prefer slow trains. Some people board a train to go to the platform on the other side in the evenings. It is not true that the platform of fast train at Bandra Station is on the west side. There are four platforms at Bandra. I do not know from which platform at Bandra the slow train for Churchgate starts.

5. I do not remember the name of the officer who took my statement on both occasions and whether it was officer Iqbal Shaikh. I do not remember the exact date of my operation in the Sion hospital. I was shown the article on the same day in the operation theater. I was given an injection at the back of my head. I cannot tell how many days after my operation my statement was recorded on 27/07/06. The article was shown to me before my statement was recorded. I cannot assign any reason why this is not mentioned in my statement.

(Adjourned as court time is over. Witness states that he has some important work tomorrow. Hence, he will not be able to attend court tomorrow. Hence, his further cross-examination is deferred to 11/04/11. Ld advocates for the accused have no objection to interpose some other witness tomorrow).

SHINDE)

Date:-07/04/2011

(Y.D.

SPECIAL JUDGE

Resumed on SA**Date : 08/04/11**

(As witness has come today and as the learned advocates were informed earlier and have agreed to cross-examine him, his evidence is recorded).

6. I was in Mumbai from June 2006 to January 2007 and was residing on the same address. I had stated to the police when I gave my statement that I saw injured and dead persons lying around me and that all were frightened. I cannot assign any reason why this is not written in my statement. I had stated to the police that after the operation the doctors removed some article from the back of my neck and that the doctors showed the article to me after the operation. I cannot assign any reason why these things are not written in my statement. I had not stated to the police that I would be able to identify the article if it is shown to me again. I do not know what the doctors did with the article after they showed it to me, where they kept it and with whom they kept it. I saw the article yesterday after that day. It is not true that Art-317 was not removed from my neck. I got compensation of Rs.50,000/- for my injuries from the

Government. I do not know whether there was an appeal by the Government calling upon the persons injured in the blasts to come forward to get compensation and for that they should give their statements to the police. Some person from the Tahasildar office came to me in the hospital and told me about the compensation. I do not remember whether he told me that it is necessary for me to report to the police about it. It did not happen that as police did not record my statement till the time I was in the hospital, I went on my own and gave my statement. It will be incorrect to say so. I had not stated so to the police. (Witness is confronted with the relevant portion from his statement. Hence, it is marked 'A'). I cannot assign any reason why it is so written in my statement. It is true that as I was speaking the truth, police were not ready to take my statement.

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

& 13

7. It is not true that I will not be able to forget the faces of those two persons. It is true that I remembered their faces properly when their sketches were prepared. The sketches were prepared in the ATS office. It is not true that the ATS police told me that the

photographs that they showed me on the computer were of the persons arrested by them in that case. They were photographs of wanted accused. It is not true that I was shown some other photographs also. Police did not show me two photographs of dead persons and did not tell me that one of them is killed in an encounter and one was killed during the blasts. Crime Branch people did not call me in 2008 to identify any persons. Police did not take my statement about showing me the photographs on the computer. I read newspapers and see the news on the television. I had read some news about the progress of the investigation in the case.

No re-examination

R.O.

Special Judge

Date:-08/04/2011

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