

M.C.O.C. SPECIAL CASE NO. OF 21/06**DATE: 11TH APRIL, 2011****EXT.NO.893****DEPOSITION OF WITNESS NO.89 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Hitesh Maganlal Gandechea @ Raju Gandechea
Age : 42 years
Occupation : Service
Res. Address : E/204, New Hill View Society, Taki Road,
Nalasopara(E), Dist. Thane.

EXAMINATION-IN-CHIEF BY SPP CHIMALKAR FOR THE STATE.

1. I do the service in garment marketing. I take orders by showing samples in the shops in the area from Churchgate to Virar. I went to my office at Dadar at about 3.00- 4.00 p.m. after doing the work on 11/07/06. I left office at about 5.45 to 6.00 p.m. for going home and went to the Dadar station. I went on platform no.3. At that time the 6.14 p.m. train going to Virar was at the platform. The train was 5-7 minutes late. I boarded the first class bogie at the front side. I stood at the second gate on the direction of Bandra. I boarded from west side and stood on the east side. The train started and as it was about to reach Matunga there was a blast. An elderly person to whom I had

give space to stand died in the blast. There was smoke everywhere for 2-3 minutes and there was pressure in my ears. The blast had taken place in the bogie that I was traveling. A person who was standing near me was hit by the fan that fell from above and he was trembling because of the electric shock. I tried to help him and he caught hold of my left hand. At that time I also got electric shock and the portion where he had caught my hand got shock burns. After the electric shock was over that person told me that I had also suffered injury to my stomach. The insides of my stomach had come out. I put my both hands on the injury, then jumped on the tracks and went upto the wall. A person who was on the wall helped me climb it and then I took a taxi and went to the Sion hospital. The taxi driver put me on the stretcher and I was taken inside the operation theater. The doctors told me to remove my belt by my hands. Then I was given an injection and I fell unconscious. I was admitted in the Sion hospital upto 28/07/06. I was called by the ATS office on 13/12/06 and my statement was recorded. I have got the original certificate of discharge with me and I am ready to produce it. (It is marked as **Ext.894** as learned advocates for the accused consent).

Cross-examination by Adv Wahab Khan for A2, 7, 10 & 13

2. It did not happen that when I gave my statement to the police I told them to keep blank the place of the date of discharge. I had not stated to them that I had taken treatment from 11/07/06 upto __/07/06 as an indoor patient. (Witness is confronted with the relevant portion from his statement. Hence, it is marked as 'A'). I cannot assign any reason why it is so written in my statement. My statement was typed on the computer. I do not know whether the roof portion of the bogie was more damaged. The ATS police did not show me photograph of any dead person or photographs of persons on the computer and did not show me any person in the ATS office or in the Arthur Road Prison.

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

3. I had gone to my office by name Madani Industries in Dadar (W) on Senapati Bapat Road. It is true that trains going Churchgate halt at platform no.2 at Dadar and the trains going to Virar halt at platform no.3. It is true that at that time there is a huge crowd on these platforms. It is true that at that time the staircases are jam-packed with people. It is not true that at that time there was a

considerable crowd for boarding the train and for getting down from the train. I boarded the running train and after it halted there was a rush of passengers getting down and climbing. It is true that many people board the running train when it is coming on the platform so as to go inside and get a place to stand. It is not true that there were many people standing around me. I was standing by the side of the door with my back to the wall. After I gave place to the elderly person, I stepped ahead and stood facing towards inside. At that time we were facing each other. There were 10-12 persons standing in the passage. I was to get down at Nalasopara. Virar is one station ahead. Most platforms fall on the side on which I was standing. It is true that there is a big rush of people boarding and getting down in the Virar trains. It was a rainy day. Nobody helped me to get down. I had stated to the police when I gave my statement that I had seen that the person to whom I had given place to stand had died. I cannot assign any reason why it is not written in my statement.

4. Police did not inquire with me before I was admitted in the hospital. Police did not take my statement during the period I was admitted in the hospital. I came to know after I became well that the

government is offering compensation to the injured. I got the compensation when I was in the hospital.

Cross-examination by Adv Wahab Khan h/f P. L. Shetty for A3, 8,

9, 11 and 12

5. Declined.

No re-examination
R.O.

Special Judge

Date:-11/04/2011

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