

M.C.O.C. SPECIAL CASE NO. OF 21/06**DATE: 4TH MAY, 2011****EXT. NO. 959****DEPOSITION OF WITNESS NO.96 FOR THE PROSECUTION**

I do hereby on solemn affirmation state that:

My Name : Basavraj Shivsangapa Autgiri

Age : 52 years

Occupation : Service (ASI, Vasai Railway PS)

Res. Address : Room No. 14, Bldg No. 9, Railway Police Quarters,
Ghatkopar(E), Mumbai-75.

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

1. I was posted at the Andheri Railway Police Station in 2006. I was on day duty on 13/07/06. Sr. PI Raskar was the in-charge of the police station. He directed me to reach a closed envelope to the office of the FSL at Kalina along with forwarding letter outward number 1733 and to get an acknowledgment on the office copy of the letter. Accordingly I went to the office of the FSL at Kalina, reached there at 1300 hours. The office was closed for lunch at that time and I was asked to come at 1400 hours. I stayed there, the office started at

1400 hours and at 1415 hours I gave the sealed envelope and the letter to the receiving clerk. He accepted the envelope and gave an acknowledgment on the office copy. Office copy of the forwarding letter now shown to me is the same. It bears the acknowledgment of the receiving clerk. (It is marked as **Ext.960**). It bears the signature of Sr. PI Raskar. The outer envelope of the sealed envelope Art. 58B now shown to me is the same. My buckle number is ASI-174. The CA report that was received in our police station now shown to me bears my buckle number, name and the outward number of the forwarding letter. (It is received in evidence u/s 293 of the Cr. P.C and marked as **Ext.961**). I had made station diary entries while leaving the police station and after I came back to the police station. I handed over the office copy of the forwarding letter, i.e., Ext.960 to the writer on the direction of the Sr. PI Raskar. My statement was recorded in this connection.

2. I was on duty on 19/07/06. The Sr. PI called me and gave me a letter of the Cooper Hospital and his letter and asked me to go to Cooper Hospital and to collect a letter and a sealed plastic jar. The letter of Cooper Hospital now shown is the same, it is addressed to

the Sr. PI of our police station. (It is marked as **Ext.962** as learned advocates for the accused consent). The letter of our Sr. PI. addressed to the Cooper Hospital for handing over the articles to me now shown to me is the same. It bears the signature of the Sr. PI and of the receiving clerk of the hospital. (It is marked as **Ext.963** as learned advocates for the accused consent). Accordingly I went to the Cooper Hospital and met the concerned clerk there. He gave me a letter of the hospital and a sealed plastic jar. He also gave me a letter addressed to the Sr. PI about he having handed over the articles to me. It is the same now shown to me. It is addressed to the Sr. PI. (It is marked as **Ext.964** as learned advocates for the accused consent). I took it to the police station and gave the letter and showed the plastic jar to the Sr. PI. He told me to reach the letter and the plastic jar to the office of the FSL at Kalina on 20/07/06. I will be able to identify the sealed plastic jar. (Witness is shown a sealed plastic jar on which a label of sticking plaster is affixed and which is at sr. no.16 of list Ext.16E. The label contains the description M-327/06, Mohd. Tanwar, Rg. No. 4961, etc. The plastic jar contains a piece of metal, which is visible as the jar is transparent). The jar is the same. (The

metal piece inside the jar marked as **Art-319** and the jar is marked as **Art-319A**).

3. Accordingly on 20/07/06 I took the forwarding letter of the Sr. PI to the FSL, Kalina and the sealed plastic jar to the office of the FSL at Kalina, handed them over to the receiving clerk and obtained his acknowledgment on the office copy. The office copy of the forwarding letter now shown to me is the same. It bears the acknowledgment of the receiving clerk. (It is marked as **Ext.965**). CA report about that article was received in our police station, it is the same now shown to me, it bears my buckle number. (It is received in evidence u/s 293 of the Cr. P.C and marked as **Ext.966**). I had made station diary entries while leaving the police station and after I came back to the police station. Sr. PI told me to hand over the CA report to the officers of the ATS, who would be coming to the police station.

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

4. I did not go to the FSL on 12/07/06. The letter and the sealed envelope was given to me on 13/07/06. I am unable to read the words in the seal impression on the envelope Art-58B and on the letter Ext.960. I had not seen the sealed envelope and the forwarding

letter before 13/07/06. It did not happen that on 12/07/06 at 1215 hours Sr. PI Raskar called me and gave me the sealed envelope and letter bearing outward no.1733/06 dated 12/07/06 and directed me to reach it to the office of the FSL at Kalina, that I reached there at 1.00 p.m. and handed them over to the office of the FSL and I made station diary entry on 13/07/06. Sr PI Raskar took the noting about this on 14/07/06. He read it over to me and it was correctly noted as stated by me. I had stated to him that I got the letter and the sealed envelope on 13/07/06 and I handed it over at 1415 hours at the office of the FSL, Kalina on the same day. I did not tell him that I received it on 12/07/06 at 1215 hours, that Sr. PI Raskar called me and gave me the sealed envelope and letter bearing outward no.1733/06 dated 12/07/06 and directed me to reach it to the office of the FSL at Kalina, that I reached there at 1.00 p.m. and handed them over to the office of the FSL and I made station diary entry on 13/07/06. (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. HC Darade, writer of Sr.PI gave me the letter and the envelope on 13/07/06.

5. I had personally gone to the Cooper Hospital. When I took the plastic jar Art-319A to the FSL, Kalina on 20/07/06, it was not in the same condition as it is now. There was the seal of the hospital on the jar. The jar was closed by sticking plaster strip pasted across the lid and there was a lac seal on the top. It was having a label of the hospital containing the description of the contents and the name of the patient and other than this there was nothing else. I had not read the letters on the lac seal on the jar. There was no seal and label of our police station on the jar. I was given the forwarding letter and the jar on 20/07/06. (Witness is shown the letter Ext. 965). It is true that this is the office copy of the letter that was given to me along with the plastic jar. The two seal impressions on the first page of the letter were there when it was given to me. The words on the lac seal are that of Andheri Railway Police Station. The rubber stamp is of P.I, Andheri Railway Police Station. It is true that this letter does not contain the impression of the seal or the rubber stamp of the Cooper Hospital. No notings of the work done by me after 15/07/06 were taken by the Sr. PI.

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

Wahab Khan for A2, 7, 10 & 13

6. Declined

No re-examination
R.O.

Special Judge

Date:-04/05/2011

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