

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
SLP CRL D NO. 34207/2018**

IN THE MATTER OF :

ZAKIA AHSAN JAFRI	...	PETITIONER
	vs.	
THE STATE OF GUJARAT	...	RESPONDENT

**COMPILATIONS OF RELEVANT
DEPOSITIONS BEFORE THE Ld. ASJ IN
THE GULBERG SOCIETY CASE**

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Sessions case No. 152/02**With****167/03, 279/03, 190/09, 191/09, 193/09,
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Witness No.337 for the Prosecution

Exh.1463

My name:	Jakiya Nasim
Name of Husband:	Ahesan Jafri
Age about:	72
Religion:	Muslim
Resident of:	Presently at Surat

I swear on the oath that,

**Commenced examination-in-chief by Special P.P.
Shri R.C. Kodekar:**

At the request of the prosecution the witness is allowed to give evidence by sitting in chair outside the witness box.

Administered the oath:

1. At the time when this incident occurred in the year 2002, I had been living with my husband in Gulbarg Society Bungalow No.19. My husband Ahesan Jafri was ex- Member of Parliament. He was Chairman of Gulbarg society and at that time He was practicing

law. I have two sons and one daughter in my family. My son, namely Tanvir had been living at Surat at the time of incident and, another son namely Zuber had been living in America and, my daughter was already got married and she also was living in America.

2. Since my husband was at the forefront of the society people from our society used to come frequently to our residence at Gulberg Society to meet him and, if anyone in the community had a problem, he would present it to my husband.

3. There was call for closure on 28/2/02 so, there was fear in the people. Since closure was announced on 28/2/02 there was panic among the people. So, some men from our society approached my husband to make arrangements. During seven to eight o'clock in the morning, the men of the society came and on representing by them my husband had made phone calls at various places to make arrangements.

4. Thereafter, P.C. Panday had come. I presently do not remember as to at what time he had come. This P.C. Pande had come at road situated behind my house

and he had called my husband through somebody. Jafri sir had gone there and there were two other persons whose names I do not know. Those persons had gone to see P.C. Pande. Jafri sir, coming after meeting P.C. Pande had informed that Police Commissioner had told him and me to sit in their vehicle and asked to go at safe place but, my husband refused to do so as there were many people in my house for protection.

5. On asking by my husband I had gone to first floor of my house. At that time, my sister Suraiyaben was also with me.

6. There are four rooms on ground floor in our house which consists of one kitchen, one sitting room, one room of my husband's office and one bedroom. At this time, persons of our society and community had come in all these four rooms.

7. I could see all the houses of our society from upstairs where I went. I saw from above the crowd shouting slogans with weapons in their hands. The houses were being put on fire. The crowd initially consisted of scattered men and then grew in number.

8. Persons of crowd had intruded from under the main iron gate of our society and, thereafter, the mob had come inside by breaking the wall of the society. The mob after coming inside the society had started to cut and kill the people. They had cut arm of someone and cut the neck of someone and in that way, mob was involved in violence. The people of the mob had surrounded my bungalow from all the four sides. At this time, my husband had been preventing the mob entering inside by closing the gate and, there were many persons on ground floor in my house. My husband has tried to persuade the mob as to why you are doing so. I am ready to come out. The persons who were on ground floor in my house had started to come up stair to save their lives. The people had asked by husband to come up stair, but he did not come. The mob dragged my husband outside his clothes were removed on road outside the society and his hands, feet, etc. were cut off and was burnt.

9. After taking away Jafri sir, the persons who were on ground floor were killed. Persons in my house were

turned into dead bodies. I had waited on first floor only till 4-5 O'clock evening.

10. Police had come in society at evening and people who were survived were asked to come down. I had also come downstairs at that time.

11. When I had come downstairs, I had seen five-six dead bodies lying in the garden behind my house among which one boy was shouting for water. Out of the dead bodies I had recognized the dead bodies of Jetun, Khatun, Nilofar and Farah and his mother, which were burning. Thereafter, I had come from behind to space between house No. 18 and 19 where dead bodies of Shahjadali and Anvarbhai were lying. Thereafter, on coming in front of my house I had seen the dead body of wife of Kasambhai whose both the hand and feet were cut. The child was taken out from the abdomen of wife of Kasambhai's son by stabbing the sword and, that dead body was also lying near my gate. Except this, there were many dead bodies, but I was unable to see. I presently cannot definitely say as to how many persons were died near my house.

12. The persons survived in society were made to sit in two vans and all the survived persons were taken to Shahibag Police Station. Barricades were put on the way from Gulbarg Society to Shahibag.

13. After reaching at Shahibag, police had asked us as to where you want to go. Police had made arrangements to send them where they had told to go. We four-five persons sat on the bench at Shahibag Police Station till 11-00 to 11-30 O'clock. Thereafter, we had gone at place of our relative at Gandhinagar. We had been taken by some police officer's children or police personnel. We do not know as to who they were.

14. On next day police had come to Gandhinagar and made inquiry with me and recorded my statement.

15. Since I was dissatisfied with the police investigation, I had filed an affidavit in Supreme Court. On making writ in Supreme Court, a Special Investigation Team was appointed by Supreme Court for investigation in this matter. My statement was also recorded by the officer of SIT. Inquiry was made with me by SIT about affidavit filed by me in Supreme

Court. Inquiry was made with me by SIT about the talk mentioned by me in affidavit filed in Supreme Court that took place with the elder brother of the husband of Rupaben, who had gone to the office of Police Commissioner.

16. After this incident, I had gone to the place of my son. I do not recollect as to whether SIT recorded my statement or not. it is true that I was called at Gandhinagar by SIT and had recorded my statement there.

Cross-examination on behalf of the accused by
A.M. Amin, Advocate for the accused.

17. I know Tistaben Shetalvad since three-four years. I do not remember as to when I met her. I am confined to house of my son on account of problem of my leg since I went to live at Surat and, I do not go out of house. Tistaben did not come to see me at Surat.

18. I know the name of Raiskhan on account of Tistaben Shetalvad. I have not met him and, I know him by name only. I know the name of Advocate Sohail

Tirmiji after the incident. Advocate Shri Tirmiji has never come to see me at Surat. Sohel is practising law. I do not know any other advocate by name except advocate Tirmiji. I had no talk with any person of Gulbarg society before I came here. During the period I came here after the occurrence of the incident I had no talk with Saidkhan. I had also no talk with Imtiyaz.

19. Today I live in the same house in which I had gone to live after the incident.

20. My son Tanvir was with me when I went to Gandhinagar to give reply to SIT. It is true that my son Tanvir had been helping me as to what should be written while preparing the papers in respect of this case. I do not know whether my son Tanvir had contact with Tistaben or not. Perhaps there may be contact.

21. I happened to mee Shri Kumar after the incident. Shri Kumar was officer of police department and presently working with Tistaben Shetalvad. This Shri Kumar had come on 28/2 when I had gone to Gulbarg Society at the time of completion of four years and, at that time I had met him. I had no talk with him about

the incident. Thereafter, I have never met Shri Kumar. Shri Kumar has not sent any papers. I had met Tistaben in the year 2002 after the incident. She had met me at the office of Raiskhan. My son Tanvir was with me when I met Tistaben at the office of Raiskhan. At that time there were no persons other than of Gulbarg society. I had not informed anything to Tistaben at any time about the investigation of this incident. I, myself have not informed anything to advocate Shri Tirmiji about the papers of this case. My son Tanvir had been in contact with the advocate Tirmiji.

22. We had been living in Gulbarg Society since 1969. I do not know as to how long before the incident my husband had licensed rifle. I had never asked him as to what the necessity of the rifle is. No proceedings about the use of the rifle took place against Jafri sir prior to the incident. He had joined Congress party since the Parliament was dissolved. He had been Chairman of S.T. Board.

23. I do not know much English. I am unable to read English.

24. My son Tanvir knows much better English.

25. I had stayed about ten days at Gandhinagar when I went to Gandhinagar at night after the incident. I had stayed at the place of my near relative namely Mahemudsagar. There was my sister Suraiya, my brother-in-law Safdarbhai, Tasadduk of our society, Anishaben and her two children with me. Accordingly, we had stayed at the place of my relative at Gandhinagar. Our relative Sagar is Engineer there in the government. From Gandhinagar I had gone to live at Surat. We five persons namely my son Tanvir, his wife and his two children live at Surat. I used to converse with my sister Suraiya.

26. Police had made inquiry with me and recorded my statement when I was at Gandhinagar. There were 2-4 persons in house when police took statement. It is not true that, I have not dictated in the statement recorded by the police at Gandhinagar, the fact of having come seven to eight persons of our society in the morning on

the day of incident and on request for arrangement, Jafri sir had made phone calls at various places. It is not true I have not dictated by me when SIT had recorded my statement. I had heard that persons of our society had gone before SIT by preparing the statements at their own. I had come to know this fact prior to inquiry made with me by SIT. I knew those persons since they came to live in our society and went with these statements. The idea of those persons who had gone by preparing statement, was struck wrong to me. I felt that the written statements given by the persons of Gulbarg society seem to have given falsely.

27. My daughter living in America is citizen there, but my son has not become citizen there.

28. It is true that, the fact of coming of P.C. Panday, Police Commissioner might not have dictated to police at that time when police took my first statement at Gandhinagar after the incident. Police had recorded my statement at Gandhinagar on the next day of the incident.

29. It is not true that, Jafri sir had told me about the conversation took place with Jafri sir and Shri P.C. Pandey, Police Commissioner came in morning on day of the incident. I am lying whatever has been deposed in the court in this respect.

30. It is not true that, I have not dictated in the statement before police, the fact about mob came from the upper floor of our house had been holding weapons in their hands and they had put on the fire and committed violence which was seen by me from the upper floor.

31. The incidents about mob coming in society, shouted slogans and put on fire etc. had taken place during about 2:30 to 3:00 O'clock noon. I have deposed in Para eight of my examination in chief that persons in mob had cut the neck of someone, I do not know name of any such person whose neck has been cut. I also cannot say as at what time such incidents took place. It is true that, I have not dictated in the statement before police that persons of mob came inside by breaking society wall and started to cut and

kill the persons of the society present and, hand of someone was cut and neck of someone was cut and, in that way the mob committed violence as deposed in Para eight of my examination in chief.

32. I have deposed in Para eight of my examination in chief that my husband was preventing the mob to enter inside by closing the gate and my husband had tried the mob as to why you are doing so and that I am prepared to come out. I cannot say as to whether both these happened at the same time or at different time. I also cannot say as to at what time this had happened. It is true that, I have not dictated this fact in any of the statements before police.

33. I was on first floor of our house where in the room and remaining rooms there were about fifteen-twenty women and many gents. I cannot say at what time the persons coming upstairs asked my husband to come upstairs. It is not true that, I had not dictated in my first statement recorded at Gandhinagar after the incident that mob dragged my husband outside and the incident of behaviour with him which has been deposed

in Para eight of my examination in chief. I am also not aware as to at what time that incident took place.

34. I had gone upstairs at about 10:45 to 11:00 O'clock morning on the day of incident and came down at evening when police had arrived. It is not true that, I had not seen behaviour that was done with my husband on road after taking him outside the society as deposed in Para eight of my examination in chief and it was known on the say of the people. It is not true that, I have so dictated in my statement given before SIT that, "I had not seen as to which type of behaviour was done with him after taking him outside the society but, I had come to know from the talks of the people that people had removed his i.e. Jafri sir's clothes and was cut and burnt throwing in burning fire". The incident of Jafri sir took place at about 3:00-4:00 O'clock. It is not true that, I am lying that mob dragged my husband and he was burnt after removing his clothes and cutting hands-legs etc. as deposed in Para eight of my examination in chief.

35. I knew Jetun, Khatun, Nilofer, Farha and her mother since they came to live in Gulbarg Society. It is true that, I have not dictated in any of my statements before police that, out of the dead bodies lying in the garden behind my house, I had recognized the dead bodies of Jetun, Khatun, Nilofer, Farha, her mother as stated in Para eleven of my examination in chief. It is not true that, this fact deposed in my examination in chief is false.

36. It is true that, bathroom and toilet situated on ground floor of my house are adjoining. It is true that, frame and shutters of toilet and bathroom in my house were made of wood. Two rooms and kitchen on ground floor of my house are situated towards garden whereas one room is situated on front side. It is true that, the windows of room on ground floor of my house were made of wood. The windows on first floor were also made of wood.

37. When we all came down at that time only myself had come out from the road between number eighteen

and number nineteen and, all others did not come from that road.

38. I knew wife of Kasambhai and wife of son before the incident. These persons lived in house number one. It is true that, name of wife of Kasambhai's son is Mahemuda. It is true that, I have not dictated on any of the statements before police the fact deposed in Para eleven of my examination in chief that I had seen the dead body of wife of Kasambhai and that her both hands and legs were cut off. It is also true that, child was taken out by stabbing sword in the abdomen of wife of Kasambhai's son which has been deposed in Para eleven of examination in chief. This fact has not been dictated in my first statement recorded by police at Gandhinagar after the incident. It is not true that, I am lying as stated in deposition in Para eleven of my examination in chief that, while coming in front of my house, I had seen the dead body of Kasambhai's wife both of the hands and legs of whose were cut off and child was taken out by stabbing sword in the abdomen of wife of Kasambhai's son.

39. Rupaben Modi had met me last on date 28/2/10 in Gulbarg Society. Rupaben Modi first of all met me on date 28/2/03 in Gulbarg society after one year of the incident. Shri Kumar does not come in society on each anniversary.

40. I am not aware as to where the brother-in-law of Rupaben lives and I am not aware as to what he does. I did not happen to meet Rupaben's brother-in-law.

41. It is true that, I had given my statement on date 29/8/03 in Nanavati Shah Commission. After giving statement I had no occasion to read the copy of it. I had not read the copy of the affidavit filed before Supreme Court.

The case is adjourned on account of recess time:

Further cross examination is commenced after recess time is over:

Administered oath:

42. I am not aware as to what legal help was being done to us by Tistaben Shetalvad. I remembered the name of his organization just now but, I have forgotten

right now. I have nowhere spoken that she was providing legal help to us. I cannot say as to where my affidavit to be filed in Supreme Court was prepared. I do not know as to which advocate had signed in that affidavit. The work of calling advocate for this job was being done by my son Tanvir. The affidavit for filing before Supreme Court was signed by me at time, I saw it.

43. The incident of wife of Kasambhai's son was felt by me serious. I had immediately informed the fact of this incident to all. It is true that, this fact has not been mentioned in the affidavit filed by me before Supreme Court. There was no such pressure that only certain facts be mentioned in the affidavit and other facts be declared afterwards.

44. I am not aware as to how many days earlier I was given intimation prior to going to Nanavati Shah Commission to give statement. I had stayed at Ahmedabad to give statement in Nanavati Shah Commission, and I had gone from there only. The fact about Mahemuda was not mentioned in Commission. I

am not aware about full name of Raiskhan. I know him only by name of Raiskhan. Presently I do not remember name of any other police officer of Gujarat except Shri Kumar. Earlier also I did not know any police officer by name. The witness states willingly that, I have no concern by knowing that name. I never knew full name of Raiskhan. Earlier I have never read or heard Para nine of affidavit filed before Supreme Court which has been read over to me now.

45. It is not true that, I was sitting only on the coat situated in the room above after going on first floor in my house and come down till police had come. I already had problem of knee of leg prior to the incident. I make use of walker to walk since last one and half month to two months. People had lifted me to bring me from upper floor to ground floor on the day of incident. It is true that, in Nanavati Shah Commission, I had so informed that after going upstairs I had been sitting on coat only till the police came and I got down on the day of incident. I do not remember as to whether I had informed in Nanavati Shah Commission that windows of

the upper room were closed or not. It is true that, I have not personally seen Police Commissioner, Shri P.C. Pandey. I am not informed by anybody that my husband Jafri sir was burnt in home only. I do not remember the date on which the police had recorded by my statement for the first time on 6/3/02 or not after the incident. When I dictated my statement before Shah Commission, I might have dictated that police had recorded my statement on date 6/3/02. I do not know any person named Shrivastava. After the incident I have not so dictated in the first reply given to police that mob had burnt Jafri sir in our home only. I do not know any Piyush Patel. It is true that, on the day of incident we were brought from Ahmedabad to Gandhinagar by two boys of police line. I do not know any Vinod Mal.

46. We have good relations from the beginning with Fakir Mohammadbhai, Salimbhai Sandhi, Saidkhan of our society.

47. It is true that, my husband Jafri sir had license of revolver since the year 1977 and, he was having single

barrel revolver. It is not true that, Jafri sir had opened firing on the day of incident. It is not true that, mob become erupted on account of making firing and causing injury to the people.

48. I do not know as to whether the Gas Cylinder of kitchen of my home had been blast on the day of incident or not. On the day of incident I had been at my home on the ground floor till 11.45 hours in morning. During that period many people had arrived and, the rooms had become full. I cannot say the numbers thereof. Among these people, Sairabanu, Anishaben the wife of Tassaduk, Mohammad the son of Sairabanu, Mumtaz the Derani (wife of younger brother of her husband) and, in addition to them there were many persons of the society. I do not know Anilbhai Tribhovandas Patel. Even I have not heard his name also, when I went from ground to first floor at that time my sister Suraiya was with me. When I went on upper floor at that time there was nobody with us from our society. After I went on upper floor at that time Fakir Mohammadbhai Tassaduk Hussain, Safdarbhai of our

society and in addition to them other persons of society had come up on upper floor.

49. I have not heard the name of Dilipbhai Manibhai Patel.

50. After I went on upper floor, after one and half hour first of all, Aysha and Rupaben Modi had come on the upper portion. No any talk had taken place with all these who had come on upper portion. I have not heard the name of Ashok Narayan. Before I came down in evening from the upper portion, I do not know as to who lastly came on upper floor. After Rupaben came on upper floor nobody had come on the upper portion. I have not heard the name of Amrutlal S. Patel.

51. At the time when I had been going at Shahibaug in Police Van during the evening, at that time Sairaben was with me in the said Van. In addition to the same the other persons of society were also with us. Now I state that, Sairaben was not with me in Van. I had come to know that, the persons of our society had been making application to the Police Commissioner and, Meghaninagar Police Station. I had come to know this

matter not through the person who had made application and the affidavits, but, I had come to know through other person. I do not know the name of a person as to who had told me this fact. After I came to know, I did not asked the persons as to why they made application and, why they file affidavits. It had not happened for me to read the process which they did.

52. I have not taken out the copy of the reply which had been given by me in Nanavati Shah Commission. I had not taken out copies replies of other person who had given reply in Nanavati Shah Commission.

53. It is true that, Police Office Shrikumar is disappointed with the Government.

54. My son Tanvir has not come today with me.

55. In addition to the room in which I had been sitting on the day of incident also many people had gathered in other rooms. It is true that, the Madresa and the back portion thereof cannot be seen from the ground portion from our home.

56. I do not exactly remember about my inquiry that would have been made by SIT in regard the reply given by me in the Commission. It is true that, I and, other witnesses are speaking as Tistaben Shetalwad and Shrikumar told us. Now I state that, I have no any direct talk with Tistaben Shetalwad or Shrikumar.

Ahmedabad

Date: 22/10/10

As the evidence of witness was taken, accordingly, it is written down by speaking loudly in such a way that, the Advocates of the Parties and the Accused can hear. Further, whatever the evidence is being typed on computer w.e.f. 09/08/10 on Board, such arrangement has been made that, as the same is being recorded, the witness himself can read on computer screen from witness box and, confirmation has been made that, explanation has been given that, before recording the evidence of the witness the witness himself can read and hear the evidence on screen simultaneously. On taking the prevalence of evidence in this case into the notice, it does not appear to be practical to read and, cause to listen the deposition to each witness after the evidence is over. Further, when the evidence of the witnesses is taken, a

copy thereof is being given on the same day to the Learned Special P.P. so that, the witness can read a copy of evidence given by him, by going to the Learned Special P.P. and, if any typographical defect is found in their evidence then, they can give application through the Learned Special P.P. within 7 days from today. The witness have been been given such perception. (understanding).

(B.U.Joshi)
Additional Sessions Judge,
Court No.10

Sessions Case No.152/02

with

167/03, 279/3, 190/09, 191/09, 193/09,

194/09, 195/09, 279/9

Prosecution Witness No.330

Exh.1213

I state on solemn affirmation that

My name : Rahul

Father's Name : Nanneshwer Sharma

Aged about 46 years,

Occupation : Service Dy. I.G.P., Armed Units, Rajkot,

Religion : Hindu,

Residing at Rajkot.

Examination-in-Chief started by the Special P.P. Shri

R.C. Kodekar

Note : Whatever writing is being typed on the computer screen situated near the witness box is readable. I have been explained that whatever evidence I would give and type in the computer should be read simultaneously

Oath given.

1. In February-2002 I was working as a D.S.P. at Bhavnagar. I was performing the said duty upto 26/03/2002. Subsequently as I was transferred as D.C.P., Control Room at Ahmedabad City, I had taken over my charge as D.C.P. Control on 08/04/2002. I had performed the duty on the said post upto 05/07/2002. Thereafter I was transferred to SRP Group-11 at Vav.
2. In my duty as a D.C.P. Control I had to perform my duty as the supervisor in control room of DCP office. Moreover I had to perform other duties we should be entrusted by the Police Commissioner.
3. When I was on the said post, during that time if D.C.P. of any other zone would proceed on leave, the charge was also being handed over to me.
4. On 07/05/2002 from Police Commissioner Shri P.C. Pande of that time I was orally instructed on intercom to go to the Additional Commissioner Shri

Suroliya Sir of that time of the Crime Branch and assist in the investigation of serious crime being done with him and therefore on that day I went to the Officer Shri Suroliya.

5. When I was entrusted this work, at that time about $2\frac{1}{4}$ to $2\frac{1}{2}$ (2 months - 7 days to 2 months -15 days) months time had taken place in respect to the occurrence of two main incidents, and in this case the allegations and counter allegations were made. Therefore considering the impartiality of the investigation we had decided to obtain the scientific evidence in this matter of crime. We had the information that during the communal riots, mobile phone has been maximum utilized. Hence I had given the advice that if the information is received from the companies of the mobile phone, then important evidence in respect of the accused are likely to be obtained. The said information in respect to the particulars of the number of the mobile phones, the talk started at what time and continued

upto which time and from which it was done etc. information and also the information regarding the names and address of the mobile phone holders were called for from the cell force providing the mobile service at a relevant time and A T & T companies.

6. I had personally typed the letter in English demanding the said information and the said letter was sent with the signature of Investigating Officer of the said crime A.C.P. Shri Chudasma Sir to the concerned mobile company.
7. As per the information sought by me i.e. by the Investigating Officer, the same was received from AT & T Company within 4 to 5 days. The said information was in the text format. Moreover, the address of the cell tower and the names and address of the mobile holders were in M.S. Excess format. I had done the copy of the information given in the CD in the Hard disk of the computer of my home and original CD was returned to I.O. Shri Chudasma.

8. The delay was being caused by the cell force for providing the information. Hence Officer Shri Suroliya talked with the Officer of the Cell force and requested him to forward the information sought quickly. Subsequently the information was received from the Cell force. The said information was in M.S. Excess format, but at a relevant time I had no knowledge of M.S. Excess. Therefore to see the information sent by Cell force, I had taken the help of P.S.I. Shri Chandana working in the Police Commissioner Office. As I saw the information, it was not as per the information sought by the Investigating Officer. Hence I instructed Shri Chandnani to go to the Cell force company and tell to provide the information as sought.

8. During this period as officer Shri Suroliya went on deputation, officer Shri P.P. Pande took over the charge of Crime Branch Ahmedabad City. Thereafter again the information was sent by the cell force and verifying the said information taking help of Shri

Chandana, at that time also the information was not as sought for. Thereafter I again instructed Shri Chandana that he should again go to cell force and make submission to give the information as sought for.

9. Thereafter in the last week of June-2002 one CD was given to me by Shri P.P. Pande through DO letter and I was told to study the said CD and submit the report. But at the relevant time the preparation was going on regarding the Bandobast of Rath Yatra and subsequently in a short time I was transferred to SRP Group-11, I have not done the study of the said CD. But from the date of receiving the CD till the date of receiving the transfer order, for the study of the said information, the information of the CD sent by cell force was also copied in the Hard disk of the computer of my home. After doing the copy I had instructed Shri Chandana to return the original CD to Shri P.P. Pande and in this regard I gave the CD to Shri Chandana. Shri Chandana tried twice or thrice,

but each time he could not contact officer Shri P.P. Pande. So far as I know, before 1-2 days of relieving my charge, I had handed over the CD of the said cell force to one rider of control room to hand return it to Shri P.P. Pande. The said rider had handed over the said CD to Officer Shri P.P. Pande. I cannot today say the name of the said rider and give his identification.

10. Now on the Hard disk of my computer the information were of AT & T and cell force both cell phone companies. It is the system prevailing amongst the Police officers in Gujarat that they keep with them one copy of the concerned document of the supervision done by them in respect to the investigation of the relevant case or the role played by them in the investigation. The information which was with me in the hard disk of my computer, the said information was very large. It was about 1.8 GB. For preparing one CD of all these information, I had obtained the technical knowledge and guidance from

Shri Chandana and as per his say I zipped the said information in CD of my computer through writer and prepared on CD. In the said CD there is one zip file of AT & T and one separate zip file is of Cell force. I had prepared two copies of the said CD and submitted to Nanavati – Shah Commission and one CD was given to Benarji Committee situated at Delhi and the first CD made by me was given to Shri P.L. Mal, at Naroda Police Station in respect to the offence registered vide CR. No.98/02 (Naroda Gam).

11. Moreover, at the computer my home the aforesaid CD which was prepared is also seized on 3/02/2009 in respect to Naroda Police Station I-CR.No.98/02. But during that time i.e. from 2002 to 2009 as many times the virus entered in my computer, I would have minimum 15 to 20 times had done the format in the hard disk of the computer of my home. Out of it minimum low level formatting would have been done 7 to 8 times. Hence at a relevant time I told Shri Mal that it would be very difficult to get any

information from this computer. In the year 2002 my CD was prepared from the relevant computer, only the hard disk CD writer, CD Rom and Zip drive of the said computer were in my computer in the year 2009. Except these all other data namely, micro processor, Ram etc. were not and it has no any concern with the procedure of preparing this CD.

12. In the CD prepared by me, as stated earlier there was zip copy of the information sent by Cell force and AT & T Company. Doing zip no any loss or damage is being done to any file or information. But the size of the file becomes small. If the said file unzipped, then original file can be received back.

13. During my tenure as the Dy. Police Commissioner, Control Room, Ahmedabad City, on 04/06/2002 I had written one DO letter to the then Police Commissioner Shri K.R. Kaushik. The reason for writing the DO letter as under :

On 04/06/2002 I had received a telephone of Shri P.P. Pande Sir and he called upon me to his office.

When I reached near Shri P.P. Pande Sir, at that time Shri P.P. Pande Sir gave me the case papers of Naroda Patiya incident and told me to study them and make comment. Firstly I denied to do this procedure because I was not joined with the investigation of Naroda Patiya offence and I had no knowledge regarding which incidents occurred during the investigation, but as frequently the submission were made through Officer Shri Pande, I had perused those papers and perusing those papers came to know that in the Charge-sheet it is mentioned that on the day of incident one Driver had driven the truck on some persons and those persons had expired and therefore the incident of Naroda Patiya had occurred. I did not agree with this and I gave my opinion before Shri Pande. At that time Dy. Police Commissioner Crime Branch Shri Vanzara Sir and Investigation Officer Shri Chudasma were also present there. With my opinion Shri Pande and other officers did not agree. I told them that the liability of the investigation of the offence is upon the

Investigating Officer and his supervisory officer. Therefore they can do the procedure as found proper by all of them. Subsequently I came to my office i.e. at the office of Dy. Police Commissioner, Control Room and wrote the above mentioned DO letter to Shri Kaushik Sir.

14. While performing the duty as the Dy. Police Commissioner, Control Room, I had also given the certified copies of the concerned wireless message from the control room to the Investigating Officer of the concerned crime and as part of the said duty I had also given the wireless message of the concerned control room from Meghaninagar Police Station in respect to CR.No.67/02 (Gulbarg Society).
15. I am being shown the Xerox copy of the letter written by me on 04/06/2002 to Shri K.R. Kaushik, Commissioner of Police, Ahmedabad. Seeing it I say that it is the copy of the original letter written by me to Police Commissioner Shri K.R. Kaushik which has been received from my office copy. The said

office copy may be in the record of the office. I produced this copy thereof. It is submitted and given Exh.1216. SIT had recorded my reply in respect to my procedure done.

Cross-Examination by L.A. Shri M.R. Amin for the accused .

16. When SIT had done my interrogation, at that time SIT had not done my interrogation regarding the work of formatting and re-formatting done at what time in my computer. I have not made any written submission in Nanavati Commission and also not made any written submission in Benarji Commission, but I had filed the affidavit in Nanavati-Shah Commission, which affidavit I would have done in May-June-2002. Regarding the said affidavit before the Commission my cross-examination is done, which is done twice. My first cross-examination was done on 30/10/2004 and second time it was done on 08/07/2006. Before the Benarji Committee my Chief-examination and Cross

-Examination have also been done. The papers of my Chief-examination and Cross –Examination done in Benarji Committee and Shah Commission, I have not shown them to SIT during my interrogation done. The witness voluntarily states that the SIT has not asked any such paper from him.

17. When I first of all handed over the CD to Shri P.L. Mal, the said CD was received as the Muddamal and the Muddmal receipt with regard to the same has also been prepared. Except this I have not given the CD to any other Police Officer. Hence no question arises to obtain the receipt.
18. I do not know that when I gave the CD to the then Investigating Officer Shri P.L. Mal, whether he was entrusted the investigation or not in respect to Meghaninagar CR. No.67/02 and I do not know whether he was doing any investigation or not? Shri Mal had done my interrogation. When he interrogated me, at that time he was the Investigating

Officer of the case known in the name of Naroda Gam.

At this stage as the witness has given some evidence in Chief Examination, the permission was asked on behalf of the accused to do the Cross Examination after sometime and hence further cross-examination of the witness adjourned for sometimes.

Further Cross-Examination on oath is being started.

19. As a part of the duty of the Police Officer when the working by computer system was started in the Police Department, I am doing it since then. If any change is to be made in the original data stored in the computer, such change can be done by the computer device. I know that by such device the data can be changed online or in any computer but I have no personal information that in which cases how the tampering can be done. I do not know whether the authenticity of the CD produced by me in the

procedure of Natavati-Shah Commission has been challenged or not?

20. The information which I had with regard to the wide spread use of the mobile phone done during communal riots, in this regard SIT did not interrogate me that from where I received the said information and I also did not inform regarding the sources thereof.
21. As I understand when the data of the mobile details is called for, then while giving such data it is necessary to have information regarding the condition of the main server with any service provider, but it depends upon the relevant type of case. It is my personal opinion that this fact depends upon the case and regarding the service provider I cannot give any opinion in this respect. When I received the call details from service provider, and when the service provider gave it, at that time I did not find it necessary to obtain any certificate in respect to whether the switch of main server was on

or not? I do not know that whatever data the service provider furnished to the Investigating Agency, in this regard the certificate that the said data is authentic was obtained from service provider or not ? I have not received any such certificate. I have not seen any such certificate. I do not know whether the service provider has given the certificate or not that the data retrieved from the main server has been given during the investigation of this offence by the service provider or not. I did not insist to get such type of certificate.

22. The SIT had recorded my statement on 27/11/2009.
23. I do not know whether I had stated or not in my reply before the SIT the fact in respect to my opinion for obtaining the scientific evidence today before the court and also the allegations and counter allegations made in this offence and when the work was entrusted at that time 2 - 2 ½ months time of the incident had occurred.

24. It is not true that I have not stated the fact in my statement before SIT that during my investigation I had told Shri Chandana to get the information from Cell Phone Company and I had taken the help of Shri Chandana to understand the information received from the cell phone.
25. It is not true that I did not state in my statement before SIT which I had stated in Chief-examination that after doing the copy of CD and thereafter to return the original CD to Shri Pande. I gave instruction to Shri Chandana and in this regard I gave CD to Shri Chandana and even though Chandana tried, the contact of Shri Pande could not have done. It is not true that I am stating this falsely.
26. It is not true that I state falsely that I gave CD to one rider of the control room and by him it was given to Shri Pande.
27. It is not true that whatever I stated in my Chief-examination regarding the tradition of Gujarat Police Officers, no such tradition is prevailing in Gujarat.

28. It is not true that I state falsely that from Chandana I obtained the technical knowledge.
29. It is true that in the case of this offence, I have not dictated in my statement recorded before SIT that in the year 2002 my first CD prepared from the concerned computer, only the hard disk, CD writer, DC Rom and zip drive of the said computer were in my computer in the year 2009. Except these all other articles namely Micro Processor, Ram etc. were new and he prepared the said CD and with said procedure there is no any relevance with it.
30. It is not true that as this CD is not certified (authorized), I am giving this false evidence to certify it.
31. I am IPS officer of 1992. I do not know that in Gujarat Police force in between IPS and non-IPS officer whether dispute is going on or not since many years. I do not know whether mostly the IPS Officers oppose the system or not. It is not true that I am against the system or the Government.

32. It is not true that the letter Exh.1216 written by me to the Police Commissioner Shri K.R. Kaushik indicates that it is against the system. It is not true that even though the system is correct, yet I am opposing the system to the extent that the system is wrong.
33. It is not true that I am giving the false evidence regarding the CD.

Note : In this case on behalf of the witnesses by vide Exh.1214 using the power conferred upon the court u/s 165 of the Evidence Act the submission was made for asking the question and some proposed questions have been given.

34. Considering the provision of Section-165 and to bring out the present facts or to obtain its appropriate proof the court can ask any question in any format to the witness and can direct to produce any document or the material. Considering this provision of law to bring out the relevant facts in respect to the case present before the court or to get its appropriate proof, the court can ask appropriate

questions and the court cannot ask any question relating to any fact which is not applicable to the case going on before the court. Considering this and considering the charge framed against the accused before the court in respect to Meghaninagar Police Station CR. No.67/02 to bring out the relevant fact or obtain appropriate proof the court can ask the questions and get produce any document from the witness.

35. As per the evidence came on record during the trial in this case the submission is made against the then Police Commissioner Shri P.P. Pande and by giving application Exh.738 the submission is made to consider two Police Officers namely M.K. Tondon and N.D. Parmar as the accused. Another one police officer Shri K.G. Erda has been considered as the accused No.57 from the beginning in this case. Vide Exh.1130 the analysis of the record in respect to the connected information of Gulbarg case produced in this case, its computer copy has been produced in which amongst the above mentioned Police Officers the call details of the phone has been produced

from cell phone on the day of incident of Shri P.C. Pande, Shri M.K. Tondon, Shri K.G. Erda. Moreover, in this case the analysis of the phone call details of one accused named Atul V. Vaidya is produced. Considering this the following questions were asked to this witness by the court.

36. The SIT has seized my computer with hard-disk which has been seized for the investigation of the offence in respect to Naroda Gam case.
37. From the area in which the mobile phone is done, from the tower of the said mobile company situated in that area it can be known that the phone call is made from which area or received from which area.
38. From the call details it can be known that from which mobile phone on which phone at what time and upto what time the conversation was done.
39. Similarly on the mobile on which the phones are received from outside, its date, time, location, time of the conversation done can be known.

40. When I received the details of mobile phone from the cell phone company, at that time I inquired upto the limit that whether the information given therein are proper and sufficient or not and I have not done any detailed study regarding the details.
41. In the call details received by me from the cell phone company I had received the particulars in respect to the then Police Commissioner Shri P.C. Pande, Joint Police Commissioner Shri M.K. Tondon and P.I., Shri K.G. Erda of Meghaninagar. Now I do not remember whether I had received the particulars of Atul Vaidya or not, but his particulars might would have been received.
42. I cannot say that the Meghaninagar area is situated in Sayona Plaza Tower area or not.
43. It could be found for the call details that on 28/02/2002 the then Police Commissioner Shri P.C. Pande was only for once at 7.00p.m. in Meghaninagar Police Station area.
44. I cannot say the particulars that on 28/02/2002 the Senior P.I. Shri K.G. Erda of Meghaninagar Police Station during

that day at what time and with how many his high ranking police officers had done the phones to their Police Station and Control Room.

45. I cannot give any particular regarding on date 28/02/2002 the Joint Police Commissioner Shri M.K. Tondon was at which places during the day and from his phone when and to whom he telephoned or regarding the phone he received.
46. I cannot say whether I had sought the phone details of the then Meghaninagar Police Station II-P.I. Shri N.D. Parmar from the cell phone company. If any such particular is given by cell phone company, then it can be in the CD. The witness voluntarily states that he had sought the general particular of the cell phone and did not ask any personal particular.
47. I had sought the information from the concerned company regarding all the phones of its company for the period of 25-02-2002 to 04-03-2002. I cannot say that the particulars of how many phones of Cell phone Company were

received. I cannot say that the particular of how many phones of AT & T were received.

48. I cannot give any particular in respect to the date 28/02/2002 on which from cell phone of accused Atul Vaidya at what time how many phones were done to whom and how many phones were received on his phone.

Note : with regard to the evidence came from the court both the parties have been permitted to ask any question to the witness.

No any submission is made by the parties.

Ahmedabad.

Date : 15/09/2010

The witness is aware of the computer. He has from the witness box without taking assistance of the prosecution has got directly duly typed his oral evidence and reading it simultaneously on screen has got it corrected found necessary at appropriate place. Considering this there is no any need to read over the evidence of the witness.

Sd/-illegible

(B.U. Joshi)

Additional Sessions Judge

Court No.10

Sessions Case No.152/02

with

167/03, 279/3, 190/09, 191/09, 193/09,

194/09, 195/09, 279/9

Prosecution Witness No.313

Exh.1091

Today I state on solemn affirmation that

My name : Ashish
Father's Name : Sureshchandra Khetan
Aged : About 34 years,
Occupation : Journalist
Religion : Hindu,
Residing at : I.F.S. Apartment, Mayur Vihar
Phase-I, Delhi-91

**Examination-in-Chief started by the Special P.P. Shri
R.C. Kodekar**

Oath given.

1. Since October-2007 I was working as the Journalist
in Aajtak News Channel and before it I was

working as the Journalist in Tahelka News Magazine. Its Head office was situated in M Block Market, Greater Kailas at New Delhi and another office is situated in Mumbai at Andheri.

2. In September-2007 I was working at Mumbai office of Tahelka Magazine. Tarun Tejpal was and is the Chief Editor of Tahelka Magazine. Tarun Tejpal was sitting in the office of Delhi and on the basis of his post as Editor-in-chief, he is my superior officer.
3. In May-2007 one dispute arose at M.S. University in Vadodara and I was entrusted to do the inquiry in that regard. There were some pictures in the painting exhibition in M.S. University which were not suitable to the people for which the dispute arose. There the persons of Bajrang Dal and V.H.P. had done the sabotage of the paintings and beating. The information in this regard was sent to me. To find out the reasons behind it I was informed by the

superior officer and to find out those reasons I went to Vadodara.

4. Before going to Vadodara, I went to the office at Delhi in respect to the work entrusted to me and from there I came to Vadodara. I had gone to Delhi and I had obtained the spy camera from the office of Delhi where there was arrangement that the video recording can be done secretly, and I came to Vadodara. Regarding this work I had decided to give my identification of relevant type found necessary at required place and in this regard I had selected my name as Piyush Agrawal. I do not exactly remember the date, but in 2nd week of May-2007, I came to Vadodara for this work.
5. On coming to Vadodara I met Niraj Jain who is doing the occupation of Advocacy. I had told him that I am doing the research and I want to get the information regarding the sabotage done of paintings by you in M.S. University. He called me to BJP office. I went there. He talked with me

regarding the painting exhibition of M.S. University. He expressed his anger against the minority. During the conversation of about 1½ hours with him, he told that it is necessary to fight against the minority and such type of opposition will have to be shown. Asking to him that to whom I should meet working for the Hinduism, he suggested the name of Dhimant Bhatt to me who was the Chief Accountant in M.S. University at that time.

6. Thereafter I went to the office of Dhimant Bhatt and met him. He told me that mostly the Hindus are in parliament and many institutions, but the work which was done in 2002 is historical. I asked him that in 2002 what was happened. He told me that the day on which Godhra riot occurred at night the one meeting was convened in which the office bearers and officers of V.H.P., Bajran Dal, BJP and RSS of Vadodara had met. Therein it was firstly decided that how to take revenge and subsequently

how he shall defend after the dispute would go to the court. Subsequently he told that they had targeted the Muslims of the city and they had set on fire their houses in which there was professor having the gun and he told his name and stated that attack was done on his house. He also told that he had set up one committee named Shanti Dal and they moving at night and they were distributing the weapons. During the conversation he told me that if I want to have more information, I should go to Ahmedabad and going there I should meet the officer bearers of RSS, Bajrang Dal and VHP. Simultaneously he also told me to meet the BJP staff persons for which he had given two names to me. Amongst them he gave the name of one person Purusottam Solanki and another name of Purusottam Rupala and he also gave me the number of P.A. of the aforesaid both persons. The name of one P.A. was Kumar and the name of another P.A. was Maniyar.

7. Subsequently, I talked with both the PAs on phone. They told me to go to Hegdevar Bhavan of RSS and to talk there. There Damleji is present and meet him. Before I came to Ahmedabad, regarding this case I also met other 3-4 persons in Vadodara having connection with this case.
8. After meeting with Dhimant Bhatt I talked with my Chief Editor. He told me on phone that I was entrusted the work regarding the incident occurred in Vadodara University in which the VHP people themselves accept their responsibility. But they appear to be eager to give me more information regarding the riots of the year-2002. Hence I told him that if he gives permission to me then I can collect the information which they want to give in respect to the riots of 2002. Therefore, he told me that I can take whatever time which I would require and I can go at any place in this regard in Gujarat if I want to go.

9. Thereafter I came to Ahmedabad and after coming to Ahmedabad I went to meet Shri Damleji. The talk was done shortly with Damleji. I told him that after the demolition of Babari Mosque, I want the information regarding what has happened after the riots of 2002. He told me that the kar sevaks who participated in demolition of Babari Mosque and who have played the main role in riots of 2002 is VHP and hence I should go to them and meet them. He gave me the name of Jaydeep Patel, the In-charge of VHP.
10. Thereafter, I came to Paldi at Ahmedabad and went to meet Dr. Jaydeep Patel at V.H.P. office. I expressed the desire to talk with him regarding the riots of 2002. Especially I wanted to know his role in respect to the riots of Naroda Gam and Naroda Patiya. Asking about my identification, I told him my name as Piyush Agrawal. I told him that since the childhood I have been attached with the Sangh and at present I am doing research upon Hinduism.

Jaydeep Patel told me that at Naroda Patiya and Naroda Gam the loss of life on a large scale became possible as since the beginning V.H.P. has made strong its base. Thereafter he told not to talk further in this regard because he himself is the accused in the case. Perhaps the allegations would have been made against him and therefore he had told that he is the accused. He did not clarify that who had made the allegations, but he told that in Gujarat Special P.P. is Arvind Pandya and I should go to him and meet him. Simultaneously, he informed Haresh Bhatt and he had also given me the phone numbers of those two persons and told that I can meet them by giving reference of Jaydeep Patel.

11. Subsequently, first of all I met Haresh Bhatt. I gave him the reference of Damleji and Jaydeep Patel. After giving reference he became fearless and talked with me open minded. At that time Haresh Bhatt was the Legislative Member of Godhra Constituency. He had talked too much with me

regarding his role and also of the V.H.P. in the riots. He also talked with me regarding what was the role of the Government and Ruling party.

12. He told me regarding the subject of the Government that Chief Minister Narendra Modi had convened one meeting in which the bureaucrats, police officers and senior politicians of B.J.P. had remained present. He was also present in the said meeting. In this meeting Modi told that if you have to do violence, you have three days and do accordingly for three days and after three days stop everything. He told regarding the role he played that he had one factory of the crackers in which the arms and ammunitions were made and distributed to the persons doing disturbance and riots. Haresh Bhatt told me to meet Babu Bajrangi and he told that he has done many works in the disturbances.
13. Thereafter again I went to meet Haresh Bhatt. At that time he told that he would go to Godhra on

next day. Then I asked him whether I can come with him and he gave consent to take me with him. In the second meeting also he discussed in detail the role played by Modi Government in the riots and again he told the facts which was told by him in the first meeting.

14. Thereafter I went to Godhra with him in his car. His wife and driver were in his car. On going to Godhra I met Kakul Pathak. Kakul Pathak is one of the witnesses of Sabarmati Express train incident. He arranged my meeting with his persons and subsequently I came back to Ahmedabad.
15. Thereafter I went to Mumbai. Staying for some days at Mumbai, I came back to Ahmedabad in the first week of June. At that time I met Arvind Pandya. Arvind Pandya also told that Government has supported the persons doing riots/disturbances and he told that he is the Special Prosecutor of the Government and on that basis he knows that what Narendra Modi did for the people doing

riots/disturbances is not possible to do for any Chief Minister. He also told that he is defending the Government in Nanavati-Shah Commission and he had trust that nothing would do to the Government. He told that the member named Shah in the Commission is his own person and the Chairman of Nanavati Commission is interested to earn money.

16. After meeting all of them, I met Babu Bajrangi. Other V.H.P. persons were also with Babu Bajrangi. Amongst them one was Ramesh Dave and another was Rajendra Vyas and one person named Jiletwla was also there. All these visits were done in first and second week of June. I do not exactly remember its dates, but I have noted them in my diary. After meeting all those people, many people started to believe that I am the person of the Bajrang Dal and V.H.P. I was giving reference of all those persons to him and giving reference and all were convinced that I am the person of Bajrang Dal and V.H.P.

17. Rajendra Vyas gave the information in details regarding the role played by Babu Bajrangi, Ramesh Dave themselves in the riots/disturbances and also the role played by Police, V.H.P., Bajrang Dal and Government. Rajendra Vyas was travelling in the Sabarmati train and he was present when the incident of fire occurred. He told that when Narendra Modi reached at the site in the evening, he had visited him. There Modi specified and gave consolation that he would take their revenge.
18. Babu Bajrangi told that if Police and Narendra Modi had not supported the persons doing riots/disturbances the loss of life on such a large scale would not have occurred. Babu Bajrangi told in detail regarding the role played by himself and Police in Naroda Patiya from the morning to evening.
19. Thereafter I went to Sabarkanthan District. First of all, I met one Commandant of the Home-guard at Himmatnagar. I met Anil Patel the office bearer of

V.H.P. in Modasa. Anil Patel told the details about how the people were killed or set on fire in Modasa and its surrounding area. He also told about the active role played by him in the riots/disturbances. One injured person named Jayantibhai Patel of V.H.P. was present there. He had one mines factory. Besides his role in the riots/disturbances he also told that whatever ammunition was at the mines from it he was making the bombs and subsequently he was sending the said bombs to Ahmedabad which was used in the riots/disturbances of Ahmedabad which mostly occurred in Kalupur and Dariyapur. During this time I met Public Prosecutor Dilipbhai Trivedi. He told that even though he is a Public Prosecutor, giving co-operation to the accused how he suppresses the cases in the court. Thereafter, I went to Sabarkantha District again. There I met the person doing propaganda of RSS. Amongst them, name of one person was Shailesh Patel and name of another was Koyabhai Patel. They also told regarding the riot/

disturbances. On that day, I met another Public Prosecutor there named Bharatbhai Bhatt. He also told me that even though he was the Public Prosecutor, he had threatened the witnesses and giving money to them to suppress the cases. Subsequently I went back to Mumbai.

20. Again I came back to Ahmedabad. At that time I met the witnesses of Godhra incident i.e. the witnesses of the Sabarmati Express train incident. Amongst them the name of one of the witness was Murli Mulchandani, whom I met. I also met Kakul Pathak to whom I had met previously. I also met the Investigating Officer Noel Parmar of Sabarmati train incident. I also met him there one more witness of Sabarmati train incident, who was working at the petrol pump. Subsequently I went back to Mumbai.
21. Thereafter again I came to Ahmedabad and met Babu Bajrangi. I met him in August. Babu Bajrangi also arranged my meeting with other accused of

Naroda Patiya. Amongst them the name of one person was Prakash Rathod and name of another was Suresh Richard. Babu Bajrangi again informed me regarding the role played by him, Government and Narendra Modi. Prakash Rathod and Suresh Richard also gave the information that on the days of riots/disturbances how they and other accused played the roles and how they beat the people and how they set on fire the houses. Thereafter, I again met Babu Bajrangi and I invited him to come to Delhi. I disclose my bogus name like Anandji to him who is the senior worker in RSS and told to meet him.

22. In first week of September Babu Bajrangi had come to Delhi and I went to Airport to receive him. The uncle of our Chief Editor Tarun Tejpal was told to play the role of Anandji. At his home previously we put/hanged the photographs of the RSS leaders. I took Babu Bajrangi to his home. Again Babu Bajrangi told all the particulars in detail. Again he

told some talk regarding Naroda Patiya in details. I told him that I want to meet the accused of Gulbarg Society. He told me to come to Ahmedabad and he would arrange the meeting with them.

23. On 9/9/2007 again I came to Ahmedabad. With me the uncle of Tarun Tejpal who was introduced as Anandji by us was also accompanied me. We hired the taxi from the airport and talked on phone with Babu Bajrangi. Babu Bajrangi gave the phone number of the V.H.P. leaders of Meghaninagar and told to give his introduction and to meet them.
24. I went to Meghaninagar. I talked on phone. Mahesh Patel came there to receive me and he took me to his home at Meghaninagar. I told him that I want to meet the accused of Gulbarg. He interrogated me. I gave him the reference of Jaydeep Patel, Damleji etc. and he relied upon me. It was about 10 – 10.30 a.m. He told that many accused would have gone to their job and hence he would call upon those who would meet him. Another leader of Meghaninagar

area was also with Mahesh Patel, whose name I do not remember at present.

25. Subsequently, sending another person, the said person came taking three accused with him. The name of one person was Mangilal Jain, name of another was Prahlad Raju and the third person disclosed his name as Madan Dhanraj Chaval. I heard Madan Chaval. All these three came, but the leader of V.H.P. was not allowing those people to speak anything. Completing the conversation and after coming out, all these three persons were told outside that no talk is done here. We shall meet subsequently. I had taken the phone number of those three persons.
26. From there I sat in a car. After I left, amongst those three telephone numbers, contacted one of them and called him to meet at the Hotel Comfort situated near the Airport.

27. After 30 to 40 minutes thereof, they three came to the hotel. Those people came and firstly sat at the reception counter. They waited there, subsequently I called upon them into my room. At that time uncle of Tarun was also present in my room. When these people came in the room, all the talk was done in between myself and these people, but mostly the uncle of Tarun sat silent. Thereafter meeting was held with these three persons. All the three told regarding the riot/disturbances occurred in Meghaninagar on that day.
28. Madan Dhanraj told that at that time P.I. was Shri Erda and with him other policemen were also present. They all supported the people indulged in riot/disturbances. Madan was also involved amongst the people who beaten Ahesan Zafri and he told in detail regarding how Ahesan Zafri was beaten. These three people gave the name of two persons Atul Vaidya and Bharat Taily and told that from the beginning they were assembling the mob

and thereafter the riots/disturbances started in which they played leading role. These three told that mostly Bajrang Dal and V.H.P. have played the role in riots/disturbances.

29. Mangilal Jain especially told that he was also in front side in the mob and all were shouting provoking slogans. Amongst them they were shouting to kill and cut the Muslims. He told that the encouragement was lot of in the people on that day. They were ready to do anything on that day for Hinduism. Those three people told about the weapons used in which they utilized the kerosene, petrol, diesel, gas cylinder and the tools being used in the shop of bakery. They also told that the people were of Bajrang Dal and V.H.P. Trushul was in their hands and also the sharp cutting weapons. Indicating how they acted, they told that the people were dragged out and cut them or set on fire. They also told that the compound wall of Gulbarg society

was very high and it was broken with the gas cylinder and they entered inside the society.

30. They also told that the people living in Gulburg society were economically good condition, but Muslim families residing around it were poor and they also came to the Society and took shelter. When these three persons were talking with me, at that time in the middle they were cutting down the talk of one another. Hence I told them that it would be much better if I meet everyone individually. At this stage the witness himself has submitted the transcript of the conversation recorded during the sting operation. He has brought the copy with him. He sought permission to read from it, which was permitted.
31. When the first meeting was held with these three accused, the important elements of the conversation done with them are as under in which I have asked the questions and they have given its reply. The particulars thereof with the names are as under :

Question	:	On 28 th when incident occurred at that time people of V.H.P. had came there?
Answer	:	Sir, (Mangilal Jain) and others were there. (Prahlad Raju) was with them. (Mangilal Jain) was also with them. These people have done everything.
Question	:	Were they together in Gulburg Carnage ?
Answer	:	They were together (reply of they, three was collectively)
Question	:	Who were ?
Answer	:	(Mangilal Jain), Atul Vaidya, Bharat Tailly were present and thereafter there were many people. (Prahlad Raju) and others were also present. (Mangilal Jain) and other many people were there. (Madan Dhanraj and other many people were present.
Question	:	Atul Vaidya, Bharat Tailly ?

Answer	:	(Mangilal Jain) and others were present.
Question	:	The names of these people are not indicated in the Charge-sheet ?
Answer	:	(Pahlad Raju) in the first charge-sheet prepared therein the names of all the persons were indicted and the names of all of them were deleted. At that time Patel was the member of assembly. His name is not indicated. No name of even a single Patel is shown.
Question	:	Those who were Patels, they also were involved therein ?
Answer	:	(Pahlad Raju) told that they came subsequently, but all were boys. None of them were Patel boy.
Question	:	Not a single Patel ?
Answer	:	(Mangilal Jain) there is no name of anyone. (Madan Dhanraj) who is Gujarati nobody like him was there. Therein who were the

		<p>foreigners the names of all of them were entered.</p> <p>(Pahlad Raju) no any boy of the majority people of that area is in the Charge-sheet.</p> <p>(Mangilal Jain) now I have come to see you. Some incident occurred and went to see it. Suppose if anything is done, Bhobha is done, 2 – 4 stones were pelted, we properly shouted the slogans and do accordingly and it was our encouragement and zeal.</p>
Question	:	You disclosed openly. Here it is not necessary for anyone to be afraid of.
Answer	:	<p>(Mangilal Jain) we have Hinduism and hence we shouted the slogans to beat and cut the Muslims. On that day we were having the enthusiasm. We had only the feelings of Hindu and only we are one. Only one society is Gulbarg in which Sir, there are 25 – 30 houses and Ahasan Zafri was the Member of Parliament and the riot/disturbance is occurred and he had</p>

		<p>opened the firing.</p> <p>(Pahlad Raju) was doing firing.</p>
Question	:	Was he doing firing ?
Answer	:	<p>(Pahlad Raju) was doing every time.</p> <p>(Mangilal Jain) if firing is done again those people would also play further role. Sir, next what happen. From all the sides society had fallen down. He was doing more firing, and in more firing Sir, many people were injured. He also had done the firing and in the said firing many people broke down the wall from all the directions and sealed the houses. Hence they were encircled and killed. They could not do anything. He had made telephone call to Sonia Gandhi. Sir, he also telephoned Narendra Modi and P.C. Pande, but it remained ineffective. Sir, on that day Lanka of Ravan was demolished. He was Ravan in that area. I had</p>

		<p>demolished his Lanka. Hindus were united. He could not do anything. Now what is with him, Sir, we are with him. On that day when we went, they were doing uproar. Then what we saw. They told that Mangilal was present. They also told that he was also doing uproar and hence his name should also be involved. I was not knowing, why I should run ? I did the job/work. The persons beating are beating. Why I should go.</p> <p>(Pahlad Raju) whose name is also famous name.</p>
Question	:	Which were the prominent names ?
Answer	:	<p>(Mangilal Jain) prominent names were like Bharat Tailly, Atul Vaidya.</p> <p>(Pahlad Raju) Meghsing</p> <p>(Mangilal Jain) and Meghsing</p> <p>(Pahlad Raju) who belongs to there.</p> <p>(Mangilal Jain) leading persons are of that area</p>

Question	:	Meghsing
Answer	:	(Mangilal Jain) Meghsinh (Madanlal) he is of the Congress (Mangilal Jain) on that day all of them were of the Congress
Question	:	His name was deleted
Answer	:	(Madan Raval) Yes, names of all those were deleted. (Pahlad Raju) Name is in the Charge-sheet. (Mangilal Jain) it is the first Charge-sheet.
Question	:	His name is in the FIR
Answer	:	(Madan) Yes, name is in the FIR. (Pahlad Raju) but he has not arrested. (Mangilal Jain) therein who were the boys, they were innocently implicated. The names of those persons were indicated, the real names are these. (Pahlad Raju) these people had raised

		<p>objection.</p> <p>(Mangilal Jain) and that has been suppressed. He is our brother. V.H.P. persons are our brothers. We have nothing generally, but subsequently the facility should be given.</p>
Question	:	<p>No, No all are brothers. Anandji is also clear in this regard, on this thing his intention is clear, if all are brothers then when we were beating the Muslims, then his names was not involved in that regard and deleted the name of the officer and include the names of the workers.</p>
Answer	:	<p>(Mangilal Jain) Sir, it has happened so (Madan) it has happened.</p> <p>(Mangilal Jain) it has happened, what is in it. Those people had got cancelled their names and so that their names should not be mentioned.</p> <p>(Prahlaad Raju) every person as per his influence had got deleted their name.</p>

		(Jain) and we learnt that it was published in the paper after five days that these are the names. Hence we ran away from the home.
Subsequently after interval of 4-5 minutes again the conversation started which is as under :		
Question	:	People who were living in Gulbarg society, out of them some people were saved ?
Answer	:	<p>(Jain) Yes, some people were saved.</p> <p>(Prahlad Raju) Yes, some people were saved.</p> <p>(Madan) those people were not seen. Those people were at some place inside.</p>
Question	:	Whether they had been hidden ?
Answer	:	<p>(Jain) they were hidden and in the evening time police had come to save them and took away.</p> <p>(Madan) Erda Sir had clearly told the boys that you should stop for 10 minutes when</p>

		<p>the vehicle would come.</p> <p>(Jain) it would go.</p> <p>(Madan) our constable shall go away and run away from there and hence set on fire the all the vehicles.</p>
Question	:	I did not understand, speak again.
Answer	:	(Madan) As from inside those who were last at the back, they were coming to take away them at 6.30 p.m.
Question	:	Who ?
Answer	:	<p>(Madan) Police</p> <p>(Jain) Erda Sir is Inspector of this area.</p> <p>(Madan) Erda and Pathan had come here. Pathan Sir who was posted to Shahibaug from here and Erda Sir P.I.</p> <p>(Jain) of Meghaninagar</p> <p>(Madan) when he told of Meghaninagar, they are coming in the vehicle for taking away them sitting in the vehicle.</p>

Question	:	Who are saved ?
Answer	:	<p>(Jain) people who are saved.</p> <p>(Madan) people who are saved.</p> <p>(Jain) stopped them on the way.</p> <p>(Madan) then three roads would come and there we shall stop the vehicle.</p> <p>(Jain) stop the vehicle pelting the stones.</p> <p>We shall run away.</p> <p>(Madan) stop the vehicle after taking out our constable.</p> <p>(Jain) he shall run away.</p> <p>(Madan) he would run away. You set on fire the vehicle completely.</p> <p>(Jain) setting on fire they all would be killed / cleared.</p>
Question	:	Then why it was not done?
Answer	:	<p>(Madan) then what happened ?</p> <p>(Prahlaad Raju) Pathan who came had started the firing?</p>

		(Madan) Pathan started the firing. Thereafter the people of Schedule Caste or Vaghri people of that area had pelted the stones on officer Erda.
Question	:	Did you not know the plan ?
Answer	:	(Madan) he was not aware of this plan and we were standing. (Jain) they were saved and those people started pelting stones.
Question	:	Then in the morning, had Erda Sir co-operated rightly?
Answer	:	(Madan) Yes, fully. (Jain) Fully.
Question	:	How the police co-operated ?
Answer	:	(Pahlad) they were standing on the site. SRP Police were standing on the site, (Jain) gave the signal that nobody should go on the opposite side.
Question	:	Who was that Police?

Answer	:	(Jain) giving signal he told the Hindus to go there and beat those people who are going to die. (Pahlad) at 4:30p.m. all were driven out.
Question	:	Was the time given for the whole day ?
Answer	:	(Pahlad) it started at 10.30 and completed at 3.00
Question	:	It means that the police had supported?
Answer	:	(Jain) police gave the support.
Thereafter the interval of 6-7 minutes again the conversation had started which is as under :		
		(Madan) as Jafri Sir came out, he had come out taking money. (Pahlad) he spent lot of money and further threw lot of money.
Question	:	Are you seen?
Answer	:	(Pahlad) money were lot off. (Madan) then told to take money we shall

		release. Spoke, yes, we shall relive you. Give money. Then he opened the gate and as soon as he came out. He was turned and beaten him, taken away. He threw the money. The persons who wanted to take away the money took away. We people who were standing went, somebody lifted him and cut every part of body cut and subsequently set on fire.
Question	:	Whether subsequently burnt ?
Answer	:	(Madan) every part of the body was cut fully and set on fire.
Again after interval of 1 minute the conversation re-started :		
Question	:	Then was Jafri calling the police on phone?
Answer	:	(Jain) he telephoned to the police. He telephoned to Narendra Modi.
Question	:	Did the police not come ?
Answer	:	(Madan) but one day before Pathan Sir

		was there. On one day Pathan Sir.
Question	:	Is Pathan Muslim ?
Answer	:	<p>(Madan) Yes, Pathan is Muslim. He was here in Maghaninagar.</p> <p>(Pahlad) as this incident occurred, he was transferred to Dariyapur.</p> <p>(Madan) he was transferred immediately.</p>
Question	:	At the night of the day on which the incident had occurred
Answer	:	<p>(Pahlad) Godhra incident had occurred.</p> <p>(Madan) on that night he was transferred and brought here.</p> <p>(Jain) then it occurred otherwise, it would have not occurred.</p>
Question	:	If police wanted, they would not do so.
Answer	:	(Jain) if Pathan Sir was on duty this would not happen. But Erda Sir was Hindu and he also.
Question	:	Did he give support ?

Answer	:	(Jain) on that day he supported lot off.
<p>During the sting operation when the conversation was done that time was not set in the clock and hence the time indicated in the video is not correct. During the aforesaid conversation approximately 20 to 25 minutes time was spent.</p>		
<p>32. Thereafter I called upon everyone personally and done interrogation and I talked separately with three, this was done in my room of the hotel.</p> <p>33. The talk which I had done with Madan Dhanraj is as under :</p> <p>Madan : on that day we all were together and ran together for the whole day. Jafri Sir was brought. We were standing there. He was caught. He was inflicted kick blow on the back by those who were to cut.</p>		
Question	:	Tell completely in detail from the beginning what happened ?
Answer	:	It was 8:30 means as soon as VHP workers came for shut down, we were at

		the shop at that time. Hence at that time of 9.30 or 10:30 one shop was set on fire, opposite our shop. Means on that side little fire had taken place. As they saw it, they went away.
Question	:	Was the shop of Muslim ?
Answer	:	Yes, it was the shop of Muslim which was burning, which we had seen and completed it hence we went. Thereafter people quickly ran away. Thereafter father told that I should shut down the shop. Our shop was opened and hence somebody spoke that if we live here without fear because it is our region. Therefore somebody got closed the shop, nobody speak. Thereafter we willingly told that it would not be good. When it is of false religion, then it is very necessary to close. Father told to close today. We went home thereafter. Further, those people and I came to home. Thereafter at about 10:30 or 11.00 I left that place. As I came out, I

		joined in the mob. We went there as riots/disturbances continued with the public. These people harassed them upto 2.30 hours.
Question	:	Who was leading the mob ?
Answer	:	Full mob was of the public. Public had come totally and with them one shop was set on fire.
Question	:	Whether the V.H.P. members were in that mob ?
Answer	:	All, all.
<p>Due to recess time, further examination-in-chief is adjourned.</p> <p>As recess time is over, further examination-in-chief is started.</p> <p>Oath given.</p>		
Question	:	Who were the leaders of V.H.P. ?
Answer	:	We were many leaders to whom they did not know. They did not know about me

		because we were the business people. But they knew like Atulbhai. Thereafter visit was done with Atulbhai, then told Yes, seen ?
Question	:	Was he Atul Vaidya ?
Answer	:	He was Atul Vaidya. Thereafter one Bharatbhai Taily was also in the mob. Thereafter 2-4 big boys came to relieve us when they had come to visit us. They were coming here at Chowky. There they did not come in the centre. At Police Chowky when the reasons were recorded they used to come and see us. Thereafter we felt that they were also involved.
Question	:	Were they involved ?
Answer	:	As we were thinking about them, why their names did not mention? Why we went inside?
Question	:	As to why like Bharat Taily, the name of Atul Vaidya did not mention?

Answer	:	Why the name of Atul Vaidya and Bharat Taily did not appear. Our name appears. We did not believe him slightly. OK. Nothing. Those people are outside so that they can release us. They would do something for us. But never by opening the mouth we had not told anything that brother those were the people. Nobody told, about 40 boys who were inside.
Question	:	Were all knowing ?
Answer	:	We knew. Even though we were not talking about this matter, that what had happened? There in the Jail we were saying that we do not know anything. We have been wrongly arrested. When my complete role started till then it was first Charge-sheet in which I was indicated as pouring the kerosene and setting on fire. In the said Charge-sheet what happened that the bullet was fired on me. At 5.00 – 6.30p.m., when Erda Sir had told.

Question	:	How the bullet injury was caused?
Answer	:	Erda Sir told that the whole reason was shown to you.
Question	:	Yes
Answer	:	At that time when we were standing, 8-10-15 people were standing. We were standing near to them. Then Sir told that what are you doing, who you are taking away them for saving.
Question	:	This you told to Erda Sir ?
Answer	:	We 8-10-15 people of the public were standing. He told that what you are doing.
Question	:	Did you speak to Erda Sir ?
Answer	:	That what you are doing this.
Question	:	That why the Muslim are being taken at which place ?
Answer	:	Where you are taking away. Thereafter he gave the reason to us.

Question	:	Then what he had said ?
Answer	:	<p>That you typed it in this manner. Vehicle will come here. Our constable would run away. Set on fire the vehicle completely. The whole matter would finish here. No matter would arise for filing the case of anyone. The whole picture would end here. Thereafter as soon as he told, we said OK. Thereafter Vaghri people thought that now this year we shall take away them and thereafter again they would get kill us and thereafter they all would give deposition. Our all boys would die. Hence those people started pelting stone upon Erda Sir. When pelting was done upon Erda Sir, I ran away from there. When I was running away, then from behind with revolver he was shouting loudly to go on side. When I tried to go on one side, the son of my brother was with me. As soon as I dragged him, he fired the said bullet.</p>

Question	:	Had Erda Sir fire the bullet ?
Answer	:	Erda Sir had fired the bullet.
Question	:	Whether bullet injury was done wrongly ?
Answer	:	It was done wrongly. As soon as the bullet hit on my hand, I was injured. No any dispensary was opened. All were closed. At that time hospitals were totally closed. Then I went to Civil. In Civil it was not known to anyone that with such injury nobody had come at anytime. On that day I had dictated my correct name fully because of him.
Question	:	Then on that day in the morning how we people had beaten Jafri ?
Answer	:	Jafri was beaten means as those people caught hold of Jafri and took away him from the back side we inflicted the kick blow upon him and those people took him away dragging, thereafter they took away him by dragging / pulling.

Question	:	Whether kick blow was inflicted to Jafri ?
Answer	:	Kick blow was inflicted.
Question	:	Had he fallen down ?
Answer	:	He fell down. Because it was in their hand to drag. 5 people had caught him. Thereafter he was held and kept standing. Subsequently somebody inflicted the sword blow, cut down the hand and again cut down the legs. Thereafter the leg portion in between the knee and foot (Nala) all were cut down. Thereafter making the pieces they were kept on the timber which was placed and thereafter they were set on fire. He was set on fire alive.
After some interval time the conversation was stated again.		
Question	:	When you people cut down the said Jafri then Erda did not come to save ?
Answer	:	Nobody at that time came. Erda Sir did

		not come. He had run away from their taking the vehicle to Meghaninagar. He had gone to Meghaninagar. He did not know that Jafri Sir was being cut down. Erda Sir was not knowing that Jafri Sir is being cut off. At that time Erda Sir was not present there. He had gone for taking the round. At that time this conversation was done at about 1.00 – 1.05 o'clock.
Question	:	Had the remaining family members of Jafri were survived ?
Answer	:	No, his wife was saved and she had run away who had gone away becoming Hindus.
Question	:	Had her some daughters were saved ?
Answer	:	Nobody was saved. At that time in his home no family was saved.
Question	:	Is it good that nobody was saved there ?
Answer	:	There nobody was saved, who had been saved. His wife told that she is a servant

		doing the work. She said that she is Hindu and residing in the Chawl situated behind Patrawali Chawl. She is a servant. Why you are beating and after putting on the Hindu dress she came out. Thus, she has come out becoming the Hindu under law.
Question	:	Then did you not know her ?
Answer	:	It was never the intention to meet anyone to go to her. Generally somebody was required to go to Jafri Sir, who was very ordinary person, going to him sometime if he had any work. People like us would never employ them on work. We do not maintain any relation first time.
After some interval time the conversation started further.		
Question	:	That said Gulbarg is how much a big society? Is it a big society? said Mahesh Patel told everything in the morning that whether many people were living there ?
Answer	:	Many peoples.

Question	:	Then now there the people have come back to reside?
Answer	:	No, nobody came. It is closed. It has become Jail. Nobody came therein.
Question	:	From there in the evening some people were saved / escaped?
Answer	:	About 30, 35, 40 people had escaped and ran away. Some of them had gone away earlier.
Question	:	Then how we entered in Gulbarg?
Answer	:	People took out and brought the gas cylinder from the home. There was a wall for bringing the cylinder in which the cylinder was put and thereafter the nasal for preparing the toast etc. in the bakery and cream, by it the gas cylinder was opened and thereafter going far and preparing the burning torch they were thrown on it. Hence the gas cylinder had burst down and simultaneously the wall

		had broken down and subsequently entered inside.
Question	:	Then was the big and high wall was existing ?
Answer	:	It was made strongly. The wall was made of 1ft-1.5ft.
Question	:	At that time you people entered?
Answer	:	The wall is about of 15-20 ft. and on it wiring fencing was done.
After some interval time the conversation started again.		
Question	:	Hence by 1-2 cylinder had the wall broken?
Answer	:	By two cylinders. One at there and before me two cylinders were utilized. Hence the wall would be broken down with the help of the cylinders. The cylinders are heavy.
Question	:	And for set on fire inside the house ?
Answer	:	For setting on fire the home the people had set on fire their household articles

		inside the home. Generally nothing was required by anyone to bring anything. Their materials were set on fire therein.
Question	:	Is this also happened at Patiya ?
Answer	:	In Patiya also.
Thereafter some conversation was inconsistent and hence it is not covered in the transcript which conversation was of about 1.5 minutes time.		
Question	:	If police would not have supported was it difficult ?
Answer	:	It would have been difficult, there is no question ?
Question	:	If police would have done the firing there or started doing something then again would it become difficult ?
Answer	:	Then it would have been difficult.
Thereafter conversation of 1.25 minutes being inconsistent and hence it is not covered in the transcript and the further conversation done is as under:		

Answer	:	Thereafter coming again what were their names, D.G. Vanzara Sir and One Chudasma Sir.
Question	:	Who ?
Answer	:	Chudasma
Question	:	Chudasma ?
Answer	:	He was P.I. here at Haveli. Said Vanzara Sir and both had come. Together they went to my home, but they did not speak anything there.
Question	:	Where did they take away you from the home?
Answer	:	They had come to shop. They stood at the shop. I was at the home of my sister.
Question	:	Did they take from the shop ?
Answer	:	I was at the home of sister. I did not go to shop for taking anything. Thereafter as I came, Vanzara Sir was seated inside and Chudasma Sir was standing in my shop,

		<p>then they telephoned me from there. Madan said vehicle has come to home and parked. No matter. As the lock was opened, he said who is this ? I said I am your person. Take him inside. What is the name ? I said Madan Dhanraj Raval. They asked had I come to take the son of uncle residing opposite, I said Yes. They come. They said why you are showing such power. Then said what is the necessity for showing such power. If you want to take me away, take me. Whatever you want to do, do it. Then they said why I become so angry. I said that I am not angry. What told to father. Whatever you want to do, do it with me. I had done the offence, theft or anything. They said it is not so. They have come only to take away by plan. Then I said take me away. I asked, what was the necessity to speak filthy language with my father.</p>
Question	:	Then ?

Answer	:	Then, did not speak anything. Done good. Thereafter again they behaved with me properly in the region.
Question	:	Has Vanzara kept you nicely ?
Answer	:	Yes, kept.
Question	:	Did he beat ?
Answer	:	Nothing. You did not continue. I said this. Hence he became angry upon him. I had also become angry.
Question	:	You became angry, but did he not become angry ?
Answer	:	Did not become. I said whatever you want to do, you can do it.
Question	:	It is not by force but tell us how happened and what happened ?
Answer	:	No, nothing that happened. Thereafter he did not record any reason.
Question	:	Did not he record anything ?

Answer	:	He said to say what happened? If they would have told, I will disclose what was done to him.
Question	:	Then what you have stated in your police statement ?
Answer	:	In my police statement, I had said that at 6.00-6.30 the bullet injury was caused to me and it is only regarding the bullet and nothing else.
Question	:	Is it not said that you were there in the morning ?
Answer	:	It is not such matter. I was standing in the shop and bullet injury was caused.
Question	:	Have you not state all these in your police statement ?
Answer	:	No, in the police statement I had stated that bullet injury is sustained by me and I was standing at the shop.
Question	:	Only this talk is said? and for the whole

		day where I was ?
Answer	:	I was with him during the whole day.
Question	:	With whom ?
Answer	:	Inside the mob.
Question	:	What I have dictated in the police statement ?
Answer	:	Before the Police I dictated that during the whole day I was at the shop and the shop was opened.
Question	:	OK. Were you are the shop ?
Answer	:	At shop. The shop was opened. The door/gate of one Trashy was open.
Question	:	OK, is this written ?
Answer	:	We were doing business therein and when we came out to scale the materials, police firing was going on and therein the bullet was fired upon me what can I do ?
Question	:	You did not dictate before the police that

		you were with the mob for the whole day?
Answer	:	No, I did not dictate it.
Question	:	And he, i.e. Vanzara did tell me to say the truth and give the true statement?
Answer	:	No, it has not happened. From the beginning when I entered inside then he said. After opening the gate when I rushed inside after quarrelling then I had entered after quarrelling with him and when I also sat in the vehicle and told that whatever and what he want to do with me anyhow, do it. It is not necessary to say anything at anytime to the father. He was not with me otherwise I would not have allowed you to stand with the vehicle.
Question	:	Thereafter what Vanzara spoke?
Answer	:	He did not speak anything said that it is not so. He has come to take away me with nicely.
Question	:	For how many days you stated with him?

Answer	:	I stayed for 2-3 days.
Question	:	Did he keep you nicely?
Answer	:	Nicely. Nothing was done to me.
Question	:	What about food and drink?
Answer	:	Food and drink all used to come from my home.
Question	:	Very good and did take the remand also?
Answer	:	Asked nothing. Only the agreement was done which they are doing. He said one day has passed. I said I am here and then on the next day asked further and say that they were also there, for three days.
Question	:	But while dictating, do not dictate the true fact?
Answer	:	No.
Question	:	Then for how many months you remained in the Jail
Answer	:	6 months.

Question	:	You lived for Six months. Now what is the problem to you?
Answer	:	Now I have no any problem.
Question	:	Ok, as you lived in Jail, then what V.H.P. had done for you?
Answer	:	As far as my thinking the attitude of V.H.P. has remained good. But the behavior which should ought to have been remained with them and now they cannot do anything.
Question	:	Yet what they did?
Answer	:	I was getting the Tiffin.
Question	:	Was Tiffin coming?
Answer	:	Whoever found good as though by them. Lunch was also coming. Previously the lunch was coming from the hotel and for one month such lunch was coming from any hotel. That food was good and proper. Subsequently whatever food of Roti & Puri used to be sent were such that they

		cannot be broken by the hammer after putting them together. Such Rotis were giving. Yes, good vegetables were giving but with vegetables the stomach would not be filled up. by which the stomach would be filled in, by Rotis the stomach would be full. Only eating the vegetable the stomach would not be full. Thereafter I ate more for further 15 days. Thereafter it did not suit me and hence told at home to make arrangement now for Tiffin. I filled in the form as per the rules of the Jail and thereafter employed a person by paying Rs.400/-. For 2-3 days I was giving Rs.400/- -800/- for giving the Tiffin only in the morning and evening and also Rs.10/- for Rickshaw fare.
Question	:	Had V.H.P. given any more amount?
Answer	:	V.H.P. had given approximately Rs.4-5 thousand which we spent for Laddus to give it to the monkeys. It is true that Rs.5000/- was received. Father and

		brother told that we do not want it and spend it for Laddus for the monkeys. They went to Hanuman Camp and gave money for Laddus.
Thereafter conversation with accused Madan was completed.		
34.		I talked with Mangilal Jain which is as under :
Question	:	Say the name of you P.I. who was?
Answer	:	Erda.
Question	:	What Erda had done?
Answer	:	He submitted the report. On that day those people remained away from the public.
Question	:	Whether they live far from Muslims?
Answer	:	They remained far from Hindu public. Do that, support is there. If it is done within 2-3 hours then disclose.
Question	:	It means that did they say within 2-3 hours?

Answer	:	It would be done.
Question	:	All would be done?
Answer	:	All over Ahmedabad it was going on. Nobody is to come from outside. Military also would not come. Military would come in the evening. Now it would not come. Hence it should be done. OK.
Question	:	Did he say to do within 2-3 hours ?
Answer	:	They said that it should be done accordingly. Now the whole public attacked. Somebody had done robbery. Somebody had beaten, somebody brought him dragging and after cutting set him on fire and Sir many more such thing had happened.
Thereafter the conversation of about 1 minute time was irrelevant and hence not recorded in transcript and subsequent talk thereafter.		
Question	:	Then only the people of the society died and other Muslims also?

Answer	: No, Sir. Outsider people had also died. This is a society, correct Sir. Around it in all direction all Muslims are residing and the people living in streets/lanes are poor. Those all are rich people Sir. 30 houses are rich. Sir, people are rich. Those who are living in streets they are the Muslims doing the labour work and some are doing cycle repairing work. Some are workers. Such all people were living in the streets. If it is not so, what Ahesan Jafri would do, he would call upon all. There is one mosque was situated inside. All were called upon and every year he was making arrangement for all regarding the dinner. When riots used to occur he would call upon all persons. What all people would do, they would go there for taking the shelter. He was helping all people. He was capable of doing this. He called upon the Police on telephone. At his corner Military or SRP was posted every time. There being point of SRP, those people were
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		feeling safe at that place. Then all the people used to go there.
Further conversation after 15-20 seconds.		
Question	:	On that day for the whole day were you in the mob ?
Answer	:	I was in the mob.
Question	:	And whether slogan of “Jay Shree Ram” were chatted ?
Answer	:	Slogans of “Jay Shree Ram” was providing power to the people. Sir, many of our friends were there. Jay Shree Ram.
Question	:	Ok, then amongst them who were your main persons for fighting and cutting ?
Answer	:	Sir, see amongst them many faces were such to whom I do not know. Bharat Taily, Atul Vaidya and other many people had come from far away area like Bapunagar and Meghaninangar.
Question	:	Whether Bharat Taily and Atul Vaidya

		thought with their full strength ?
Answer	:	Sir, those people were there in the mob or with them there were many boys. On that day Sir, amongst fifty thousand to whom I know that who was of whom and whatever is being done / was done in zeal and strength remained with him and those who are non-vegetarian, towards them those people have no mercy.
Question	:	Then how those people cut down the Muslims ?
Answer	:	They were brought outside by dragging. Somebody killed him by scythe. Somebody by inflicting stick blows upon him also set him on fire. Fire was going on by Petrol.
Question	:	Then was the petrol for setting on fire ?
Answer	:	Had they brought Petrol or Kerosene? Then those people had brought petrol. It happened that somebody came taking the stick. They came loading them in the

		vehicle. They came loading in Maruti. The riots/disturbances are going on. Attacks are being done upon our Hindus.
Question	:	Whether our V.H.P. persons had come ?
Answer	:	Yes, they came duly packed in the car. All of them came loading the weapons available to them. They all cordoned everything and totally demolished the said Lanka, you understand. Sir, the people of surrounding area were in it. The person was beaten who was coming. One basement was there in which the people were saved. Therein subsequently about 70-80 people were saved.
Question	:	Had the people hidden therein ?
Answer	:	Yes, they had hidden. Nobody was killed and when those people learnt in the evening that all such people are there, then they were brought out and took them to the safer places. Therein 80-90 people had died. 90 people would have died. But

		<p>whose dead-body was found and fully identified, their names were disclosed and many other persons were shown as not found and the dead-body was also not found. Dead-body of Jafri was not found. It was set on fire. Nothing of him was found.</p>
<p>After the interval of $\frac{1}{2}$ minute subsequently further conversation done is as under :</p>		
Question	:	<p>Ok, then at what time the police arrested you? Were you arrested on that day or subsequently ?</p>
Answer	:	<p>No, I say to you Sir, that when I opened shop on the next day the police did not tell anything to me. The news published in the newspaper dated 4th. It was published in “Times of India” , that Mangilal Jain knew that this has been published in the newspaper. Then I had left the home. I remained outside for two months. Now if the incident has become normal to some extent, then I shall appear. I met you and</p>

		took the advice. They said it is not so that there is anyway in this regard.
Question	:	Then was you arrested after two months?
Answer	:	After two months I appeared. I was arrested.
Question	:	Did you appeared in the court ?
Answer	:	I did not appear in the court. I appeared in Crime. Policemen were in the Crime. Sir Sadavrati was there. Sadavrati.
Question	:	Sadavale ?
Answer	:	Sadavrati.
Question	:	Did you go to Sadavrati ?
Answer	:	We called upon him at the home. I ate the food. In the evening I said that tomorrow I shall appear. I appeared. I was informed.
Question	:	Then who had taken you to Sadavrati ?
Answer	:	One known person. Amongst our businessmen one has acquaintance.

Question	:	Whether Sadavrati gave co-operation ?
Answer	:	He gave co-operation and met in the evening.
Question	:	Did he help ?
Answer	:	Person was named Mangilal and he has the work of marking presence at our place in the meeting in the evening. He spoke to remain present.
Question	:	At home ?
Answer	:	Don't worry for me at home. You remain fearless and present tomorrow at 10.00 a.m. It is correct. After 1-2 months your boy would be released. When his name has appeared there is no way for him. When name has appeared, tell him that he will have to appear. There is no other way of it. He said if any P.M. would come or C.M. would come, there is no way in this matter. Once the name appears he will have to remain present.

Question	:	Then after talking to him did he present you ?
Answer	:	Told in the evening. Took lunch together. Sir, came to our home and with his vehicle in my car I sat and he went there at Crime. At that time the case had reached in the Crime. Regarding my case I appeared in the Crime. Those people kept me there nicely.
Question	:	Did they treat you nicely ?
Answer	:	Yes, Sir, on the ground floor there is lock-up, mosquitoes and dirt where I was not kept. On the Crime there is a room where there is also the office of the said people in which I was kept. Dirty mattresses were kept. Two times my Tiffin was coming from the home. I stayed there upto three days.
Question	:	Did you stay for three days ?
Answer	:	On the first day going to the court, I was

		presented.
Question	:	From which place you were arrested was mentioned ?
Answer	:	It was shown that I was arrested from the home.
Question	:	Showed accordingly?
Answer	:	Showed accordingly. Police are such that they are saying something and doing another thing. Those people had asked our name correctly.
Question	:	Whether treated you nicely ?
Answer	:	Nicely. We reached there in the evening. Tea was coming twice and phone facility was also given and phones were coming from our home. I was doing telephone from there. Phone facility was also there. Full facility was for myself. I stayed in Crime for three days. Sir, even they did not touch me, that is good. They did not touch me. Mangilal asked that which talks

		were done ? my statement was recorded by them on that day and asked that on that day where I was ?
Question	:	Then what you told ?
Answer	:	Our shop was closed and I had gone there to see it. I was also standing in the mob. I also told that I was standing in the mob and my home is far from it and the crowd was very heavy. I do not know anyone. Who had beaten and who had cut? Sir, I would say that I do not know who had beaten. All were shouting slogans. I was also shouting slogans. I told him accordingly. Thereafter all these was completed and at 2.00 o'clock I came to home and accordingly I disclosed to him.
Question	:	Disclosed accordingly ?
Answer	:	I disclosed accordingly.
Question	:	Then he did not force you to tell truth to him?

Answer	:	Sir, nothing. He did not touch me. Whatever I told he wrote down.
Question	:	Did he write the same ?
Answer	:	Nothing was told to me. Mangilal it is not that, I was taken on remand for two days. My remand was completed on the first day. My everything was completed on the first day. It is only for saying. Upto two days Tiffin was coming from my home. Our family members were coming to meet. Facility was full.
Question	:	Means only for saying the remand is a legal process ?
Answer	:	The legal procedure against people completed and thereafter Sir sent them to Central Jail.
Subsequently whatever questionnaire was done, its reply to the case are not relevant and hence not shown in the transcript. The said conversation was of approximately 8 minutes time. Subsequent further conversation is as		

under:		
Answer	:	We have full trust upon our leader. We have full trust upon Modi Sir. If he is there nothing would happen to us Sir.
Question	:	Have you trust upon Modi ?
Answer	:	Sir, there has strong person like him. Now he had got done the encounter and killed many Muslim. But this politician raised that discussion. Now Pandian and Vanzara are in Jail otherwise the Muslims were very much frightened and they would kill them. Subsequently completing the formality, the conversation with the accused Mangilal Jain was completed. I had raised following questions and answers with the accused Prahlad Raju.
Question	:	How many months you remained in Jail ?
Answer	:	I remained 6 and half months in Jail.
Question	:	You lived in Jail for 6 ½ months and during that time which help the V.H.P.

		provided to you ?
Answer	:	They gave the articles at home.
Question	:	Food grains ?
Answer	:	I have two children. They were studying in the school. Talked with them. They were coming to the court every time on the date of the hearing in my case. They told that it is not necessary for the fees. They would go there and say. They had also gone to the school. They told that nobody would pay the fee. After 6½ months I came and hence the collected fees of my six and seven months had to be paid of those two children.
Question	:	Had this V.H.P. workers had told that they would pay the school fees of the children?
Answer	:	Yes, going together those people went and came back.
Question	:	Had they gone to school and come and who had gone on behalf of V.H.P. ?

Answer	:	Amongst them Bharatbhai Taily had gone.
Question	:	Bharatbhai Taily had gone and did he do nothing ?
Answer	:	He done nothing.
Thereafter one minute conversation being inconsistent is not shown in transcript. Further conversation is as under:		
Question	:	The day on which the said Gulbarg incident occurred, on that day all V.H.P. workers were together ?
Answer	:	They were together. They had left Meghaninagar since 8.30.
Question	:	Were they V.H.P. workers ?
Answer	:	They all were forcing to close all the shops from where all the persons were remained together. From there I joined with these people at 8.30. I have some introduction with Atulbhai.
Question	:	Atul Vaidya ?

Answer	:	He said all to walk together.
Question	:	Who, did Atul Vaidya speak ?
Answer	:	Yes.
Question	:	Whether Atul Vaidya spoke or he, Bharat Taily spoke?
Answer	:	Atul Vaidya.
Question	:	Did Atul Vaidya speak to go together ?
Answer	:	Together.
Question	:	From Meghaninagar ?
Answer	:	From there all came together.
Question	:	Where ?
Answer	:	All came to Gulbarg.
Question	:	Had they all started joining together ?
Answer	:	They started joining together.
Question	:	Thereafter reached Gulbarg again.
Answer	:	Thereafter stone pelting was going on.

	<p>They started firing then we had returned to our home. Our children were residing amongst the Muslim people. From there I took away the children, left them at home.</p> <p>It was occurred at 12:30. In one second I felt that I should go away.</p>
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As the court's time is over, further Examination-in-Chief is adjourned.

Place : Ahmedabad

Date : 02/08/2010

According to the evidence of the witness being recorded simultaneously the same has been dictated speaking loudly so that the witnesses, advocates of the parties and the accused can hear. In this case considering the scope of the evidence it does not seem practical to read over the deposition of every witness after the evidence was completed. The day on which the evidence of the witnesses are recorded, in the evening of that day the copy thereof is being given to the Learned Special Public Prosecutor so that the

witness would go to the Learned Prosecutor and read the copy of the evidence given by him and if any defect is found in his evidence, within 7 days from today through Learned Special Public Prosecutor as per order passed in this case on application Exh.986 he can give such application and such explanation is given the witness.

Sd/-illegible

(B.U.Joshi)

Additional Sessions Judge

Court No.11

As the recess time is over, further Cross-Examination is restarted.

Oath given.

57. Since March-2010 I was residing in IFS Apartment at Delhi. The said building is known as Indian Forest Service Apartment. Its short name is IFS. I live there on rent. At present I am working as the Reporter with Aajtak TV Channel. Previously whatever work I was doing in Tahelka, I am doing the said work in Aajtak. It

is not true that Aajtak TV Channel is of Tarun Tejpal. The owner of this channel is Arun Puri.

58. I have not done the sting operation of the officers working in IFS office. But I have heard regarding it. It is true that this sting operation is done by the channel staff of Aajtak. I do not know whether this sting operation was in respect to doing exchange of money for giving the false report of the officers and employees of FSL. As I have heard, the telecast of this sting operation has been done during the last month. It is true that this telecast has been done in Headline Today the sister channel of Aajtak and this group is of India Today. I do not know whether the material of that sting operation which was telecasted can be obtained from internet or not? but after telecasting these particulars remain on or website for sometimes.

I am doing the work of Journalism since 10 years. Before I was working in Tahelka, I was working in Times of India group and prior to it I was working in different offices. It is true that I also worked in

Hindustan Times. I have not done any course of Journalism.

59. During my work of 10 years no police case filed against me. I have received the notices of the advocates.
60. It is not true that in case of other sting operation in the questions I asked I have indicated "P" as the asking person in the transcript. I do the mention of folder in the transcript. I have made "AVI" folder on my laptop for transcript which indicates the type of concerned file or video. I have done the transcript of the conversation done by me with Jaydeep Patel. I do not remember whether I have written "J" for introduction of Jaydeepbhai therein. Therein I have not shown Press as my identification. In my no any transcript in the folder made in my laptop, I have not used the word Press.
61. Regarding the conversation done by me with Babubhai, the transcript is made. Therein "Babu" for Babubhai and Press for myself is not indicated by me. In the whole i.e. in the transcript of all the sting operation I have not

shown my identification as Press. Meaning of the Press is media.

Note : meaning of the Press for the accused has been asked with regard to the sting operation and hence the reply is to be considered in that connection.

62. It is true that generally in any writing where the sentence is completed, there the full stop is being put and not more than one the dots are made. Hence in the transcript which I prepared in every reply in between two sentence whatever more than one dots are made, the meaning thereof in ordinary circumstances would be such that at that place another conversation would have been. The witness voluntarily states that in the literature of media the writing is being done accordingly and hence I have shown more than one dots in between two sentences in the transcript. It is true that in the writing of the transcript which I submitted before the SIT, I have not stated that more than one dots are made in between the two sentences and hence the reader may not know the meaning of the dot-dot. It is not true that the talk which

I am saying about more than one dot is stated falsely by me. It is not true that I have tampering at the places having dot-dot.

63. It is true that I have not mentioned in the transcript in writing produced before the SIT by me that what was the situation of the time in between closing counter and opening counter in the transcript. The conversation in between the closing counter and opening counter in the script which was not concerned with the case, I had said about it. While writing the story i.e. preparing the transcript I found it and hence did not mention in the transcript. It is true that when I prepared the transcript produced before the SIT, whatever matter I did not find related, I have left it in the transcript. Besides this case in the transcript which I prepared in the case of Naroda Patiya and Naroda Gam, therein also I left it which was not found necessary. Nobody had told me that I should cover what I feel necessary and left which in not found necessary. I took this decision of giving up and I had to submit the story within stipulated time and hence I took

such decision. It is not true that I, Chief Editor Tarun Tejpal and Senior officers of Tahelka Magazine collectively decided to implicate whom in this case and accordingly giving up some facts came on record, I have prepared this transcript to produce before the SIT. SIT did not tell me to produce the complete transcript of video footage. I am not mentioned in the script the matter found me unnecessary to the SIT. At present I do not remember that whatever conversation I had deleted from the transcript, I had told about it to SIT and when it read me over my statement translating into Hindi at that time whether it was written in the said statement or not. It is not true that on this issue I and the Tahelka staff have misled the SIT.

64. Before Harindar Bhaveja today I had produced the instruments in the Court were handed over to said Harindar Bhaveja who is now working in TV Today group since January-2010. I know him since 2004. At present he is working at Delhi.

65. When I decided to give up irrelevant in the transcript, at that time I was in my office. I had decided this in the last week of September-2007.
66. I am using the computer and laptop since 1995. It is true that hardware and software both are different things. Hardwares are the parts coming inside the computer, while the application which is being used in the computer is said the software. It is true that softwares are of many types. I have not heard that such software is available in the market by which some matters can be deleted or changed duly recorded and as per once own desire the version can be obtained. I do not know that the name of one of such software is audio adding and deleting mixture. It is not true that I, Tejpal and the staff of Talehka have utilized this software for this work. It is not true that by using such software after the sting operation the first version which had come out, therein accordingly the tampering version was done.
67. It is not true that in the transcript the time which I had shown in closing counter and opening counter has been

set by me in my own way. Regarding the incident of Sabarmati Express train occurred at Godhra, I had not done sting operation of any Muslim.

68. It is not true that I have not stated in my statement before the SIT that whatever I stated in my Examination-in-Chief, the recording of all the procedure has been done during the period when the accused entered in the Hotel and in my room and till they went away. It is not true that I did not mention in my statement before the SIT that I did not do the recording regarding the conversation done with Damle in Hedgevar Bhavan. It is not true that I state falsely that during the sting operation the scene recorded and the voice can be clearly seen and heard.
69. It is true that in the video recording the matter found not necessary which has been recorded, it is possible to delete it from it. The facility is available in open camera. It is not true that while downloading the recording from microchips in the laptop unnecessary recording can be removed. As the recording was being done in the spy camera accordingly after the recording immediately from

the Microchips, I was downloading the said recording in the hard disk through the laptop. It is true that as per my knowledge the CBI staff separated the hard disk from the laptop and taken away it and they did not take away the laptop. Whatever articles were produced by CBI, which were not produced in my presence.

70. I do not remember whether I had used the number 9987467920 during the sting operation or not. During the whole procedure of sting operation, I have used only one mobile phone number. I have not produced the call details thereof and I cannot get it. The police did not interrogate anything regarding the mobile number which I had at that time or the conversation done by me from it. The said mobile number was prepaid which I had received from the office of Tahelka. I do not remember that in whose name the said prepaid card was. I know that for getting the prepared card the person will have to give the proof of his identification and residence. I did not inquire in respect to the prepared card which was in whose name given to me by Tahelka office. I did not try

even to know whether it is received truly or wrongly. It is not true that I had received the prepaid number wrongly. It is not true that by producing the duplicate documents I had obtained it.

71. It is true that I have stated in Para-5 of my Chief-Examination that “They called me to BJP office. I went there. They talked with me regarding the drawing exhibition of M.S. University. They expressed their anger against the minority. During the conversation of 1.00 to 1.30 hours with them they stated that it is necessary to fight against the minority and such type of opposition will have to be displayed.” they said this which I have not stated in my statement before the police. It is true that in Para-6 my Chief Examination I have stated that “But in 2002 the work done is historic. I asked them what was happened in 2002, they told me that on the day when Godhra incident occurred, on that night one meeting was convened in which the office bearers and officers of V.H.P., Bajrang Dal, BJP, RSS of Vadodara had gathered in which it was decided first that

how to take revenge and thereafter when dispute goes to the court how we shall defend. Thereafter they told that they had targeted the Muslims of the City and they had set on fire their houses during which they disclosed the name of Bandukwala who was Professor and attacked. They also stated that they had set up one committee named Shanti Dal and moving in the night they were distributing the weapons.” This thing I have not dictated in my statement before the SIT. It is true that in Para-12 of my Chief Examination I have stated that “they told regarding the subject of the Government that Chief Minister Narendra Modi had convened one meeting in which the bureaucrats, police officers and senior politicians of BJP had remained present and in the said meeting he was also present. There Modi told that whatever you want to do, in that regard three days. Do accordingly in three days and after three days stop everything.” I have not stated such fact in my statement before the SIT dated 19/01/2009 and 12/03/2009. It is true that in Para-13 of my Chief Examination I have stated that “in the second meeting also they discussed

regarding the role played by the Modi Government and whatever conversation which they had stated in the first meeting, they again stated it.” I have not dictated such fact in my statement before the SIT.

72. It is true that in Para-9 of my Chief Examination I have stated that “they told me that the kar-sevaks who participated in Babari Mosques demolition and who mainly participated in the riots of 2002 are of V.H.P.”.” I have not dictated this fact in my any statement before the SIT.
73. It is true that in Para-15 of my Chief Examination I have stated that “Arvind Pandya also stated that Government has supported the miscreants” and “on the basis thereof he knows that whatever Narendra Modi deed for miscreants, it is not possible for any Chief Minister to do so. I have not stated this fact in any of my statement before the SIT.
74. It is true that in Para-17 of my Chief Examination I have dictated that “Rajendra Vyas, Babu Bajrangi, Ramesh

Dave who had played their role in the riots/disturbances and the role played by police, VHP, Bajrang Dal and Government the detailed information was given in this regard and Rajendra Vyas who was the passenger in Sabarmati train was present when fire occurred. He told that in the evening when Narendra Modi reached at the site, there he visited him. Narendra Modi had given such consolation that he would take revenge”, there. I have not stated this fact in any of my statement before the SIT.

75. It is true that in Para-18 of my Chief Examination I have dictated that “if police and Narendra Modi would not have supported the miscreants, then on such a large scale the loss of life would not have occurred. I have not stated this fact in any of my statement before the SIT
76. It is true that in Para-21 of my Chief Examination I have dictated that “ Babu Bajrangi again gave me information regarding the role played by him and co-operation and also regarding the role played by Narendra Modi.” I have

not stated this fact in any of my statement before the SIT in respect to this case.

77. I met Mahesh Patel on 09-09-2007. At that time with me Amrut Tejpal and Mahesh Patel other 1-2 local leaders were with them. They met me there opposite Gulbarg Society and thereafter took me to one home and do not know it was of whose home. I had conversation first of all with Mahesh Patel on the road and thereafter at the home in which they took me the conversation was done there. The said conversation occurred approximately for one hour or some more time. During this whole work I had set up the atmosphere that I am a strong Hindu philosopher and secularist.
78. Maheshbhai had a doubt that why I want to meet the accused of Gulbarg case. Within 10-15 minutes of my conversation in the house, such concept had come to me. Babu Bajrangi told me to meet Maheshbhai for meeting the accused of Gulbarg case. When I met Maheshbhai, at that time I had all the instruments of sting operation. It is not true that to whom I met, I felt that the said person

would give reply as per my story and only his sting operation is done. It is not true that after meeting once only I was decided to do the sting operation or not. The police did not inquire regarding what conversation I had done with Maheshbhai.

79. When I met the accused first of all and done the sting operation, during that time about 1.00 - 1.5 hours would have been taken. During that time, we were separated.
80. Whenever I was staying in the hotels, there mostly I was staying in the false name and doing the false signature. Perhaps, Maheshbhai would have come to know that I am a false person. It is true that other people has no such concept. Although amongst them Jaydeep Patel would have perhaps such concept. During the sting operation with accused I had given the introduction of Amrut Tejpal who was with me as Anandji and he was with me.
81. I do not remember that in January-2009 when Police first time had done my interrogation in this case, at that time whether I had CD or not and when I deed such second

time, I would bring the CD or not. I do not remember whether that asking at that time regarding what conversation was done by me with the accused I had told that I shall say it after I come to see the cassette second time.

82. In Para-25 of my Chief Examination I have stated that there V.H.P. leaders were not allowing these people to speak anything and the police had not interrogated me with regard to the said leaders.
83. It is not true that I was making the accused enthusiastic for asking such questions so that I can get its reply as I wanted. It is not true that I had told the accused to give reply in respect that I have manuscript at somewhere. It is not true that I had told the accused that I am doing this work for preparing the documentary film. It is not true that I also told that after doing all these I shall also do the shooting.
84. It is not true that whatever the accused had stated against the Gujarat Government, Gujarat Police and other it is

stated falsely. It is not true that I have not shown complete and correct information in the video – audio recording of the sting operation and also in the transcript prepared on the basis thereof. It is not true that it was my object that in this whole incident our channel would become famous, receive money and the Government of Gujarat and Police would be defamed. It is also not true that behind it the object was to implicate the accused. It is not true that prior to my presentation of the instruments before CBI I and Tahelka staff members have jointly done tampering with the instruments produced today before court.

By Court :

85. Today whatever instrument I produced in the court, I cannot say that when CBI had returned those original instruments in Tahelka office. I have received these instruments on 31/07/2010 being the Saturday from the Delhi office of Tahelka to produce them today in the court.

Note : While recording the whole evidence of the witness, he has been asked in Hindi and he has given all the replies in Hindi. The witness can understand a little Gujarati. Amongst the evidence given by the witness he has given the evidence of sting operation seeing into the transcript and the said conversation of Hindi Version is recorded in Gujarati. While remaining evidence and reply given by him were translated into Gujarati language and recorded. Further yesterday on 02/08/2010 during the day the copy of his evidence recorded was given to Special P.P. in the evening and the witness has been explained to see with him and also with the advocate helping him and understand the same and also if there is any error to draw attention towards it. Similarly, today the copy of the whole evidence recorded shall be given to the Special P.P. immediately and the witness has been explained that he should sit with him and also with the advocate of the witnesses and understand the same and if there is any error, he can make the submission in this regard in writing through the Special P.P.

The whole evidence has been dictated as per the evidence given by the witness and also in the manner so that the witness present in the court, parties and advocates can hear it and the witness has been explained as stated above to verify the said evidence.

At this stage the permission is sought by the accused only to ask one question for denial and the permission is given.

86. It is not true that I state falsely that the three accused to who I identified in the court, their voice was recorded during the sting operation.

Ahmedabad

Date : 03/08/2010

(B.U. Joshi)

Additionl Sessions Judge

Court No.11

As per the order passed by the Hon'ble Gujarat High Court in Cri. Misc. Application No.87/2011 on Exh.1417, today further Examination-in-Chief of witness No.313 Exh.1091 started on 18/02/2011.

Examination-in-Chief by Special A.P.P. Shri R.C. Kodekar.

Oath given.

87. Today on the cover of the CD received and sealed by FSL Jaipur, Packet-5 is written by pen and FSL-1551 - 54/10 and CR.No.67/02 Meghaninagar is also written. The said sealed cover after opening it is shown to me. In which the white cloth cover has been opened in the open court. Opening the said cover two packets have been taken out from it. Amongst them on one cover CBI/SCB/Mumbai M.R.No.178/08 item No.-Two, P.E.1/08/08 is written and the seal is also accordingly and in another cover the seal is M.R. No.179/08 item No.-One , P.1/05/08.
88. One sealed cover bearing M.R.No.179/08 item No. 1 has been opened in the open court. From it 5 CDs packed applying the cello-tap have come out. Amongst these five, one CD has been opened in the open court, which was packed by cello-tap in one white paper. Opening the

paper (cover), one CD has been taken out from it and along with the same one slip has also been taken out. In the said slip P-five-C-1 is written and the numbers are accordingly on the CD and operation “Kalank” is written in English. Therein 7-8 p.m. is also written.

89. After I had done the sting operation in the spy camera, in my laptop I had downloaded it and the scene and the voice downloaded in the laptop were recorded in VCD. This CD is a part of operation ‘Kalank’. CBI Inspector Shri N.S. Raju has seized this CD in this case from Aajtak Channel. Inserting the said CD in the laptop of the witness before the court, the said CD has been watched. The witness states that after preparing the CD and whatever news appeared in Aajtak, it is this CD. In this CD there are no particulars of Gulbarg incident.

90. Another cover has been opened before the court which has been packed by cello-tap. One CD has been taken out from it. One Chit mentioning P-5/C-2 has also taken out from it. On the CD it is written accordingly and operation “Kalank” is written in English. Inserting this

CD in the laptop of the witness it is being watched in the open court. It is the CD in respect to the program broadcasted in the news on Aajtak channel. This is the CD of the programme broadcasted on 25/01/2007. In this news the part of the sting operation of Mangilal Jain with I had done had been shown. Identifying the said face and voice, I say that it is the picture of Mangilal Jain and the voice is also of him. The witness identifies Mangilal Jain in the court. Writing in the transcript I have produced the fact before the court on the previous date and today in his voice I identify in the laptop. I had recorded this in Hotel Comfort Sunset at Ahmedabad.

91. In this sting operation the part of the sting operation of Madan Dhanraj Chaval is shown. Therein the picture (photo) is of Madan Dhanraj and his voice which I identify. Witness identifies the accused Madan Dhanraj in the court and states that his sting operation was done.
92. In this news photo of Prahlad Raju has been given, but his voice and part of the sting operation is not in this CD.

93. One CD has been taken out packed with cello-tap in white blank paper. From it one Chit has been taken out. On it P-5/C-3 is written. Accordingly, it is also written on CD. Operation “Kalank” in English is written on CD. I am being shown this CD. In this CD no any conversation is found regarding the accused of Gulbarg case.
94. I am being shown one CD packed with cello-tap in one white paper. On the CD taken out from it, P-5/C-4 is written. On that CD also Operation “Kalank” is written in English. The CD taken out from another cover whatever portions are, the same has been repeated in this CD and no any part is extra.
95. I am being shown one another CD packed in white paper. One Chit has been taken out from it on which P-P/C-5 is written. Accordingly, is also written on the CD and operation “Kalank” is written in English on the CD. The parts of sting operation of all the three accused of Gulbarg incident are not in this CD.

96. I am being shown one another packet after opening it. The said cover written thereon CBI/SCB/Mumbai M.R. No.178/08 item No.-two is being opened. There are total 15 DVD in it which have been packed in separate cover and the slip has also been affixed with it. On the slip written P-5/D-1 and DVD on which in English “Raw-file” is written and AVI Ashish Mumbai DVD-1 is written. Therein no particulars are regarding the Gulbarg case.
97. I am being shown another DVD in which on the slip P-V/D-2 is written and on DVD also “Raw-file” and AVI and below it Ashish Mumbai and also on 3rd DVD D-3 is written. Therein no particulars are regarding the accused of Gulbarg.
98. Accordingly, on the slip P-V/D-4 is written and on DVD “Raw-file” and AVI and below it Ashish Mumbai and D-4 is written. Therein also no particulars are regarding the accused of Gulbarg.

99. I am being shown 5th DVD. On the slip P-V/D-5 is written and on DVD also “Raw-file” and AVI and below it Ashish Mumbai and D-5 is written. Therein also no particulars are regarding the accused of Gulbarg case.
100. I am being shown 6th DVD. On the slip P-V/D-6 is written and on DVD also “Raw-file” and AVI and below it Ashish Mumbai and D-6 is written. Therein also no particulars are regarding the accused of Gulbarg case.
101. I am being shown 7th DVD. On the slip P-V/D-7 is written and on DVD also “Raw-file” and AVI and below it Ashish Mumbai and D-7 is written. Therein also no particulars are regarding the accused of Gulbarg case
102. I am being shown 8th DVD. On the slip P-V/D-8 is written and on DVD also “Raw-file” and AVI and below it Ashish Mumbai and D-8 is written. Therein also no particulars are regarding the accused of Gulbarg case
103. I am being shown 9th DVD. On the slip P-V/D-9 is written and on DVD also “Raw-file” and AVI and below

it Ashish Mumbai and D-9 is written. Therein also no particulars are regarding the accused of Gulbarg case.

104. I am being shown 10th DVD. On the slip P-V/D-10 is written and on DVD also “Raw-file” and AVI and below it Ashish Mumbai and D-10 is written. Therein also no particulars are regarding the accused of Gulbarg case.

105. I am being shown 11th DVD. On the slip P-V/D-11 is written and on DVD also “Raw-file” and AVI and below it Ashish Mumbai and D-11 is written. Therein also no particulars are regarding the accused of Gulbarg case.

106. I am being shown 12th DVD. On the slip P-V/D-12 is written and on DVD also “Raw-file” and AVI and below it Ashish Mumbai and D-12 is written. Therein also no particulars are regarding the accused of Gulbarg case.

107. I am being shown 13th DVD. On the slip P-V/D-13 is written and on DVD also “Raw-file” and AVI and below it Ashish Mumbai and D-13 is written. Therein also no particulars are regarding the accused of Gulbarg case.

108. I am being shown 14th DVD. On the slip P-V/D-14 is written and on DVD also “Raw-file” and AVI and below it Ashish Mumbai and D-14 is written. Therein also no particulars are regarding the accused of Gulbarg case.
109. I am being shown 15th DVD. On the slip P-V/D-15 is written and on DVD also “Raw-file” and AVI and below it Ashish Mumbai and D-15 is written. Therein also no particulars are regarding the accused of Gulbarg case. It is shown on the laptop of the witness. In this DVD there are five folders which all are relating to the Gulbarg incident. Therein the folders relating to the sting operation are of accused Mangilal Jain, Madan Dhanraj and Prahlad Raju. The name of 1st folder is Chip-1. One video file is therein which has been shown to me in the laptop in open court which is of 53 minutes and 41 second. Therein these three accused Mangilal Jai, Madan Dhanraj and Prahlad Raju sitting together in the sting operation have given reply before me. Camera was applied in the button of my shirt in which recording is done. Therein these three accused are seen and I also

identify the voice of these three. This is the video CD of the particulars of the sting operation which I stated on previous date. Therein there is a continuous video of the starting entering in the room of hotel and coming out from it.

110. Three video files are in Chip-2. It is of 15 minutes and 01 second. It is regarding the sting operation done in Hotel Comfort. It is the sting operation of Mangilal Jain. I identify his voice and scene. Video camera was in the button of my shirt. By it I have done this sting operation. Another file is also of 15 minutes and 01 second and it is also regarding the sting operation of Mangilal Jain and I identify the voice and scene of Mangilal.
111. Third file is of 13 minutes and 15 seconds in which there is sting operation of Madan Dhanraj. Therein and I identify the voice and scene of Madan Dhanraj. The camera was in the button of my shirt by which video has been done.

112. Two files are in Chip-3 folder. Therein first file is of 22 minutes and 56 seconds therein also the sting operation is of Madan Dhanraj. I have done the video by the camera which was in my diary. Seeing the video, I say that the video of that diary is taken by camera. Therein the voice and scene are of Madan Dhanraj.
113. Another file of Chip-3 is of 14 minutes and 34 seconds. The video of sting operation of accused Prahlad Raju is in it. I identify the voice and scene of Prahlad Raju. Accused Prahlad Raju is present in the court. I identify him
114. Opening Chip-4, therein there are three files. Amongst them opening the first file it is of 15 minutes and 01 second time, in which there are three accused namely Mangilal Jain, Madan Dhanraj and Prahlad Raju. This videography is done by the camera kept in the button of my shirt.
115. Opening second file Chip-4, it is of 15 minutes and 01 second time, and it is the file relating to the sting

operation done of the three accused together. Third file is also relating to it. It is of one minute and 50 second time. Therein I also identify the voice and scene of three accused Mangilal, Madan Dhanraj and Prahlad Raju.

116. One folder in Chip-5. One file is therein. It is of 14 minutes and 42 second which has been taken by the camera of my button. The sting operation of accused Prahlad Raju is in it. I identify the voice and scene.
117. At the time of sting operation, the video camera was on the button of my shirt and one was in the diary and starting them I have done it. Hence two video and two files have been prepared for one and same operation. In the deposition which I gave on previous date, therein I have stated the particulars of the reply given in the sting operation. Whatever conversation is done in the video cassette of this sting operation, all parts thereof have been dictated. Now I say that the videography done in chip-1 has been done by the camera of the said diary.

118. From this video I can say that the voice which was in the sting operation was of Mangilal Jain, Prahlad Raju and Madan Dhanraj which I can say definitely. The voice therein is such which can be heard clearly. The particulars which I stated in the court and the videography of the facts taken, transcript thereof is also prepared. In this videography I have asked the questions which are in my voice and I have taken the help of Amrut Tejpal, the uncle of our Editor-in-Chief Shri Tarun Tejpal in this sting operation and his voice is also in some questions.

Due to recess time Cross-Examination is adjourned.

As the recess time is over, Cross-Examination is started.

Cross-Examination by L.A. Shri M.R. Amin for the accused.

Oath given

119. Regarding the Gulbag incident my police interrogation was done twice during the year 2008 and 2009. I cannot give the name which officer had done the interrogation.

The said interrogation was done in the SIT office of old Sachivalay, Gandhinagar. Besides this when CBI had seized the cassette of sting operation then it had interrogated me that how the sting operation was done. This interrogation was done in the end of the year 2008 or in the beginning of 2009.

120. Only the cassette was seized by CBI. At that time picturization of video cassette was not seen. The said cassette was not seized from me but it was seized from the office of Tahelka. The picturisation of video cassette was done before the SIT on the laptop. I cannot say that for how much time the police interrogation continued regarding the Gulbarg incident. The witness states that as the interrogation was done regarding other case also, he cannot say the time of interrogation regarding Gulbarg incident. I do not remember that the picturization seen of the full video cassette before the SIT, amongst it relating pasteurization was seen. As per my experience I say that picturization of complete cassette should be shown.

121. My voice sample had not been taken. I don't know whether the voice sample of Amrut Tejpal is taken or not. As per my opinion I confirm my voice which is there. Therefore, it was not necessary to take my voice sample. As my voice was confirmed, in this regard neither from CBI nor from SIT any written letter or writing has been obtained from me. Witness voluntarily states that he has confirmed this fact in his statement. As I have confirmed my voice in my statement, such fact is not dictated. In this regard I state that whenever my statement has been recorded, at that time my voice has been confirmed. As it is not written in the statement, I cannot say anything in that regard.

Note : the witness states that as and when he shows the DVD or video cassette, he has stated that it was his voice.

122. It has not happened that in my presence Amrut Tejpal would have confirmed that his voice is in the video. It has not happened that the picturization of the video has been done keeping me and Amrut Tejpal together.

123. Adding the voice in picturization, it is called dubbing.

For example, the song in the picture which has been sang by the playback singer has been added and the same is said dubbing.

124. For Amrut Tejpal and myself both T Alphabet is used in transcript. It is true that if anyone reads only transcript, he would not know that I or Amrut Tejpal had asked the question having T. I or Amrut Tejpal can say the fact that I or Amrut Tejpal had asked the question having T. I do not know whether the interrogation of Amrut Tejpal was done by SIT or not. The questions were asked by SIT staff through T and whether they were asked by me or Amrut Tejpal, in this regard I do not know whether they had made any remarks or not.

125. The copy of the CD and DVD produced before the court was done in Delhi office of Tahelka. By the system administration of Tahelka Delhi office I was told that the copy of CD and DVD have been given to CBI. The name of System Administration is Shri Praval. I do not know

regarding the date on which CBI had seized the CD and DVD.

126. It is true that the CD of Aajtak programme is produced in the middle therein parts of Parzaniya Picture have also been shown. The witness voluntarily states that the picture was made on this subject by the Anker of the news and giving such reference this part has been shown. It is true that the parts of fighting scenes of Parzaniya picture have been shown. It is true that in the video of Aajtak the trip of breaking news comes which is being written by the department of Aajtak channel. It is also accordingly in the CD which I showed. It is not true that by showing the parts of Parzaniya picture and the strip of breaking news the instigation of the people of the country has been done. It is false that the words of breaking news were put such which would instigate the reader. It is not true that to increase the business of our channel the sting operation is done as per the manuscript framed by me.

127. It is not true that looking to the whole CD and DVD, I and Amrut Tejpal are not seen at any place. If there is any scene and in it the technique of adding additional scene can be said what that I do not know. It is not true that I have utilized this method of working in this sting operation. It is not true that that I have not done this string operation. It is not true that we have used the dubbing technique in the sting operation.
128. Aajtak Channel is of TV Today group. It is not true that TV channels have connection with political party. I have professional relations with 15-20 Politian of national level. Regarding my professional relations with the Politian of national level, no interrogation done to me in this regard by SIT or CBI.
129. Regarding the incident occurred in respect to the cases of Naroda Police Station I had done the sting operation. Therein I had kept my name as Piyush Agrawal. It is not true that in the transcript of sting operation I have not utilized P alphabet for me. As per my memory I say that I have not brought the said transcript. I do not remember

whether Investigating Officer of Gulbarg incident had asked anything to me regarding the said transcript. I am ready to produce the said transcript in this case. I am also ready to produce which alphabet was used for whom along with the said transcript which I will produce in the court within three weeks through SIT or Public Prosecutor. It is not true that the facts mentioned in the sting operation have been got up and fabricated.

130. I have not made the transcript from the DVD produced before the court, but it is made from the copy of DVD. The transcript which I have made from the concerned DVD, the officer of the SIT has not seen the said DVD. The copy of all the DVDs are prepared from the data collected at one place. It is not possible that when another DVD is prepared from one DVD, then cutting certain parts from the first DVD, another DVD can be prepared. It is not true that in this case I have manipulated the DVD accordingly.

131. It is not true that to benefit the Politian of anyone political party with whom I have professional relation

and to cause loss and damage to another one political party and also to implicate the accused of this case I have done this bogus and got up sting operation.

No Cross-Examination by Shri Mogera.

No re-examination.

Ahmedabad

Date : 18/02/2011

According the evidence of the witness was being recorded simultaneously the same has been dictated speaking loudly so that the witness, advocates of the parties and the accused can hear. In this case considering the scope of the evidence it does not seem practical to read over the deposition of every witness after the evidence was completed. The day on which the evidence of the witnesses are recorded, in the evening of that day the copy thereof is being given to the Learned Special Public Prosecutor so that the witness would go to the Learned Prosecutor and read the copy of the evidence given by him and if any defect is found in his evidence, within 7 days from today through Learned Special

Public Prosecutor as per order passed in this case on application Exh.986 he can give such application and such explanation is given the witness.

Sd/-illegible

(B.J. Dhandha)

Additional Sessions Judge

Court No.10