



## *Nyayavalokan 2015*

NATIONAL TRIAL ADVOCACY & JUDGMENT WRITING COMPETITION, 2015.

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### **TRIAL ADVOCACY PROBLEM:**

*In the Court of Sessions, Greater Bombay.*

State of Maharashtra.....Complainant

vs.

1. Mangesh Sunil Sawant

2. Pradeep Sanjay Wadke.....Accused

### **List of Exhibits:**

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**EXHIBIT 1**

**FIRST INFORMATION REPORT**

(under Section 154 CrPC)

1. District: Unit 12 *CID*                      P.S: *Dahisar Police Station*    Year: 2015  
FIR No: *56 of 2015*  
Date of Occurrence: *09.June.2015*
2. Act: Indian Penal Code, 1860                      Sections: *302, 331 & 339 of IPC*
3. Occurrence of Offence, Day: *Tuesday*                      Time: *12.50 pm*
4. Information recorded at PS: Date: *11.June.2015*                      Time: *10.15am*  
*General Diary Reference* Entry No: *1436/15*  
Information recorded by: *Police Inspector Vinod Patil*
5. Type of information: Personal \* Written / Oral: *written*
6. Place of Occurrence: Direction / Distance from PS: at *Malad Police Station*
7. Informant Name:                      Senior Police Inspector Suresh H. Kanade  
Father's name: *Harishchandra P. Kanade*  
Date of birth: *20.April.1971*                      Nationality: *Indian*  
Occupation: *Senior Police Inspector, Unit 12.....*  
Address: *.....*
8. Basis on which FIR is lodged: *Orders of Addl Commisioner of Police (Crime)*  
*Mr. Rohit Pal*
9. Details of Known / Unknown / Suspected accused with particulars:  
*Accused 1 (Constable Mangesh Sunil Sawant) PC No. 42056 and Accused 2*  
*(Constable Pradeep Sanjay Wadke) PC No. 84025*  
Reasons for delay in reporting by informant: - *NA*
10. Particulars of injuries sustained:  
*Sharp cut on right foot. Cuts and bleeding on left side of face and torso, skull*  
*fracture, haemorrhaging in the head cavity and multiple injuries on face.*
11. Particulars of the post mortem report:  
*Subject: 29 year old male, by name of Mr. Jagdish Athavale, 162 cms, 65 kgs.*

*Date of death: 09.June.2015*

*Time of death: approx. 12.30 pm*

Inquest report / Unnatural death case no. if any: 121/2015

12. Signature/thumb impression of the complainant/informant

13. Signed: Vinod Patil, PI, CID Unit 12, Dahisar Police Station

14. Date and time of despatch to the Court: *12.June.2015 at 3.00 pm*

**PW No. 1: Investigating Officer: Sr. Police Inspector Suresh Harishchandra Kanade**

**Police Station:** Unit 12, Crime Investigation Dept, Dahisar, Mumbai 400068.

I have been working with the CID for over 12 years, and posted at Unit 12, Dahisar Police Station for the past 2 years. On Thursday, 11. June. 2015 I received an Order issued from the Office of the Addl. Commissioner of Police (Crime), Mumbai, to investigate the 'custodial death' of one Mr. Jagdish Athavale at the Malad Police Station, based upon the victim's post-mortem report.

Upon receipt of the Order of the Addl. Commissioner of Police (Crime), Mumbai, I immediately lodged an FIR under Section 154 of the Code of Criminal Procedure, 1973 against Constable Mangesh Sunil Sawant (PC No. 42056) and Constable Havaldar Pradeep Sanjay Wadke (PC No. 84025), both of Malad Police Station, under Sections 302 and 339 of the Indian Penal Code, 1860 for causing death of Jagdish Athavale whilst in their custody at Malad Police Station. My complaint was recorded by P.I. Vinod Patil. The Accused were placed under arrest on 11th June 2015 at 21.15 hours after drawing an Arrest Panchanama.

On 11th June 2015, I personally visited Malad Police Station in order to view the CCTV Footage of 9th June 2015, but upon checking the CCTV Camera with P.I. Shirke I found that there was no facility for saving the CCTV Footage at the Police Station. I also handed over a letter to Malad Police Station to forthwith hand over all the documents in connection with the apprehension and death of Mr. Jagdish Athavale and took charge of the same from the Inspector in-Charge of Malad Police Station. At about 18.15 hours, I visited Cooper Hospital and spoke to the House Resident Doctor Ashok Malhotra and collected the Death Certificate

of Jagdish Athavale. The body of the deceased was thereafter handed over to his brother Kapil Athavale for performance of last rites.

## **EXHIBIT 2**

### **SCENE OF OFFENCE PANCHNAMA**

Pancha No 1 Date: 12.June.2015

Mr. T. Joshi, age 34 years

Occupation: Shoe Repair

Residing at: Room # 22/1 BMD Chawls, Shivaji Nagar, Bainganwadi, Govandi (W)

Pancha No 2

Mr. JT Thomas, age 56 years

Occupation: Himalaya Stores Manager

Residing at: Flat # 4A, Ashita Building, next to HCL, 14<sup>th</sup> Road, Khar (W)

We the above-named panchas were called to Malad Police Station, on 12<sup>th</sup> June 2015 at 11.00 am by API Gaitonde of Unit 12, Crime Investigation Dept, Dahisar. at. When we reached there, API Gaitonde was present along with Snr Inspector Vivek Patil. Inspector Patil informed us that one Mr. Jagdish Athavale had collapsed in police custody, after interrogation regarding a theft, and subsequently died while being taken to Cooper Hospital. He informed us that on the orders of the Addl Commissioner of Police (Crime) the case had been transferred to Unit 12, Crime Investigation Dept, Dahisar, and an FIR has been registered on 11th June 2015. He further requested us to act as panchas in C.R. No 56 of 2015 for offences under section 302 and 339 of IPC. We agreed to act as panchas.

The said police detection room is located in the premises of the Malad police Station. On entering the Malad police station, there is a large room in front of the entrance where there are three desks. There are police officers sitting at these desks and 2 officers are standing talking to public. To the right hand side of the desks, there is a small cupboard, next to which is a doorway leading into a passage. On the other side of the doorway, opposite the desks, there is a water cooler. While standing at the water cooler one can look down the passageway where there are several rooms. There is a desk near the doorway, in the passage, but nobody appears to be sitting there.

The passage is approximately 4 ft wide and runs along the side of the police station for a distance of approximately 90 ft. It leads to 4 holding cells with jail bars on the doors and two other rooms marked Muddemal Room and Detection room.

The detection room is a room measuring 12 ft X 12 ft. It has one wooden table in the centre of the room. There is one broken wooden stool near the table and two intact wooden chairs. Hanging above the wooden table is a single naked light bulb. Towards the far end of the room, there is a small ventilation window measuring 2 ft X 3 ft, which has bars on it. There are some stains on the floor near the stool. Police took samples of the stains from the floor near the stool.

There are some dirty used cloths and some newspapers stacked in the far right hand corner of the room. The door to the room is a solid wooden door, with a latch style lock on it. The door is open. Above the door is a ventilation window admeasuring 2 ft X 3 ft, which has bars on it.

The panchnama was conducted in a peaceful manner and it was concluded at about 12.45

p.m. on 12.June.2015. The Panchnama was written by API Gaitonde. We both panchas have read the contents of the panchnama. The same is correctly recorded.

Sd/-  
API Gaitonde

Sd/-  
Panch No 1

Sd/-  
Panch No 2

### **EXHIBIT 3**

### **STATEMENTS UNDER S. 161 Cr.P.C.**

The statements of PW1, PW2 and PW3 are the statements that have been recorded under s. 161 Cr PC.

#### **PW No. 2 - Mr. Amit Wagh**

**Age:** 30 yrs      **Sex:** Male      **Occupation:** Petrol Pump Attendant, HP Guruprasad Petrol Pump, , near New Era Talkies, S.V. Road, Malad (West).

**Statement:** I am employed with the Guruprasad Petrol Pump for the last 11 years, where I work as a petrol attendant and handle the collection of payments. On 09.June.2015 at about 8.20 am, I was attending to a regular customer, Mr Divekar, who drives a Black Honda Accord (MH-02-AV-9909). He usually comes once in 10-12 days in the early morning on his way to work to fill up petrol. He has been coming to us for quite some time now. I remember him because he always tips our boys. He always drives himself.

Mr. Divekar drove into the pump, and because we were busy, I signalled to him that I would have someone attend to him shortly. He registered my signal and rolled down his window to wait to speak to the attendant. I noticed him talking to some dishevelled looking man who approached him from the road. I did not think much of it because Mr. Divekar is a kind man and so I assumed he was helping the man. I then saw Mr. Divekar get out of his car and

approach the left rear side of the car but was then distracted by the patrons waiting to make payments.

Within a minute I heard Mr. Divikar shouting 'chor chor pakdo' and running off down the road after that scruffy looking man. He had left his car open and parked at the petrol pump. I saw lots of people on the road give chase to the man as well, and there was much screaming and shouting by the public.

Since it was morning and busy at the pump, I did not leave the petrol pump to follow what happened, instead I went inside and called the police control room to ask them to send a police van from the nearest police station.

Within minutes the police van, with two havaldars, drew up at the petrol pump. I directed them in the direction that Mr. Divekar had run and they proceeded in that direction.

Within 5-10 minutes thereafter, while I was standing next to Mr. Divekar's car and safe guarding the car since he was gone, Mr. Divekar returned.

I asked him what had happened and if he was okay. Divekar said that one person had come to tell him that his car's petrol tank was leaking. Thereupon, Mr. Divekar got out of the car to check what it was and ensure it was nothing serious that would prevent him driving the car. When he looked under the car he did not see anything amiss, so he looked up to ask the man what exactly he had seen, when he saw this man taking something from his dashboard and running.

Mr. Divekar stated that he had left his phone and credit card on the dashboard, in anticipation of paying for the petrol and both phone and card were gone. This is when he shouted "chor chor" and ran after the man hoping to get his phone and card back.

He said that the public had cornered the thief and chased him down the road. The thief stumbled and fell to the ground and thereupon was beaten by some people on the road, and by the time Mr. Divekar got there, the crowd was so big he could not even reach the man. Within a few minutes a patrolling police van came, dispersed the crowd and dragged the man into the van. He said the man was shouting and struggling but was bundled into the van with the two constables. Mr. Divekar said one of the constables asked him to come in the police van to the Malad police station to file a complaint. Mr. Divekar requested them to let him drive his own vehicle to the police station, since he had left it at the petrol station and the constable agreed.

I informed Mr. Divekar that it was I who had informed the police control room which is why the patrol van got there so fast. Mr. Divekar was very pleased, and in gratitude gave me Rs. 100. I returned the money saying he was a regular customer and it was my duty to help another in need. Mr. Divekar then paid his petrol bill in cash, filled air in his tyres and told me he was headed to the police station. The time was about 8.55 am by now.

I do not know what happened after that, because Mr. Divekar has not been back to the pump since.

### **PW No. 3 - Mrs. Hetal Vaidya**

**Age:** 25 yrs

**Sex:** Female

**Occupation:** Housewife

**Address:** Flat 32/16 B wing, Avishkar terraces, Chincholi Bandar road, Off Link Road, Malad (W).

**Statement:** I am a house wife and have been married into the Vaidya family for the past 1 year. It was an arranged marriage, and I have been having a lot of trouble with my husband Raj, and his parents. Raj goes to office and leaves me at home with my mother-in-law Mrs. Kamlaben Vaidya . She starves me and does not let me touch anything in the fridge. She forces me to do all the housework since she does not keep a servant to help. When I am tired and sit down to rest, she starts abusing me.

On 09.June.2015, I made all the breakfast and tiffins for the men, and they left for work at 8.15 am as usual. I then went to the kitchen to make myself a cup of tea before making breakfast for my mother-in-law. She came out while I was in the kitchen and saw me making tea. She grabbed my hand and placed it directly on the boiling hot vessel. I was burnt. This was too much to bear, so I took my purse and mobile phone and ran out of the house. I decided to go to Malad police station, which is about ten minutes from my house, to file a complaint against my husband and my mother-in-law. I took a rickshaw and reached the police station at about 9.00 am

When I reached the police station, there were three police officers sitting at the front desk. They asked me why I had come. I briefly told them what had happened and showed them my burnt palm, so one Inspector, Mr. Uday Shirke, told me to wait for the lady police officer to come. Sub Inspector Priti Singhal came out of a back room in the police station and she started questioning me.

While I was telling her what had happened, a police patrolling van drew up and a thin man who looked like a beggar wearing chocolate coloured full shirt and jean pant torn at the left knee, was dragged into the police station by the two police constables. He appeared to be have been in a fight because he had blood running down his nose, and some scratches on his face. His shirt was torn. The constables were pulling him roughly and yelling at him that they knew all about his modus operandi and were going to teach him a lesson. Inspector Shirke asked the constables what had happened and they explained that this man was a habitual thief who had been suspected of operating in and around the local malls and petrol pumps, and

finally had been caught in the act, so they were taking him to the detection room for questioning, and they then disappeared into a passageway on the right side.

I continued to narrate my complaint to the lady police officer Priti, who told me that she would have to record what I said. The other police officers, Inspector Shirke and Inspector Sonarker, at the table seemed undisturbed. At about 10.45 am, as I was finishing narrating my complaint, I heard loud shouts of pain and cries for help ("*bachao bachao, mat maaro*") of a man coming from the corridor. I asked what was happening and who was shouting so loudly, when Inspector Shirke rudely told me to mind my own business and take care of my own problems rather than giving the police more work. I then specifically asked him if the so-called thief was being beaten, at which point he ordered me to leave as my work was done and he had other matters to attend to.

As I was required to go to a Government Hospital for medical treatment and obtain a Medical Certificate, and I was waiting for a lady constable to accompany me, the same two constables came out of the passageway, holding up the 'thief' whom they had taken into the detection room earlier. Now he looked very bad and was almost unconscious - he could not walk at all. His face was bleeding, his shirt was covered with blood and he could barely walk and was being dragged by the two constables. There was a trail of blood on the floor . and he appeared to be in a serious condition.

When I left the police station at about 10.55 am the two constables were talking with Inspector Shirke about how to move this man to hospital as he seemed to be in a very serious condition. Before he was removed to hospital, I left the police station along with the lady constable for medical treatment.

On the next day i.e. on 10th June 2015 , I read in Mumbai Mirror that one person arrested for theft had died whilst in police custody. Thereupon, I immediately realised that the deceased was the same person whom I had seen in a serious condition at Malad Police Station on the previous day.

#### **PW No. 4 – Police Inspector Uday Shirke**

**Age:** 47 yrs      **Sex:** Male      **Occupation:** Police Officer, Malad Police Station

**Residence:** Room number 2/32 Building No. 5A, Vasant nagar, Vasai

**Statement:** I have been posted at Malad Police Station since the last 5 years. My duties include maintaining the station diary , assigning duties to the junior police officers and constables of our police station and attending to matters in Court pertaining to our Police Station .

On 9. June. 2015 at about 9.15 am, a woman complainant came into the police station to record her statement regarding some domestic trouble. While I was attending to her, one of our patrol vans pulled up outside and two of our constables, Mangesh Sawant (PC No. 42056) and Pradeep Wadke (PC No. 84025) came into the police station holding a thin man about 5 feet 2 inches tall, having a moustache, wearing chocolate coloured full shirt and jean pant torn at the left knee. He had blood running from his nose, his shirt was torn and he was resisting the men holding him, shouting at them that he had not done anything wrong. I asked the two constables what had happened and they informed me that this man had been caught by the public and beaten after he stole a mobile phone and credit card of a customer who had come to fill petrol at the Guruprasad Petrol Pump.

Sawant informed me that he and Wadke had been tracking these petty crimes for quite some time now, wherein the modus operandi was to distract the victim and then while he / she was not looking, quickly snatch some valuables. They believed that this man, Jagdish Athavale, was one of the members of a large gang operating in the area. They told me they were taking him to the detection room, for questioning whereupon I advised them to take Athavale for a medical check up first .

I did not pay much attention after that since this was a routine investigation which the detection staff are well qualified to handle. This woman complainant, Mrs. Hetal Vaidya, however, was causing much commotion while recording her complaint, so I was distracted managing her. After some time I heard shouting and screams coming from the passageway.

It was only when Sawant and Wadke came out at about 11 am dragging the thief Athavale, who seemed semi-conscious and he was being propped up by my men. his face was covered in blood and he seemed to be bleeding from somewhere on his legs as there was a trail of blood. I ordered the men to rush him to Cooper Hospital for medical attention immediately, and went in to brief Senior Police Inspector Karan Pingle . When I returned 10 mins later, they were still sitting outside the station, and Athavale looked like he was sleeping or unconscious now. They said Manohar, the driver of the patrol van had gone with some Accused to Borivali Court for remand, so I ordered one of the parked police vehicles to rush them to Cooper Hospital. Around that time, one Mr. Atul Diwekar came to the police station to report theft of his credit card and Apple mobile phone which had been stolen from Guruprasad Petrol Pump by a thief that same morning. Diwekar told me that Athavale was the same person who had stolen his credit card and mobile phone that same morning from the petrol pump.

Around 1.00 pm, I receive a telephone call from Sawant informing me that Athavale had succumbed to his injuries and was declared dead on admission to Hospital. I asked them to file a report immediately and then went in and notified my Senior and thereafter went to Cooper Hospital where an Inquest Panchanama was conducted by Tehsildar Ranveer Singh. Thereafter, the body was sent to the Morgue of Cooper Hospital, and Post Mortem was conducted by Dr. Vaishali Pandey on 10th June 2015.

I state that the investigation in this case was handed over to the Unit 12 Detection Crime Branch, CID, Dahisar (East) under Order dated 11th June 2015 of the Additional Commissioner of Police (Crime), Mumbai.

Today I am handing over the duty roster of Malad Police Station dated 9th June 2015 to Unit 12, Dahisar.

**EXHIBIT 6**

**DUTY ROSTER**

**MALAD POLICE STATION, MUMBAI.**

**DAY: TUESDAY**

**DATE: 9TH JUNE 2015**

MOBILE VAN	56986,63945
BEAT MARSHALL	63025,56893
DETECTION STAFF	42056,84025
LINE ORDERLY	56391, 25367
EXTERNMENT STAFF	87963, 36784, 10823,52638
PATROLLING STAFF	78963,12563
WRITER	55669, 36874
GODOWN STAFF	54163, 52369,63145
SUMMONS/WARRANT STAFF	63214, 10054,96845

**EXHIBIT 4**

**POST MORTEM REPORT**

A. POST MORTEM FINDINGS FOR CASE NO: CR# 56/2015

POST-MORTEM NO: 121/2015

BODY IDENTIFIED BY: HC-11353 Malad Police Station

DATE AND HOUR OF STARTING AUTOPSY: 10 June 2015, 11.00 am

DATE AND HOUR OF CONCLUDING AUTOPSY: 10 June 2015, 12.30 pm

1. NAME OF DECEASED: Mr. Jagdish Athavale

2. S/O: Mr. Sunil Athavale                      AGE: 29 yrs                      SEX: Male

3. ADDRESS: Shedge Room 6/45, Jai Bhonsle Marg, Malad (West)

4. HEIGHT: 162 cms                                      WEIGHT: 35 kgs

PHYSIQUE: slight, thin, malnourished

5. SPECIAL IDENTIFICATION FEATURES: Mole on right shoulder blade

6. POST-MORTEM CHANGES PRESENT: Rigor mortis seen on entire body. Post mortem lividity seen on back of trunk.

7. EXTERNAL APPEARANCE: Body dressed in torn jean pants, and torn dirty brown full sleeved shirt with dried blood stains. Multiple abrasions and multiple contusions on left side of face, upper trunk, forearms and shins. Part of the skull appears to be fractured.

8. INJURIES: Following ante-mortem injuries are noted:

a) Sharp cut injury measuring 10 cm X 1 cm bone deep present over the middle of the left sole. Edges sharp, clean cut and red in colour. Blood clots present in the wound.

b) On dissection of the wound all the superficial and deep tendons, muscles and blood vessels cleanly cut.

c) An abrasion measuring 1 cm X 3 cm reddish in colour seen on left mandibular region of face, another abrasion measuring 21 cm X 1 cm with clotted blood, on left shoulder to upper arm. Redness present in the trunk region.

d) Frontal lobe of skull indicates blunt force trauma skull fracture

e) Dislocation of right hand little finger middle and distal phalanges

f) Separation of right hand middle fingernail from nail bed. Clotted blood seen.

9. INTERNAL: on dissection of the chest and abdomen, all organs are pale. Brain shows excessive internal haemorrhage

A.SPECIMEN COLLECTED FOR TOXICOLOGICAL ANALYSIS - nil

B. ITEMS HANDED OVER TO POLICE

Post Mortem Report, Inquest papers, Dead body, Clothes

C- TIME SINCE DEATH: Approx. 12-24 hrs prior to post mortem examination

D- OPINION: The cause of death is excessive exsanguination due to multiple head injuries, including a skull fracture complicated by a deep and sharp cut injury on the left foot sole region..

On 10 June 2015 at 2.30 pm.

Sd/-

Dr. Vaishali Pandey

Medical Officer

Cooper Hospital

### **EXHIBIT 7**

### **FINAL REPORT FORM**

I, .Inspector Suresh Harishchandra Kanade , Unit 12, Crime Investigation Dept. , Dahisar, have placed Mr. Mangesh Sawant and Mr. Pradeep Wadke under arrest in C.R. No 56 of 2015 for offences u/s 302 and 339 of IPC, and are currently in judicial custody. The Investigation was completed on July 22, 2015 and Charge sheet was filed in the 28th Court of the Additional Metropolitan Magistrate's Court at Borivali, Mumbai. The case being triable in the Sessions Court of Greater Bombay the same was committed to the Court of Sessions, Greater Bombay.

Signed: Suresh Harishchandra Kanade

Date:

Police Station: Unit 12, Crime Investigation Dept. , Dahisar .

## **APPENDIX- A1:**

## **STATEMENTS OF DEFENCE WITNESSES**

### **DW No. 1 – Mr. Atul Divekar**

**Age:** 35 yrs      **Sex:** Male      **Occupation:** Software Engineer, Hashtag Pvt Ltd.  
**Address:** Flat 601 Om Elegance, DLH park, Swami Vivekananda Road, Near Goregaon flyover, Goregaon (W)

**Statement:** I am a software engineer with Hashtag Pvt Ltd located in Malad. Since I am a senior engineer, I am required to conduct daily morning briefings at 8.45 am before the start of the office day. In order for me to reach office by 8.40 am, I usually leave home by 8.00 am.

On tuesday 09.June.2015, I left the house at 8.00 am as usual. I got into the car and realized that my wife had not refilled the fuel tank, and that my level of petrol was nearing the ‘empty’ mark, so I stopped off at my regular petrol pump Guruprasad, on S.V. Road, Malad (West). The pump was quite busy for 8.15 am, so my regular attendant signalled me to wait . Since I was in a hurry, I pulled out my credit card and kept it on the dashboard in anticipation of speeding up the process once it was my turn, and then I sat in the car and was checking my messages on my mobile.

Suddenly I noticed a dishevelled man on the street signalling to me and pointing to the underside of my car. I rolled down my window and asked him what he was saying. He seemed very agitated. He asked me if I knew that my car was leaking excessively. I thanked him for bringing it to my notice, and jumped out of the car to go around to the other side to have a look. I left my window open.

I walked around to the other side and bent down to look under the car, but saw no leakage. As I looked up to clarify what the man was telling me, I saw his hand inside my car, near the dashboard. I took a couple of seconds to realize what was happening as he looked at me and started to run. I looked into my car and realized that he had taken my phone and my credit card, so I screamed “chor chor”, hoping people on the street would hear and help me catch the man. I then left my car and ran after the thief.

I noticed the public had already given chase, and by the time I reached about 400 metres away from the petrol pump, I could see a huge crowd had gathered around on the pavement. I approached the crowd to see if I could get back my phone and credit card. The crowd was so thick around the thief and they were beating him, so I was unable to get to the centre to recover my phone and card. Within a few minutes a mobile police van drove up and two havaldars got out and started to disperse the crowd, I waited to see the thief and speak to the police and explain what happened, also in the hope that I would recover my stolen property. The police caught hold of the thief, and then narrated the incident to the two havaldars and asked them to search him for my stolen property. Thereupon, they asked me to come to the police station to lodge a complaint of theft. I told them that I had left my car at the petrol pump and that I was on my way to work, and since it was now past 9.00 am I needed to let my office know I had an emergency and would be late. They agreed to let me come to the

police station in my own car to file the complaint of theft. They took down my contact details and told me to proceed. I saw them pushing the thief into the van, against his will. The thief was bleeding from the nose, was complaining of a severe headache and seemed to have trouble walking, probably due to the severe beating by the public.

I then returned to the petrol pump to retrieve my car and pay for the petrol. I told Amit, the attendant whom I normally deal with, what had happened. When I told him what had happened, he informed me that it was he who had called the police, and that was why the police van came so fast. I thanked Amit for his kindness, paid for my petrol and headed out of the petrol pump. I then pulled to the side of the road so that I could inform my office that I would be late, and I also called my wife to let her know what had happened and asked her to cancel my credit card. I then drove to the Malad police station. The traffic was building by now, so it took me some time to reach the police station. When I eventually reached the Malad Police Station, I was surprised to see the same two havaldars from the patrol van lifting the 'thief' onto a stretcher and putting him in a police van. I asked them what had happened but they did not respond and hurriedly drove out of the Police Station. I went into the police station and met Inspector Shirke, who then proceeded to record my statement and register a FIR under section 379 IPC.

By the time I left the police station it was almost noon.

The next day, on 10.June.2015 at 1.30 pm, in my lunch break, I went back to the Malad police station to check if they had managed to recover my phone and credit card from the thief.

I was informed by the Inspector that the thief had succumbed to his injuries on his way to Cooper Hospital the previous afternoon. Till date I have not recovered my stolen property.

## **DW No. 2- Mr. Jayesh Tambe**

**Age:** 52 yrs

**Sex:** Male

**Occupation:** Tea Vendor

**Address:** Room number 12/3/6, Shakti Nagar, Mira road

**Statement:** I have a tea stall next to the Malad police station. I have been supplying tea to all the local office people and very often also police officers from the nearby police station. I usually reach my stall and set up by 6.30 am so that I can catch the early morning office goers. I normally work till 7.00 pm after which I pack up and go home.

On 09.June.2015 at about 9.15-9.30 am I noticed one of the police vans draw up outside the Malad Police Station. I am generally quite curious to see whom the police have brought in and then usually during the course of the day I get to find out more when the havaldars come for a break and have tea.

This time, Sawant and Wadke, whom I have given tea on several occasions, got out of the van holding a thin man of about 22 to 25 years, his appearance was dishevelled, he looked badly beaten up, his face was bleeding. His shirt was torn and he seemed to be limping. He was also yelling at everyone that 'he did not do anything'. Sawant and Wadke then headed into the police station.

In the evening, when I went to the Police Station to deliver tea as usual, I heard that the man they had brought in the morning was part of a gang of thieves who are operating on the streets in Malad area, and that this man had been caught by pedestrians after one such theft and was then severely beaten up. A patrol van spotted the mob and the police officers got down to take charge of the situation and broke it up, they then took the thief in for questioning.

I heard later that the injuries were so bad that the thief collapsed while being questioned and had to be rushed to hospital. Apparently he died before admission to the Hospital .

### **DW No. 3 – Mr. Sushant Sonarkar**

**Age:** 27 yrs

**Sex:** Male

**Occupation:** Sub-Inspector of Police, Malad Police Station, Malad (W)

**Statement:** I have been working as PSI at the Malad police station for the past 5 years. I have been assigned administrative duties since the past 1.5 years and my duties include ,making station diary entries, maintaining the lock up register etc. On 09.June.2015, I was at my desk at about 9.40 am when Hawaldars Wadke and Sawant came into the station with a thin, filthy looking man. His clothes were torn, he was bleeding and he was yelling and howling about his innocence. I went about my duties. I heard Wadke tell Shirke saab that they were taking the man for questioning as he might be part of a larger gang of thieves that we have been trying to nab.

It was a hot day, and I had forgotten my water bottle in the train whilst coming to work, so I got up to get a drink of water from the water cooler in the police station. The water cooler is located in the passageway about 5 feet from the detection room. While I went to drink water and returned back to my table, I heard Wadke and Sawant questioning the thief in a loud and threatening voice.

At about 11 am Wadke and Sawant came out of the passageway dragging the thief. They said to Shirke saab that the thief had collapsed during interrogation. Shirke saab told them to take him to Cooper hospital immediately. Manohar, the patrol van driver had gone with some Accused to Borivali Court for remand, so about 10 minutes later, when Shirke saab came out of Senior saab's cabin, the thief was unconscious. Shirke saab yelled at Wadke and Sawant for still waiting in the police station and when he was told there was no driver, he ordered that any police vehicle be used to rush the thief to hospital immediately.

Wadke and Sawant put the thief onto a stretcher and took him to the hospital around 11 am.