

**Annexure 9 to Tabular Presentation by Teesta Setalvad to SIT
May 29, 2008**

Further Discrepancies Related to the Naroda Patiya and Gaon CRs/FIRS

Discrepancies in Investigation & Records

Two FIR'S of the main incident happened in the Naroda area are registered in Naroda police station 1) 100/2002, 2) 98/2002, which have happened in Naroda Patiya and Naroda Gaon area. There is almost a deliberate mixing up of records related to both chargesheets. Madinaben Arifbhai Malek's injury certificate has been included wrongly in the chargesheet related to 100/2002 incident. Madinaben has no relation with 100/2002 incident. She is resident of Naroda Gaon that is covered in 98/2002.

Her details is as under:

1. Madinaben's statement recorded in connection of FIR No. 98/2002.
2. Injury Certification given by Doctor treating Madinaben
3. This injury certificate is attached with FIR No. 98/2002 Chargesheet No. 19402----- Backside of Page No. 8 next to witness No. 98 Dr. Shri Aman ----- on date 19/3/02 -----has been given is mentioned.

The same injury certificate has been attached with FIR No. 100/02 chargesheet No. 10602 on page no. on the reverse side with witness no. 338 Dr. Shri Aman --- on Date: 19/3/02 on day 3990 ----- has been given is mentioned.

Twenty injury certificates have been given by Doctor who was treating injured and have been attached with Naroda Patiya FIR No. 100/2002. Out of these 20 injured 9 injured are eyewitness. Despite that, to date the police has not recorded their statements in connection with this event.

- o Witness Mohammed Maruf Rauf Khan Pathan's statement recorded by the police on 17-3-2002 does not contain the name of the accused. Thereafter another statement was recorded on 23-5-2002 by Crime Branch discloses name of accused **but the second statement was not produced in the chargesheet.**
- o **Murder of Sugrabi Shaikh (P.M. Report 59)** has taken place at **Naroda Gaon i.e. in CR No 98/2002.** However in a gross discrepancy in investigations, the PM Report 59 is produced in **CR No 100/2002** without any application of mind and the statements in this regard are produced in **CR No 98/2002** and not produced in **CR No 100/2002.**
- o **Madinabanu A Malek** had her police statements recorded on 1-3-2002, 6-6-2002 and **on 4-3-2002**—statements recorded by PSI Naroda police station and RC Pathak, PI DCB Crime Branch. This victim was grievously injured and her injury certificate is dated 19-3-2002. Though she is named as witness of the Naroda Gaon offence at CR No. 98/2002, her Injury Certificate is included in CR No 100/2002.
- o **Sufiyabano Abdul Majid Shaikh, aged 17,** residing at Jawannagar, Naroda Patiya has been admitted to the hospital on 28-2-2002 after severe burn injuries. Her father Abdul Majid stated in his police statement dated 15-4-2002 that he met his daughter Sufiyabano on 4-3-2002 in the hospital and that she had told him that she had been raped by Bhawani Chara and his son who is a Vakil (lawyer). According to her father's statement dated 22-4-2002 Sufiya died on 7-3-2002 and the PM report no.641/2002 of Sufiya Majid was given to her father.
Sufiya's **Dying Declaration and statement were recorded on 3-3-2002** in which there is conspicuously no mention of **rape.**

The particulars shown in the two Inquest Panchnamas and two PM Reports which are produced in the Chargesheets No 106/2002 of ICR No 100/2002 are given below:

Inquest Panchnama

1

2

Name	Sofiyabano Majidbhai	Supriya Marjid Shaikh
Age	19 years	35 years
Residence	Hussein Nagar,	Naroda Patiya
Admitted On	28-2-2002, 23.45 o'clock	28-2-2002
Ward No	E/7	E/7
EPR No	1925/5/2002	2017/6/2002
Death Date	1-3-2002, 00 clock	7-3-2002, 3.30 o'clock

P.M. Report

Name	Sufiyabano Mamudbhai Sheikh	Supriya Marjid
Age	19 years	35 years
PM No.	417/2002	641/2002

If Abdul Majid's daughter died on 1-3-2002, how can the police record her statement and Dying Declaration on 3-3-2002?

The Following Eight Deceased Persons survived for more than 24 hours in the hospital but the **Dying Declaration** was not recorded **nor efforts made to do so:**

Name	Date & Time of Admission In Hospital	Date & Time of Death	Place of Death
Hamid Raza	28-2-2002-	11-03-2002	Civil
Mohd Maruf		12.50 p.m.	(Hospital)
Supriya Marjid (35 years)	28-2-2002-	7-03-2002	Civil
Kudratbibi	28-2-2002/-23.30 hrs	3.30 p.m.	(Hospital)
Khurshidbhai		1-03-2002	Civil
Armuddin		5.30 p.m.	(Hospital)
Khalid Noor Md	1-03-2002/2.40 p.m.	5-03-2002	Civil
Ashif		6.30 p.m.	(Hospital)
Shabbirbhai	1-3-2002/2.30 p.m.	4-03-2002	Civil
Shakina		13.55 hrs	(Hospital)
Mehboobbbhai	1-03-2002/1.45 p.m.	4-03-2002	VS
Saeedabanu		13.45 hrs	Hospital
Ibrahim Shaikh	28-02-2002/22.50 hrs	2-3-2002	Civil
Zubedabanu		2.50 p.m.	Hospital
Shabbir Ahmed Shaikh	28-2-2002/22.55 hrs	1-3-2002	Civil
		00.15 hrs	Hospital

Zubedabano: Though Inquest Report of the Dead Bodies of Zubeda bano is in the Chargesheet **but the P.M. report is not produced**

Four-Five Victims Injuries are described in F.I.R. No 176/2002 by Sub-Witnesses. But Injured Persons Statements or Injury Certificates are not Included in the Chargesheet.

Sr No	Sub-Witness No	Name of Sub-Witness	Type of Injury
1	9	Mayuddin Immamuddin	Tear Gas shell

2	21	Sheikh Khillubuhi Abdul Gafoor Maniar	Injury His son is Injured
3	26	Gulabkhan Babukhan Pathan	Injury on Right Hand by sword
4.	37	Kaiyumbhai Mohammedbhai Shaikh	His son is Injured on Hand by bullet
5	38	Rehana Ibrahimbhai Mansuri	Her hand was Cut and her 10 year old daughter burnt pouring petrol

- **Police has not produced any evidence in any Chargesheet related to Naroda Gaon or Patiya Regarding Identification of Most of the Bodies. For example deceased Kauser Bano who's abdomen was slit open by sword and Foetus thrown in the Fire. There is no Evidence Produced Regarding Identification of the Body.**

- Details and status of the persons injured

1. Bashir Ahmed Dhobi - injury certificate
2. Shabana Abdul Rahim - injury certificate
3. Jaitunbanu Aslammiya Shaikh - injury certificate

The injury certificate given to these three people by the witness doctor is at Sr. No. 343 (certificate 1 and 2)(reverse of page no. 11) and witness Sr. no. 344-certificate 2 (on page no. 12)

In the Naroda Patiya FIR No. 100/02 the chargesheet no. 101/02 was framed. A perusal of the inquest panchnamas shows that 8 individuals who were admitted for treatment in hospital, died during the treatment after 24 hours. Despite the fact that they were in hospital for over 24 hours, the delivery of dead body has not been taken. (as per the records)

The Dying Declaration of 14 victims has been recorded. The people whose names are mentioned below there DD has not been taken.

Sr. No.	Name	Admission Date	Admission Time	Dt. of Death	Time of Death	Place
1.	Hamidraza Mohammad Maru	28/2/2002		11/3/2002	12.50	Civil
2.	Supriya Marjid (35 yrs)	28/2/2002		7/3/2002	3.30	Civil
3.	Kudratbibi Khurshidbhai	28/2/2002	11.30	1/3/2002	5.30	Civil
4.	Sarmuddin Khalid Noor Mohammad	1/3/2002	2.40	5/3/2002	6.30	Civil
5.	Asif Shabbirbhai	1/3/2002	2.30	4/3/2002	1.55	Civil
6.	Shakina Mehboobbhai	1/3/2002	1.45	4/3/2002	1.45	V.S. Hospital
7.	Saeedabanu Ibrahim Shaikh	28/2/2002	10.50	2/3/2002	2.50	Civil
8.	Zubedabanu S. Ahmed	28/2/2002	10.55	1/3/2002	12.15	Civil

Shaikh

This inquest panchnama of these eight deceased (page 1-8) is included above. Zubedabanu S. Ahmed had died in the hospital but her postmortem report is not mentioned in the chargesheet (page No. 3)

6. According to Naroda Patiya FIR 100/02 that is mentioned in Chargesheet No. 106/2002 which has total 26 inquest Panchnamas mentions **that a total 97 dead bodies have been taken Charge of and whose post-mortem is necessary. But out of this 97 dead bodies only 59 dead bodies post-mortem report has been included in the chargesheet. The rest 38 post- mortem reports have not been included in the Chargesheet:-**

- A total of a list of 26 inquest panchnamas is included. In every panchnama, the number of dead bodies taken charge of is mentioned.
- Included in chargesheet are a total --1 to 26 inquest panchnamas.
- Chargesheet no. 100/02 on page no. 12-14 witness no. 345 to 374 (Doctor who conducted post-mortem - total post-mortem - 59) list.
- Sugrabibi Abdul ----- Shaikh is resident of Naroda Gaon. Naroda Gaon -----(FIR No. 98/02 Chargesheet No. 194/02) has been dead Sugrabi Abdul Sattar Shaikh's inquest panchnama has been done (page no. 1) This panchnama witness in this chargesheet.
- Panch no. 18 and 19 have been shown (page no. 4) This post-mortem report of Sugrabibi is attached in FIR 100/2002 and chargesheet no. 106/02 on the reverse side of page no. 12 Witness no. 352 who has performed the post-mortem no. 2 has been shown (page no. 5)
- In the Chargesheet related to the Naroda Patiya's Incident, which includes Sugrabibi's report shows a total of 97 dead bodies. However in a scandalous lapse of investigation, the Post Mortem has been conducted only on 58 dead bodies. On the rest of the 38 dead bodies **NO** post-mortem report is contained **NOR** and the reason for this lapse is not even explored so far.
- In the FIR related to Naroda Patiya, FIR No. 100/2002 is mentioned in Chargesheet No. 106/02 on page No. 7. In the chargesheet, witness no. 162 Mohd. Maroof Raufwali Khan Pathan's name is mentioned (page no. 1)
- This witness has another statement which he has given dtd. 23/5/2002 at the Crime branch **in which he has clearly mentioned the roles played by accused during communal violence.** However this indicting statement is omitted by the police in the Chargesheets clearly pointing to the fact that **the police wishes to shelter the accused.** (page - 3)
- In Naroda Gaon's FIR No. 100/02 other 27 FIR's have been clubbed. In which 11 complainants special statements have been recorded and rest 16 complainants special statements are not recorded. Above these out of 11 FIR, 3 FIR's has name of other 69 people who have made complaint including in complaint (FIR 176/02 has 49, 187/02 has 8 and 188/02 has 12) is included. Out of all these complainants included only 7 people's special statements are recorded.
- **Table 1. persons whose special statements are recorded**

FIR	Complainant No. & Name	Witness No. in Chargesheet	Statement Date	Person who recorded statement.
111/02	Mehboobhai Abbasbhai Baghdadi	---	7/3/2002	P.S.I. Madhupura Po. St.
115/02	Sumarmiya Mohmmadmiya	---	7/3/2002	""

117/02	Makrani Umed Hasan Kallubbhai	---	7/3/2002	“”
127/02	Qureshi Afzalbanu Liyakat Hussain Jhalori	---	8/3/2002	“”
129/02	Taufikmiya Akbarmiya Sumra	---	8/3/2002	“”
130/02	Akbarmiya Jammedmiya Sumra	---	8/3/2002	“”
161/02	Sufiyabanu Yakubbhai Shiakh	---	20/3/2002	P.S.I. Naroda Po. St.
182/02	Basubhai Mayuddin Sayyed	192	12/5/2002	P.S.I. B.C.B.
185/02	Sarmuddin Khawaja Hussain Shaikh		17/3/2002	P.S.I. Naroda Po. St.
238/02	Hussainbanu Azgarkhan Pathan	---	14/4/2002	Asst. Po. Comm. G. Div.
267/02	Anisha Kasambhai Mansoori	---	15/5/2002	Asst. Po. Comm. Crime Branch

Table 2 ----- witness whose statements have been recorded

FIR No. 176/02

2 nd Witness No. (Peta)	Name	Witness No. In chargesheet	Statement Date	Person who recorded Statement
Sattarbhai	242 Mohmmad Hussain Shaikh	13/5/2002	P.I. D.C.B.	
Mohmmadbhai	246 Kalubhai Khalifa	13/5/2002	“”	
Mohmmbad	235 Murtuza Khawajabhai Shaikh	13/5/2002	“”	
Usmanbhai	171 Walibhai Mansoori	3/3/2002	P.S.I.	Naroda
Zubeda	216 Khatoon Rahimmiya	12/5/2002	P.S.I. D.C.B.	

FIR 187/02

Abdul Majid Abdul Razak Shaikh	280	12/5/2002	P.I. D.C.B.
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FIR 188/02

Abdul Rasul Mohmmadbhai Shaikh	248	13/5/2002	P.S.I. D.C.B.
Mustaq Ahmed Abdul Razak Shaikh	179	12/5/2002	P.S.I. Crime Branch

List of Complainants and Second Witness (Peta) whose statements have not been recorded

Complainant No. in Chargesheet	Name	FIR No.
8	Allahuddin Adambhai Mansoori (Second Witness (Peta) in No. 44 mentioned in FIR No. 176/02)	FIR 153/02 Written Complaint
10	Sayyed Kasamali Akbarali	FIR 162/02
11	Zubedabibi Rasidbhai Shaikh	FIR 163/02
12	Kamrunissa Maradali Shaikh	FIR 164/02

**FIR No. 176/02 Second (Peta)
Witness**

2. Lalbhai Qureshi
3. Shakinabanu Rajesh Khan
6. Ghachi Mohmmad Rafiq Abdulbhai
7. Sayyed Abdul Kasambhai
8. Latif Bismillah Mansoori
9. Maiyuddin Imamuddin Shaikh
Complainant injured by teargas shell
10. Ansari Mohmmand Irshad
Namumoolah
11. Rasidbhai Mehboobbhai Ansari
12. Habibbhai Bismillah Mansoori
13. Nisarbai Allahbaksh
14. Abdul Aziz Shaikh
15. Ansar Allahbaksh Shaikh
16. Hasanbhai Ismailbhai Mansoori
17. Ismailbhai Hazibhai Mansoori
18. Jalaluddin Alibaksh Rangrej
19. Ghasi Usufbhai Adambhai Bhatti
20. Burekhan Gulabkhan Pathan
21. Khillubhai Abdul Gaffur Maniar;
son injured
23. Saeedkhan Ramzankhan
24. Raeesha Salimkhan Ramzankhan Pathan
25. Hajsadkhan Abhekhan Pathan
26. Gulabkhan Babukhan Pathan
Complainant injured in right hand by sword
27. Rangrej Bashiruddin Shekhawatbhai

	28. Shabuddin Mubarak Mansoori	
	29. Abdul Rasid Ahmed Hussain Shaikh	
	30. Salim Kasammiya Shaikh	
	31. Jamilabibi Babubhai Mansoori	
	32. Gabubhai Bismillahbhai Mansoori	
	33. Ismailbhai Moonbhai Shaikh	
	34. Salimbhai Shaikh	
	36. Yunusbhai Jinamiya Kazi	
	37. Qayumbhai Mohmmadbhai Shaikh son injured by bullet	
	38. Rehana Ibrahimbhai Mansoori complainants hand has been cut and complainants ten years girl child has been burn to death by pouring petrol on her	
	39. Saeedabanu Jafar Hussain Lohar	
	40. Umerbhai Ismailbhai Shaikh	
	41. Abdul Rahim Abdul Razak	
	43. Kasambhai Jamalbhai Mansoori	
	44. Allahuddin Adambhai Mansoori	
	45. Yusufbhai Dawoodbhai Mansoori	
	46. Iqbal Ahmed Nooruddinbhai	
	47. Mumtaz Begum Anwar Hussain Shaikh	
	48. Samsuddin Gafur Mansoori	
	49. Ashrafbhai Kalubhai Shaikh	
14	Hasanbhai Abubakar Sayyed	FIR 177/02
15	Allahrakha Gulammohammad Malek	FIR 179/02
	Mehmoodbhai Mohmmad Hussain Bundeli FIR 180/02 (Shaikh)	
17	Sairabanu Mehboobbhai Shaikh	FIR 181/02
	Munirshah Sarmuddin Shaikh FIR 183/02	
20	Munirkhan Jahangirkhan Pathan	FIR 184/02
22	Abdul Karim Sayyed Rasul Shaikh	FIR 187/02
	FIR No. 181/02 (Peta) witness	
	2. Ahmed Sarmuddin Chaudhari	
	4. Jakir Hussain Takkaljudin Khatib (Shaikh)	
	5. Ayubbhai Ismailbhai Shaikh	
	6. Ahmed Ibrahimbhai ----- Shaikh	
	7. Imtiyaz Hussain Gulam Maiyuddin Momin	
23	8. Mohmmad Yunus Basir Ahmed Usmanbhai Dawoodbhai	FIR 188/02
	FIR No. 188/02 (Peta) Witness	
	2. Ahambibi Tadal Hasan	
	3. Sairabanu Khawaja Hussain Shaikh	
	4. Abdul Ghani Sarmuddin Qureshi	
	5. Abdul Majid Munir Shah	
	8. Allarakha Bashirbhai Shaikh	
	9. Ismailbhai Mohmmad Yusufbhai Shaikh	
	10. Mohmmad Iqbal Najir Ahmed	
	11. Mehboobbhai Khawaja Hussain Dalal	
	12. Abdul Majid Abdul Salaam	
24	Mohmmad Salim Abdul Rahim Shaikh	FIR 204/02
25	Rashidbhai Bashirbhai Shaikh	FIR 208/02
26	Ibrahimbhai Dawoodbhai Mansoori	FIR 210/02

Annexure Gi- To Sum Up (Naroda Gaon & Naroda Patiya) pointed out in Affidavit dated 21-09-2006 following Judge Mehta's Report

- (1) Merging of F.I.Rs amounts to the biggest scandal in Naroda Gaon Naroda Patiya. Massacres. Here, 106 FIRs were merged into Three FIRs
Details of FIRs (61-62) (63-64)
- (2) Impact of clubbing of FIRS (Page 64)
- (3) Powerful & Politically Influential Accused Dropped in the Process of Clubbing (Page 64-67)
- (4) Discrepancies in Chargesheets:
Names of Accused Dropped (Page 67)
- (5) Deliberate Mix-up of records related to both chargesheets. In final two clubbed FIRs related to Naroda Gaon & Naroda Patiya (100/02 & 98/02) (Page 68-72 These Discrepancies include
 - a) Out of 20 injured persons who have been given injury certificates, *nine* are eyewitnesses but still the police has not recorded their statements. (Page 68-69)
 - b) Witness statements where accused are named are not produced in the chargesheet (Mohd. Mahruf) (Page 69)
 - c) Discrepancies in Investigation Panchnamas (Page 70)
 - d) No Dying Declaration of eight deceased who survived for more than 24 hours in hospital. (Page 70-71)
 - e) Absence of injured persons statements & inquiry certificates from chargesheet (Page 72-73)
 - f) Great discrepancy between Police Statements & Chargesheet (Page 72-74)
 - g) Naroda Patiya FIR 100/02. Chargesheet No. 106/02 a total of 26 Inquest panchnamas are included which mention 97 bodies taken charge of on which bodies the post-mortem would be necessary. Of these, PM reports of only 59 are included in the chargesheet. (Page 74-75)
 - h) Witnesses statements & Special Statements not recorded (Pages 75-80)
 - i) Issues unanswered by State. (Page 80-83)