

Annexure 2a to Tabular Presentation by Teesta Setalvad to SIT
May 29, 2008

CHARGE-SHEET-B ODE(H) MASSACRE

Date of Incident: 02/03/2002

Deceased persons

1. Gulam Rasul Jahangirmiya Saiyed,
Age:60 years

The aforesaid deceased person is treated as missing person.

Note-1:

- 1) The following persons are shown as missing in Charge Sheet-A:
 - (1) Sikandarmiya Usmanmiya Malek
 - (2) Guddi @ Munni Sikandarmiya Malek

As per the statements of both the witnesses, they have seen that both the persons had jumped from the house to save themselves from the fire but the persons in mob had flung them into the fire and burnt them.

- 2) The belongings of the bones of the aforesaid both the persons have been taken into possession from the place after carrying out Panchnama.
- 3) The belongings of the bones have been taken into possession from the grave yard in the presence of FSL Officer and taken into possession as per the details of the Panchnama for the purpose of investigation. **(To date no FSLR/DNA Report has ben made available to the survivor, witnesses).**
- 4) The belongings of a watch of the deceased Sikandarmiya have been taken into possession as per the details of Panchnama. The same have been identified by the family persons of deceased.
- 5) Thus, despite this evidences even then, deliberately, these both persons are/have been included in the list of missing persons.

Note-2:

- 1) The deceased Gulam Rasul Jahangirmiya has been shown as missing person in Charge sheet-B, but witnesses have stated that on 2/3/2002, he was dragged by the mob that has thrown him down on a dumb/heap of garbage and destroyed vehicles and burnt him. The said incident has been averred by the witnesses.
- 2) The pieces of bones of deceased Gulam Rasul have been taken into possession from the scene of offence i.e. the place of devastated & burnt vehicles as per details of the Panchnama. **(No report yet)**
- 3) Thus, despite the existence of evidence, the aforesaid both the persons are included in the list of missing persons.

Note-3:

- 1) The incident mentioned in Charge Sheet-B has taken place on 2/3/2002 i.e. on the next day after the incident mentioned in Charge sheet-A.
- 2) As per the details of the FIR filed in Khambholaj Police Station vide its 1st C.R. NO.23/02, in which, the time of offence is shown at 13:30 Hrs. on 1/3/2002.

PANCHNAMA

1. Name: Chandrakant Narsinhbhai Patel, Age: 42 years, Occupation: Cultivation, Residing at Oad, Virjikakani Khadki.
2. Name: Budhabhai Shankarbhai Parmar, Age: 32 years, Occupation: Cultivation, Residing at Oad, Surivali Bhagole, Motu Faliu.

We, the above named panch witnesses have been remained present in Holi Chakla, Odh Surivali Bhagole as called by you the Police Inspector, Khambholaj Police Station.

You the Police Officer learnt us the Panch witnesses about the facts of the offence registered with Khambholaj Police Station vide its 1st C.R. No.23/2002 for the offence u/s.143, 147, 148, 149, 435, 436, 307 & 302 of I.P.C. and u/s.135 of B.P. Act, the missing Gulam Rasul Jahangirbhai Saiyed, Age: 75 years, residing at Oad Surivali Bhagole was burnt by the mob in Holi Chakla and the Panchnama of the scene of offence was to be performed. The witness namely Sahed Ali Nazir Ali Saiyed, Res. Oad Surivali Bhagole is present here. Upon request, we the Panch Witnesses have shown our willingness and state that;

There is a big heap of burnt vehicles scooters, rickshaws, cycles, motorcycles in the Holi Chakla. All vehicles are seen gutted into fire. The said vehicles are moved and we found that there is big amount of ashes there on the place. The police persons moved their hands in the ash and they found small and medium sizes of bones from the ash. The said pieces of bones were searched in the presence of FSL Officer Shri D.M.Patel and Medical Officer Sri Ashish Patel. Upon seeing the pieces of bones, the Medical Officer was not able to utter whether the same were of human body or other animal. Therefore, it was necessary to examine the same and hence, the same were taken into possession for the purpose of examination. Moreover, the FSL Officer had also taken into possession about 200 gms. Of ash from the scene of offence for the purpose of investigation.

The burnt and devastated vehicles are lying in Oad village. The said incident is taken place in retaliation of the Godhra incident. The persons in mob have fired up these vehicles.

Thus, the facts of the aforesaid Panchnama are stated by us and the Panchnama is read over to us. It is true and correct and we the Panch witnesses have put our signatures to the said effect.

Date: 5/3/2002 16:30 to 17:02 hrs.

Sd/- Chandrakant Narsinhbhai Parmar	Before Me Sd/- Illegible
Sd/- Budhabhai Shankarbhai Parmar	P.S.I., Khambholaj Police Station.

The Panchnama of the bones - which were taken into possession from the House:

PANCHNAMA

1. Name: Faridkhan Jabrukhan Pathan, Age: 52 years, Occupation: Cultivation, Residing at Surelibaug Moholla, Oad.
2. Name: Alimiya Amdumiya Shaikh, Age: 46 years, Occupation: Cultivation, Residing at Sureli, Shaikhvada.

We, the above named Panch Witnesses have been remained present near the house of Akbarkhan Bhikhankhan Pathan which is situated near Milk Dairy, Pirawali Bhagole, Purnima Chowk, Oad as called by you the Police Officer, Khambholaj Police Station.

You the Police Officer learnt us about the facts of the offence registered with Khambholaj Police Station vide its 1st C.R. No.23/2002 for the offence u/s.143, 147, 148, 149, 435, 436, 307 & 302 of I.P.C. and u/s.135 of B.P. Act. The witness namely Mahemuda Bibi, W/o. Majidmiya Malek, Res. Oad Purnima Chowk, Pirawali Bhagole is present here. She states in the presence of the Panch witnesses that at the time of incident, the persons of Hindu community had attacked on their residences. Therefore, the persons residing in the house were escaped from the place to save their lives. Some persons are still missing. The place - scene of offence is shown us by the said witness Mahemuda Bibi. The shattered belongings of the house were to be shifted for the purpose of investigation. We the Panch witnesses have shown our willingness to be as the Panch witnesses and we state that;

The shattered goods and other articles from the place were removed by the JCB machine in the presence of Executive Magistrate, Anand, Chief Officer of Oad Nagarpalika Borough, Talati etc. The control clay was taken into possession in the presence of us in a plastic cement bag after removing the debris of house. The seal of 'PSI, Khambholaj' was affixed as per the procedure and the Panch slip having signatures of Panch witnesses was also affixed on the muddamal article. Thereafter, the said muddamal was taken into possession for the purpose of examination.

Thereafter, the debris and rubbles of bricks and other things were removed from the front side room of the house. After examination, small pieces of bones were found. Thereafter, the FSL Officer took into possession in the presence of us the panch witnesses. The bones pieces were kept in a small plastic bag. Thereafter, the said plastic bag was kept in a corrugated box. The Panch Slip having signatures of the panch witnesses was also kept in the box and the seal of PSI, Khambholaj was affixed as per the procedure. The said box has been taken into possession to get it examined through the Medical Officer.

Thereafter, clay from three different places and pieces of debris etc. were taken into possession in three separate cement plastic bags. The Panch Slips having signatures of the Panch witnesses was also kept in the bags and the seal of PSI, Khambholaj was affixed on the bags as per the procedure and taken into possession for the purpose of examination.

There is road in the east side from the dairy to Holi Chakla. The Compound of the residence of Ravjibhai Bhajibhai Patel is there in the west & north side. The residence of _____ Ranchhodbhai Patel and other houses are there in the south side from this house.

Thus, the facts of the aforesaid Panchnama are stated by us and the Panchnama is read over to us. It is true and correct and we the Panch witnesses have put our signatures to the said effect.

Date: 8/3/2002 16:30 to 18:30 hrs.

Sd/- Faridkhan
Jabrukhan Pathan

Before Me
Sd/- Illegible

P.S.I.,

Sd/- Shaikh Ali
Miya Amdumiya

Khambholaj Police
Station.

The Panchnama of the recovery of bones - which were taken into possession from the Grave:

PANCHNAMA

1. Name: Kalukhan Rasulkhan Pathan, Age: 52 years, Occupation: Business, Residing at Sureli Chokdi, Oad.
2. Name: Munafmiya Jenumiya Malek, Age: 33 years, Occupation: Service, Residing at Dubera Road.

We, the above named Panch Witnesses have been remained present in the Huseni Graveyard as called by you the Executive Magistrate, Umreth.

You the Officer learnt us about the facts of the offence registered with Khambholaj Police Station vide its 1st C.R. No.23/2002 for the offence u/s.143, 147, 148, 149, 435, 436, 307 & 302 of I.P.C. and u/s.135 of B.P. Act. In this connection, the dead bodies of deceased Sikandarmiya Usmanmiya Malek, Age: 35 years and his little daughter namely Guddi @ Munni, both Res. Piruvali Bhagole, Oad have been buried in this Grave Yard and the dead bodies of deceased persons are to be recovered from the graves and the Panchnama to the said effect is to be performed. Therefore, We the Panch witnesses have shown our willingness to be as the Panch witnesses and we state that;

One person namely, Salimsha Maqboolsha Divan, Res. Nr. Oad Lake, presently at Surel Camp is present here. He shows us the place of Huseni Grave yard where the dead bodies were buried. He says that the dead bodies of Sikandarmiya Usmanmiya Malek, Age: 35 years and his little daughter namely Guddi @ Munni, both Res. Piruvali Bhagole, Oad have been buried in one same grave. Therefore, the grave was digged up in the presence of Panch witnesses. Two separate bundles were covered in white cloths. The dead bodies were taken out from the cloths. Thereafter, Dr. A.C.Patel, Medical Officer, C.H.C., Umreth & Dr. Ashish Patel, Medical Officer of C.H.C. Oad collected bones from the big bundle and packed in a plastic bag. Thereafter, the doctors also took tissue from the dead body and kept in another plastic Jar. The first plastic Jar is given Mark-A and the second plastic jar is given Mark-A/2. The bones from the dead body of Guddi @ Munni are kept in another plastic jar, which is given Mark-C. All the three jars are taken into possession by the Medical Officer, C.H.C., Umreth for the purpose of examination. This tomb (grave) is situated in the middle part of the grave-yard. The tobacco farm of Klukhan Mirkhan Pathan is situated in the east side of the grave-yard. There is open land of about 30 Ft. in the west side of grave-yard and the entrance of the graveyard is situated in the north-south side. There is fencing after the road. Moreover, the Sundalpura-Umreth asphalt road is there in the east-west direction from the south direction of graveyard. The dead bodies are again buried after recovering the bone stuffs from the dead bodies.

Thus, the facts of the aforesaid Panchnama are stated by us and the Panchnama is read over to us. It is true and correct and we the Panch witnesses have put our signatures to the said effect. Date: 11/3/2002 17:15 to 18:15 hrs.

Sd/- Kalukhan
Rasulkhan Pathan

Before Me
Sd/- Illegible

Executive Magi.

Sd/- Munafmiya
Jenumiya Malek

Umreth.

The Panchnama of the recovery of wrist-watch of the deceased:

PANCHNAMA

1. Name: Safimiya Mohammadmiya Malek, Age: 28 years, Occupation: Labour Work, Residing at Piravali Bhagole, Oad, Bhalej.
2. Name: Majidmiya Muradmiya Malek, Age: 40 years, Occupation: Cultivation, Residing at Piravali Bhagole, Oad, Bhalej.

We, the above named Panch Witnesses have been remained present in Khambholaj Police Station as called by you the Circle Police Inspector, Anand.

You the Police Officer have learnt us about the facts of the offence registered with Khambholaj Police Station vide its 1st C.R. No.23/2002 for the offence u/s.143, 147, 148, 149, 435, 436, 307 & 302 of I.P.C. and u/s.135 of B.P. Act. We are informed that on last 1/3/2002, the communal riots were taken place in Oad village. The police had taken into possession a wrist watch without dial on 3/3/2002. The said wrist watch was taken into possession from the stack of ashes of woods lying in the compound of Ravjibhai Bhajibhai Patel, Nr. Purnima Chowk. The said wrist watch is identified by the witness namely Salmaben, D/o. Usmanmiya Bhulamiya Malek, Res. Oad, Purnima Chowk, presently residing at Bhalej. She informs that the said wrist watch was of her elder brother namely Sikandarmiya Usmanmiya Malek. The identifies the wrist watch in the presence of we the panch witnesses.

Thus, the facts of the aforesaid Panchnama are stated by us and the Panchnama is read over to us. It is true and correct and we the Panch witnesses have put our signatures to the said effect. Date: 24/5/2002 15:30 to 16:00 hrs.

Sd/- Safimiya Mohammadmiya Malek	Before Me Sd/- Illegible Circle P.I.,
Sd/- Majidmiya Muradmiya Malek	Anand.

Khambholaj Police Station

1st C.R. No.27/02

Incident took place on 1/3/2002

The statement showing the names of deceased persons:

- 1) Kadarbhai Ismailbhai vora
- 2) Nooriben Gafurbhai Vora
- 3) Ayeshaben Abdulbhai Vora

Note-1:

- 1) Aforesaid all the three persons have been dashed into the fire and burnt alive. The witnesses have stated that they were eye-witnessed of the incident.
- 2) The witnesses have also revealed that in which places, the aforesaid persons were burnt by the persons in mob.

- 3) The bones-stuffs of deceased Kadarbhai Ismailbhai Vora have been taken into possession from the outside of his residence as per the details of the Panchnama.
- 4) The bones-stuffs & cloths material of deceased Ayeshaben Abdulbhai Vora have been taken into possession as per the details of the Panchnama.
- 5) The witness shows the place where the deceased Nooriben Gafurbhai Vora was burnt by the mob.
- 6) However, the police have treated aforesaid all three persons as missing persons.

Note-2:

- 1) The bones-stuffs of the deceased persons have not been handed over to the family members of the deceased till date or any funeral procedure is done.

Note-3:

- 1) The incident is taken place on 1/3/2002. The complaint of the same is made on 5/3/2002. However, the Panchnama of the scene of offence is performed on 8/3/2002.
- 2) Thus, the investigation of the offence & search has been initiated after three days.
- 3) The Panchnama is performed after delay of three days. The Panchnama is also performed in the night time in the light of battery. No any clarification is made that why the Panchnama is performed in the night time and after delay of three days.
- 4) No any weapon or muddamal have been recovered from the accused persons of this case.

PANCHNAMA

1. Name: Faridkhan Jabrukhan Pathan, Age: 52 years, Occupation: Cultivation, Residing at Surelibaug Moholla, Oad.
2. Name: Alimiya Amdumiya Shaikh, Age: 46 years, Occupation: Cultivation, Residing at Sureli, Shaikhvada.

As called by you the Anand Circle Police Inspector, we, the above named Panch Witnesses have been remained present near corner of House No.839, Opp. Bismillah Mosque, Malav Bhagole.

You the Police Officer have learnt us about the facts of the offence registered with Khambholaj Police Station vide its 1st C.R. No.23/2002 for the offence u/s.143, 147, 148, 149, 435, 436, 307 & 302 of I.P.C. and u/s.135 of B.P. Act. Accordingly, the complainant Rehanaben, D/o. Yusufbhai Yakubbhai Vora, Res. Oad, Malav Talav Bhagole is present here. As Rehanaben

herself is the complainant in this case, she has informed the facts of the incident in the presence of we the Panch witnesses, Police persons, FSL Officer, Chief Officer of Oad Muni. Borough. She shows us the House No.839. She states that it is the residence of Abdulbhai Yakubbhai Vora. Looking inside the first room, it is seen that the whole room is gutted into fire. The pieces of semi burnt woods are seen. The metal roof of the window situated in the porch is also seen burnt. There is 3" Ft. long & 2" high wall is there in north-south direction. There is 3 Ft. entrance in the southern side wall to enter in the second room. Looking inside the second room, there is water-place of 2 Ft. in the southern wall of the said room. Some household articles, metal tins etc. are seen in shattered condition in the room. The granules of 'Bajri-seed' are seen in the room. This room small in size and the household articles are seen in shattered condition in the room. The complainant Rehanaben, who is present here, states in the presence of Panch witnesses & Police persons that, Ashaben, W/o. Abdulbhai Yakubhai was burnt in the said room. The FSL Officer Shri D.M.Patel, Anand and we the Panch witnesses observed the room carefully. The ashes and semi burnt pieces of household articles etc. were removed to the corner with the help of rod and the small pieces of bones were found affixed with the coal pieces. About 200 gms. Of bones stuff were found. Moreover, two cloth pieces of saree were also found. One piece was big and other piece was small having flower design in it. One red cloth piece was also found in wet condition. It was appeared to be the lower part cloth of the petticoat. The complainant namely Rehanaben, daughter of Yusufbhai Yakubbhai Vora identifies all the cloth pieces as the pieces of Saree & petticoat of deceased Ayeshaben. The FSL Officer has taken into possession the muddamal articles i.e. bones stuffs & cloths pieces for the purpose of examination and he had given it to the police officer. The police persons kept the bone stuffs in a bag and then, they packed the said bag in a box. The Panch Slip having signatures of Panch Witnesses was also put inside the box. Thereafter, the box was sealed as per the appropriate procedure.

The police persons also took into possession the cloth pieces and kept a plastic bag. Then, they packed the said bag in a box. The Panch Slip having signatures of Panch Witnesses was also put inside the box. Thereafter, the box was sealed as per the appropriate procedure. This room is 10' x 6' of size and the gallery of 3 Ft. is there in the back part.

The house of complainant lady is situated in the north side of the scene of offence. After the residence of complainant lady, the residence No. 840/1 of Nooriben Gafurbhai Vora is situated. The said house is also east facing, having two rooms, front side porch and bathroom-toilet are in north side. The first room is of 10' x 10'. Water place is there in the northern wall. This room is also seen in shattered condition. Some household articles, metal tins etc. are seen in shattered condition in the room. The half burnt woods and coals along with burnt household articles are seen in the second room also.

The complainant Rehanaben D/o. Yusufbhai, who is present here, states in the presence of Panch witnesses & Police persons that, Nooriben Gafurbhai Sulemanbhai was burnt in the said room. After due search and examination, nothing remarkable thing is taken into possession by the Police Officers. About 200 Gms. Ashes have been taken into possession by the FSL officer. The said ash was kept in a bag and given to the police. You the police have put the said bag in a box and sealed it as per the procedure.

Thus, the bones-stuff of Ayeshaben, two cloth pieces of Saree, one piece of petticoat & about 100 gms. of ash have been taken into possession by the Police from the house of Nooriben for the purpose of further investigation.

Thus, total five muddamal packets were taken into possession from the area of Malav Bhogole Mosque and all the packets were packed in a cloth bag. The Panch slip having signatures of Panch Witnesses was also kept inside the bag. Thereafter, the said bag was sewed

with the thread. The seal of Circle Police Inspector, Anand was affixed on the bag. The said cloth bag was taken into possession by the Police. We the Panch Witnesses have opinion to send it to the Medical Officer. The aforesaid Panchnama has been performed in the light of battery.

Thus, the facts of the aforesaid Panchnama are stated by us and the Panchnama is read over to us. It is true and correct and we the Panch witnesses have put our signatures to the said effect. Date: 8/3/2002 18:10 to 20:00 hrs.

Sd/- Faridkhan Jabrukhan Pathan	Before Me Sd/- Illegible	Circle P.I.,
Sd/- Shaikh Ali Miya Amdumiya	Anand.	

PANCHNAMA

1. Name: Bismillahkhan Akbarkhan Pathan, Age: 62 years, Occupation: Cultivation, Residing at Sureli, Nr. Idgah.
2. Name: Azimuddin Maiyuddin Shaikh, Age: 45 years, Occupation: Business, Residing at Badapura, Tal. Umreth.

As called by you the Anand Circle Police Inspector, we, the above named Panch Witnesses have been remained present at Oad Malav Bhagole, Nr. Bismillah Mosque.

You the Police Officer have learnt us about the facts of the offence registered with Khambholaj Police Station vide its 1st C.R. No.23/2002 for the offence u/s.143, 147, 148, 149, 435, 436, 307 & 302 of I.P.C. and u/s.135 of B.P. Act. Accordingly, the FSL Officer, after investigation & search, has taken into possession the bones stuffs from the scene of offence. The Scene of offence is the open middle space of 15x20 Ft. near the godown compound of Abdulbhai Vora. There is a big heap of ashes. After due search & examination, the FSL Officer has taken into possession about 300 gms. bones stuffs from the heap of ashes. Moreover, the control sample clay of 50 Gms. from the scene of offence was also taken into possession and kept in metal tins. The Panch slip having signatures of Panch witnesses was also affixed on the muddamal tin. The seal of 'PSI, Khambholaj' was affixed as per the procedure. Thereafter, the muddamal was sent to the Medical Officer, Primary Health Center, Oad for the purpose of examination.

Thus, the facts of the aforesaid Panchnama are stated by us and the Panchnama is read over to us. It is true and correct and we the Panch witnesses have put our signatures to the said effect. Date: 8/3/2002 18:10 to 20:00 hrs.

Sd/- Bismillahkhan Akbarkhan Pathan	Before Me Sd/- Illegible	Circle P.I.,
Sd/- Azimuddin Maiyuddin Shaikh	Anand.	