

Backgrounder on Sardarpura Incident

Sardarpura Massacre
Mehsana District
Gujarat

Sessions case no. 275/02, 120/08, 7/09

Judge Appointed to conduct the Trial

20-5-09 Judge S.C. Shrivastav

Prosecutors Appointed:

6-10-03 S.C. Shah (continues as special PP appointed by SIT)

List of Accused

1st charge sheet had 55 accused (Vijapur police station)

Accused List as Per First Charge sheet:

- (1) Patel Rameshbhai Kanjibhai
- (2) Patel Mathurbhai alias Bhuriyo Vithalbai
- (3) Patel Karshanbhai Tribhovanbhai
- (4) Lakhwara Narayanlal Shitalmal
- (5) Patel Jaintibhai Mangalbai
- (6) Patel Amratbhai Somabhai
- (7) Prajapati Babubhai Lawjibhai
- (8) Prajapati Rajeskumar Amrutbhai
- (9) Patel Bhaveshkumar Kanubhai
- (10) Patel Jayentibhai Jeevanbhai
- (11) Patel Jagabhai Dawabhai
- (12) Patel Prahladbhai Somabhai
- (13) Prajapati Bharatbhai Rameshbhai
- (14) Patel Kacharabhai Tribhovandas
- (15) Patel Jayentibhai Baldevbhai
- (16) Patel Mangalbai Mathurbhai
- (17) Prajapati Gordhanbhai Revabhai
- (18) Patel Bhikhabhai Joitabhai
- (19) Prajapati Rohitkumar Ramanbhai
- (20) Prajapati Ravikumar Amratbhai

- (21) Patel Babubhai Kantibhai
- (22) Patel Dineshkumar Baldevbhai
- (23) Patel Vishnubhai Gopalbhai
- (24) Patel Kanubhai Karshanbhai
- (25) Prajapati Dahyabhai Varvabhai
- (26) Patel Raghubhai Revabhai
- (27) Patel Mathurbhai Ramabhai
- (28) Patel Sureshbhai Ranchodbhai Revabhai
- (29) Patel Chaturbhai Kanabhai Girdharbhai
- (30) Patel Tulshibhai Girdharbhai
- (31) Patel Ramanbhai Jeevanbhai Vanabhai
- (32) Patel Rajeshbhai Karshanbhai
- (33) Patel Rameshbhai Kantibhai
- (34) Patel Madhabhai Vitthalbhai
- (35) Patel Sureshkumar Baldevbhai
- (36) Patel Dasrathbhai Ambalal Dvarkadas
- (37) Patel Vishnubhai Prahladbhai
- (38) Patel Rajendrakumar Rajesh Punjabhai Tribhovandas
- (39) Patel Baldevbhai Ranchodbhai Dwarkadas
- (40) Patel Prahladbhai Jagabhai
- (41) Patel Rameshbhai Ramabhai
- (42) Patel Parshotambhai alias Pasabhai Mohanbhai
- (43) Patel Ashwinbhai Jagabhai
- (44) Patel Ambalal Maganbhai Kapur
- (45) Patel Kalabhai alias Kanaiyalal Nathabhai
- (46) Patel Rameshbhai Prabhabhai Gopalbhai
- (47) Patel Jeevanbhai Dwarkadas
- (48) Patel Jayentibhai Ambalal
- (49) Patel Kanubhai Joitaram
- (50) Prajapati Ramanbhai Ganeshbhai
- (51) Marwadi Ashotosh alias Pawankumar Murlidhar
- (52) Patel Dhayabhai Kachrabhai
- (53) Patel Rameshbhai Baldevbhai
- (54) Patel Mathurbhai Trikamdas
- (55) Patel Ashvinbhai Baldevbhai Joitabhai

Accused added by the SIT:

2nd charge sheet 8 accused were added (SIT)

- (1) Babubhai Vanabhai Patel
- (2) Rameshbhai Kachrabhai Patel

- (3) Babubhai Kanjibhai Patel
- (4) Kanubhai Rewabhai Patel
- (5) Natwarbhai Kachrabhai Patel
- (6) Ashvinbhai Baldevbhai Patel
- (7) Dhayabhai Vanabhai Patel
- (8) Joitaram Ramabhai Patel

3rd charge sheet 12 accused were added (SIT)

- (1) Kantibhai Prabhudas Patel
- (2) Laxmanbhai Dhulabhai Patel
- (3) Mahesh Jivanbhai Patel
- (4) Mathurdas Dwarkadas (Dawabhai Dr.) Patel
- (5) Prahladbhai Warvabhai Prajapati
- (6) Jagabhai Jeevanbhai Patel
- (7) Upendra Manilal Patel
- (8) Sanjay Ambalal Patel
- (9) Kalabhai Bhikhabhai Patel
- (10) Govindbhai Mohanbhai Patel
- (11) Babubhai Gokaldas Patel
- (12) Ramesh Tribhovandas Patel

Note:- Total 75 accused

Accused no.10 Patel Jayentibhai Jivanbhai Maiyat

Accused no.19 Prajapati Rohitkumar Ramanbhai Juvenile

Name of investigating Officers

SIT G.V. Barot

Vijapur Police station K.R. Vaghela PI
R.D. Buranda PI
K.P. Patel

Charge sheet filed on : 27-7-02

SIT charge sheet filed : 21-11-08

List of witnesses as per the charge sheet:

Total = 122

Name of Witness As Per Chargesheet of Vijapur Police station

No	Name of Witness
1	Shaikh Ibrahimbai Rasoolbai
2	Panch: Shaikh Abdulbai Dalubhai
3	Panch: Chauhan Aminaben Peerumiya Jeevamiya
4	Panch: Nagori Makboolbai Mehmudbai
5	Panch: Bawa Ishwarbai Ramdas
6	Panch: Mehmudaben Faridkhan Jitrana
7	Panch: Parmar Pravinbai Arjanbai
8	Panch: Mansukhbhai Bachubhai Parmar
9	Panch: Yadav Vadansinh Tufansinh
10	Panch: Chaudhary Hareshchand Heeralal
11	Panch: Sipahi Rafiqhussain Mohammed Hussain
12	Panch: Akbarmiya Kesarmiya
13	Panch: Shaikh Inayathussain Bachumiya
14	Panch: Joshi Ajitkumar Dashrathbai
15	Panch: Shaikh Mo. Sharif Rafik Moh.
16	Panch: Qureshi Sharafatbai Sabdalbai
17	Panch: Patel Ishwarbai Gopalbai
18	Panch: Patel Maheshbai Jeevanbai
19	Panch: Zala Pratapsinh Dhulsinh
20	Panch: Patel Jyantibhai Baldevbai
21	Panch: Patel Narayanbai Manilal
22	Panch: Patel Babubhai Mathurdas
23	Panch: Patel Arvindbai Bechardas
24	Panch: Patel Babubhai Varvabhai
25	Panch: Panchal Babubhai Sakadchand
26	Panch: Thakor Amraji Kodarji
27	Panch: Thakor Joitaji Varvaji
28	Panch: Thakor Kantiji Chhagangi
29	Panch: Chauhan Fulaji Somaji
30	Panch: Soni Manishkumar Babulal

31	Panch: Thakor Jyantiji Varvaji
32	Panch: Patel Dashrathbhai Baldevbhai
33	Shaikh Faridabanu Ashiqhussain
34	Shaikh Aminabibi Shrifkhan Bhikhumiya
35	Shaikh Bhikhumiya Kalumiya
36	Saheenbanu Aiyubmiya Rasoolmiya
37	Ameenabanu Acchumiy Ismailmiya
38	Shaikh Mustufamiya Rasoolmiya
39	Shaikh Hizbulmiya Hussainmiya
40	Shaikh Iqbalmiya Rasoolmiya
41	Shaikh Akbarmiya Rasoolmiya
42	Shaikh Nazir Moh. Akbarmiya
43	Shaikh Gulamali Akbarmiya
44	Ruksanabanu Ibrahimmiya Rasoolmiya
45	Shaikh Makboolmiya Kesarmiya
46	Shaikh Rafikmiya Mohammedmiya
47	Shaikh Sharifabibi Bachumiya Imammiya
48	Shaikh Ashiqhussain Bachumiya
49	Shaikh Firozabanu Bachumiya Imammiya
50	Shaikh Farzanabanu Bachumiya Imammiy
51	Shaikh Mo.Sattar Bachumiya
52	Shaikh Bachumiyu Imammiya
53	Shaikh Mehmudmiya Hussainmiya
54	Shaikh Samimbanu D/o Mehmudmiya Hussainmiya
55	Shaikh Sabirhussain Kadarmiya
56	Shaikh Bardunnisha Akbarmiya Nathumiya
57	Shaikh Sharifkhan Bhikhumiya
58	Shaikh Rasoolmiya Nannumiya
59	Shaikh Kadarmiya Abumiya
60	Shaikh Kulsumbibu Kadarmiya Abumiya
61	Shaikh Zakir Hussain Kadarmiya
62	Shaikh Shafikmiya Babumiya
63	Pathan Munsafkhan Yasinkhan
64	Shaikh Sharifmiya Babumiya
65	Shaikh Faridabanu Shafimiya Babumiya
66	Shaikh Aiyubmiya Rasulmiya
67	Shaikh Akbarmiya Nathumiya
68	Shaikh Rafikmiya Babumiya
69	Shaikh Jamalbhai Doshubhai

70	Memon Jaan Moh. Ismailbhai
71	Memon Moh. Arif Jaan Moh.
72	Fakir Shabirhussain Imamsha
73	Fakir Sayrabanu Sabirhussain Imamsha
74	Fakir Sharifabanu Sabirhussain Imamsha
75	Fakir Sabirabanu Sabirhussain Imamsha
76	Memon Ab.Kadar Ismailbhai
77	Memon Altafbhai Vallibhai
78	Memon Arif @ Bablo Vallibhai
79	Memon Idrishbhai Valibhai
80	Soni Prafulkumar Natwarbhai
81	Memon Yakubbhai Vallibhai
82	Memon Yunusbhai Sattarbhai
83	Memon Hanifabibi Vallibhai Dawoodbhai
84	Shaikh Basirabibi Bachumiya Nathumiya
85	Shaikh Imtiyaz Moh.Hussain Kalumiya
86	Mansuri Munir Ahmed Noor Moh.
87	Shaikh Hamidaibi Akbarmiya Rasoolmiya
88	D.J. Soni. Medi. Officer. Civil
89	P.P. Soni Medi.Officer. Civil.
90	B.N. Chaudhary, Medi. Officer.
91	I.R.Solanki, Medi. Officer
92	Prakash L.Shah, Medi. Officer
93	Sailesh S. Patel. Medi. Officer
94	Anju M. Parmar, Medi. Officer
95	K.M. Solanki, Medi. Officer
96	K.B. Patel, Medi. Officer
97	Alka D. Patel. Medi. Officer
98	A.K. Kapadia, Medi. Officer
99	N.A. Talvelkar Medi. Officer
100	Pragnesh K. Jain
101	Prakash P. Patwa, Medi. Officer
102	J.K. Solanki, Medi. Officer
103	B.B. Solanki, Medi. Officer
104	S.H. Patel, Medi. Officer
105	Vijay V. Soni, Medi. Officer
106	D.S. Patel, Assi. Medi. Officer
107	V.R. Patil, Medi. Officer
108	H.T. Modi, FSL Officer
109	P.B. Thakar, FSL Officer

110	B.K. Sathwara, Circle Officer
111	Talati cum Mantri Ellol
112	Lodha Hafizbhai Nasirbhai
113	ASI. M.S. Sadhu
114	H.C. Chandansinh Nathusinh
115	H.C. Vikramsinh Naarsinh
116	Arm H.C. Jeevagiri Vihagiri
117	PAO H.C. Ambalal Karshanbhai
118	Clerk of Dist, Megi. of Mehsana Office
119	PSI, M.L. Rathod
120	PI, K.R. Vaghela
121	PI, R.D. Baranda
122	PI, K.P. Patel

Witnesses whose statements are recorded by the SIT

As per the charge sheet

No	Name of Witness
1	Shaikh Ibrahimbhai Rasoolbhai
2	Panch: Shaikh Abdulbhai Dalubhai
3	Panch: Chauhan Aminaben Peerumiya Jeevamiya
4	Panch: Nagori Makboolbhai Mehmudbhai
5	Panch: Bawa Ishwarbhai Ramdas
6	Panch: Mehmudaben Faridkhan Jitrana
7	Panch: Parmar Pravinbhai Arjanbhai
8	Panch: Mansukhbhai Bachubhai Parmar
9	Panch: Yadav Vadansinh Tufansinh
10	Panch: Chaudhary Hareshchand Heeralal
11	Panch: Sipahi Rafiqhussain Mohammed Hussain
12	Panch: Akbarmiya Kesarmiya
13	Panch: Shaikh Inayathussain Bachumiya
14	Panch: Joshi Ajitkumar Dashrathbhai
15	Panch: Shaikh Mo. Sharif Rafik Moh.
16	Panch: Qureshi Sharafatbhai Sabdalbhai
17	Panch: Patel Ishwarbhai Gopalbhai

18	Panch: Patel Maheshbhai Jeevanbhai
19	Panch: Zala Pratapsinh Dhulsinh
20	Panch: Patel Jyantibhai Baldevbhai
21	Panch: Patel Narayanbhai Manilal
22	Panch: Patel Babubhai Mathurdas
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24	Panch: Patel Babubhai Varvabhai
25	Panch: Panchal Babubhai Sakadchand
26	Panch: Thakor Amraji Kodarji
27	Panch: Thakor Joitaji Varvaji
28	Panch: Thakor Kantiji Chhagangi
29	Panch: Chauhan Fulaji Somaji
30	Panch: Soni Manishkumar Babulal
31	Panch: Thakor Jyantiji Varvaji
32	Panch: Patel Dashrathbhai Baldevbhai
33	Panch: Chandrakantgiri Ramgiri Goswami
34	Panch: Shamalbhi Gopaldas Kadiya
35	Shaikh Faridabanu Ashiqhussain
36	Shaikh Aminabibi Shrifkhan Bhikhumiya
37	Shaikh Bhikhumiya Kalumiya
38	Saheenbanu Aiyubmiya Rasoolmiya
39	Ameenabanu Acchumiy Ismailmiya
40	Shaikh Mustufamiya Rasoolmiya
41	Shaikh Hizbulmiya Hussainmiya
42	Shaikh Iqbalmiya Rasoolmiya
43	Shaikh Akbarmiya Rasoolmiya
44	Shaikh Nazir Moh. Akbarmiya
45	Shaikh Gulamali Akbarmiya
46	Ruksanabanu Ibrahimmiya Rasoolmiya
47	Shaikh Makboolmiya Kesarmiya
48	Shaikh Rafikmiya Mohammedmiya
49	Shaikh Sharifabibi Bachumiya Imammiya
50	Shaikh Ashiqhussain Bachumiya
51	Shaikh Firozabanu Bachumiya Imammiya
52	Shaikh Farzanabanu Bachumiya Imammiy
53	Shaikh Mo.Sattar Bachumiya
54	Shaikh Bachumiyu Imammiya
55	Shaikh Mehmudmiya Hussainmiya
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57	Shaikh Sabirhussain Kadarmiya
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64	Shaikh Shafikmiya Babumiya
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66	Shaikh Faridabanu Shafimiya Babumiya
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70	Memon Jaan Moh. Ismailbhai
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72	Fakir Shabirhussain Imamsha
73	Fakir Sayrabanu Sabirhussain Imamsha
74	Fakir Sharifabanu Sabirhussain Imamsha
75	Fakir Sabirabanu Sabirhussain Imamsha
76	Memon Ab.Kadar Ismailbhai
77	Memon Altafbhai Vallibhai
78	Memon Arif @ Bablo Vallibhai
79	Soni Prafulkumar Natwarbhai
80	Memon Yakubbhai Vallibhai
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83	Shaikh Basirabibi Bachumiya Nathumiya
84	Shaikh Imtiyaz Moh.Hussain Kalumiya
85	Mansuri Munir Ahmed Noor Moh.
86	Shaikh Hamidaibi Akbarmiya Rasoolmiya
87	Sabirmiya Akumiya Pathan
88	Mangabhai Ramabhai Rawal
89	Gulam Dastagir Khan Anwarkhan Pathan
90	Prahladbhai Nathabhai Rawal
91	Rewabhai Shankarbhai Prajapati
92	Imtiyazali Hussainmiya Qureshi
93	Saeedabibi Hizbulmiya Shaikh
94	Khatijabibi Dosumiya Shaikh
95	Dilawar Abbasbhai Shaikh
96	Sikandar Rasoolmiya Shaikh

97	Saeenabanu D/o Ashiqhussain Shaikh
98	Jeetubhai Chhaganbhai Patel
99	PSI. G.K Parmar
100	H.C. Ganpatbhai Narshibhai
101	H.C. Laljibhai Arjanbhai Desai
102	P.C. Ramanbhai Valjibhai Garasiya
103	A.P.C. Popatji Jivanji Chavda
104	A.P.C. Khodidas Govindji
105	Bhikhabhai Pasabhai Patel
106	Ishwarbhai Govindbhai Patel
107	P.C. Krushnakant Kantilal Barot
108	Punjaji Bhartharji Rajput – Driver ASI
109	Rajak Allahrakhbhai Sumra- P.C.
110	Daniyalbhai Khimjibhai Ninama – P.C
111	Kaniyalal Babulal Nai- Homeguard
112	Vasantkumar Babulal Nai- Homeguard
113	Faridbhai Dosabhai Quresh -Homeguard
114	D.J. Soni. Medi. Officer. Civil
115	P.P. Soni Medi.Officer. Civil.
116	B.N. Chaudhary, Medi. Officer.
117	I.R.Solanki, Medi. Officer
118	Prakash L.Shah, Medi. Officer
119	Sailesh S. Patel. Medi. Officer
120	Anju M. Parmar, Medi. Officer
121	K.M. Solanki, Medi. Officer
122	K.B. Patel, Medi. Officer
123	Alka D. Patel. Medi. Officer
124	A.K. Kapadia, Medi. Officer
125	N.A. Talvelkar Medi. Officer
126	Sangita K. Jain, Medi. Officer
127	Prakash P. Patwa, Medi. Officer
128	J.K. Solanki, Medi. Officer
129	B.B. Solanki, Medi. Officer
130	S.H. Patel, Medi. Officer
131	Vijay B. Oza, Medi. Officer
132	D.S. Patel, Assi. Medi. Officer
133	V.R. Patil, Medi. Officer
134	H.T. Modi, FSL Officer
135	P.B. Thakar, FSL Officer
136	A.L. Gameri, Scientific Officer

137	Mrs. M.R. Dave, S.O.
138	B.K. Sathwara, Circle Officer
139	Lodha Hafizbhai Nasirbhai
140	ASI. M.S. Sadhu
141	H.C. Chandansinh Nathusinh
142	H.C. Vikramsinh Naarsinh
143	Arm H.C. Jeevagiri Vihagiri
144	PAO H.C. Ambalal Karshanbhai
145	Clerk of Dist, Megi. of Mehsana Office
146	Assi. Engineer, North Guj. Power co.
147	Bapumiya Bachumiya Pathan
148	Pravinbhai Khemabhai Parmar
149	Anupamsinh Gehlot, Police officer
150	Bachubha Vesalji Jadeja, DPS
151	PSI, M.L. Rathod
152	PI, K.R. Vaghela
153	PI, R.D. Baranda
154	PI, K.P. Patel
155	N.P. Patel, Addl. Home Secretary
156	PSI, R.K. Chauhan
157	G.V. Barot, I.O. (SIT)

Witnesses whose statements are not recorded by the SIT:

(Witnesses and CJP had petitioned the Hon Supreme Court of India)

(1) H.C. Devjibhai (P.S.O. Vijapur) at the time of incident

(At the most critical time while the incident was taking place in Sardarpura village, (from 8 p.m. of the night of 1.3.2002 till the morning of 2.3.2002) PSO HC Devjibhai's presence required that his statement be recorded which has not been done, not even by SIT).

(2) V.H.F. Operator Babubhai

(Wireless operator from the police who would be aware of all wireless calls and records has not been examined by SIT)

(3) Jamaben Harchandji Thakor

(Munsafkhan Khan stated in his tatement before SIT on 11.6.2002 that this Jamaben, resident of Sardapura that a meeting of patels had taken place in the village an d hnce big trouble and violence will happen).

(4) Mansuri Nisar Ahmed Gulamnabi

(Munsafkhan stated in his SIT statement that he had contacted Mansuri resident of Nisarg society Ahmedabad when the attacks started that night after 9.30 p.m. who had repeatedly contacted DGP Control Gandhinagar and Mehsana too for help from his mobile phone and yet his statement has not been not recorded by SIT)

(5) Pathan Abdul Majidkhan Yasinkhan

(Munsafkhan also states that after 9.30 p. he had also contacted Mansuri that night after 9.30 p.m. who had repeatedly contacted DGP Control Gandhinagar and Mehsana too for help from his mobile phone and yet his statement has not been not recorded)

(6) Press reporter Aiyubkhan Pathan

(Distress calls were also made to this reporter but his statement has not been recorded)

Complicity of prosecutor Alleged In :

- (1) In affidavit of complainant Ibrahimkhan Rasoolbhai Shaikh
- (2) Mustufamiya Rasoolmiya Shaikh
- (3) Hifzulmiya Rasoolmiya Shaikh
- (4) Nazir Mohammed Akbarmiya Shaikh
- (5) Moh. Sattar Bachumiya Shaikh
- (6) Sharifmiya Bhikhumiya Shaikh
- (7) Aiyubmiya Rasoolmiya Shaikh
- (8) Jamalmiya Rasoolmiya Shaikh (Expired)

Involvement of Politicians in position of power at the time:

***Ibrahimmiya Rasoomiya in his affidavit before the apex court**

- (1) X Sarpanch Kanubhai Joitabhai Patel
- (2) X Transport minister Naraynbhai Lallubhai Patel

Nazir Moh. Akbarmiya

- (1) Narayanbhai Lallubhai Patel

***Jamalbhai Doshubhai Shaikh (Expired)**

- (1) BJP Sarpanch Kanubhai Joitabhai
- (2) Ambalal Maganbhai Bajrang Dal Pramukh

Witnesses statements recorded by SIT that suggest that prior to the incident on 1.3.2008 there were preparations, signs of a build up and conspiracy and yet SIT has conspicuously failed to investigate this

- (1) Ibrahimmiya Rasoolmiya Shaikh (SIT statement on 9.5.2008)
- (2) Bhikumiya Kalumiya (SIT statement on 10.5.2008)
- (3) Bachumiya Imamiya (SIT statement on 10.5.2008)
- (4) Gulam Ali Akbar Miya (SIT statement on 10.5.2008)
- (5) Iqbalmiya Rasoolmiya (SIT statement on 11.6.2008)
- (6) Akbarmiya Rasoolmiya (SIT statement on 9.5.2008)
- (7) AiyubMiya Rasoolmiya (SIT statement on 10.5.2008)
- (8) Bashirabibi Bachumiya (SIT statement on 22.5.2008)

Faulty Investigation by SIT

Re-Investigation and Further Investigation Applications filed before the Trial Court reveal that:

- A) Key witnesses listed above appear to have deliberately *not* been examined by SIT
- B) SIT has been tardy and superficial in obtaining key documentary evidence related to the crime at the time. For instance, SIT has not obtained the mobile call records or details of calls of PSI Rathod and PSI Parmar between 28.2.2002 and 2.3.2002; ii)
- C) Police witnesses according to the chargesheet are PSI ML Rathod, Nayab Police officer, Visnagar division Bachuba Vesalji, DSP Mehsana, Anupamsingh Gahlot, PI Vijapur, KR Vaghela PSI Vijapur, GK Parmar and PSI BD Gohil. From the witness statements it appears that these officers roaming around in the police wireless vans were constantly in touch with each other on the wireless. However there are no corresponding message books in the chargesheets nor has SIT thought it fit during its investigations to inquire into whether their presence and movements is borne out in the records.
- D) How many of the officers mentioned a police witnesses in the chargesheets did have mobile phones at the time? If they did there is nothing to indicate that any attempts have been made to investigate their phone bills or call details of these officers by SIT.
- E) At the most critical time while the incident was taking place in Sardarpura village, (from 8 p.m. of the night of 1.3.2002 till the morning of 2.3.2002) PSO HC Devjibhai's presence required that his statement be recorded which has not been done, not even by SIT.
- F) It is apparent from the chargesheet filed by SIT and statements of witnesses Munsafkhan Yasinkhan Pathan and police witness GK Parmar

- that witness Munsafkhan made innumerable phone calls from his own landline number 32328 and the mobile nos of Nisar Ahmed Gulamnabi appealing for help from the police for the attacks on Muslims that had become, for increased police protection and timely action. These phone calls were made from 8 p.m. of 1.3.2002 until 4 a.m. of 2.3.2002 to both the Vijapur police station and state Control room. Yet in the re-investigation entrusted to it by the Hon'ble SC SIT has simply not bothered to investigate these distress calls, not recorded any statements in connection with these innumerable calls, not collected investigated or produced and telephone call records of the relevant time period, no produced the telephone *vardi* book or telephone incoming register. No statements have been recorded in this connection.
- G) It appears clearly from the investigation papers that without panchnamas being carried out and recorded, bodies of the dead victims were removed from the spot. SIT has simply not bothered to investigate this major procedural lapse. These aspects of the investigation need to be brought on record as well as why and which police officers were responsible for the lapse. Statements of officers needed to be recorded on this aspect.
- H) Witness 144 PSO HC Ambalal Karsanbhai Macwana answered queries referring to the Station Diary and Inward telephone Register. However both these vital documents have not been produced by Sit which goes against the interests of justice.
- I) Besides witness nos 65, Munsafkhan Pathan had stated in his statement before SIT made on 11.6.2008 that "on the day of the incident around 2 p.m. PSI Parmar while on police patrol of the village had come to my home. At the time one Shankar Revabhai Prajapati informed me that Patels are likely to cause trouble in the village today and this he had thereafter informed to PSI Parmar. PSI Parmar had called Vijapur police station requesting greater police force and also made told the police station to make an entry in the station diary." Similarly witness 99 PSI GK Parmar has stated in his statement dated 16.6.2008 that Munsafkhan Pathan had called a "peace meeting" with fifty odd persons including women and men and he had also by telephone called sarpanch Kanubhai, former sarpanch Dashrathbhai Patel to the meeting. This witness also stated that at this time witness Munsafkhan had made several phone calls from his landline to the Vijapur police station for more police force. Thereafter from his landline I rang the Vijapur police station and spoke to PSI OK Jenu asking for more forces and full protection for the village. The investigation has not looked into what steps were taken to ensure that those who felt threatened felt same. For this the Vijapur police station diary, and the Phone Call Inward Register are critical. Movement of police vans etc are also critical records of which should have been placed with

the chargesheet. There are serious charges of complicity in the attacks and violence on the local police. To establish or clear these allegations it was imperative for SIT to have investigated these lapses.

- J) Around 8.30 p.m. on the day of the attack, witness statements suggest that some of the accused had burnt three shop *galas* from Shaikhvaas (where the final attack took place). At the time the police did come to the spot but thereafter vanished without even firing at the mob that had gathered. SIT has not investigated this lapse as it was mandated to, why adequate police protection was not given and what were the circumstances behind this failure by the police.
- K) The affidavit filed by Munsafkhan Yasionkhan Pathan, a witness in the Honourable Supreme Court dated 31.3.2004 has not been appended to the chargesheet filed by SIT in this case whereas the affidavits of eight other witnesses filed in the apex court have been filed. The reasons for this discrepancy that is glaring need to be addressed by the Court. In his statement before SIT Munsafkhan, on 11.6.2008 also speaks about the preparations for the attack, including the lighting of halogen lamps in the village square on an electric pole and even these aspects have not been properly investigated by SIT.
- L) The case papers in this case and the witness statement of Firojaban Bachumiya suggest that iron rods with an electric current were forced and suspended into the home of Mehmoodmiya where women, old men and children had fled to take shelter. These statements say that the current connection was taken from an electric pole near the home of Nathubhai Karsanbhai but nothing in the SIT investigation has explored this aspect of the crime.