

Arguments to Show How even the SIT Faltered in Its Investigation

1. In the statement of the witness no. 481, Ashish Khetan, journalist with Tehelka, the witness had mentioned mobile numbers of some accused. Despite this, the SIT has not investigated and has not obtained print outs. Any material found to be helpful to the investigation from the statement of the witness during the investigation, the investigating agency should procure it. In this case neither such mobile numbers nor the details of the calls have been produced which were necessary for gathering information about details of the events at the time of the offence and thereafter.
2. In Tehelka's sting operation, conversation of the accused with others have been recorded. In the chargesheet page no. 2245, it is observed that relevant chips, laptop have been recovered by the C.B.I. With regard to the offence, when this kind of evidence can be made available then the investigating agency should obtain the evidence and produce the it. As per the statement of Ashish Khaitan the witness, he has produced the C.D. before the investigating officer. He has produced the duplicate of the originals. Yet, the same has not been produced by SIT in this case. Why?
3. It was only after this re-investigation application was filed by witnesses and victims that the prosecution produced the CD of the offence before the Court. Before this SIT had withheld this CD.
4. Key police officers were exchanging the messages on their mobile as well as wireless sets in the government vehicles at the time of the offence, however, no such message book print outs of the mobile phones have been recovered by SIT pointing to a gross lacunaue in the investigation. All these details are available in the form of literature or as per the procedure recorded in the message books for wireless messages and for that there is no question of investigation. However, with that regard, the log books can be produced from the concerned police station as well as from the log book of the police vehicles used during that period.
5. SIT failed to investigate into the phone call entries made by former parliamentarian Ahsan Jafri slaughtered in cold blood by the mob. Witnesses have stated that he made dozens of frantic calls before surrendering himself when he realized he was a premeditated target. SIT blithely told the Sessions Court that Shri Jafri's phone calls records have been destroyed!! However SIT has done nothing to interrogate or investigate when this happened, who were

officers, was it routine destruction or on instructions of hire-ups etc. Ahsaan Jafri had called up several police officers, political leaders from his landline number 2129266 asking for help.

6. SIT did not investigate as to how the dead bodies were shifted to the hospital after the panchnama was taken.
7. Though panchnama of the scene of the offence has been drawn, no proper technical map drawn.. For proper appreciation of the evidence, the map of the scene of the offence is necessary. Considering the facts of this case, to understand how the offence must have taken place, it is necessary to bring on record the map of the scene of the offence as well as the surrounding area around the scene of the offence. The earlier map produced on record is defective as submitted by the parties. SIT had made no efforts to get a proper map drawn.
8. Though the station diary of the Meghaninagar Police Station, the vehicles of Meghaninagar Police Station during bandobast, the log book of the concerned officer and the log book of the police etc are important documents, SIT made no efforts to produce them or investigate them during its eighteen month long investigations.. All details recorded in the police diary of the Meghaninagar Police Station between the date of the offence i.e., 28.2.2002 and the date of filing of the first chargesheet as well as the log books of the vehicles used should be brought on record.
9. Many eye witnesses had received serious injuries and they were treated in the dispensary relief camps, yet their medical certificates or papers have not been obtained by the IOs.

N.D. Parmar – II PI, Meghaninagar Police Station:-

- (1) He was on Police Bandobast at the Dariyapur Police Station on dated 27-2-02 at noon and present at the Meghaninagar police station on 2-3-02 at noon.
- (2) He recorded the statements of witnesses and was the officer who ensured that the dead bodies were returned to their relatives.
- (3) Witnesses had, in 2002 and 2003, complained through sworn affidavits and applications made before the Sessions Court and to the Commissioner of Police, Ahmedabad, that PI Parmar had not recorded their statements accurately and these witnesses had therefore, also applied to the sessions court for reinvestigation into matter.

- (4) Second PI, Parmar filed an affidavit in the sessions court regarding the matter and in this affidavit he had stated that after inquiring into the applications and affidavits made by victims and witnesses he found nothing wrong with the investigation and therefore had not taken any action. He also clearly stated that this case was not fit for further investigation. He therefore had requested the court not to consider the application made by witnesses.
- (5) Second PI N.D. Parmar had not inquired into the legitimate requests of witnesses but had clearly acted in favour of the accused.
- (6) After the Hon'ble Supreme Court appointed SIT for further investigation into these aspects including the failure of the earlier investigation, SIT did record statements of witnesses and on the basis of these statements arrested some of the accused who had not been arraigned as accused before and also filed fresh charge sheets in the court. This indicates truth in the claim of witnesses made to the apex court. However second PI Parmar despite his role in protecting the accused and filing a false affidavit in the sessions court, has not been charged by SIT for these grave offences.

P.N. Barot (Asst. P.C. "B" Divi.):

- (1) Shri Barot was appointed as inquiry officer for Gulberg case dated 8-3-2002. He investigated the matter until 30-4-2002.
- (2) Despite this being such a major case, this officer did not further investigate nor record any statements of the witnesses.
- (3) He did not further the inquiry in any way.
- (4) He did not try to attempt to get any medical certificates from the hospitals for the injured persons who were injured at the time of offence.
- (5) Many injured persons had been given medical treatment while in Relief camps, yet he did not try for them to get them medical certificates.
- (6) At the time of offence, Shri Jafri called many police officers and leaders, yet he did not try to get call details of the distress calls made by Shri Jafri..
- (7) He did not inquire about the role of the police in this mass crime and has not taken any action against them.

- (8) Shri Barot has not inquired into the quality of the Panchnamas recorded by the police soon after the incident. He has observed in his statements before SIT that he had, at no time during the course of the investigations, inquired into or reported about the complicity, error and negligence of police officers at the time of the incident and thereafter at the time of investigation. Shri Barot has stated that he had not looked into what they had or had not done. SIT has not charged him with anything to do with negligence or haphazard investigation or even tried to inquire whether there was pressure from higher ups to scotch the investigations into this case.
- (9) Seventy persons were slaughtered in cold blood in the Gulberg society massacre and though forensic/FSL investigations would have helped established details of the crimes committed. No forensic tests were taken at the appropriate time and no inquiries made by Shri Barot about this lapse.
- (10) Shri Barot did not record any statements of police officers and policemen named by witnesses in this case.
- (11) There were many survivors in the Gulberg Massacre and policemen had been with the survivors for five to six hours. Yet no police officer made any of the survivor eyewitnesses complainants in the FIR. Neither did Barot go into the reasons for this deliberate lapse.
- (12) The Hon'ble Supreme Court appointed SIT to inquire into various aspects of the case about the case including faulty investigations and deliberate attempts to protect the accused. However SIT has not tried while recording statements of policemen tried to ascertain allegations into these lapses at all. SIT has skirted the issue and have simply tried to state that the incident was the result of a mob reaction to the Godhra incident. SIT has put no queries to policemen on why names of powerful accused were left out of investigations, why preventive action after the bandh call was not taken, how and why bodies of those killed were destroyed further despite the fact that when survivors fled under police protection, joint commissioner of police <MK Tandon was present at the time etc etc. All in all SIT has performed a superficial investigation.

M.T. Rana (Asst. P.C. "G" Div.)

- (1) He was ACP on duty when the Gulberg society massacre happened in "G" Div. He was incharge of 'F' Div. for 'F' Division's officer was on leave.

- (2) He visited Gulbarg society massacre on 8-3-02 after the FIR was registered.
- (3) He stated in his statement in SIT that he instructed PI KG Erda and guided him also in the investigations .
He stated that did not get more time to inquire with officers except issue guidelines and visit the place of offence, because of VIP Bandobast and trying to control the low and order situation.
- (4) He did not inquire into the failure and lapses by the police though he was a senior officer. Neither has SIT queried him on the lapses.
- (5) Inquiry officer did not inquired about important mistakes. Conducted by the local police. Was this because the OP Shri Sutar hails from the police himself?
- (6) Some people of Gulbarg society who were alive and important eye witnesses who stated they knew about accused yet the FIR was not registered at that time in the evening.
- (7) Many of the survivors of the Gulbarg society massacre stayed at the police station that night (Shahibaug) where many senior officers were present yet no efforts were made to record an FIR or take their statements. SIT too has not investigated this fact.
- (8) Eye witnesses reached the Relief camp of Dariyakhan Ghumat here too many police officers were present, but no complaints were recorded by higher police officers of the eye witnesses and victims. Sit too has not looked into this fact.
- (9) After the Gulbarg massacre took place, PI Erda had filed the FIR in hisname and thereafter conducted the inquiry himself which is unlawful.
- (10) Many persons from Gulbarg society were injured by stone pelting and burnt by being thrown into the fire and even injured with fatal arms. Yet the police did not even try and take them to the hospital. SIT has not investigated the reasons for this brazen lapse.
- (11) Rana did not pay any attention during his visit for failing to obtain medical certificate for the injured persons and tried to obscure away this lapse. SIT has not queried him on this.
- (12) Many persons died due to being burned burnt alive in Shri Jafri's house was fact, yet Rana did not try to get dead bodies nor did he summon firefighters.. Not only that but he had to call fire fighters but he did not do so. Dead bodies were obtained in horrific condition many days later and for this all senior officers apart from Erda himself are responsible. SIT has however not inquired into this callous complicity of the Gujarat police.

- (13) K.G. Erda made many panchnamas in Gulbarg case. The inquest panchnamas were prepared mechanically recovery panchnamas and inquest panchnama's were done with discrepancies over the time they were recovered. When questioned he has simply said that it is important to show different times on the record indicating that no serious efforts were made to have an honest investigation.
- (14) As a higher officer he had not give any attention about this kind of serious case and he did not suggest any action against policemen who had failed in their duty.
- (15) FSL role is important in this kind of serious case yet K.G. Erda had not done any action regarding the matter. No blood samples were taken. Directly or indirectly he tried to assist the accused.
- (16) M.T. Rana is a higher ranking officer and he visited this case and he knows the value of FSL tests. It was his duty as a higher officer to order FSL tests if Erda had failed in his duty. Yet he did mnot do so.
- (17) The violence continued the whole day and property of the minorities was damaged and destroyed by the accused mob. Thousands of people had gathered in a mob, yet no one was arrested. For six days no one was arrested. This seems to imply that the Gujarat police gave an ample chance to the accused to escape. Rana as a senior officer was also guilty of gross dereliction of duty.
- (18) .He has tried, in his SIT statement to explain away the lapses on grounds that it was an abnormal siyuation .
- (19) Gujarat police have tried to hide the indicators for build up to the violence and SIT has allowed them to get away with this explanation. For example:
- (1) On 27-2-02 in Meghaninagar area a Muslim rickshaw driver was injured by arms. In this regard FIR no. 65/02 as per IPC sec. 307, 114.
 - (2) A person was attacked in this area of Meghaninagar FIR no. 66/02 as per IPC sec. 307, 114 has registered. Incidents occurred before a day, yet no action had taken against unsocial elements.
- (20) M.T. Rana stated in his statements that he came at 5.30 pm to Gulberg society and went to Naroda Patia at 24.00 at night. He visited Gulberg society at 21.00 o'clock and he gave guidance and necessary instructions to the inquiry officer.

- (21) Rana stated that he was present till late night and yet Shri Jafri's house continued to burn. The Fire brigade simply did not come and no one called fire brigade at night as is clear from the Fire Brigade Register
- (22) .As per the statements made by and before the police, the fire was burning until the next day and yet none of these officers thought it fit to call the police!!
- (23) Rana has stated in his SIT statement that he protected the survivors of Gulberg society and sent them to Shahibag police station and then took them away to a Relief camp. Many were injured seriously yet he did not call an ambulance and did not try to send them to hospitals.

K.G. Erda, PI Meghaninagar police station:-

- (1) Erda was the complainant when the massacre of Gulberg occurred. He also inquired into the matter which is unlawful.
- (2) After the massacre, survivors and eye witnesses were present at the scene of the crime, Gulberg for at least one to two hours before they were rescued.
- (3) At that time all eye witnesses present.
- (4) At that time PI, ACP, DCP, Joint commissioner were present yet no one tried to note down the FIR and complaint. SIT has simply ignored this gross failure.
- (5) Those victims' who were alive had been taken away to Shahibag police station. Higher officers were present there yet no complaint had taken from victims.
- (6) In Gulberg society massacre many persons were injured for burnt, stone pelting and fatal arms yet no one, including Erda tried to send them to hospital.
- (7) Some injured persons had taken treatment in V.S. hospital and some had taken treatment in Relief camp but no one from the police helped them get a medical certificate.
- (8) No procedure was performed on the dead bodies which had been recovered burning from Shri Jafri's house.
- (9) Panchnama's are not prepared properly for inquiry.
- (10) No videography or photography done at the site of offence, or no map prepared of offence place.
- (11) FSL work is important in any case yet not any FSL officer called at site of offence

- (12) No one was arrested though the violence continued till full day.
- (13) The first arrest on 6-3-02 FIR registered on 67/02
- (14) No work had done to interrogate history sheet on 28-2-02 in the Meghaninagar area.
- (15) Inquiry agency and PI stated that the mob excited after private firing from Gulberg society which was the cause of the incident!!
- (16) It is clear from the police officers statements that it is fact that private firing incident occurred only after 2.00 pm but the violence and attacks had started as early as 10.30 a.m. on Gulberg society. Yet the police have tried at every step to avoid the truth coming out. The mob attacked the police as well.
- (17) CISF commandos reached at Gulberg society after 2 p.m. who were with arms. Yet no order was given to them to fire. But at 6.00 when alived victims were shifted to safer place only then orders to fire were given!!
- (18) Shortage of staff yet II PI N.D. Parmar was not called into this area of Meghaninagar
- (19) It is clear in panchnama's that videography was taken of the scene yet this was *not placed* in as an evidence part in the charge sheet until witnesses demanded it.