

**NARODA PATIYA CASE**

**Sessions Case No 235/2009**

**With**

**Sessions Case No: 236/09, 241/09, 242/09, 243/09, 245/09, 246/09 and  
270/09.**

**THE ARGUMENTS IN WRITING BY THE ADVOCATES FOR THE VICTIMS.**

**ADVOCATES**

**RA SHAIKH (RAJU SHAIKH)**

**ALTAFKHAN I. JIDRAN**

**Accused no 1 to 21.**

**IN THE COURT OF THE HONBLE CITY  
SESSIONS JUDGE AHMEDABAD**

The State Complainant

V/s

Naresh Agarsing Chhara and others

Accused persons.

Under Section 120(B), 153, 153 (A) (2), 186, 188, 201, 295, 295 (5), 298, 302, 307,323, 324,325, 326, 332, 395, 396, 397, 398, 435, 436, 427, 440 read with section 149 and 143, 144, 145, 147, 148, read with section 149 and 354 read with section 34 and 376, (2) (G), 354 and read with section 34 and 315 read with section 34 of the I P C and u/s 135(1) of BP Act.

Subject: The arguments in writing for the Affected victim witnesses of this case.

We the advocates for the victims of this case hereby produce these arguments in writing in the Honble Court.

1) As a reaction of the incident occurred at the time of Karsevaks who were sitting in railway coach at railway station at Godhra, while returning by railway on past 27-2-02, who had gone to Ayodhhaya pursuant to construction of Ram mandir, Vishva Hindu Partishad, Bajarangdal and BJP had given a call of Gujarat Bandha on past 28-2-02.

2)As a reaction of the incident of Hindu karsevaks were burnt alive in Godhra carnage, the crowds of Hindu community, all accused persons of this case, deceased accused persons, absconding accused persons, crowds of unidentified accused persons during the period from 8-00 am to10-00 pm on 28-2-02 in different areas of Naroda patiya at different times, with a view to express their anger, with a view to take revenge with Muslim community, with an intention to cause damage to the lives and properties of Muslims, committing attack upon the Muslim community (all accused persons of this case, deceased accused persons, absconding accused persons, crowds of unidentified accused, thus all the crowds of Hindu community) in preplanned

manner on the day of Gujarat bandha with a view to confuse and frighten the Muslim community, with a view to take revenge of Godhra incident, in furtherance of their common intention, forming unlawful assembly under the leadership of some accused persons, all the accused persons being the members of unlawful assembly by instigation of leading accused persons, all the accused persons during the period from 8-00 am to 10-00 on 28-2-02, at different places and time in Naroda patiya area, in continuous transaction, becoming members of unlawful assembly, becoming fully acquainted with the common objects and common intentions, with a view to accomplish the common objects and common intentions being armed with deadly weapons, mattresses, carboys of inflammable liquids and that of kerosene etc, making slogans hurting feelings of Muslims, have committed the criminal acts resulting in communal tension and caused economic loss at different places and time in Naroda patiya area by trespassing, pulling down, looting and setting on fire the house hold articles, houses and shops and religious places situate mainly in Hukamsing' s chali, Panditi' s chali, Kashriam mama's chali, Gangotri and Gopinath society, Badarsing's chali Husennagar, Javannagar, Kumbhaji 's chali, Imambibi' s chali, surrounding area of Noorani Mosque and chalis near ST work shop and beside and Thakkarnagar area, Bhagyoday hotel, Krishananagar cross roads, Natraj hotel, water tank, Khdavali chali, Saijpur tower, Excise choky etc places.

3) All the accused persons of this case, in furtherance of their common intention, forming unlawful assembly, holding deadly weapons, beating with those weapons to so many men women and children of Muslim community, causing fatal injuries intentionally, killing, committing their murders, burning them, causing their deaths, burning the corpses of those persons who were burnt alive with a view to destroy the evidence and thereby destroyed the evidence Besides, making stone throwing, firing, beating cutting off, setting on fire, committing the fatal attacks on Muslim community they have caused serious injuries like the hurt and grievous hurt. Besides, with the common intention to commit the mass rape upon the Muslim women and girls, some

accused persons out of all the accused persons of this case, in abetment of each other, being united, using criminal force, with the common intention to outrage their modesty, committing mass rape and killing them burning them alive have caused their deaths with a view to destroy the evidence. Moreover, the accused No 18 Babu Bajarangi tearing the abdomen of a woman namely kausharbanu by sword and taking out an infant of fetus and moving it on the point of sword and throwing it down and throwing both of them in fire and burning them alive has committed their murder and caused their deaths.

4). The affected persons had made different complains regarding the loss of lives and properties in connection with all the aforesaid incidents. Besides it, Shri VK Solanki PI had on the very same day had given a complain in Naroda police station in connection with the incidents occurred on 28-2-02. Said complain had been given I CR No 100/02. Thereafter, the different complains having been lodged in Naroda police station had been included in Naroda police station I CR No 100/02. Thereafter, the investigation of this offence had been started. Thereafter, the investigation of this offence had been handed over to DCB Crime Ahmedabad. Thereafter, making necessary procedure of the investigation the DCB Crime had made first charge sheet in the Metropolitan Magistrate Court no 11 against total..... Accused persons. Thereafter, the DCB Crime had detained the absconding accused persons and produced the supplementary charge sheets in a manner they were being arrested. Thus DCB Crime had produced total 3 (three) charge sheets before the Metropolitan Magistrate Court no 11.

5) Thereafter, as the victim persons felt the serious type of irregularities regarding the investigation, they had filed the petition in the Honble Supreme Court. The number of said petition is 109/03, RP (Cri) No 37-52/02, CRLMP No 19816/09..As the said petition was filed the Honble Supreme Court had constituted the SIT. With a view to the neutral and true investigation of the offence regarding the communal riots of the year 2002 may be done under the supervision of the the Honble Supreme Court, declaring a

notification on 1-4-08, the constitution of the Special Investigation Team had been made under the Chairmanship of Shri R K Raghvan. The notification thereof was issued, which is produced in the Honble Court and for that reason, the further investigation of said offence had been made by the SIT in the year 2008 and making necessary investigation by SIT, what ever evidences found and detaining whoever accused persons caught, new five supplementary charge sheets had been produced in the Honble Metropolitan Magistrate Court by SIT. Thereafter, all the cases I. e one main charge sheet and other seven supplementary charge sheets thus total eight were produced in the Honble Metropolitan Magistrate Court. Thereafter, as said case is being Session triable all the charge sheets were committed to the Court of Sessions. Thereafter, the cases having been committed to the Court of Sessions from the Metropolitan Magistrate, had been given Sessions case No 235/09, 236/09, 241/09, 242/09, 243/09, 245/09 246/09 and 270/09. Thereafter, granting the application vide ex 22 to club all the cases and to frame the common charge for the joint charge sheet, the Honble Court had passed the order to conduct all the cases altogether. Thereafter, the Honble Court has framed the charge vide ex 65 for the offences u/s Under Section 120(B), 153, 153 (A) (2), 186, 188, 201, 295, 295 (5), 298, 302, 307, 323, 324, 325, 326, 332, 395, 396, 397, 398, 435, 436, 427, 440 read with section 149 and 143, 144, 145, 147, 148, read with section 149 and 354 read with section 34 and 376, (2) (G), 354 and read with section 34 and 315 read with section 34 of the I P C and u/s 135(1) of BP Act.

6) In this case very much uncertainty in the investigation was found. There are so many reasons for the same, out of which main reasons are as under.

(A) All the Investigating officers making investigation right from beginning had made the investigation suspiciously and with a view to save the accused persons.

(B) In view of the evidence in this case, it becomes clear that the police have not attempted to save victims in the incident. Truly if the police would have made attempt to save, it could have prevented this much big loss of life. But the

police have not done any such work. The police had mixed with the accused persons in crowd and discharged the bullets upon the victims, in which the loss of life is caused. The Investigating officer has not made any investigation in that regard.

(C)The incidents have occurred even after 28-2-02 and the accused persons were living in the limit of Naroda police station and they had sufficient opportunity to destroy the evidence.

(D)In view of the evidence of the case, it becomes clear that the persons of Muslim community were living opposite ST workshop, chalis nearby and in back side of Noorani Mosque. For the first time, when the crowd committed attack in this area, the police was present. But instead stopping the crowd, the police had made firing upon the muslims and the police mixing with the accused persons abetted the accused persons. Henceforth, unfortunately, this much big carnage has taken place.

(E) So many police complains of communal incidents occurred in Naroda patiya area were made in Naroda police station. Compiling all those complain in complain bearing no 100, the investigation was started in 2002. Thereafter, as so many Investigating officers were transferred there is possibility of irregularity committed in this offence.

7) Thus completing the investigation in this case, the different investigating officers had filed the charge sheets in the Honble Court. But thereafter, the reinvestigation and further investigation of the offence had been carried out on the basis of the representation made by the as the victims and NGO in the Honble Supreme Court in context with the big carnage having taken place at different places in Gujarat after Godhra massacre. In that connection, the further investigation and statements of witnesses were taken in context with said 100/02 of Naroda patiya and the action has been taken for the persons died in the incident. All the documents there of are on the record of the Honble Court.

8) In this case, the charge has been framed vide ex 62 against total 62 accused persons for the offences u/s Under Section 120(B), 153, 153 (A) (2), 186, 188,

201, 295, 295 (5), 298, 302, 307,323, 324,325, 326, 332, 395, 396, 397, 398, 435, 436, 427, 440 read with section 149 and 143, 144, 145, 147, 148, read with section 149 and 354 read with section 34 and 376, (2) (G), 354 and read with section 34 and 315 read with section 34 of the I P C and u/s 135(1) of BP Act.

9). In this case the Prosecution has taken the depositions of total 327 witnesses to prove its case against the accused persons.

10) The Prosecution had produced the documents by list Ex 134. Thereafter, other documents have been produced during the deposition of the witnesses during the pendency of case.

11) Thus, the big obstacles had taken place in getting true relief by affected Muslims bearing in the heinous crime at large scale during the communal riots and not investigating with regard to the face of investigation may not remain in true direction to reach up to the culprits regarding the injustice to them, the investigation had been made by noting the statements given by the witnesses in a manner creating contradictions intentionally and deliberately.

12) Under the circumstances, there remains no importance of **contradictions - omissions** being considered as raised in the depositions of the witnesses in the Honble Court. It is in the interest of justice to make evaluation of the depositions of the witnesses lawfully.

13) In this case, killing and burning alive total 95 persons have been murdered on the basis of the evidence. The massacre to this much extent is not the biggest of India, but one of the biggest massacre of the world.

In this case, as per the evidence, the accused persons and the crowds of Hindus during the period at about half past eight to nine to ten pm on 28-2-02, have committed the criminal acts. The crowds were gathered near Noorani Mosque at about half past eight to nine on 28-2-02. The crowds were increased gradually. The crowds had come from Krishangnagar and Nartaj hotel and these crowds were gathered on road between Noorani Mosque and ST workshop and thereafter, Mayaben Kodnani had come in the crowd and

Kirpalsing was also with her and they had exited the crowd and stated to kill, cut off Miyans (Muslims) and thereafter, holding harsh form, the crowd first of all had committed the attack upon Noorani Mosque and breaking down inside Noorani Mosque, it had set it on fire and thereafter, the police on site and other police caravan was mixed in the crowd and as per the directions and signs of leaders they had committed the violent attacks on Muslims, who had gone in chalis to save their lives.

Accused persons of this case along with the riotous crowds of Hindu Community had rushed in Muslim chalies from the backside of Noorani Mosque situated besides the ST Workshop and the accused persons joining with the riotous crowds therewith had committed loot, breaking down and set on fire. The accused persons of this case and the persons of the crowd were armed with deadly weapons and inflammable substances like kerosene and petrol and they were committing attacks on Muslims. At that time the residents of chalies of Muslim people i.e. the witnesses of this case and their family members ran toward Gangotri and Gopinath Societies and hidden there in go down and other places to save their lives. At that time, the accused persons had come there and removing Muslims from there, they had made well planned conspiracy to lead them towards Teesra Kuan situated in open ground, situated near Gangotri and Gopinath Society and Naroda and as per this conspiracy, Muslims were running towards the ground and Naroda. As per the plan decided earlier, accused persons and the crowds of Hindu Community were present towards Teesra Kuan in ground and at that time the accused persons and crowd persons attacked on Muslims and beat – cut off Muslims in Teesra Kuan situated in the ground and burnt them pouring kerosene petrol on them and destroyed the evidence. Thereafter, the Muslims who were saved, had returned towards Gangotri Gopinath society to save their lives. At that time, as per plan decided earlier, they had surrounded Muslims near water tank situate between Gangotri society Gopinath society situate opposite the wall of ST work shop near Husennagar and i.e towards the road of ST workshop and ground, thus between both the roads

and at that time, the accused persons had started the massacre of Muslims and pulling young girls from Muslims, they had committed the rape upon them mercilessly and after having committed rape, they had killed and burnt said young girls and the accused persons had made mass massacre of Muslims by throwing inflammable substances like petrol, kerosene and the mattresses made wet by petrol kerosene and had given result as per their pre planned conspiracy. In this mass massacre, beating even innocent children mercilessly and taking them on water tank and throwing in burning fire, they were burnt alive. Thereafter, the accused persons with a view to destroy the evidence, have attempted to dispose of the corpses and the accused persons with a view to destroy the evidence the well, in which they had cutoff and burnt Muslims had filled up that well i.e. They had thrown the deceased hogs in that well and thereby filled it. Thus in overall incident, the deaths of total 95 persons are caused in this incident as per the evidence.

Thus, as a part of overall incident, when Muslims were running from Husennagar and coming towards Javannagar, at about quarter to twelve, Naroda Police Inspector Shri Maysurvala was coming by road of Uday gas agency. He had come in his jeep and stopped the vehicle near Panchavati Estate. He and four police persons had got down from the jeep and after ten minutes Mayaben Kodnani had come in maruti motor of white colour. She had got down from the motor and thereafter, Bipin Panchal, Murli Sindhi, Guddu Chhara had got down from the vehicle. The crowd of about 20 thousand persons of Hindus had come behind said maruti and opening the door of mariuti, the swords were taken out and distributed and thereafter, the work of beating and cutting off was done in khada of Javannagar. Thereafter, the crowd persons had pulled own the compound wall of Javannagar by vehicle of witness Dildar Saiyad and pulling down the wall of Janvannagar, the crowds of Hindu community had rushed in side the chalis of Husennagar and that crowd also had started beating, cutting off and loot and setting the houses on fire. Thus, the accused persons along with the crowd persons have committed the terror at different places in overall

incident and have given result to the criminal conspiracy and the accused persons have succeeded in their common intention.

**MOTIVES (COMMON OBJECT)**

This heinous incident occurred in Naroda Patia is not an accidental incident. In furtherance of this common object, the communal institutes and Babu Bajragi and other leaders of this case being united have collected police revolvers reaching to the houses from Naroda area at night on 27/2/2002 as a part of well planned conspiracy of Godhra incident with a view to take revenge from Muslims and ruin them and this fact has received a support from the deposition of Ashish Khaitan. Perusing the transcript produced during his deposition it becomes clear that how the common object and criminal conspiracy had been made. Thus, the revolvers collected at night on 27/2/2002 is a part of this criminal conspiracy and after having collected these revolvers, arranging a meeting as to how the attacks be committed and what to do, the leaders of Naroda Patia who are the accused persons of this case, who are having such communal approach had made a preparation before one day and with a view to give result to this conspiracy, had started the riots right from the morning of 28/2/2002 and crowds of Hindus gathered at Noorani Mosque from Natraj and Krishna Nagar and thereafter, a leader of Hindu Communal Institute, who is one of the accused of this offence i.e. Mayaben Kodnani had come in her motor and delivering an exciting speech, she had instigated the crowd and thereafter excited crowd and in furtherance of its object, the said crowd had committed attack on Noorani Mosque. Keeping tankers in Mosque it was set on fire by Gas Cylinder. Thereafter, as Muslims rushed to police to seek help, the police had denied to help and stated clearly that there is order from above, "today you have to die". So many witnesses have spoken accordingly before the Ho'nble Court and this fact gives support to the criminal conspiracy. Because it was the duty of police to stop the riots and to save the Muslims and in spite of it was the duty of police to control the riotous crowd, the police have not performed its duty. On the contrary, the police also mixing with crowd, as per say of crowd, as per its guidance, had started firing upon Muslims. Muslim persons have died in

firing. It certainly transpires from the fact that the police was with Communal Hindu Institute. Instead of saving Muslims it had played an active role to kill them.

Moreover, in this continuous incident, as per say of leaders of crowd, as the police made firings on Muslims, they had started to run in Chalties and the riotous crowds of Hindus had rushed in Chali behind the Noorani Mosque, in Chalties of Husennagar near ST Workshop. The persons of this crowd making the incident of Godhra dated 27/2/2002 as a news, were beating cutting and burning to Muslims. Looting their houses, they were setting on fire and the overall incident has occurred constantly. The crowd persons and leaders have committed ..... at different place during whole day and made the criminal conspiracy successful. As a part of this criminal conspiracy, Mayaben Kodnani and other accused persons had come in a motor at around 12:00 pm – 1:45 pm. A vehicle of PI Mysorewala had come following their vehicle and Mayaben Kodnani and the accused persons of this case had got down from the vehicle in the presence of the police and taking out swords from the vehicle, the same were to given to the Hindu persons. Dildar Umrao Saiyed a witness of this case had eye witnessed this incident. He has stated this even in the Ho'nble Court. At that time, a threat was given to a witness and stated, you go away otherwise you will be killed. This incident also gives support to the criminal object of the accused persons of this case. Because these swords had been distributed during 12:00 pm to 1:45 pm and thereafter the massacre having been committed appears from the deposition of the witnesses in the Ho'ble Court and so many Muslims had been killed by these swords. This is not an accidental act. The criminal act has been given a result as a part of pre planned conspiracy, which is being proved by deposition of those witnesses.

**CRIMINAL CONSPIRACY**

In this case, the heinous incident has not occurred incidentally. The accused persons of this case have made the criminal conspiracy earlier and as a part of that conspiracy Babu Bajarangi and the accused persons of this case being united on 27/2/2002, making the conspiracy successful have collected total 23 revolvers from the persons holding guns revolvers in Naroda area. This fact transpires from the deposition of witness No. 322 Ahish Khetan and the accused Babu Bajarangi has admitted this fact in sting operation, which is a confession of offence. Thus it transpires clearly that the plans having been made before one day of incident with a common object to ruin Muslims were succeeded on 28/2/2002, which has appeared in view of this evidence and as a part of this conspiracy the accused persons of this case had attacked on Muslim area and Noorani Mosque right from the morning of 28/2/2002 and as a part of this conspiracy accused no. 37 Mayaben Kodnani had distributed the weapons to the accused persons on the day of incident. The arrangement of these weapons is not possible suddenly. It is going to be proved that Mayaben had made bandobast of killing weapons earlier, which transpires clearly and Mayaben Kodnani as a part of the conspiracy has distributed these weapons to the accused persons and the carnage is committed by those weapons in all areas. It is going to be proved from the evidence of this case.

It is further stated that the police also did not help to Muslims even on the day of incident. As the helpless, innocent poor Muslims made earnest request to police to seek help, the police had clearly denied to help and stated "Today you have to die". "Today there is our holiday". You have to die. There is order from above. It is stated accordingly. The witnesses have stated this in their depositions. Besides the police have made firing upon such helpless poor innocent Muslims as per guidance of crowd. Thus it appears clearly that the police forgot its duty and joined with accused persons to commit the offence.

Thus it can be said clearly from this fact that the police was also given instructions earlier to remain inactive and it was also a part of conspiracy and as per such well planning, the police have remained inactive on the day of incident and they have committed the oppression upon muslims.

Thus, perusing the aforesaid all the facts and evidence it appears clearly that the loots, rapes, attacks on religious places, setting the properties on fire, blasting the gas cylinders and physical massacre are not accidental incidents. All these acts have been made successful as per the pre plan. There is no reason for not believing accordingly.

In view of the evidence and especially the deposition of Ashish khetan and conduct of the police officers and SRP officers, the conspiracy to commit the offences at large scale against one community had been made and the communal elements, communal institutes, the police officers and SRP officers being considered big and powerful political persons were associated there in, which appears clearly.

### **Intention of Accused**

This incident occurred in Naroda patiya area is not an accidental incident. After making propaganda at large scale as to the muslims have resulted the massacre of burning alive hindu karsevaks in Sabarmati express train at Godhra on 27-2-02, the accused persons of this case, with a view to take the revenge from muslim community and to ruin the lives and properties and prestige of religious centers of muslims in a manner it can be done and committing the mass killing (massacre) of Muslims in the number more than Hindus died in Godhra train incident, with an intention to ruin Muslims from this area, have resulted all these crimes and their mass killing has been done, which transpires clearly.

In view of the evidence of this case, the pre- preparations have been made, revolvers have been collected, swords have been distributed, inflammable substances have been collected, gas cylinders have been used. Besides after killing innocent persons mercilessly, the assurance has been made for being dead by giving kicks and beating with pipes to the dead bodies and the beast pleasure has been looted by throwing innocent children in fire.

### **Missing person**

The discussion of evidences to prove such facts that the remaining of the persons died are not received and their deaths are homicidal deaths.

As per section 59 of the Evidence Act, any fact except the document can be proved by oral evidence. In the present case, it is to be proved that the remaining of the persons died are not received and their deaths are homicidal deaths.

In ordinary circumstances, the corpses of dying persons are being given and the post mortem examination of that corpse is being done and the doctor gives such an opinion as to how the death of injured is caused. During the post mortem examination the facts such as how much external and internal injuries are caused to injured are shown. But in the case where, the corpse of injured is not found, it can not be believed that the offence of murder is not committed for such reasons. If such principle was in force, then each accused causing death may destroy the corpse and the offence of murder can not be proved at all. Ordinarily, there is such a rule that the corpse should be found. But there is no such a law that the corpse should be found in each case and in the case, where the corpse is not found, how ever the circumstantial evidence is strong the accused can be punished and therefore, the Honble Supreme Court has stated in **AIR 2002 (SC) page 2920**.

### **AIR 2002 (SC) page 2920.**

It is well –settled principle in law that in a trial for murder, it is neither an absolute necessity nor an essential ingredient to establish corpus delicti. The fact of the death of the deceased must be established like any other fact. Corpus delicti in some cases may not be possible to be traced or recovered. There are number of possibilities where a dead body could be disposed of without trace, therefore, if the recovery of the dead body is to be held to be mandatory to convict an accused in many a case the accused would manage to see that the dead body is destroyed which would afford the accused complete immunity from being held guilty or from being punished. What is therefore required in law to base a conviction for an offence of murder is that there

should be reliable and plausible evidence that the offence of murder like any other factum of death was committed and it must be proved by direct or circumstantial evidence albeit the dead body may not be traced. See *Sevaka Perumal and other V/S. State of Tamil Nadu*, 1991 (3) SCC 471. Therefore the arguments that in the absence of coprus delicti the prosection case should be rejected cannot be accepted.

**ABOUT SECTION 108 OF THE EVIDENCE ACT.**

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The incident of Naroda patiya has occurred on 28-2-02 and the evidence of this case has been recorded before the Honble Court after about 8 years. Pursuant to the provision of section 108 of the Evidence Act if a person is not being found up to or more than 7 years, then such presumption can be made as to he has died and if the those persons who state that the missing persons are surviving then it is their responsibility to prove the same. In the present case, no remaining of three persons, who have died are found and the defence could not prove as to said persons are surviving. Thus, in this case, it becomes clear from the evidence of the witnesses taken before the Honble Court that the remaining of three persons are not found and they have died by burning in the massacre committed at Naroda patiya. The aforesaid fact gets support by para no 18 and 27 of page no 681 of 2008 (3) SCC of the Honble Supreme Court.

**2008 (3) SCC Page 681 Relevant Para 18, 27.**

(18) Indisputably, Suraj Pal Singh has not been seen thereafter. He was not been heard of. Nobody in his family has heard from Suraj Pal Singh for the last 27 years. In terms of section 118 of the Indian Evidence Act he is presumed to be dead. But in absence of any proof of death having been caused to him, a charge u/s 302 of the Indian Penal Code could not be made. Fact remains that he has not been heard of seen from the date of incident, the law presumes him to be dead.

27. In Ramjee Rai & Ors. V/S State of Bihar 2006 8 SCALE 440, this court observed:

“It is now a trite law that corpus delicti need not be proved. Discovery of the dead body is a rule of caution and not of law. In the event, there exist strong circumstantial evidence; a judgment of conviction can be even absence of the dead body.”

### **REGARDING PANCHNAMA**

In this offence, the panchnamas of seizing the articles at different time and different places and that of scene of offence and that of identification of corpses and that of inquest have been made. Out of the same, the sub witnesses of some panchnamas have not supported to the Prosecution case. There may be many reasons for panchas of panchnama to give support to the case. But for that reason, there is no such a law that the fact of panchnama is not proved. It gets support by the deposition of investigating officer regarding the panchnama.

The Prosecution has produced buy list the panchnamas. Accordingly, some facts have been mentioned except whatever seen by the panchas at the place of incident and whatever articles seized. But all the facts except what ever seen by the panchas on site may be considered as the statement u/s 162 of the Criminal Procedure Code.

The panchnama of scene of offence has been made vide ex 1749. According to that panchnama, the most of houses, shops etc have been pulled down and looted and set on fire in Naroda patiya area. For the sake of argument, even if it is believed that the panchnamas have not been made as per the Prosecution states, the properties of muslims had been destroyed and set on fire and looted and the muslims of Naroda patiya are have been examined as the witnesses before the Honble Court and the Govt. has paid the compensation to victims towards the loss. Thus, all such facts are being proved that the properties of muslims have been fully destroyed and looted and set on fire on the day of incident.

Besides, PW no 196 is a pancha witness, who is pancha witness of panchnama regarding having identified the corpses. As per this panchama, witness Jaydabibi Muhammad mashak Kureshi has identified the corpses. The panchnama regarding the same is produced by ex 1349 and she has identified the corpses in presence of f panchas. Accordingly the facts of panchnama are being proved clearly.

**MAP OF SCENE OF OFFENCE**

In this case, the main incident of offence has occurred in Naroda patiya area and 58 persons have been burnt alive and killed in khancha of water tank situate between Gangotri- Gopinath societies situate in Naroda patiya area and including other incidents total 95 persons have been killed. The Prosecution witnesses have given information about the site situation associating all those areas. Accordingly, the houses, shops, mosques, vehicles of muslims situate in chalies around Noorani mosque, all muslim chalies near the gate of ST work shop of Naroda patiya area, Dilip's chali to chalies of Husennagar Javannagar are pulled down and damage is caused and set on fire and looted. The victim witnesses have stated all the facts accordingly and the Investigating officer of this offence has stated this fact. Further, it also appears clearly from the map produced in this case that there was population of Muslims in this area and the population of Hindus is situate all around their chalies.

In this case, the map of scene of offence by PW No 63 is produced in five parts in the Honble Court vide ex 474/1 to 474/5. Further, the map of site situation of mark 1732 /32 is produced by PW No 63 vide ex 2221. The person who has prepared the map has been examined in the Honble Court and as he was instructed by SIT to prepare the map, it is not so that it is prepared in favor of the Prosecution. But the map is made for the Honble Court may get full idea of place of incident and that of surrounding area. In this case, the defence could not show that the false fact is shown in this offence. Even if the map is made later on, the place of incident is not being changed. They remain on the same place. In the present case, the Judge of Honble Court also has visited the place of incident. Thus, only the aim to prepare the map of scene of offence is to make the Honble Court acquainted with the what site situation is there.

**IMPORTANT FACT TO BE TAKEN IN TO CONSIDERATION AT THE TIME  
OF EVALUATION OF THE DEPOSITIONS OF THE WITNESSES.**

All the witnesses of this case are the persons maintaining the lives of quite low level. Most of witnesses are illiterate persons and that of labour class. Besides most of women witnesses do the labour work and they are house women and they are fully illiterate and all the witnesses of this case are rustic witnesses. All the witnesses of this case on the day of incident have seen their relatives or neighbors dying, sustaining injuries quite from short distance and in condition of burning in fire and trying to save their lives. It can not be expected that in such difficult and dangerous period, they may make quite perfect description of the incidents or give deposition regarding the same. Because, the atmosphere of the day of incident was dangerous to such an extent that the persons were in worry as to how save their lives. Therefore the facts of incident are possible. Hence there is no reason for not believing the depositions of these witnesses. (By Citation No 9).

It is possible that the disorder may come in the facts such as time of incident, in which certain manner it occurred, which person took part in the incident and on which place the incidents have occurred.

Thus, if the witnesses could not make clarification regarding the certain fact, certain incident or place, before the Honble Court, then the evidence raised before the Honble Court can not be disregarded. Because these witnesses are illiterate witnesses. They are rustic witnesses and not knowing Gujarati language. Therefore only they have given the depositions in Hindi before the Honble Court. Thus, these witnesses have given sufficient evidence against the accused persons before the Honble Court.

14). The witnesses having been examined in this case are distributed in total 7 parts, which are as under.

The victims and relatives of deceased persons being eye witnessed the incident (total 175) witnesses).

Pancha witnesses (total 39 witnesses)

Official witnesses (total 17 witnesses).

Doctor witnesses (total 42 witnesses).

Police witnesses (total 44 witnesses).

FSL Experts witnesses (total 1 witness).

Other witnesses (total 9 witnesses).

On making evaluation of the evidences given before the Honble Court by the aforesaid witnesses the following points regarding the legal situation are important on the aforesaid judgment.

In this case, compiling the complains made in context with Naroda police station, CR No 100/02 was made in beginning. The investigation made by the Investigating officers has not been done properly. The representation was made accordingly and the witnesses have made allegations before SIT and the Honble Court as to the police have not written the statements as dictated by them and therefore only the constitution of SIT has been made and the witnesses have dictated their statements before SIT. Therefore the contradiction has come in the statements of 2002 before police. Under the circumstances, it is necessary to make evaluation of the contradiction came in the deposition before the Honble Court.

### **JUDGMENTS**

#### **AIR 1956 PAGE 181**

Statements made by prosecution witnesses before the investigation of police officer being the earliest statement made by them with reference to the facts of the occurrence are valuable material for testing the veracity of the witnesses examined in the court, with particular reference to those statements; but the statements made during investigation are not substantive evidence.

Hence the record made by police investigation officer has to be considered by the court only with a view to weighing the evidence actually adduced in Court. If the police record becomes suspect or unreliable police record becomes suspect or unreliable as in the present case, on the ground that it was

deliberately perfunctory or dishonest, it loses much of its value and the court in judging the case of a particular accused has to weigh the evidence given against him in court keeping in view the fact that the earlier statements of witnesses as recorded by the police in a tainted record has not as great a weight as it otherwise would have in weighing all the material on the record as against each individual accused. In so far as the High Court misleads itself into relying upon the record made by the Sub – Inspector of Police to discard the evidence given in the court it fell into a serious error.

**GLR page 350**

The Mala fide conduct of the investigating officer could certainly be urged on behalf of the State & the Court can consider it on the basis of circumstances other than the mere discrepant language of the recorded statements of the witnesses.

(2) The mistakes committed by investigating officer in criminal trial are not to be taken into consideration and if it is done so, the future of over all case will come in the hands of Investigating Agency, which is not proper.

**AIR 2000 SC PAGE 185**

**19.** But can the above finding (that the Station House Diary is not genuine) have any inevitable bearing on the other evidence in this case? If the other evidence, on scrutiny, is found credible and acceptable, should the court be influenced by the machinations demonstrated by the investigating Officer in conducting investigation or in preparing the records so unscrupulously. It can be a guiding principle that as investigation is not the solitary area for judicial scrutiny in a criminal trial, the conclusion of the Court in the case cannot be allowed to depend solely on the probity of investigation. It is well high settled that even if the investigation is illegal or even suspicious the rest of evidence must be scrutinized independently of the impact of it. Otherwise criminal trial will plummet the level of the Investigating Officer ruling the roost. The Court must have predominance and pre-eminence in criminal trials over the action

taken by Investigating Officer in the case. In other words, if Court is convinced that the testimony of the witness to the occurrence is true the Court is free to act on it albeit Investigating Officer's suspicious role in the case.

(3) The persons of Naroda area are involved in the incident of this case, in which the number of accused persons is also big. When the accused persons are familiar to the witnesses and the incident has occurred during day time, it is not necessary to make identification parade. Similarly even if familiar's person is there, it may happen that he may not be known by name.

**2002 (1) GLH PAGE 176**

(D). Indian Penal Code, 1860 – Ss. 302 and 149 – Identification Parade – Two of the accused out of six, not named initially – Witnesses were knowing them by face – There is a difference between persons unknown and persons whose name may not be known – Failure to hold an identification parade does not make inadmissible the evidence of identification in Court – The evidence of identification in Ti Prade is not a substantive evidence but is only corroborative evidence – if a witness identifies the accused in Court for the first time after a long time the probative value of such uncorroborated evidence becomes minimal, so much so that it becomes unsafe to rely on such a piece of evidence – However, if a witness has known an accused earlier and if there is no reason why his statement in Court about identification of accused should not be relied upon – On facts, held that the complaint knew all the accused and therefore not naming two of them in FIR does not help the accused not named as complaint identified all of them in Court and her evidence also gets support from the evidence of other witnesses who had known all the accused and had named them – conviction of all accused confirmed – Appeals dismissed.

The criticism against some of the witnesses, who had not initially given the names of the two of the accused persons on the ground that their version should be discarded because no identification parade was held, is fallacious. There is a difference between persons unknown and persons whose names may

not be known. Latter may not necessarily be persons not known to the witnesses though the witness does not know their names. If you know your neighbour by face, but do not know his name, he does not thereby become an unknown person. A known person would be a person whose identity is not perceived by the witness either by looks or by name. A person known need not be an acquaintance. We are satisfied that the witnesses who did not name the accused Nos. 5 and 6 initially had already known them by face and were in a position to identify them as persons who were amongst the assailants. Failure to hold an identification parade does not make inadmissible the evidence of identification in Court, as held by the Supreme Court in *Kanta Prasad v. Delhi Administration*, reported in AIR 1958 SC 350. In *Jadunath Singh V. The State of UP*, reported in 1970(3) SCC 518, it was held that absence of test identification in all cases is not fatal and if the accused person is well known by sight, it would be waste of time to put him up for identification. In *Mehtab Singh v. The State of Madhya Pradesh* reported in (1975) 3 SCC 407, it was held that the need for identification parade arises only if the assailants are not previously known to the witnesses.

**(4) Principle of 'Falsus in uno falsus in omnibus'**

**2010 SCC (CRI) – 1 PAGE 224**

5. Stress was laid by the accused – appellants on the non – acceptance of evidence tendered by PW 1 to a large extent to contend about desirability to throw out entire prosecution case. In essence prayer is to apply the principle of “falsus in omnibus” (false in one thing, false in everything). This plea is clearly untenable. Even if major portion of evidence is found to be deficient in case residue is sufficient to prove guilt of an accused, his conviction can be maintained. It is the duty of the Court to separate grain from chaff. Where chaff can be separated from grain, it would be open to the court to convict an accused notwithstanding the fact that evidence has been found to be deficient, or to be not wholly credible. Falsity of material particular would not ruin it from the beginning to end. The maximum “falsus in uno falsus in omnibus”

has not received general acceptance not has this maxim come to occupy the status of rule of law. It is merely a rule of caution.

(5) The facts as contradiction have been taken in deposition of witnesses, if those facts have been proved by any other evidence on record, then there remains no importance of such contradiction.

**2002 (3) GLH Page 1**

According to all these witnesses, the lamp which was hanging on a bamboo stick gave sufficient light at the place where door of Navela is situated and where the incident of inflicting injury on Rameshbhai had taken place. It is the say of PSI Mr. Dayatar that there was tube light on the bamboo stich which gave sufficient light to ascertain the identity of the assailants. The defence has, however, brought out from the witnesses that this fact was never stated by them in the police statement and this omission has been duly proved during the cross examinations of PSI Mr.Dayatar and Mr.Bhadoriya. However, if the map of the scene of offence which has been produced at Exh.47 and the panchnama of the scene of offence are pursued, the dearily show presence of the electric light at the place stated by the witnesses. The said light was found to be in working condition when the panchnama was drawn early in the morning of 23<sup>rd</sup>. Assuming that the said fact had not been stated by the witness in [page 13] their police statements, such omission cannot be of such a nature that it can be termed as contradiction. It is more so when the say of the witnesses gets ample corroboration from the map and panchnama of the scene of offence and the omission becomes totally insignificant and on that aspect the say of the prosecution witnesses becomes absolutely reliable.

(6) Who will be called the members of unlawfull assembly and as to when they can be held responsible.

**2004 (1) GLH Page 534**

**12.** Another plea which was emphasised relates to the question whether Section 149, IPC has any application for fastening the constructive liability

which is the sine qua non for its operation. The emphasis is on the common intention. Mere presence in an unlawful assembly cannot render a person liable unless there was a common object and he was actuated by that common object and that object is one of those set out in Section 141. Where common object of an unlawful assembly is not proved, the accused persons cannot be convicted with the help of Section 149, the crucial question to determine is whether the assembly consisted of five or more persons and whether the said persons entertained one or more of the common objects as specified in Section (@page 539) 141. It cannot be laid down as a general proposition of law that unless an overt act is proved against a person, who is alleged to be a member of unlawful assembly, it cannot be said that he is a member of an assembly. The only thing required is that he should have understood that the assembly was unlawful and was likely to commit any of the acts which fall within the purview of Section 141. The word 'object' means the purpose or design and in order to make it 'common'. It must be shared by all. In other words, the object should be common to the persons, who compose the assembly, that is to say, they should all be aware of it and concur in it. A common object may be formed by express agreement after mutual consultation, but that is by no means necessary. It may be formed at any stage by all or a few members of the assembly and the other members may just join and adopt it. Once formed, it need not continue to be the same. It may be modified or altered or abandoned at any stage. The expression 'in prosecution of common object' as appearing in section 149 has to be strictly construed as equivalent to 'in order to attain the common object'. It must be immediately connected with the common object by virtue of the nature of the object. There must be community of object and the object may exist only up to a particular stage and not thereafter. Members of an unlawful assembly may have community of object up to a certain point beyond which they may differ in their objects and the knowledge, possessed by each member of what is likely to be committed in prosecution of their common object may vary not only according to the information at his command, but also according to the extent to which he shares the community of object, and

as a consequence of this the effect of Section 149, IPC may be different on different members of the some assembly.

13. Common object is different from a common intention as it does not require prior concert and a common meeting of minds before the attack. It is enough if each has the some object in view and their number is five or more and that they act as an assembly to achieve that object. The common object of an assembly is to be ascertained from the acts and language of the members composing it, and from a consideration of all the surrounding circumstances. It may be gathered from the course of conduct adopted by the members of the assembly. What the common object of the unlawful assembly is at a particular stage of the incident is essentially a question of fact to be determined keeping in view the nature of the assembly, the arms carried by the members, and the behaviour of the members at or near the scene of the incident. It is not necessary under law that in all cases of unlawful assembly with an unlawful common object, the same must be translated into action or be successful. Under the Explanation to Section 141, an assembly which was unlawful when it was assembly may subsequently become unlawful. It is not necessary that the intention of the purpose, which is necessary to render an assembly an unlawful one comes into existence at the outset. The time of forming an unlawful intent is not material. An assembly which, at its commencement or even for some time thereafter, is lawful may subsequently becomes unlawful. In other words it can develop during the course of incident at the spot co instant.

17. In state of U.P.v.Dan Singh and ors, it was observed that it is not necessary for the prosecution to prove which of the members of the unlawful assembly did which or what act. Reference was made to Lalji's case (supra) where it was observed that "while over act and active participation may indicate common intention of the person perpetrating the crime, the mere presence in the unlawful assembly may fasten vicariously criminal liability under section 149.

(7) The Court can see the statements taken by the police to see as to weather the contradiction have been taken properly.

**2004 TLGJ - 0 - 52**

(7) The learned Advocate General, addressing the Court on the question as to whether appellate Court can refer to the police statements which are on record for the purpose of ascertaining as to whether the contradiction or omission was correctly brought on record in the evidence of witnesses, submitted that the extreme proposition, canvassed on behalf of the accused persons that the appellate Court can under no circumstance refer to the police statements in duly proved at the trial in the contradictions was not warranted. He submitted that when omission to be brought on record is to be ascertained, necessarily the entire statement has to be viewed to find out whether the omission existed or not. The learned Advocate General argued that whatever trial Court can do with regard to the police statements, the appellate Court also can do.

(8) Section 6 of Evidence Act (Resjesty)

**2009 ILRDLH - 19 - 244**

26. Section 6 of the Evidence Act makes relevant, facts which, though not in issue, are so connected with a fact in issue as to form part of the same transaction, whether they occur at the same time and place or at different times and places. It is important to bear in mind that what is admissible under Section 6 are facts which are connected with the facts in issue as part of the transaction under investigation. In order that different acts constitute the same transaction they must be connected by proximity of time, unity of proximity of place, continuity of action and community of purpose of design.

(9) There is no such a principle that when the witness exjorajets and states the fact by prolongation it, the witness should not be believed.

**AIR 1988 (SC) page 1998**

With regards to falsehood stated or embellishments added by the prosecution witnesses, it is well to remember that there is a tendency amongst witnesses in our country to back up a good case by false or exaggerated version. The Privy

Council had an occasion to observe this in *Bankim Chandra v/s Matagini*. 24 Cal WN 626, the Privy Council had this to say:

That in Indian litigation it is not safe to assume that a case must be false if some of the evidence in support of it appears to be doubtful or is clearly untrue, since there is, on some occasion, a tendency amongst litigants to back up a good case by false or exaggerated evidence.”

15. It is also our experience that invariably the witnesses add embroidery to prosecution story, perhaps for the fear of being disbelieved. But that is no ground to throw the case overboard, if true, in the main. If there is a ring of the truth in the main, the case should not be rejected. It is the duty of the court to cull out the nuggets of truth from the evidence unless there is reason to believe that the inconsistencies or falsehood are so glaring as utterly to destroy confidence in the witnesses it is necessary to remember that a judge does not preside over a criminal trial merely to see that no innocent man is punished. A judge also presides to see that a guilty man does not escape. One is as important as the other Both are public duties which the judge has to perform.

(10) As the witness does not give the names of accused persons before the doctor, it can not be presumed that the names given in deposition were given false.

**2004 (1) GLH Page 534**

19. So far as non – disclosure of names to the doctor, same is really of no consequence. As rightly noticed by Courts below, his primary duty is to treat the patient and not to find out by whom the injury was caused. The plea in this regard is clearly unacceptable. The question was examined by this Court, in *Pattipati Venkaiah v. State of Andhra Pradesh* and similar view was taken.

**AIR 2003 (SC) Page 199**

Undisputedly from the inquiry certificate at Ex: 128, it appears that the victim had received multiple injuries all over the body and some of them were on vital

parts. Immediately he was carried from the spot to the District Hospital. Dr. Bhagwat attended him. Even if it is proved that he could not disclose the names of the assailants to Dr. Bhagwat, it could not lead to an inference that at that stage he was not aware of the accused's agony could be imagined and he was in a state of shock and strain, in that mental set up his immediately not disclosing to Dr. Bhagwat the names of the assailants was quite natural and more probable in the condition in which the victim was placed. We therefore, do not agree with the submission of Mrs. Sirpurkar that the victim was not aware of the names of the assailant.

(11) When the witness gives the evidence to assist the accused.

**AIR 2003 (SC) Page 4466**

This witness was declared ad hostile and suggestions were made to him that the facts deposed by him had not been narrated in his statement to the police, that they had been so narrated at the instance of the accused and that he deposed falsely under the cross-examination. We have no hesitation in rejecting that part of the testimony of PW 7 which appears to have found its way on the record so convenient for the accused.

It appears to us that Jit Singh (PW 7) must have been won over by the accused and made bold to give convenient evidence under cross examination. We are not inclined to accept this very convenient testimony of Jit Singh (PW 7) as detracting from the veracity and weight to be attached to the dying declaration (exhibit PN)

**(12) Legal Proof.**

**1974 (2) SSC page 544**

It cannot be disputed that in proceedings for imposing penalties under Clause (B) of Section 167, to which Section 178-A does not apply, the burden of proving that the goods are smuggled goods, is on the Departmental. This is a fundamental rule relating to proof in all criminal or quasi-criminal proceedings,

where there is no statutory provision to the contrary. But in appreciating its scope and the nature of the onus cast by it, we must play due regard to other kindred principles, no less fundamental, of universal application. One of them is that the prosecution or the Department is not required to prove its case with mathematical precision to a demonstrable degree; for, in all human affairs absolute certainty is a myth, and as Prof. Brett felicitously puts it – ‘all exactness is a fake’ El Dorado of absolute proof being unattainable, the law accepts for it, probability can working substitute in this work-a-day-world. The law does not require is the establishment of such a degree of portability that a prudent man may, on its basis, believe in the existence of the fact in issue. Thus legal proof is not necessarily perfect proof; often it is nothing more than a present man’s estimate as to the probabilities of the case.

**EVIDENCE RECORDED IN THE HONBLE COURT AGAINST THE ACCUSED**

**NO (1) NARESH AGARSING CHHARA.**

**(1). Witness no 73 Basuddin Maiyuddin Saiyad ex 514.**

He has identified before the Honble Court.

Name Naresh in the statement of SIT.

There is name in police statement.

Was associated in crowd with weapons in the statement of SIT.

Para No: 8 page No: 5.

On that day, at about eight am one big crowd was coming from Krishanagar. On hearing the noises of this crowd, I had come on national high way. Coming out side, I had stood near Jay Ambe pan galla. Munnabhai of chali was also present with me. Said crowd was coming towards Nurani mosque from Krishanagar. The leadership of said crowd was of

Bipin Panchal, Guddu Chhara and his two real brothers. The persons of said hindu crowd were armed with weapons like trishul, spears, revolvers, and iron pipes.

Two real brothers (Naresh-Haresh).

Para No 10 page No 6.

The persons of this crowd were setting the shop of Muslim on fire situate beside mosque and the crowd persons were also making stone throwing. When I saw all these it might be half past nine.

Para No: 14. Page No: 8.

Some body from crowd was setting the shop on fire. Some body was causing harm to mosque and one person of crowd, who was standing there, started the tanker and rushed it inside the gate of this mosque. The gate of the mosque and Milan hotel situate nearby were broken by it.

As per this witness has given the deposition in the Honble Court, said accused was in the crowd committing the criminal act. This witness has given the name of this accused in his police statement and in the statement before SIT. Moreover giving name of accused the witness has identified the accused. The evidence of this witness is recorded as per his deposition against the said accused.

This witness is eyewitness of the incident. As per say of witness he has sustained injury in back by falling down at the time of running to save his life at the time of incident. Moreover, Aheshan a son of witness also has sustained injury in knee at the time of running to save the life. He has taken treatment in camp. This witness is saved witness from the clutch of death. There is no reason for not believing the fact stated in examination in chief.

**(2). Witness No: 145 Shahnavazkhan Abbashkhan Pathan EX 999.**

Name is given in the police statement dated 9-3-02. Giving the name as in the riotous crowd in deposition before the Court, he has identified.

Page No: 2 Para No: 3.

There was a call of Gujarat bandha on the day of incident. At about quarter past nine the crowd had come out side my home on the day of incident. They were pulling down the shop. That all continued up to 11 hours. Thereafter the police had made firing. There were crowds of our Muslims there, who had gone inside lane. Thereafter, the crowds of Hindus had proceeded further. They had rushed inside our chalis. The said crowds of Hindus had set the chalies of Hukamsing and that of Dilip on fire and looted the articles. The persons of crowd had rushed in chalies.

Page No 3 Para 3.

The crowd had come from Nataraj hotel. This crowd had come from Patiya opposite ST work shop. The said crowd was of fifteen to twenty hounded persons. The crowd persons had burnt my home and committed loot in my home. The stone throwing and scuffle were going on at out side. Therefore, we had gone in side Husennagar. We had hidden in Husennagar. Thereafter, the police vehicle had taken us to Shahalam camp... My father had sustained injury in leg by stone throwing in the incident.

Page No: 4 Para No: 6.

The crowd which had rushed and as per I said, it had pulled down and set on fire. In that crowd Bipin Panchal, Manoj Sindhi, Murli Sindhi, kalu Bhaiya, Suresh Chhara, Haresh Chhara, Naresh Chhara, thus total seven persons were there. I was knowing said seven persons only. I was not knowing other persons of the said crowd.

There is no dispute of application for exemption of presence of accused.

This witness has given the name of said accused in police statement dated 9-3-02. He has stated that he was in riotous crowd and giving the name of accused in the deposition before the Honble Court, he has identified the accused. As per the deposition of this witness, the evidence is recorded against the accused. The father of this witness has sustained injury in leg by stone throwing. He has taken the treatment in Shahalam camp. The accused persons have burnt the house of this witness. The said witness has

identified said accused in crowd committing the criminal act and has identified by giving name even in the deposition in the Honble Court.

**(3) Witness No: 149 Farida Abdulkadar Khalifa Ex: 1028.**

She has given the name in police statement dated 12-5-02.

Has given the name in the statement dated 3-6-08 before SIT.

Has given the deposition giving the name before the Honble Court.

Page no: 4 Para No: 8.

Some other persons were in the same crowd, in which Mayaben Kodnani was there, in which kishan korani, Babu Bajaranji, Murli, Manoj Videovala, Ashok pan galla wala, Bipin Panchal, Jay bhavani, Dalpat Chhara, Tiniya Chhara a son in law of Dalpat Chhara, Sahejad Charra, Vijay Chhara son in law of Sahejad Chhara, Suresh Langdo, Guddu, Hariyo, Nariyo, Tiniyo Marathi, Subhash etc were there.

Page No: 5 Para No: 11.

Thereafter, the crowd persons were proceeding further and pulling down and burning the houses and were beating and cutting off. Therefore, we were very much afraid. Thereafter, I had gone to the house of my daughter, who lives in Javannagar. Locking my home I had gone to the house of my daughter Afshanabanu at Javannagar. I had come twice thrice to see my home from the house of my daughter. In this way, when I came to see my home at two o'clock pm, I had seen a son of person namely Mullaji, who is handicapped by both the legs, burning near my home. Looking this I was confused and immediately I had returned to the house of my daughter Afshahanabanu.

Page No: 7 Para No: 14.

At this time, a boy namely Aiyub was confused looking the crowd near his house situate in Javannagar. Therefore, he had jumped from the terrace and hence had sustained injury in both the legs. Said Aiyub could not stand up for the reason of said injuries. The crowd persons lifted Aiyub who had fallen down, and thrown him in rickshaw and set the rickshaw on fire. They had burnt alive Aiyub. I had eye witnessed the same. At that time, a person

having khakhi uniform and a person having worn helmet was also in the crowd.

Page No: 8 Para No: 15.

When the same crowd set the house of Majidbhai on fire in last line of Javannagar, the family members of said Majidbhai were inside. At that time we felt that we would not be saved. Therefore getting down from terrace, in Gangotri society, I and my children had gone in ground via field. Other persons were also with me.

**The consent of the Honble Court had been obtained by the said accused to remain absent during the deposition of this witness and it had been declared that she has no dispute regarding the identity. Therefore, the question does not arise to identify said accused at the time of deposition of this witness.**

The said witness has stated in her police statement dated 12-5-02 that the said accused was in said offence and has given the name of said accused in the statement dated 3-6-08 before SIT. It is stated that the said accused was associated in the crowd committing the criminal act in furtherance of their intention. This witness has identified giving name in the deposition before the Honble Court. The evidence is recorded as per the deposition given by this witness against the accused. PI Maysurvala has made this witness run away by beating with baton at the time of incident. Thus, this witness is the eyewitness and there is no reason for not believing her.

**(4). Witness No 156 A majid M Usmanbhai Shaikh Ex 1072.**

He has given the name in police statement dated 15-4-02.

Has given the name in statement dated 20-5-08 before SIT.

Has given the name in statement dated 13-9-08 before SIT. (As a brother of Guddu).

Note: has given the name in statement dated 20-5-08 along with kerosene carboy.

**The consent of the Honble Court had been obtained by the said accused to remain absent during the deposition of this witness and it had been declared that she has no dispute regarding the identity. Therefore, the question does not arise to identify said accused at the time of deposition of this witness.**

Page No 7, 8 Para No 15.

At that time, we all ten persons had left our house and gone away. I do not know exact time. But thereafter we had gone to the terrace of Gangotri society. At that time it was noon time. I had seen from the terrace of said Gangotri society that two brothers of Guddu Chhara Tiniyo and others were present. All they were armed with sword, stick, container of kerosene etc. They had attacked upon Aiyub a son of Allabax. The said persons had thrown him in rickshaw and burnt him near the house of Abeda in last line of Javannagar and near wall of SRP Quarters. I had eye witnessed the same in which, Guddu Chhara was armed with sword. There was a kerosene carboy in the hand of a brother of Guddu and other was armed with stick. There were also other five six Marathi boys. Tiniyo is a son of Kadam.

Page No 10 Para No 19.

I saw that my wife was burning and the persons were pulling my daughter Supriya. The persons who were taking her were Jaybhavani, his son, Tiniyo, Suresh Langdo and other two four were there. When my daughter was being pulled accordingly, I had remembered ALLAH and shouted ,” Nara e Takbir Allahu Akbar”. At that time, some body had attacked upon my head from back side.

Page no 11 para 20.

As I became conscious I saw that the persons were pulling my daughter Supriya and my wife Labi, Afrinbanu, Shahinbanu, son Muhammadhusen, son Khavajahusen and daughter Sufiyabanu were burning there. As I came in consciousness, I thought that what would have

happened regarding my remaining children. Therefore I had shouted my remaining children such as Chand, Yashin and Mahbub.

Page No 11 para No 21.

At that time Mahebab a husband of wife namely Bibiba was found to me in burnt condition. Thereafter, I had heard the voice of my son Yashin calling me as Abba (father). My son Yashin was in burnt condition. My son Yashin for the reason of burning sensation set in water tank situate there. I had asked him as not to sit in water tank for the reason of his skin may be swollen. I had taken him out from the tank.

This witness has given the name of accused as a brother of Guddu in the police statement dated 15-4-02, in statement dated 20-5-08 before SIT and in the statement dated 13-9-08 before SIT. The witness has seen the said accused along with carboy of kerosene. It is stated accordingly in the statement dated 20-5-08. The said witness was present on the place of incident at the time of incident. The crowd persons had pulled Supriya a daughter of witness and have committed rape and beaten her, who has died during treatment. Lalbi wife of witness, two daughters Afrinbanu, Shahidbanu, two sons M husen and khavajahusen etc are burnt and killed. Thus total five members of family of the witness have died in this heinous crime. Yashin a son of witness was in burning condition, who was seen by accused, who is saved during treatment. This witness has given the evidence against the accused as per his deposition before the Honble Court. He has identified him giving the name in the Honble Court.

Thus, the deposition given by this witness before the Honble Court is very much pathetic. This witness has seen the accused persons burning alive to Aiyub son of Allabax. Accordingly, he has seen the accused Guddu Chhara with sword, Naresh a brother of Guddu with kerosene carboy and Tiniya a son of kadam as accused. This witness has seen his wife burning at the time of incident and seen his daughter Supriya with Jaybhavani, son of Jaybhavani, Tiniyo, Suresh Langdo and other four persons and this witness also had been caused injury and he had fallen down in

unconscious condition. This witness has seen burning his wife Lalbi, daughters Afrin, Shahinbanu and son Muhammadhusen and khavajahusen and Sufiyabanu. He had seen the son Yashin also shouting in burning condition. Total five members of this witness have died in this heinous incident and he had identified accused no 1 Naresh before the Honble Court. This witness has given the name of said accused in his police statement dated 15-4-02 and in the statement dated 20-5-08 before SIT too. Henceforth, this witness is a very much trustworthy witness and there is no reason for not believing his deposition.

When this witness met his daughter supriya in hospital, she has clearly stated that the said accused along with other accused persons have committed rape upon her. This evidence is very strong and cannot be ignored against the highly heinous act of the said accused.

**(5) Witness no 172 Arifali Kasamali Saiyad ex 1186.**

In the police statement dated 12-5-02, he has eye witnessed in riotous crowd.

Giving the name he has identified before the Honble Court.

Page no 2 Para No 5.

I had seen this crowd out side of my home. When I came out one crowd was towards Patiya and one crowd was towards Krishananagar. I had seen both the said crowds. Pulling down the shops the said crowd was setting on fire.

Page No 3 Para no 9.

On the day of incident, I had seen the accused Guddu Chhara and Naresh Chhara in the crowd towards krishanangar. At present, Guddu Chhara has died. I know Narsh Chhara. I can identify him even today.

As per this wittiness stated in the police statement dated 12-5-02, he has eye witnessed the accused in riotous crowd and as per it is stated in para 5, 9 in deposition before the Honble Court, the witness has seen the accused pulling down and setting the shops on fire. Thus, the accused was the member of unlawful assembly having been formed for criminal act and he

has played active part in the incident. It is going to be proved accordingly. There is no reason for not believing the deposition on oath before the Honble Court and this witness giving the name in deposition before the Honble Court has identified.

**(6) .Witness No 182 Bhikhabhai Habibbhai Mansuri Ex 1259.**

There is a name in police statement dated 13/5/2002.

There is no name in statement dated

18/6/2008 of SIT.

Has given name in deposition before the Court – has identified.

Page no.2 Para no.6

On that day, at about half past nine the crowds of Bajarang, Shivsena and crowds of hindus being armd with trishul swards had come on the road.

Page no.3 Para.7

On that day my sister Rani had gone in to Madrasa situated in Noorani mosque. I had gone to take her. At that time, I had seen the crowds as stated above.

Page no.3 Para no.8

In this crowd, Guddu Chhara, Haresh Chhara and Naresh Chhara were in it. The persons of said crowd were throwing stones towards us. Uttering the slogan of Jai Shri Ram they were saying beat cut off muslims. Taking my sister Rani from Madrasa in mosque I had gone to my home. I was feeling that the atmosphere did not become calm with in short time. Therefore, locking my home and the home of my parents, taking my family members I had hidden in a house having two stories situated in lane no.4 Husenagar.

This witness has stated the name of accused in police statement dated 13-5-2002 and in the statement dated 18-6-2008 before SIT. At the time of this witness was on road at about 9:00-9:30, as per it is stated in Para 6,7 of his

deposition, he had seen the crowds with weapons on road and in that crowd he has eye-witnessed accused Naresh Agarsing Chhara. That crowd was shouting such as beat cut off. Accordingly, the said witness has eye-witnessed the accused committing criminal act and thereafter, giving the name of accused in the deposition before the Court he has identified him.

Thus in view of facts of examination in chief, there is no reason for not believing the same. When this witness went to take his sister from Madrasa of Noorani Mosque he has eye-witnessed this incident and the accused. Thus, this witness is eye-witness and as he was present on the site, there no reason for not believing him.

**(7) Witness No 184 M.Hanif Yusuf Bhai Shaikh Ex. 1271.**

There is name in police statement dated 12-5-2002.

There is name in statement dated 14-9-2008 of SIT.

Has given the name in deposition before Court. Has identified.

Page no.2 Para no.4

Incident had occurred on 28-2-2002. It had occurred after Godhra incident dated 27<sup>th</sup>. On that day, there was call of bandha by Vishva Hindu Parishad.

Page no.2 Para no.5

On that day at half past nine, I was at my home. At that time the helter-skelter had taken place on road at outside. On that day the crowds had come from Krishanagar and Nataraj Hotel and both the crowds were gathered.

Page no.2 Para no.6

The said crowd persons had attacked on Mosque. On that day there was police point opposite ST work shop. The said crowds had attacked on muslim crowds.

Page no.3 Para no.7

The persons of said crowd were armed with pipe, sword and weapons. I have seen Kishan Korani and Manoj Sindhi making firing in this crowd. They were firing on muslim crowds.

Page no.3 Para no.8

In this crowd, there was Naresh Chhara, Haresh Chhara, Sahejad Chhara, Murli Sindhi, Ashok Sindhi panwala, Suresh Chhara, Bipin autowala, Son of Bhavani, whose name is not remembered to me. I know all these persons. All they were instigating the crowd persons and were attacking upon we the muslims.

Page no.3 Para no.9

At that time the police also had discharged the tear gas. Kishan Korani and Manoj Sindhi had snatched the gun from police and made firing. Whereas the remaining persons stated by me were armed with weapons like pipe, sword, dhariya, etc.

Page No.4 Para No.10

In this way a boy namely Abid had died in a firing made by Kishan and Manoj. Thereafter, we all had hidden in a lane. Whereas the crowd of these persons was increased. I had gone near the compound wall of SRP Quarters inside Javan Nagar. In this way when I reached, it was half past twelve pm.

This witness is the eye – witness of the incident. Giving name of accused in police statement dated 12/5/2002 and in the statement dated 14/9/2008 before SIT he has shown his involvement. Thereafter, the evidence is given against the accused in the deposition before the Hon'ble Court regarding the involvement of said offence of the accused and it is going to be proved from above. The accused was with weapons on the day of incident and he has played active role in the violent incident committed in Naroda patia, which is being proved. The witness giving name in the deposition before the Hon'ble Court,

has identified the said accused. Thus, taking the evidence given by the witness before the Hon'ble Court into the consideration, no reason has arisen for not believing him.

Moreover this witness has also stated before the Hon'ble Court that the said accused was instigating all the persons of crowd and was attacking on Mosque. Thus, it is going to be proved that the said accused is a member of unlawful assembly in furtherance of equal object.

**(8). Witness No 189 M Imran Imtiyazhusen Momin Ex 1289.**

He was in riotous crowd in the statement dated 13-5-02.

Has given the name with sword in riotous crowd in the statement dated 10-6-08 before SIT.

Giving the name in deposition before the Honble Court he has identified him.

Para No 5 Para no 10.

I had seen from the terrace of this house having three stories that the crowd persons were looting the house hold articles and were setting on fire. They committing scuffle and cutting off. There were three brothers in this crowd. Said three brothers were Guddu Chhara, Hariyo Chhara and Nariyo Chhara. They were committing scuffle and beating and said all three had taken the leadership of the crowd and making sign towards the place where our persons had hidden. The said persons were looting and setting our home. All these three brothers I e. Guddu, Hariyo and Nariyo were armed with swords. At that time, it was half two three o'clock. They were pulling down in our chali. We were looking that all.

Page no 6 Para no 11.

After noon time, we all had seen towards Gangotri society from this very terrace. Chharas playing the dishes were sending the persons of crowd towards our Husennagar from back side of Gangotri society. Dalpat

and Bhavani were there in doing accordingly. We all had stayed up to twelve- one o'clock at night on terrace in lane no 4 Husennagar.

This witness has given the evidence against the accused that there is involvement of accused in the statement dated 13-5-02 and in the statement dated 10-6-08 before SIT. Moreover, he has stated that the accused was with sword. This witness has given the evidence in deposition before the Honble Court. On the day of incident, the witness was on the house having three stories and as per it is stated in examination in chief, he has eye-witnessed the incident, the accused Naresh Agarsing Chhara being armed with deadly weapons was in the assembly committing the criminal act and he was associated in the crowd in furtherance of his common intention.

This witness has seen this accused in crowd committing scuffle, cutting off and he was taking leadership of the crowd. He has seen the said accused looting the houses and setting them on fire. This witness has stayed on terrace of house of lane no 4 of Husennagar up to 12:00 to 1:00, from where he has eye witnessed this overall incident. Hence the accused was present on the place of incident during entire incident and giving his name in the deposition before the Honble Court the witness has identified the accused. Taking the evidence of said witness in to consideration, no reason arises for not believing the witness.

**(9). Witness No 192 Rashidabanu Imtiyazhusen Momin Ex 1312.**

Has given the name in the statement dated 10-6-08 before SIT.

Giving the name in deposition before the Honble Court, she has identified.

Para no 5-6 Para No 9.

The crowd persons who had come from Krishananagar were throwing the stones and bottles upon mosque and upon us. The crowd persons, who had come from Natraj were also throwing the stones and bottles upon us. Mayaben Kodnani was in this crowd. Manoj was in this crowd. As per my idea, his name is Manoj videovala. Bipin Auto rickshawala was also in

the said crowd. Santosh Dudhvala was in this crowd. The shop of said Santosh Dudhvala is situated beside Kamla Welding while going towards Kubernagar. In the crowd of Natraj, Guddu Chhara, Naresh Chhara Suresh Lando and younger brother of Suresh Langdo were in it. In this crowd Mayaben uttering, go ahead and beat, she was instigating the public. At that time, the police had come there. Coming there, the police had made firing on Muslims standing on naka there. Therefore four five Muslim boys had sustained the injuries by bullet.

Page no 6 Para no 10.

Abid, Khalid, Piru, Muhammad and Mustak Kaladiya had sustained injuries by bullet who were standing there. The boys like my son Imran lifted and brought Piru etc who had sustained injury by bullet and lied them on the floor of my shop. At that time it might be twelve half past twelve pm.

Page no 7 Para No 13.

I had seen from the terrace of Ramzanibhai that the crowd persons had set on fire the first house of lane in which Ramzanibhai lives. The crowd persons were speaking roughly and were shouting. They were shouting such as beat cut off. I had seen all these from the permanent curtains affixed in the house of Ramzanibhai. Later on, taking my children I had gone to the terrace of house of Ramzanibhai. I had seen from the said terrace towards public toilets situated in Javannagar that the crowd persons were setting every thing on fire. I had seen the crowd persons of this crowd beating and setting on fire. The crowd persons of the said crowd were beating and cutting Muslim persons. I do not know what was the time at that time.

This witness has given the name of accused in her statement dated 10-6-08 before SIT and has given the evidence against the accused in her deposition before the Honble Court.

This witness was living on the place of incident since number of years and the shop of grocery is situated in the place of incident. This witness was

present on the place of incident on the day of incident. He has eye witnessed the overall incident. He has seen the accused in riotous crowd. As per it is stated in examination in chief the witness has seen the accused. This witness has seen from the terrace of Ramzanibhai.

According to the witness the persons of the crowd in which the accused was there, were shouting such as beat cut off. They were setting the houses on fire and were beating. It is going to be proved from the deposition of the witness that the accused was in the crowd.

This witness giving the name in deposition before the Honble Court has identified the accused.

**(10) Witness No 202 Samsuddin Shahbuddin Rahtod Ex 1394.**

There is name in police statement dated 13/5/2002.

There is name in deposition before the Hon'ble Court – has identified.

Page No.2 Para No.5

Incident had occurred on 28/2/2002. At about 9:00am on that day I had gone to have a tea on the lorry of tea, which is near Noorani Mosque. On that day there was a police point near Noorani Mosque. I had seen a crowd coming towards Noorani Mosque from Natraj Hotel. The persons of crowd were armed with weapons. They were throwing stones and were proceeding towards the direction of Noorani Mosque. The said crowd was setting the shops and houses on fire in our area. I had seen this. At that time there was a police near Noorani Mosque.

Page No.3 Para No.6

I had seen in crowd Kishan Korani, Manoj Bhai, Bipin Auto, Guddu Chara, Naresh Chara, Suresh Chara and Mungda Chara. Thereafter a crowd had come from Krishna Nagar.

Page No.3 Para No.7

One another crowd had come after half an hour. Bipin Auto wala had taken leadership thereof. These two crowds were gathered. This crowd had looted in our entire area. Loot was committed even in my home. At that time at about quarter past nine in the morning, the police had made firing upon the crowd of we the Muslims. In which Abid Husen had sustained the injury by bullet. Therefore, I had gone towards my home. After I returned to my home, I had handed over my two daughters to Meeraben living besides my home. Two houses are situated between the house of Meereaben and that of me. The compound wall is situated after her house.

Page No.4 Para no.8

I had told Meeraben, if riots will be more, I and my wife will take away our son. On that day at about half past one, son and husband of Meeraben were also with me. At that time a crowd had come from Krishananagar. The said crowd had come in the pit of Javannagar. The said pit is situated at the distance of 30 – 35 feet away from my home. At that time there was a compound wall in middle thereof. Bipin Auto wala had taken leadership of this crowd. At that time the husband of Meeraben told me for the reason of crowd came near, your body is heavy, you go away. Therefore, taking my wife and my son I had gone towards Gangotri Society. I had gone to the house of brother-in-law of my friend in Gangotri Society, who was performing service in ST. I had stayed there up to about half past six in evening on that day.

This witness has given evidence in deposition before the Hon'ble Court against the accused. Stating in police statement dated 13/5/2002 that the accused was in the crowd committing serious type of offence, he has given name. The witness has given the evidence as per stated in the deposition before the Hon'ble Court against the accused.

Witness has eye witnessed the incident. The witness has made clear suggestion as to the crowds were coming from different places. Witness has

seen the crowd coming with weapons, committing stone throwing, setting houses and shops on fire and committing loot. The witness has seen the accused in that crowd. He has made the suggestion accordingly. The witness has remained hidden to save life on the place of incident up to 6 o'clock in the evening and has seen the incident.

The said witness stating in the deposition before the Hon'ble Court that accused was in the crowd committing criminal act, has given name and identified.

**(11) Witness no 209 Shabana Bundu bhai Kureshi Ex.1463**

There is name in the statement dated 23/5/2008 and 14/9/2008.

Has given name in deposition before the Hon'ble Court. Has identified.

Page 6 Para12

While we were returning, the crowd persons standing near Gangotri and Gopinath Society were armed with pipes, swords hockey etc. They had started to beat Muslims who had remained back. At that time we were running towards Gangotri from Teesra Kuan. Whereas the persons of Gangotri and Gopinath were coming toward us. At that time the public started to run here and there. At that time we had rushed in a khancha situated between Gangotri and Gopinath Society, where there is a water tank. At that time, we all the members of the family were separated. But when we went into that Khancha, I, my mummy, my sister Naseem and my brother Raja were altogether.

Page No.7 Para No.13

As we rushed in khancha, the crowd had surrounded us from all the four sides. In this crowd I had seen Suresh Langda, son of Dalpat, son of Jay Bhavani, Hareesh, Naresh, Manu, two sons of Marathi, Jay Bhavani, Dalpath, Guddu Chara and so many other persons.

Page No.7 Para no. 14

At that time all those persons whose name is stated by me were in the crowd on the road opposite the khancha. That crowd had cut Taviz by dagger and attacked upon a boy namely Siddique. Therefore, he had sustained injury in throat and the dagger had fallen down after being broken while cutting Taviz and thereafter said Siddique was started to be beaten by pipe. At that time he had tried to be saved keeping hands on head. I witnessed all these. Thereafter, pouring inflammable liquid kerosene upon Siddique he was burnt. In this way Siddique had died there.

Page No. 8 Para No.15

After the incident of Siddique I had seen that the persons of crowd whose names were stated by me were there and who had pulled a girl of Husen nagar. At that time my sister Naseem was surrounded. At that time they had given pipe blow on her head. Thereafter, pouring kerosene they had burnt my sister. She also had died.

Page no 8 Para no 16.

At that time looking this my mother started to shout and run away. At that time, Suresh Langdo had caught my mother. Holding my mummy, Suresh langdo had given blow with gupti in the stomach of my mummy. Thereafter, all these persons whose names are stated by me, had burnt my mummy alive. Thereafter, my mummy had died just there.

Page No 9 Para No 17.

At that time, as the muslims who were in khancha, came out, the crowd persons of said crowd were holding and burning them. At that time, as the crowd persons thought, perhaps they had started scuffle in said khancha and pouring kerosene, they had burnt all the persons altogether.

Page No 9 Para No 18.

At that time as the fire took place and as there was a wall nearby kahancha, jumping that wall, I had set down. At that time, the persons of said crowd had caused injury with stone on my leg. Hence as I sustained injury by this stone, I had fallen on next side of this wall. At that time, looking all these, I was frightened. Sitting for about two minutes, on next side of wall, I had come out from the gate and climbed upon a terrace of Gangotri society.

Page no 10 para No 9.

I went to terrace, where other muslims were also there. Muslims were on the terrace of Gangotri society. We were up to late night on terrace.

This witness has given the name of accused in the statement dated 23-5-08 and 24-9-08 before SIT. In this incident, the mother-sister of witness have died.

This witness lives on the place of incident since number of years. She was at home on the day of incident and coming out she has seen the crowd with weapons. The said witness was running towards Tishra kunvan to save her life. As the crowd came, she had run towards Gantori society and she was surrounded in khacha of water tank between Gangotri society and Gopinath society, where the massacre had been committed. The witness has seen the accused in crowd near water tank. This witness has seen the accused crowd cutting the throat of a boy namely Siddique and has also seen burning to Siddique. It transpires from the deposition of witness that the accused crowd had beaten and burnt a boy namely Siddique. Thereafter, the witness has seen the very same accused and other accused persons with him pulling a girl of Husennagar. Further, the witness has seen the crowd pouring kerosene upon Nasheem a sister of witness. The accused crowd has burnt alive even to mother of witness. As the muslims were coming out from this khancha, the accused and the persons with him were holding and burning them and in this very khancha the accused and the co accused

persons, have burnt so many muslims by pouring inflammable liquid. Thus, this witness has played active role in the mass carnage near water tank, which transpires from the deposition of this witness.

This witness has sustained injury in leg while jumping a wall near a water tank on the day of incident. After having seen overall incident, witness had gone to the terrace of Gangotr society and set up to late night to save her life.

This witness as per her say, sustained injury in leg and has taken treatment in camp. Therefore the deposition of the witness can not be denied. She is eye witness of the incident. Her presence becomes clear on the in place of incident and no reason arises to deny the facts stated in her examination in chief and giving the name of accused in the deposition on oath before the Honble Court, she has identified the accused.

**(12). Witness no 212 Rukshana Bundu Kureshi Ex 1507.**

Has given the name in the statement dated dated 3-6-08 and 14-9-08 before SIT.

Has given the name in the deposition before the Honble Court. Has identified.

Page no 5 Para no 8.

While coming out from the hall I was separated from my brother, sister and mother. I was separated. The persons of our community had started to go towards Tishra Kunvan. The persons who had gone had immediately come back and stated, there is big crowd of hindus. They ere armed with weapons. Being confused I was shouting such as mummy, mummy. As the persons of our community returned I asked what happened. At that time that had stated that a big crowd had come with weapons.

Page no 5 Para No 9.

I had started to run with the persons of our community . As I saw while running, Suresh Langod was giving blow with gupti in the stomach of my mother. Naresh, Haresh, Suresh Langdo Guddu Chhara etc were in the crowd, who had beaten my mummy. A daughter of Jaybhavani was serving the crowd persons with water, in which there was Jaybhvani, son of Jaybhavani, Dalapat, son of Dalapat, Chintu and and a person having manjri eyes and curly hairs. The said person was armed with iron pipe.

Page No 6 Para no 10.

The other persons were also with the persons of this crowd and were beating and daughter of Jaybhavani was giving kerosene and mattress for setting on fire.

Page No 6 Para no 11.

At that time, there was light and there was no darkness and the it might be about half past five six hours at that time. I set on terrace of Gangotri while weeping. Other persons of our community were also on the terrace of Gangotri. When I was on terrace, a burnt woman lifting a child in her hand come on terrace and that child was also burnt. Said woman was saying save... save.... and she was saying, these persons have killed and burnt many persons of our community.

This witness has given the names in the statements dated 3-6-08 and 14-9-08 before SIT. The witness was present on the day of incident. She lives in lane no 1 since child hood. Witness has seen the incident from the terrace of her house. Had seen the crowds near Noorani mosque. Had tried to go to SRP quarters by getting down. As SRP did not allow to go inside, she had gone towards the house of side and from there she had gone to hall and from hall she had gone towards Tishra kuan. The witness has seen the accused in big crowd of hindus running with weapons. The said accused was in the crowd beating her mummy. The crowd in which the accused was there, has

beaten and killed the mother and sister of witness. The witness has eye witnessed the incident.

This witness has eye witnessed the incident. She has identified the accused while beating, cutting off and burning in the incident and giving name she has identified even before the Honble Court. Thus there is no reason for not believing the accused.

**(13) Witness No 264 Kirankumar Parsoattambhai Makvana Ex 1778.**

Has seen the accused with weapons in crowd in police statement dated 7-3-02. Has given name accordingly.

Giving the name in the deposition even before the Honble Court, has identified.

Page No 5 Para no 9.

During this, the crowds of persons throwing the stones the crowds of persons were trying to rush inside Pandit's chali, Husennagar's chalies and in Javannagar 's chhapra situate opposite Noorani mosque. Therefore, making counter throwing the stones and tube lights etc on the crowd on road from inside chalis the oppose had been made.

Page no 6 Para No 11.

In this crowd, we had seen Naresh Agarsing Chhara living near Saijpur smashan and Umesh bhavvad living in krishananagar shouting such as beat cut off and kalu @ Kaliyo Hathising Rathod living in Fadeli Krishananagar was throwing burning wicks with them on the houses of chalis. Meanwhile, as the helter skelter took place, some persons had rushed in side lanes situate beside ST work shop.

Page no 6 Para No 12.

In this incident some persons had rushed inside chali of Jigar hasan. They had started there loot and scuffle. The said crowds were of Hindus.

Page no 6 Para no 13.

The said crowd had become calm at about half past seven in evening and the crowd of persons were scattered.

We had come to know that approximately 58 women, men and children had been killed at back side of Husennagar.

This witness is police witness. He was present on duty on police point of Noorani mosque on the day of incident. He was performing duty on the place of incident. In his statement dated 7-3-02, he has seen the accused with weapons in crowd, who has committed the loot and beating and cutting off and the witness states accordingly. Giving the name before the Honble Court this witness has identified the accused.

**(14). Witness no 267 Manubhai Madhabhai Rathod Ex 1789.**

Has given the name of accused in police statement dated 3-3-02 in a manner he was throwing the burning wicks on chalies.

Giving the name even in the deposition before the Honble Court he has identified.

Page no 5 Para No 11.

The crowd had broken down in Noorani mosque. The shops around the Noorani mosque also been broken down. The said crowds were trying to rush in side the chalis of Husennagar, Javannagar's chhapra, Pandit's chali situate opposite the wall of ST work shop. The said crowd was of Hindus. In this way, they were trying to rush in chalis of Husennagar. At that time, the crowd 400-500 muslims had come in front with weapons like

stones, sticks, pipes, dhariyas and the crowds had come in front of each other. At that time the attempts were made to scatter the hindu crowds.

Page No 6 Para no 12.

In said crowds of Hindus, there was naresh Agarsing, Umesh Bharvad and Kalu @ Navab were there. They were shouting such as beat cut off. At that time, kalu was throwing the burning wicks. He was thawing the burning wicks upon muslims. At that time, we had made firing. The scuffle and cutting off was started between both the crowds. The crowd had rushed in side the lanes of chalies and by jumping the walls. The crowd had started the loot and scuffle.

Page No 7 Para no 16.

I know Narsh Agarsing, Umesh Bharvad and Kalu @ Navab in crowd. If they will be here in the Honble Court, I will identify them. I will identify reaching to the place, where the accused persons are sitting.

This witness is a police witness. He was in patrolling at the place of incident on the day of incident. In police statement dated 3-3-02, he has seen the accused throwing the burning wicks on chalies. This witness has given the evidence as per the deposition before the Honble Court against the accused.

It is stated that the accused was armed with weapons in Hindu crowd. He was shouting such as bet cut off and was throwing the burning wicks on the chalies. As per the deposition of this witness, the accused was in the Hindu Crowd. He has committed loot and scuffle and cutting off in houses of muslims.

**(15) Witness no 265 Ex 1781.**

In the police statement dated 7-3-02, the witness has seen the accused throwing burning wicks on the houses. He has given the name accordingly.

Giving the name in the deposition before the Honble Court, he has identified.

Page No 6 Para No 12.

The crowd who had come from Noorani mosque and from krishananagar had shouted such as beat cut off. The persons of the said crowd were doing the work of igniting the fire and that of setting the houses on fire. I had seen in this crowd Naresh Chhara who lives beside Saijpur Smashan gruh and kau @ kaliyo Harising of Saijpur Fadelivala and one another person. At present his name is not being remembered to me. These persons were throwing the stones. Remaining altogether, the said three persons were wicks and stones. At present it is not remembered to me as to what they were doing more.

This witness has given the name of accused in police statement as to the accused was throwing burning wicks on the houses of chali. The witness has given sufficient evidence in the deposition before the Honble Court against the accused.

It transpires from the deposition of this witness that the accused was in the crowd which had come from Noorani mosque and Krishananagar and he was shouting therein such as beat cut off and doing the work of setting the houses on fire. In this way sufficient evidence is being found against the accused.

Thus, taking overall aforesaid evidence in to consideration, approximately 15 witnesses giving the evidence against the said accused, have identified the accused in the Honble Court. The accused has played active role in this incident. Accused was present on the time and place of incident. He has played active role in committing loot, scuffle cutting off and burning muslims and their properties and pulling down the same. It transpires accordingly taking overall evidence in to consideration. It is very much necessary in the interest of justice to teach a lesson to this accused.



**The evidence recorded against the accused No (2) Morli Naranbhai Sindhi before the Honble Court.**

(1). Witness No 104 M Salim M husen Shaikh Ex 668.

There is no name in police statement.

There is no name in the statement dated 12-9-08 before SIT.

Present with the revolver in the crowd in the statement dated 29-5-08 before SIT.

Page No 3 Para No 6.

Meanwhile the crowd of about fifteen persons had come from Kubernagar. Kishan korani, Manoj Videovala and Murli Sindhi had taken the leadership of this crowd..... This crowd was at the distance of about thirty feet away from me. I had seen while going that there were weapons in the hands of this crowd, in which I had seen that Kishan korani was armed with sword, Murli Sindhi and Manoj were armed with revolvers.

Page no 5 Para no 9.

Thereafter, one police jeep came, which stopped near the gate of ST workshop. Kishan korani, Manoj Videovala and Murli Sindhi had followed this jeep. After some time, one white Maruti fronti had come there. I found that a Member of Legislative Assembly Mayaben kodnani was in that vehicle. After she came, she had talked with Kishan korani, Manoj Videovala and Murli Sindhi and police. Mayaben was making this conversation in high voice. Making sign towards our area she was stating something.

Page No 5 Para No 10

All these I. e Mayaben Kishan, Murli, Manoj and the police had called back the crowd which had run towards Natraj. Making hot discussion with the crowd Mayaben had returned in the same vehicle in which she had come.

This witness states in the statement dated 12-9-08 and 29-5-08 before SIT that the accused was present with revolver in the crowd and as per his deposition before the Honble Court, he has given the evidence against the accused. This accused had taken the leadership of the crowd. The witness has seen the same from the distance of 30 feet away and it appears that there was revolver in his hand. Thereafter, Mayaben was saying something in high voice in Maruti fronti after police jeep near S T work shop and thereafter, the accused had talked with police. The crowd persons making sign with hand, had called. Thus, the accused remaining present with revolver taking leadership, has instigated the crowd.

Here, it is worth mentioning that after this instigation, the atmosphere of fear and terror was spread in overall Naroda patiya area and the crowds of Hindu community had killed, burnt about 95 muslims and committed rape, committed the loot and pulled down the houses and set on fire. Thus, it transpires from the deposition before the Honble Court the accused may be considered for overall incident. Because if the accused associating with other accused persons, did not make instigation, this much big mass massacre would not have taken place. This witness giving the name in the deposition before the Honble Court has identified him. Thus, there is no reason for not believing the deposition of this witness.

(2) Witness no 115 Ibrahim Chhotubhai Shaikh Ex 747.

There is no name in the police statement dated 13-4-02.

There is name in the statement dated 18-6-08 before SIT.

Has given the name in the deposition before the Honble Court. Has identified.

Page no 2 Para no 3

The incident had occurred on 28-2-02. I was at my home at about half past nine ten in morning. I had come near ST workshop. I had seen the crowd of hindus there. At that time it was gathered. The said crowd was gathered near Noorani mosque. The persons of this crowd were pulling down near mosque and inside mosque and were shouting of beat cut off....

Page No 2 Para No 4.

Bipin Autovala, Murli Sindhi and Guddu Chhara were the leaders of this crowd. These three persons were instigating the Hindu crowds and doing beat cut off..... I had heard the voice of firing at my home. Crowd had rushed in our chali. They were setting the shops of road near my home on fire.

This witness has given the name of accused in the statement dated 18-6-08 before SIT. This witness has supported to the deposition of previous witness. As per the deposition given by this witness, before the Honble Court, he had gone on road at 9-00 -10-00 hours in morning. He had seen there pulling down mosque and shouting such as beat cut off. This accused had taken the leadership of this crowd with other accused and instigating the crowd, he was shouting such as beat cut off. He has seen this overall incident near from ST workshop and thereafter the crowds had rushed in chalies and set the shops on fire. Thus, the said accused has played active role in this incident. Associating with other accused persons and taking leadership of the crowd, he has made the criminal conspiracy successful. As a result of which, 98 persons are killed in this incident and rapes are committed upon women. Houses shops are set on fire. If this accused taking leadership of the crowd would not have given cooperation to crowd, then this much destruction would not have taken place. Thus, in view of the deposition of this witness, the serious evidence comes against the accused. This witness giving name before the Honble Court has identified the accused. Thus, there is no reason for not believing the examination in chief of this witness.

(3). Witness no 143 Dildar Umrav Saiyad Ex 975.

There is no name in the police statement.

There is name in he statement dated 14-9-08 before SIT.

Has given the name in the deposition before the Honble Court.

Has identified.

Page No 4 Para No 7.

Thereafter, one Maruti motor of white colour had come and stopped beside the jeep. Mayaben kodnani, who is our Member of Legislative Assembly had got down from the said Maruti. She had worn a sari of white colour and tied a strip of saffron colour on head. Thereafter, Bipin Panchal, Murli Sindhi had come out there from. Guddu Chhara also had come out from it. The crowd had come behind this Maruti. That crowd might be of approximately twenty thousand persons. Opening the door of this vehicle, the swords were taken out and distributed. At that time, Bipin Panchal had seen me. Therefore, he had run behind me. He told me, "go away Sala, otherwise I will cut off...." At that time, I had run and gone in the house of Marathi. One old man and one old woman were in the house of said Marathi. The crowd persons had tried to start my vehicle. The vehicle could not be started by them.

Page No 6 Para no 10.

At about half past five in evening, while we were in SRP quarters, three crowds had come from the field and Gangotri society. I had seen these crowds. I had seen in this crowd Guddu Chhara, Murli Sindhi, Govind, means Tiniyo son of Govind. Among this, Guddu Murli and Tiniya were armed with swords. The crowd persons of this crowd were armed with weapons like trishul, sticks, dhariya and pipes.

Page No 7 and Para no 12.

At that time, as I tried to run away, some body had caused injury with sword on my right leg. Therefore my leg was abraded. At that time, going to steps of stair case situate nearby, I had set there. In this incident, as Aiyub jumped from the terrace for the reason of fear he had sustained fracture in both of his legs. Dadataniya, Bipin Murli and Guddu had lifted said Aiyub and thrown him in a rickshaw and burnt him with rickshaw. I was near staircase at the time of this incident.

Page No 11 Para No 23.

I myself have eye witnessed this incident. This incident had occurred at about quarter past six to half past seven. At that time I was sitting on step.

Thereafter, Dataniya had come and caused injury with bat of gun to me. He had caused injury by that bat just on the fracture caused to me earlier.

This witness has given the name of accused in his statement dated 19-9-08 before SIT and as per the examination in chief, he has given the evidence before the Honble Court. This witness lives in Naroda patiya area since number of years.

This witness also has given the name of said accused who had come in the leaders with Mayaben Kodnani and the crowd had followed him and the crowd might be of 20 thousand persons and the swords were distributed to crowd by the said accused persons. The massacre is committed by said swords. Thereafter, this very witness had seen the accused in the crowd which he had seen at about 5-30 and there was sword with accused in crowd and as tried to run away some body had caused injury by sword on his leg. At the very same time, this very witness had seen further that, a boy namely Aiyub had jumped from the stair case. Said accused and Dataniya, Bipin, Guddu who are the accused persons of this case, had lifted Aiyub and thrown him in a rickshaw and burnt him. Thus, the accused has killed Aiyub cruelly. The witness has eye witnessed this incident. Perusing the deposition of this witness, said accused besides the murder, has made the conspiracy very successful by way of instigation of crowd, by giving swords to crowd, making the will power of sward very strong. Taking leadership of the crowd, the accused has played active role. It transpires accordingly.

Giving the evidence as above, giving the name before the Honble Court, the witness has identified. Thus, there is no reason for not believing this witness.

(4). Witness no 145 Shahnavaaz Abbaskhan Pathan Ex 999.

There is name police statement dated 9-3-02. In riotous crowd.

Giving the name in the deposition before the Honble Court he has identified.

Para No 2 Para no 3.

Gujarat was closed on the day of incident occurred. On the day of bandha, I was at my home. The crowd had come out side my home at about quarter past nine on the day of incident. They were pulling down the shop, were pulling down the mosque. That all was going on up to 11 hours. Thereafter, the police had made firing. Our muslims crowds were there, who had gone in lane. Thereafter, the crowds of Hindus had proceeded further. They had rushed in our chalis. The said crowds of Hindus had set Hakamsing 's chali and chali of Dilip on fire and looted the house hold articles. The crowds had rushed in side the chalies.

Para No 3 Para no 4.

The crowd had come from Natraj hotel. The said crowd had come from opposite patiya of ST work shop. The said crowd was of fifteen to twenty thousand persons. The persons of said crowd had set my home on fire and committed loot in therein. The stone throwing and scuffle were going on at out side. Therefore, we had gone inside Husennagar. We had hidden in Husennagar. Thereafter, the police vehicle had taken us to Shahalam camp at night. I do not know as to where my family members had gone at that time.

Page No 4 Para No 6.

There were total seven persons such as Bipinbhai Panchal, Manoj Sindhi, Murli Sindhi, kalu Bhaiya, Suresh Chhara, Hareh Chhara and Naresh Chhara in the crowd rushed and in the incident told by me and in pulling down and setting my home on fire. I was knowing all seven persons of crowd...

This witness has given the name of accused in his police statement dated 9-3-02. This witness has given the sufficient evidence as per his deposition on oath before the Honble Court. This witness has seen the accused Murli Sindhi in the crowd who rushed in chalies and committed the loot and set the house of witness on fire and giving the name in the deposition before the Honble Court, he has identified. Perusing the deposition of this witness, the

sufficient evidence is being found against the accused. There is no reason for not believing the same.

**(5). Witness no 149 Farida A Kadar Shaikh Ex 1028.**

Has given the name in the statement dated 3-6-08 before SIT.

Giving the name before the Honble Court, has identified.

Page No 4 Para no 8.

Some other persons were also in the crowd in which Mayaben kodnani was there, in which Kishan Korani, Babu Bajarangi, Murli, Manoj Video vala, Ashok pan galla wala, Bipin Panchal, Jaybhavani, Dalpat Chhara, Tiniya Chahra a son in law of Dalpatbhai, Sehjad Chhara, Vijay Chhara son in law of Sehjad Chhara, Suresh Langdo, Guddu, Hariyo, Nariyo, Tiniyo Marathi, Subhash Ramesh were present.

Page no 5 Para No 11.

Thereafter, the crowds persons were proceeding further and were pulling down and they were burning the houses and were beating. Therefore we were frightened very much. Thereafter I had gone to the house of daughter who was living in Javannagar. Locking my home, I had gone to the house of my daughter Afshanabanu at Javannagar. I had come twice thrice to my home to see from the house of my daughter. In this way, I had come at two o'clock at noon to see my home. At that time I had seen a person Mullaji who is crippled by both the legs, was burning near my home. Looking this I was confused and immediately I had returned to the house of my daughter Afshanabanu.

Page No 7 Page No 14.

At that time, a boy namely, Aiyub was confused looking the crowd near his house in Javannagar. Therefore, he had jumped from the terrace and therefore he had sustained injuries in both the legs. Said Aiyub could not stand up for the reason of said injuries. The crowd persons had lifted Aiyub who was fallen down and thrown in rickshaw and set it on fire. I had eye witnessed that they had burnt Aiyub alive. At that time a person

in khakhi colour uniform and one person having worn helmet was also in the crowd.

Page no 8 Para no 15.

The very same crowd had set the house of Majidbhai situated in last line of Javannagar on fire. At that time the family members of Majidbhai were inside the house. At that time, we felt that we would not be saved. Therefore, getting down from terrace in Gnagotri society, I and my children had gone to the field via ground. Other persons were also with me.

This witness has given the name of accused in his statement dated 3-6-08 before SIT. This witness has seen the accused in the crowd with Mayaben Kodnani and the said crowd was proceeding further and pulling down and setting the houses on fire and beating and cutting off. This witness has given the evidence as per deposition before the Honble Court.

This witness also has given the support to the deposition of witness no 143 and given support to the incident of a person namely Aiyub having been burnt cruelly.

Thus, there is no reason for not believing the deposition of this witness. In view of the evidence of this witness, the sufficient evidence is being found against the accused. Giving the name before the Honble Court, the witness has identified the accused.

**(6). Witness no 184 M hanif Yusufbhai Shaikh Ex 1271.**

Not in the police statement dated 12-5-02.

There is name in the statement dated 14-9-08 before SIT.

Has given the name in the deposition before the Honble Court. –  
Has identified.

Page No 2 Para No 4.

The incident had occurred on 28-2-02, which had occurred after Godhra incident dated 27<sup>th</sup>. There was call of bandha by Vishva Hindu Parishad.

Page No 2 Para No 5

On that day, at about nine half past nine in morning I was at my home. At that time the helter scalter had taken place on road at out side. The crowd had come from Krishananagar and Natraj hotel and both the crowds were gathered.

Page No 2 Para No 6.

The said crowds had committed attack on mosque. On that day there was police point opposite ST work shop. The said crowd persons had committed attack even on muslim crowds.

Page No 3 Para No 7.

The said crowd persons were armed with pipes, swords and weapons. I have seen kishan korani and Manoj Sindhi making firing. They were firing on muslims crowds.

Page no 3 Para no 8.

In this crowd there were Naresh, Chhara, Haresh Chhara, Sehjad Chhara, Murli Sindhi, Ashok Sindhi Panvala, Suresh Chhara, Bipin Autovala, Son of Bhavani, whose name is not remembered to me. I know all these persons. All these persons were instigating the crowds and were attacking upon we the Muslims.

Page no 3 Para no 9.

At that time the police persons also had discharged the tear gas. Kishan Korani and Manoj Sindhi had snatched the guns from police and made firing. Whereas the remaining persons stated by me were armed with pipe, swords dahriya etc. Page no : 4 Para No : 10

In this way, a boy namely Abid had died in a firing made by Kishan and Manoj. There after, we all had hidden in a lane. At that time the crowd of persons was increased. I had gone near compound wall of SRP Quarts inside Jawannagar. When I reached in this way it was half past twelve at noon.

This witness has given the name of accused in the statement dated 14-09-2008 before SIT. As per the deposition before the Honble Court it appears that the accused was in committing attack on Mosque and Muslims. It appears that the accused has instigated the crowd. It transpires that the crowd

has committed attack by instigation of accused. There is no reason for not believing that by act of this accused and by his instigation the crowd mercilessly has beaten, cut off, and burnt, Muslims in over all Naroda Patiya Area. It transpires that instigating the crowd this accused has made it more terrible.

Thus, the evidence against the accused is being found from the deposition is the witness. Giving name of accused in deposition before the Honble Court the witness has identified too.

**(7) Witness No:- 236 : Siddiqbhai Alabax Mansuri : Ex: 1662 :**

Has mentioned in statement dated 26-05-2008 before SIT as a leader with Mayaben Kodnani.

Has identified in the deposition before the Honble Court as a leader with Mayaben Kodnani.

Page No: 4, 5 Para No :- 10

At about eleven o'clock in the morning near the gate of S.T work shop Maruti Fronty car of white color of Mayaben Kodnani and a Trax Jeep were stopped near S.T. work shop from Krushananagar. The same was stopped keeping front part towards the gate of S.T. work shop. Mayaben got down from said Maruti. Getting down, she had called the crowd nea the gate of S.T. work shop by making sign. At that time about one hundred persons had come, in which P.A of Mayaben was also there. Mayaben had discussed with those persons. There after she had instructed to her P.A by making sign.

Page No : 5 Para No : 11

At that time P.A of Mayaben had taken out weapons from Trax Jeep. In the weapons like swords, spear, trishul, revolver were appearing from remote. Under the instruction of Mayaben P.A. of Mayaben had given all these to the leaders of crowd. There after the vehicle of Mayaben and that Jeep were started to go towards Krushananagar. Reaching there, the vehicles were turned in lanes. After the departure of Mayaben the crowd persons, in which her P.A was there, had blasted the gas cylinders and pulled down in Noorani Mosque and rushed entire tanker of kerosene in Noorani Mosque.

Page No : 6 Para No : 12

There after the crowd persons had burnt the shops situated around Noorani Mosque. There after the crowd had rushed in side the roads of Husennagar, Jawannagar. The said crowd had burnt the houses in Jawannagar Husennagar. Etc.. And burnt alive women, men and children. I had seen this fact, it means I have seen the facts up to the crowds rushed in Jawannagar, Husennagar.

Page No : 8 Para No : 19

I do not know the name of P.A of Mayaben. But I know him by looking. I know the leaders of crowd by looking. I do not know their names. Even today I will identify all these persons. I will identify reaching near the place, where the accused persons are sitting.

Page No : 10 Para No : 20

Reaching to the place where the accused persons are sitting, I identified them with name turn by turn. They are P.A and of Mayaben respectively.

Besides I stated, they were the leaders of crowd, in which they were accused No: 24, 20, 17, 2, and 44 respectively identified by me. I was given threat after this incident. Accordingly, I went to place where accused persons are sitting, where Sehjad is not present in the Honble Court. But I know him.

This witness has given the name as the leaders with Mayaben Kodnani in the statement dated 26-05-2008. This witness gives support to the deposition of earlier witnesses No 104 , 115. This witness as per the deposition before the Honble Court, has given solid evidence against the accused.

It transpires from the deposition of this witness that the accused was one of the leader from seven leaders came with Mayaben Kodnani and he had discussed with Mayaben and there after taking out the weapons from Trax vehicle, which had come with Mayaben, the same were given to this accused and other leaders. Thus, the said accused was armed with weapons and there after he pulled down and burnt Noorani Mosque, and he burnt shops and houses and burnt alive women, men and children. It appears that the accused was associated in over all incident.

Thus, perusing the deposition of this witness, the accused committing attack on Mosque, setting the houses of Muslims on fire in Husennagar, had burnt alive women, men and children, which is being proved from the deposition of this witness and giving name of accused before the Honble Court, this witness has identified. Thus, there is no reason for not believing the deposition of this witness.

**(8) Witness No : 261 : Maryam Bibi Hasanbhai Saiyed Ex: 1766**

Has given name in police statement dated 12-05-2002, in a manner the accused was present in the crowd persons beating the son of witness had burnt him.

Giving name before the Honble Court has identified.

Page No : 5 Para No : 10

At that time the Hindu crowd was pulling down and commuting loot in houses of our chali. The crowd of these Hindus pulling down the door of my house took out my crippled son Maiyuddin from my home, in which Murli Sindhi, Suresh Langdo, Suresh Mama, Guddu Chhara were there. I had seen the same. They had told my son to speak Shri Ram. At that time, as my son refused to speak Shri Ram, they had bitten him with sword, stick, pipe etc... and pouring petrol or kerosene upon him, they had burnt him alive. I had eye witnessed the same. I had seen all these from the window of Madrasa, in which I was there.

This witness has given the name of accused in police statement dated 12-05-2002 and she states that the accused who was in crowd, was beating and burning her son and she gives evidence as per the deposition before the Honble Court against the accused. Accordingly, it transpires that the accused associating with Suresh Langda, Suresh Mama, pouring the petrol, kerosene upon her son Mayuddin, burnt him alive cruelly and this witness has eye witnessed burning her son alive. The witness has seen this incidence from the window of Madarasa opposite her house. Thus, the sufficient and strong evidence regarding committing murder of Mayuddin is found against this accused.

This is the eye witness. She has seen the accused burning her son. More over, giving name in the deposition before the Honble Court, she has identified. Thus, there is no reason for not believing the evidence of witness.

Thus, taking over all afore said evidence into consideration, these much witnesses giving evidence in the Honble Court, have identified the accused. Accused has played active role in this incident. Accused was present at the time and place of incident. Taking over all evidence into consideration it transpires that, the said accused has played active role in commuting loot, beating, cutting of and burning Muslims in this incidence. It is very much necessary in the interest of justice to teach a proper lesson to this accused.

**Accused No : (3) Umeshbhai Surabhai Bharwad**

**(1) Witness No : 264 :Kiran Kumar Parsottambhai Makwana : Ex : 1778**

Has given name in a police statement dated 07-03-2002 in a manner the accused is seen with weapons in crowd.

Giving deposition before the Honble Court, has identified

Page No: 5 Para No : 9

Meanwhile this, the persons of crowd committing stone throwing were trying to rush inside Pandit's Chali, Husennagar's Chalis and Chhapras of Jawannagar situated opposite Noorani Mosque. Therefore, throwing stones and tube lights etc.. from inside of chalis on the crowd on road, the oppose had been made.

Page No : 6 Para No : 11

In this crowd I had seen Naresh Agarsing Chhra living near Saijpur smashan and Umesh Bharwad living in Krushananagar housing shouting such as beat cut off and along with them, Kalu @ Kaliyo Hatising Rathod living in Krushnanagar Fadeli was also throwing burning wicks on the houses of chali. Meanwhile this, as the helter-skelter took place some persons had rushed in the lanes situated beside S.T. work shop.

Page No :6 Para No : 12

In this incidence, some persons had rushed in chali of Jigarhasan. They had started loot and scuffle there. These crowds were of Hindu community.

Page No:6 Para No : 13

These crowds had become calm at about half past seven in evening and the crowd persons were scattered. I had come to know that about 58 women, men, and children had been burnt and killed at the back side of Husennagar.

This witness is a police witness. He was present on police point of Noorani Mosque and was performing duty. He has stated in his police statement dated 7-3-02 that he has d seen the accused in crowd. He was throwing the burning wicks on the house of chalies. Moreover, pulling down and committing loot in the houses of chali he has burnt the same. Giving name before the Honble Court this witness has identified. Thus, there is no reason for not believing the evidence before the Court given against the accused.

It transpires from the deposition of this witness that the accused was a member of unlawful assembly near Norrani mosque on the day of incident and becoming a member of unlawful assembly he has committed illegal act in furtherance of the object.

**(2). Witness no 267 Manubhai Madhabhai Rathod Ex 1795.**

Has given the name in the police statement dated 3-3-02 that the accused was throwing the burning wicks on chalies.

Giving the name in the deposition before the Honble Court has identified.

Page No 5 Para no 11.

The crowd had pulled down in the Noorani Mosque and the pulling down had been committed in shops around Noorani Mosque. The crowds were trying to rush in side Husennagar' s chalies, Javannangar' s chhapras, Pandit's chali e opposite wall of ST work shop. The said crowd was of Hindus. In this way, they were trying to enter in chailes of Husennagar. At that time the crowd of 400-500 muslims coming in front was facing with

weapons like stones, sticks, dhariya etc weapons. At that time attempts to scatter the crowds were made.

Page no 6 Para no 12.

In this crowd, Naresh Agarsing, Umesh Bharvad and kalu @ Navab were there. They were shouting such as beat cut off. At that time, kalu was throwing burning wicks. He was throwing burning wicks upon muslims. We had made firing at that time. The scuffle and cutting off was started between both the crowds. The crowd jumping the walls had rushed in side chalies. The crowd had started loot and scuffle.

Page no 7 Para No 16.

I know Naresh Agarsing, Umesh Bharvad and kalu @ Navab in the crowd. If they will be here in the Honble Court I will identify. I will identify them reaching to the place, where the accused persons are sitting.

This witness is a police witness. He was in patrolling on the day of incident. In his statement dated 3-3-02 he has seen the accused throwing burning wicks on chailes and rushing in chalies he had committed scuffle and cutting off. This witness has given the evidence as above in the deposition before the Honble Court and giving the name of accused before the Honble Court, he has identified. There is no reason for not believing the evidence given before the Court.

It transpires from the deposition of this witness that the accused was present on the day of incident and becoming a member of unlawful assembly he has committed the illegal act in furtherance of his object.

Thus taking overall aforesaid evidence in to consideration three witnesses have given sufficient evidence and identified said accused before the Honble Court. Accused has played active role in this incident. Accused was present at the time and place of incident. Taking the deposition of all these witnesses in to consideration, it transpires that he has played active role in beating cutting off muslims and burning their properties. It is very much necessary in the interest of justice to teach a proper lesson to this witness.

**Accused No (4) Ganpat Chhanaji Chhara Didavala (Chhara).**

**(1) witness no 177 Ishratjahan Parvezhusen Ex 1218.**

There is no name in the police statement.

Has given the name in statement dated 23 -5-08 before the Honble Court.

Has given the name in the deposition before the Honble Court. Has identified.

Page no 5 Para no 10.

At about half past two o'clock at noon, the crowd had rushed in our chali by committing pulling down, burning and committing loot. We had seen from above that the crowd had rushed in our chali. In this crowd Ganpat Chhara, and two Chhara women were in it. Two Chhara women were looting. Sehjad Chhara had ignited match stick to the first of house of our chali, which belongs to Jaydabanu. After Sehjad burnt, the persons of our chali started to move. The crowds persons coming back to the place where we were hidden had knocked the door of that room. Coming there, Sehjad Chhara spoke loudly, all you the gents persons come out side. We were too

much frightened inside. My voice was stopped . Other muslim women replied to Sehjad Chhara only women and children are here inside. At that time Sehjad Chhara told, handover your children. At that time the women inside started to say earnestly, what wrong we have committed with you. What will you do taking our children. At that time Sehjad said, taking these children on road, we will burn them alive. We all women who were inside room had become silent for the reason of fear and started to cry.

Page no 6 Para no 11.

The persons of this crowd had stood for some time and said while going today you will not be saved and even if you will be saved by chance you go to Pakistan.

This witness has stated in the statement dated 23-5-08 before SIT that the accused was associated in said offence and has given the name of accused in the statement before SIT. Accused was present in the crowd on the day of incident and he was even in committing the criminal act. This witness has stated in his deposition before the Honble Court accordingly. As per the deposition before the Honble Court, the sufficient evidence is found against the accused. This witness has identified the accused before the Honble Court. The said witness was present on the day of incident and he is eye witness. This accused has played active role in the crowd. Thus, there is no reason for not believing this witness.

**(2) Witness no 197 Khairunnishan Riazuddin Shaikh Ex 1354.**

Has given the name in police statement dated 12-5-02.

Has given the name in the statement dated 31-5-08 before SIT.

Has given the name in deposition before the Honble Court.

Page No 3 Para no 4.

At about nine half past nine I had gone to the factory of Sirazuddin to call him. At that time, his employer said, nothing will happen and he stated as soon as work will be over, I will drop him. I was returning and when I was coming near Noorani Mosque the crowds were standing there. The crowd persons had tied saffron strips in head and they were throwing the

stones on Noorani Mosque. Thereafter, I had come to my home. When I come to home other persons were going locking their houses and my children were standing. At that time, the crowds had started to come. Therefore, we had gone towards SRP wall. That crowd was throwing stones upon us and was burning our houses. SRP did not allow us to go inside. We set near the wall of SRP and as the darkness took place we had gone to the terrace of Gangotri society.

Page no 4 Para no 5.

Ganpat Chhara, Guddu Chhara and Sehjad Chhara Jaybhavani Chhara thus all were in the crowd.

This witness has given the name of accused in her police statement dated 12-5-02. Thereafter has given the name of accused in the statement dated 31-5-08 before SIT. The accused was present in the crowd on the day of incident and in furtherance of this common object he was in the crowd to commit the criminal acts and he was throwing the stones and burning the houses of muslims. The witness has seen this accused in the crowd, which appears in her deposition before the Honble Court. Thus, this witness has given sufficient evidence against the accused. Giving the name of accused this witness has identified the accused. Thus, it transpires clearly from the deposition before the Honble Court that in this incident, the accused has played active role in furtherance of common intention in the crowd committing illegal acts. Thus, as the sufficient evidence is found against the accused, there is no reason for not believing her.

**(3) Witness No 238 Nashrinbanu Mrafik Shaikh Ex 1673.**

In the statement dated 21-5-08 before SIT the witness has eye witnessed him committing attack on chalties of witness.

Giving the name in the deposition before the Honble Court, has identified.

Page no 4 Para no 9.

We all of house were frightened. Therefore, I and my family members had gone on upper story of a house opposite us situate in lane no 4 for

the protection. We all had gone to terrace. I had seen the incidents occurring from terrace. At about half past five in evening, though exact time is not remembered to me, but it was evening, I had seen that the crowd persons were committing the loot in chalies and were burning the houses. I had seen about four persons in this crowd.

Page No 5 Para no 10.

At that time, I had seen Munna Setti, Sehjad Chhara, Suresh Langdo and Ganpat Chhara. Among them Munna Setti and Sehjad were in crowd. Suresh was armed with sword and Ganpat Chhara was making sign by his hand. I was on this terrace up to twelve o'clock at night. Thereafter, as the vehicle of Shahalam camp came, we had gone to Shahalam camp in that vehicle.

This witness has clearly stated in the statement dated 21-5-08 before SIT that she has seen the accused committing attack upon chali of witness.

This witness was present in the unlawful assembly gathered in furtherance its common object and committing loot in the chalis of witness they were burning their houses. This accused making sign with his hand was showing to the hindu crowds the place where muslims were hidden and the crowds of hindus were taking out the muslims from the place where they were hidden and cutting them. Thus, this witness has played active role in beating, cutting off and burning the houses of muslims. This witness has given the evidence as per the deposition before the Honble Court and giving name of accused in deposition before the Honble Court, she has identified. Thus, accused being united with his co accused persons committing stone throwing upon the houses of muslims, were burning and looting their houses. It tranpsires accordingly and the accused was present on the place of incident and he has played active role. It transpires accordingly. Hence there is no reason for not believing the evidence against the accused.

**(4). Witness no 116 Lalbhai Nijambhai Luhar Ex 753.**

Has given the name in police statement dated 13-4-02.

Has given the name in the deposition before the Honble Court.

The name of accused is revealed in the police statement dated 13-4-02.

Page no 2 Para no 4.

The incident had occurred on 28-2-02. There was a call of bandha on the day of incident. At about nine o'clock in morning I had come out side my chali at the corner of ST work shop. There was a big crowd. They were saying close... close... and they were getting the shops near mosque closed. At hat time the crowd had started the stone throwing there and thereafter I had gone with my children.

Page no 3 Para no 5

Taking my children I had gone in lane of back side. I had gone locking my home for the reason of fear as to the crowd would come. Taking my wife and children I had gone to the lane of back side. I set there hidden. At about half past twelve the crowd had come and started the loot. They had started the looting beating and burning. Thereafter, we had run in the lanes of back side from the place where we were. As we ran, the crowd followed us and we had remained hidden.

Page No 3 Para No 6

In this way, we had reached up to society. At that time it was five half past five. Thereafter, going to a terrace we along with family set on a terrace. Going to terrace as I saw I found that the crowd was coming from high way. There were many persons in this crowd. But there were such twelve persons out of the same, whom I was knowing.

Page no 4 Para No 7.

In the hands of persons of this crowd, there was spear in hand of some body, there was sword in hand of some body, there was kerosene in hand of some body which was for burning. there was pipe in hand of some body and there was stick in hand of some body.

Page No 4 Para No 8.

In this crowd, Ganpat Chhara, Vikram Chhara, Rajesh Pangdo, Champak Barot, Amrut Chahra Suresh Langdo, kaptan Chhara and other

persons were there. But as long time is passed their names are not remembered to me. If their name will be remembered I will state. I had clearly seen that at that time Suresh Langdo was armed with spear and Champak Barot was armed with stick.

As per it is stated in the deposition before the Honble Court on the day of incident 28-2-02, the crowd was getting the shops near Noorani mosque closed. It was committing stone throwing and the crowd had started looting beating and burning at about 12-30 hours. At about 5-00 hours this witness had seen from the terrace of Gangotri society that the crowd had come from high way and the crowd persons were armed with spears, swords, kerosene, pipes sticks etc. In this crowd, Ganpat Chhara, Suresh Langdo were armed with spear and other accused persons were also there. Being united with all those accused persons, becoming a member of unlawful assembly in furtherance of common intention, he had committed the criminal acts on the day of incident, which transpires from the deposition of this witness. This witness has stated in the deposition before the Honble Court that as 8 years have passed to the incident, he has suffered the trouble to identify. Therefore the witness has not identified the accused. But has described the act committed by the accused on the day of incident. Hence there is no reason for not believing the deposition of this witness.

**(5) Witness no 197 Kherunnishan Riazbhai Shaikh ex 1354.**

This witness has given the name of accused in her deposition before the Honble Court.

Page no 3 Para no 4

At that time, the crowds had started to come inside. Therefore we had gone towards the compound wall of SRP. That crowd was throwing stones upon our house and was burning our houses. SRP did not allow us to go inside. We set just there near the wall of SRP and as it got darkness, we had gone on terrace of Gangotri society.

Page No 3 Para No 4.

In crowd there were Ganpat Chhara, Guddu Chhara and Sehjad Chhara and jaybhavani thus all.

It transpires clearly from the deposition of this witness that this accused was a member of unlawful assembly and the accused was present at the scene of offence on the day of incident and rushing inside chalies, he had committed stone throwing he had burnt the houses of muslims.

This witness has not identified the accused before the Honble Court. But she has narrated the act committed by the accused in her deposition before the Honble Court. The witness has given the deposition after nine years of the incident and if the memory is not good after these much years, it is natural that she may not identify the accused. Thus, the evidence does not fail by not identifying the accused. Hence there is no reason for not believing the deposition of this witness given against the accused.

**(6) witness No 117 Anishbhai Nashirbhai Mansuri ex 7542.**

This witness has given the name of accused in the deposition before the Honble Court.

Page no 2 Para no 4.

On that day, the riot had taken place near Noorani mosque on road. The crowd of ten fifteen thousand persons had come towards Noorani mosque from all four sides. The stone throwing was going on there. The loot was being committed in the shops and firing was being made. Therefore, I had returned in chali for due to fear.

Page No 3 Para No 5

Taking the children, we had gone towards SRP compound and started to rush there. At that time, we were not allowed to go inside. Thereafter, we had come back. But I did not lock my home even in riot and we had gone keeping our home open.

Page no 3 Para no 6.

We are Mansuri. Our ladies wear saris in dress and fill sentha in their heads. On that day, taking children and wife I had gone away leaving the

house. When I came to road the crowds were from all four sides. The crowds persons under standing us as hindus had allowed us to go. We had gone on foot to villalge kathvada. I had seen scuffle and loot in road while going.

Page No 3 Para No 7.

I had seen Bhvani, Guddu Chhara and Ganpat Chhara in this crowd. Ganpat Chhara was with open sword and he was beating the persons.

Page no 3 Para No 8.

Looting our home it was burnt on the day of incident. We had stayed for a night at kathvada. We were sent to village Bahiyal from there. We had stayed for fifteen sixteen days in that village. Thereafter, as the curfew relaxation was given, we had returned to camp at Bapunagar. Police had made our interrogation at Bapunagar.

Page No 4 Para No 9.

I have come to know that Guddu Chhara and Bhavani have died. I know Ganpaat. If I will see Ganpat in the Honble Court, I can identify.

It transpires clearly from the deposition of this witness that, the accused was present on the place of incident and on the day of incident and he was armed with open sword. The witness has stated that the accused was beating with that sword. It can clearly be said from the deposition of this witness that the accused was present along with weapons I. e open sword in unlawful assembly committing the criminal acts and he has beaten cutting off. It transpires accordingly from the deposition of this witness.

This witness has not identified the accused in the deposition before the Honble Court. But has narrated the act committed by him. The Honble Court has written a note in deposition of this witness that as the Honble Court asked the accused, this accused has stated, " many years have passed. Therefore perhaps I can not identify. Therefore, I do not go near the accused." Thus, this witness has clearly stated that as many years have passed, he is not able to identify the accused. But there is no reason for not believing the evidence given against the accused by him.

**Accused No (5) Vikrambhai Maneklal Rathod**

**(Tiniyo Chharo –son in law of Dalpat).**

**(1) Witness no 149 Farida A kadar Shaikh Ex 1028.**

She has given the name in police statement dated 12-5-02.

Has given the name in the statement dated 3-6-08 before SIT.

Has identified giving the name before the Honble Supreme Court.

Page no: 4 Para No: 8.

Some other persons were in the same crowd, in which Mayaben Kodnani was there, in which kishan korani, Babu Bajaranji, Murli, Manoj Videovala, Ashok pan galla wala, Bipin Panchal, Jay bhavani, Dalpat Chhara, Tiniya Chhara a son in law of Dalpat Chhara, Sahejad Charra, Vijay Chhara son in law of Sahejad Chhara, Suresh Langdo, Guddu, Hariyo, Nariyo, Tiniyo Marathi, Subhash etc were there.

Page No: 5 Para No: 11.

Thereafter, the crowd persons were proceeding further and pulling down and burning the houses and were beating and cutting off. Therefore, we were very much afraid. Thereafter, I had gone to the house of my daughter, who lives in Javannagar. Locking my home I had gone to the house of my daughter Afshanabanu at javannagar. I had come twice thrice to see my home from the house of my daughter. In this way, when I came to see my home at two o'clock pm, I had seen a son of person namely Mullaji, who is handicapped by both the legs, burning near my home. Looking this I was confused and immediately I had returned to the house of my daughter Afshahanabanu.

Page No 7 Para 14.

At this time, a boy namely Aiyub was confused looking the crowd near his house situate in Javannagar. Therefore, he had jumped from the terrace and hence had sustained injury in both the legs. Said Aiyub could not stand up for the reason of said injuries. The crowd persons lifted Aiyub who had fallen down, and thrown him in rickshaw and set the rickshaw on fire. They had burnt alive Aiyub. I had eye witnessed the same. At that time, a person having khakhi uniform and a person having worn helmet was also in the crowd.

Page No 8 Para 15.

When the same crowd set the house of Majidbhai on fire in last line of Javannagar, the family members of said Majidbhai were inside. At that time we felt that we would not be saved. Therefore getting down from terrace, in Gangotri society, I and my children had gone in ground via field. Other persons were also with me.

Stating that the accused was present on the place of incident on the day of incident the witness has given the name. Thereafter, she has given the name of accused in the statement dated 3-6-08 before SIT.

On the day of incident, the accused was present in the crowd in which Mayaben kodnani was there and the witnesses has eye witnessed the accused and the crowd persons were burning the houses beating and cutting off and had burnt a person crippled by both the legs and this witness has seen that burning person.

On the day of incident as a boy namely Aiyub jumped down from the terrace, he had sustained injury on both the legs. The crowd persons in which the accused was there, had lifted and thrown in rickshaw and burnt him and this accused being united with other accused persons has played active role in burning him. This witness has eye witnessed the same and thereafter, the crowd, in which the said accused was there, had burnt the house of Majidbhai. Thus, this accused being united with other accused persons, becoming a member of unlawful assembly, causing damage to the properties of Muslims, has played active role in killing and burning Muslims

and in throwing Aiyub in rickshaw and burning him, which transpires from the deposition of this witness. The deposition of this witness gets support by deposition of witness No – 143 and witness No -104. Thus, perusing the deposition of this witness, besides murder, the evidence as to the accused was pulling down and braking and burning the houses of chalis and committing loot with crowd is found from the deposition of this witness . Giving name of accused in the deposition before the Honble Court this witness has identified. Thus, there is no reason for not believing the deposition of this witness.

**(2) Witness No : 116 Lalbhai Nizambhai Luhar : Ex : 753**

Has given name in police statement dated 13-04-2002.

Has given name in deposition before the Honble Court.

Page No: 3 Para No: 6

In this way when we reached up to society, it was half past five. There after going to a terrace, i sat with family. Going to terrace as I saw I found that a crowd was coming from highway. There were many persons in this crowd but there were such twelve persons whom I was knowing.

Page No : 4 Para No :7

There was a spear in the hand of somebody, there was sward in the hand of somebody, there was kerosene in the hand of somebody which was for burning, there was pipe in the hand of somebody and there was stick in the hand of somebody in the crowd.

Page No: 4 Para No: 8

In this crowd there were Ganpat Chara, Rajesh Pangdo, Champak Barot, Amrut Chara, Suresh Langdo, Kaptan Chara, and other persons. But as long time is passed, their names are not remembered to me. If their names will be remembered, I will state. I had clearly seen that at that time, Suresh Langda was armed with spear and Champak Barot was armed with stick.

As per it is stated in the deposition before the Honble Court the crowd was getting shops near Noorani Mosque closed on the day of bandh on 28-02-2002. It was committing stone throwing and the crowd had started looting, beating and burning at about 12:30. At about 5:00 this witness had seen from

the terrace of Gangotri society that the crowd had come from highway and the crowd persons were armed with spear, sword, kerosene, pipe, stick, etc.. In this crowd Vikram Chara, Suresh Langda, were armed with spear and there were also other accused persons. This accused being united with all those accused persons, being member of unlawful assembly, in furtherance of common intension, had committed the criminal act on the day of incident, which transpires clearly from the deposition of this witness. This witness has stated in deposition before the Honble Court that as 8 years have passed to the incident, he has suffered trouble in identifying the accused. Therefore he has not identified the accused. But has narrated the act committed by the accused on the day of incident. Therefore there is no reason for not believing the deposition of this witness.

**Accused No: (6) Rajesh @ Pangdo Kantilal Parmar (Chhara)**

**(1) 116 Lalbhai Nizambhai Luhar : Ex : 753**

Has given name in police statement dated 13-04-2002.

Has given name in deposition before the Honble Court.

The name of accused is revealed in the police statement dated 13-04-2002 of this witness.

Page No: 3 Para No: 6

In this way when we reached up to society, it was half past five. There after going to a terrace, i sat with family. Going to terrace as I saw I found that a crowd was coming from highway. There were many persons in this crowd but there were such twelve persons whom I was knowing.

Page No: 4 Para No :7

There was a spear in the hand of somebody, there was sword in the hand of somebody, there was kerosene in the hand of somebody which was for

burning, there was pipe in the hand of somebody and there was stick in the hand of somebody in the crowd.

Page No: 4 Para No: 8

In this crowd there were Ganpat Chara, Rajesh Pangdo, Champak Barot, Amrut Chara, Suresh Langdo, Kaptan Chara, and other persons. But as long time is passed, their names are not remembered to me. If their names will be remembered, I will state. I had clearly seen that at that time, Suresh Langda was armed with spear and Champak Barot was armed with stick.

As per it is stated in the deposition before the Honble Court the crowd was getting shops near Noorani Mosque closed on the day of bandh on 28-02-2002. It was committing stone throwing and the crowd had started looting, beating and burning at about 12:30. At about 5:00 this witness had seen from the terrace of Gangotri society that the crowd had come from highway and the crowd persons were armed with spear ,sward, kerosene, pipe, stick, etc.. In this crowd Vikram Chara, Suresh Langda, were armed with spear and there were also other accused persons. This accused being united with all those accused persons, being member of unlawful assembly, in furtherance of common intension, had committed the criminal act on the day of incident, which transpires clearly from the deposition of this witness. This witness has stated in deposition before the Honble Court that as 8 years have passed to the incident, he has suffered trouble in identifying the accused. Therefore he has not identified the accused. But has narrated the act committed by the accused on the day of incident. Therefore there is no reason for not believing the deposition of this witness.

**Accused No: 7 Champak Himmatlal Rathod (Chhara)****(1) 116 Lalbhai Nizambhai Luhar : Ex : 753**

Has given name in police statement dated 13-04-2002.

Has given name in deposition before the Honble Court.

The name of accused is revealed in the police statement dated 13-04-2002 of this witness.

Page No: 3 Para No: 6

In this way when we reached up to society, it was half past five. There after going to a terrace, i sat with family. Going to terrace as I saw I found that a crowd was coming from highway. There were many persons in this crowd but there were such twelve persons whom I was knowing.

Page No: 4 Para No :7

There was a spear in the hand of somebody, there was sward in the hand of somebody, there was kerosene in the hand of somebody which was for burning, there was pipe in the hand of somebody and there was stick in the hand of somebody in the crowd.

Page No: 4 Para No: 8

In this crowd there were Ganpat Chara, Rajesh Pangdo, Champak Barot, Amrut Chara, Suresh Langdo, Kaptan Chara, and other persons. But as long time is passed, their names are not remembered to me. If their names will be remembered, I will state. I had clearly seen that at that time, Suresh Langda was armed with spear and Champak Barot was armed with stick.

As per it is stated in the deposition before the Honble Court the crowd was getting shops near Noorani Mosque closed on the day of bandh on 28-02-2002. It was committing stone throwing and the crowd had started looting, beating and burning at about 12:30. At about 5:00 this witness had seen from the terrace of Gangotri society that the crowd had come from highway and the crowd persons were armed with spear ,sward, kerosene, pipe, stick, etc.. In this crowd Vikram Chara, Suresh Langda, were armed with spear and there were

also other accused persons. This accused being united with all those accused persons, being member of unlawful assembly, in furtherance of common intension, had committed the criminal act on the day of incident, which transpires clearly from the deposition of this witness. This witness has stated in deposition before the Honble Court that as 8 years have passed to the incident, he has suffered trouble in identifying the accused. Therefore he has not identified the accused. But has narrated the act committed by the accused on the day of incident. Therefore there is no reason for not believing the deposition of this witness.

**Accused No: (9) Amrat @ Kalubhai Babubhai Rathod**

**(1) 116 Lalbhai Nizambhai Luhar : Ex : 753**

Has given name in police statement dated 13-04-2002.

Has given name in deposition before the Honble Court.

The name of accused is revealed in the police statement dated 13-04-2002 of this witness.

Page No: 3 Para No: 6

In this way when we reached up to society, it was half past five. There after going to a terrace, i sat with family. Going to terrace as I saw I found that a crowd was coming from highway. There were many persons in this crowd but there were such twelve persons whom I was knowing.

Page No: 4 Para No :7

There was a spear in the hand of somebody, there was sword in the hand of somebody, there was kerosene in the hand of somebody which was for burning, there was pipe in the hand of somebody and there was stick in the hand of somebody in the crowd.

Page No: 4 Para No: 8

In this crowd there were Ganpat Chara, Rajesh Pangdo, Champak Barot, Amrut Chara, Suresh Langdo, Kaptan Chara, and other persons. But as long time is passed, their names are not remembered to me. If their names will be remembered, I will state. I had clearly seen that at that time, Suresh Langda was armed with spear and Champak Barot was armed with stick.

As per it is stated in the deposition before the Honble Court the crowd was getting shops near Noorani Mosque closed on the day of bandh on 28-02-2002. It was committing stone throwing and the crowd had started looting, beating and burning at about 12:30. At about 5:00 this witness had seen from the terrace of Gangotri society that the crowd had come from highway and the crowd persons were armed with spear, sword, kerosene, pipe, stick, etc.. In this crowd Vikram Chara, Suresh Langda, were armed with spear and there were also other accused persons. This accused being united with all those accused persons, being member of unlawful assembly, in furtherance of common intension, had committed the criminal act on the day of incident, which transpires clearly from the deposition of this witness. This witness has stated in deposition before the Honble Court that as 8 years have passed to the incident, he has suffered trouble in identifying the accused. Therefore he has not identified the accused. But has narrated the act committed by the accused on the day of incident. Therefore there is no reason for not believing the deposition of this witness.

**Accused No : (10) Haresh @ Hariyo Jivanlal @ Agarsing Rathod (Chhara)**

**(1) Witness No: 73Basuddin Maiyuddin Saiyed Ex : 514**

Gave name.

Name in the statement before SIT : Haresh

There is name in police statement.

Was with weapons in crowd in statement before SIT.

Para No:8 Page No: 5

On that day at about eight hours in morning a big crowd of Hindus was coming from Krushnanagar. On hearing the noises of this crowd, I had come on National highway. Coming outside, I had stood near Jay Ambe Pan Galla. Munnabhai of chali was also present with me. The said crowd of Hindus was coming towards Noorani Mosque from Krushananagar. The leadership of this crowd was of Bipin Panchal, Guddu Chhara and his two real brothers. The persons of said Hindu crowd were armed with weapons such as swards, Trishul, Spear, Revolver, and Iron Pipes.

Two real brothers (Naresh – Haresh)

Para No: 10 Page No: 6

The persons of said crowd were burning the shops of Muslims situated beside Mosque and the persons of said crowd were throwing the stones too. When I saw all this, it might be half past nine

Para No: 14 Page No: 8

Somebody was burning the shops, somebody was causing damage to Mosque and one person of this crowd standing had started a tanker which was parked near Mosque, had rushed it in the gate of this Mosque. The gate of Mosque and Milan Hotel situated near by it were pulled down. As per the deposition given in the Honble Court by this witness, the said accused was in the crowd committing criminal act at the time of incident. This witness has

given the name of this accused in his police statement as well as in the statement before SIT and giving name of accused he has identified before the Honble Court. The evidence is recorded as per the deposition of this witness against this accused.

This witness is eye witness of the incident. As per say of this witness he has sustained injury in back by falling down at the time of running to save his life at the time of incident. More over Ehsan a son of witness also has sustained injury in knee at the time of running to save life. They have taken treatment in relief camp. This witness is saved from the death. There is no reason for not believing the fact stated by him in examination in chief.

It transpires from the deposition of this witness that this accused had taken leadership of Hindu crowd on the day of incident and he was armed with deadly weapons. It transpires that the witness (Accused) has committed active role in committing attack up on Noorani Mosque.

**(2) Witness No 145: Shahnavaazkhan Abbashkhan Pathan EX: 999.**

Name is given in the police statement dated 9-3-02. Giving the name as in the riotous crowd in deposition before the Court, he has identified.

Page No: 2 Para No: 3.

There was a call of Gujarat Bandh on the day of incident. At about quarter past nine the crowd had come out side my home on the day of incident. They were pulling down the shop. That all continued up to 11 hours. Thereafter the police had made firing. There were crowds of our Muslims there, who had gone inside lane. Thereafter, the crowds of Hindus had proceeded further. They had rushed inside our chalis. The said crowds of Hindus had set the chalies of Hukamsing and that of Dilip on fire and looted the articles. The persons of crowd had rushed in chalis.

Page No: 3 Para: 4.

The crowd had come from Nataraj hotel. This crowd had come from Patiya opposite ST work shop. The said crowd was of fifteen to twenty hounded persons. The crowd persons had burnt my home and committed loot in my home. The stone throwing and scuffle were going on at out side. Therefore, we

had gone inside Husennagar. We had hidden in Husennagar. Thereafter, the police vehicle had taken us to Shahalam camp... My father had sustained injury in leg by stone throwing in the incident.

Page No: 4 Para No: 6.

The crowd which had rushed and as per I said, it had pulled down and set on fire. In that crowd Bipin Panchal, Manoj Sindhi, Murli Sindhi, Kalu Bhaiya, Suresh Chhara, Haresh Chhara, Naresh Chhara, thus total seven persons were there. I was knowing said seven persons only. I did not know other persons of the said crowd.

There is no dispute of application for exemption of presence of accused.

This witness has given the name of said accused in police statement dated 9-3-02. He has stated that he was in riotous crowd and giving the name of accused in the deposition before the Honble Court, he has identified the accused. As per the deposition of this witness, the evidence is recorded against the accused. The father of this witness has sustained injury in leg by stone throwing. He has taken the treatment in Shahalam camp. The accused persons have burnt the house of this witness. The said witness has identified said accused in crowd committing the criminal act and has identified by giving name even in the deposition in the Honble Court.

It transpires from the deposition of this witness that accused was in Hindu crowd from morning on the day of incident. Burnt Hukamsing's Chali, Dilip's Chali and committing loot in the house of witness, he had burnt. Thus, it transpires that the said accused has played active role in the incident.

**(3) Witness No: 149 Farida Abdulkadar Khalifa Ex: 1028.**

She has given the name in police statement dated 12-5-02.

Has given the name in the statement dated 3-6-08 before SIT.

Has given the deposition giving the name before the Honble Court.  
Accused present in the Court.

Page no: 4 Para: 8.

Some other persons were in the same crowd, in which Mayaben Kodnani was there, in which kishan korani, Babu Bajaranji, Murli, Manoj Videovala, Ashok pan galla wala, Bipin Panchal, Jay bhavani, Dalpat Chhara, Tiniya Chhara a son in law of Dalpat Chhara, Sahejad Charra, Vijay Chhara son in law of Sahejad Chhara, Suresh Langdo, Guddu, Hariyo, Nariyo, Tiniyo Marathi, Subhash etc were there.

Page No: 5 Para No: 11.

Thereafter, the crowd persons were proceeding further and pulling down and burning the houses and were beating and cutting off. Therefore, we were very much afraid. Thereafter, I had gone to the house of my daughter, who lives in Javannagar. Locking my home I had gone to the house of my daughter Afshanabanu at Javannagar. I had come twice thrice to see my home from the house of my daughter. In this way, when I came to see my home at two o'clock pm, I had seen a son of person namely Mullaji, who is handicapped by both the legs, burning near my home. Looking this I was confused and immediately I had returned to the house of my daughter Afshahanabanu.

Page No: 7 Para: 14.

At this time, a boy namely Aiyub was confused looking the crowd near his house situate in Javannagar. Therefore, he had jumped from the terrace and hence had sustained injury in both the legs. Said Aiyub could not stand up for the reason of said injuries. The crowd persons lifted Aiyub who had fallen down, and thrown him in rickshaw and set the rickshaw on fire. They had burnt alive Aiyub. I had eye witnessed the same. At that time, a person having khakhi uniform and a person having worn helmet was also in the crowd.

Page No: 8 Para: 15.

When the same crowd set the house of Majidbhai on fire in last line of Javannagar, the family members of said Majidbhai were inside. At that time we felt that we would not be saved. Therefore getting down from terrace, in Gangotri society, I and my children had gone in ground via field. Other persons were also with me.

The said witness has stated in her police statement dated 12-5-02 that the said accused was in said offence and has given the name of said accused in the statement dated 3-6-08 before SIT. It is stated that the said accused was associated in the crowd committing the criminal act in furtherance of their intention. This witness has identified giving name in the deposition before the Honble Court. The evidence is recorded as per the deposition given by this witness against the accused. PI Maysurvala has made this witness run away by beating with baton at the time of incident. Thus, this witness is the eyewitness and there is no reason for not believing her.

There is no dispute regarding the application for exemption of presence, wide Ex: 994, 1001 of accused.

It transpires from the deposition of this witness that the accused was in crowd with Mayaben Kodnani and this accused has taken leadership of crowd and it transpires that this accused has played active role in burning houses of Muslims committing loot and burning the persons alive.

**(4) Witness No: 156 Abdul Majid Mohammed Usman Shaikh Ex: 1072**

Has given name in police statement dated 15-04-2002

Has given name in statement dated 20-05-2008 before SIT.

Has given name in statement dated 13-09-2008 before SIT. (As a brother of Guddu)

Note: With carboy of kerosene in statement dated 20-05-2008.

Giving name before the Honble Court, has identified. (There is no dispute regarding the application for exemption of presence, wide Ex: 1069).

We all ten persons, on that day, at that time had left our house. I am not aware about exact time. But thereafter we had gone to terrace of Gangotri society. It was noon time. From the terrace of this Gangotri society, I had seen that Guddu Chhara's two brothers, Tiniyo and others were present. They all were armed with swords, sticks and cans of kerosene. They attacked Aiyub, the son of Allabax. He was thrown in the rickshaw near Abeda's house near SRP quarters wall of our Javannagar's chawl, and was burnt. I had myself seen it. At that time Guddu Chhara was having sword. In the hand of Guddu Chhara's brother, there was a can of kerosene, and one brother was having stick. There were other five to six Marathi boys. Tinio happens to be son of Kadam.

Page no: 10 Para no: 19

I had seen that my wife was burning and my daughter Supriya was being taken by pulling by others. The persons who were pulling her were Jay Bhavani, his son, Tiniyo, suresh Langdo, and other two to five persons. When my daughter was being pulled, at that time I remembered Allah and uttered a word, 'Nare Takbir, Allah o Akbar'. At that time someone from the back side attacked on my head and thereafter I had fallen down there.

Page no:11 Para no: 20

Before I became conscious, I had seen that my daughter Supriya was dragged, my wife Lalbee and Afrinbanu, Shahinbanu, Son Mohamad husen, Khwaja husen and daughter Sufiyabanu were burning there. On gaining consciousness, thinking as to what would have happened to my other children; I shouted the names of my other children, Chand, Yasin and Mehbub.

Page No:11 Para No: 21

At that time I found Mehbub, husband of Bibibanu in burning condition. Thereafter I had heard the sound of Yasin, my son calling my name. My son Yasin was in burning condition. My son sat in the water tank which was lying there due to pain of burning. I told him not to sit in the water tank because due to that his skin might get damaged. I had taken him out of the water tank.

This witness had, in his police statement of dated 15/4/2002 and in SIT's statement dated 20/5/2008 and dated 13/9/2008, the name of accused is given as Guddu's brother. He had stated in his statement dated 20/5/2008 that he had seen him having can of kerosene. This witness was present at the time of incident. The persons from the crowd had dragged Supriya, the daughter of the witness, raped on her and beaten her. She was then died during treatment. The witness's wife Lalbee, two daughters, Afreenbanu, Shahinbanu, two sons Mohamad husen and Khwaja husen were burnt and thus killed. In this way five members of the witness were died in the incident. Yasin, the son of witness was found in burning condition who was shown by witness. He was saved after treatment. This witness has, before the court, has given the evidence against the said accused. He had identified him with name in the court.

It is proved from the deposition of the witness that the accused was present at the time of incident. He was having weapon. The accused, who was present in the crowd was having can of kerosene and this accused, accompanying with other accused had thrown one boy namely Aiyub in brutal manner in to rickshaw and burnt him. This is sufficient evidence available against this accused of having killed and burnt Aiyub. Therefore there is no reason to disbelieve this witness.

**(5) Witness no: 170, Jalaluddin Ibrahim Shaikh**

**Ex: No 1174**

In his police statement dated 12/5/12 with weapon in fanatic crowd.

By giving name, identified in the court.

Page no: 3 Para no: 6

Ten to fifteen thousand people of Hindu crowd coming from the direction of Natraj hotel, were shouting to beat and to kill them. The persons of this

crowd were armed with sword, stick, dhariya etc etc. This crowd had reached to ST work shop. This crowd was doing stone pelting.

Page no: 3 Para no: 7

I know about six persons from this crowd, which I had seen. They were Bhavani singh, Guddu Chhara, Mungdo Chharo, Hariyo Chhara, Suresh Langdo and Bipin Panchal were there in the crowd.

-Page no: 3 Para no: 9

The people from this crowd were attacking on the houses situated near Noorani Masjid. The people from this crowd had set a fire, attacked on cabins, shops, carts and houses located near Noorani masjid. Some people from our side came forward to protect the Noorani masjid. At that time, this crowd proceeded towards the ST work shop. I was watching all these things from the place of water taps situated at near ST workshop where at presently police chowky is situated.

Page no: 5 Para no: 15

Out of this crowd, half crowd was proceeding towards chawl and in the half of the crowd proceeding towards the Noorani masjid, I had seen Hariya Chhara, Mungdo Chhara and Suresh Langdo. At that time I was standing near the water tap at ST work shop. Someone fired at me. The firing was continued and thereafter we ran towards the chawl. The man behind me was hurt by bullet. Thereafter I had gone to my house.

This witness had stated in his statement before police dated 12/5/02 that he had seen the accused with weapon. The witness had in his deposition given sufficient evidence before the court. He had by giving the name of accused had identified the accused in the court room. It is proved from the deposition of this witness that fifteen thousand people crowd came from the direction of Natraj hotel. They were having weapons. The accused were present in the crowd. The accused had along with others had set a fire to Noorani

masjid. Thus it is established that these accused were the members of the unlawful assembly. They were armed with weapons and attacked on Noorani masjid and on muslims and set a fire to the properties. Thus, there is no reason to disbelieve the evidence of witness against the accused.

**(6) Witness no: 175, Yakubali Kasam ali Saiyed**

**Ex: 1205**

Names are there in the police statement dated 12/5/02

Names are there in the SIT statement dated 25/5/08

Identified and name is given in the deposition before the court.

Page no: 5 Para no: 13

At 1/30 pm in the noon time, I had seen Bipin Panchal of auto centerwala, Guddu Chhara, Hariya Chhara, Manoj Videowala and Suresh Chhara in the crowd. Bipin Panchal was having sword, Bhavanising and Manoj Videowala were leading the crowd. Suresh and Hariyo Chhara were having stick. The persons from the crowd were doing stone pelting and setting fire to houses. They brought cans of kerosene and liquid. We stayed at SRP quarter up to 10/30 pm in the night. Thereafter the government vehicle came to take us away; hence I along with my family members who were there in SRP quarters had gone to camp from there.

This witness has in his police statement dated 12/5/02 and SIT statement dated 25/5/2008 has given the name of accused. He had in his deposition, before court had given cogent evidence against the accused. He had in his deposition before court on oath had given the names of accused and identified them.

It is proved from the deposition of the witness that the accused had in collusion with other had lead the crowd. He was having pipe and was leading the crowd and setting fire to the houses and shops. Thus sufficient evidence is

available against these accused. Therefore there is no reason to disbelieve the same.

**(7) Witness No:182 Bhikhabhai Habibbhai Mansuri Ex: 1259**

- Name is there in the police statement dated 15/5/2002
- Name is not there in the SIT statement dated 18/6/08
- Identified and name is given in the deposition before court.

Page no: 2 Para no: 6

On that day at about 9 to 9/30 hours in the morning, the crowd and of Bajrangdal, Shiv Sena and Hindu people armed with Trishul and sword came on the road from the direction of Krishnanagar and Patiya.

Page no: 3 Para no: 7

On that day my sister Rani had gone to Madresa situated in the Noorani masjid. I had gone to take her and at that time I had seen the crowd which I mentioned earlier.

Page no: 3 Para no: 8

There were Guddu Chhara, Haresh Chhara and Naresh Chhara in the crowd. The persons from the crowd were doing stone pelting towards us and Noorani masjid. They were uttering the slogans of Jay Shree Ram and were shouting to cut the Muslims. I had after taking my sister Rani from madressa which was in the Noorani masjid had gone to my house. I felt that the atmosphere has not cooled down. Therefore I had locked my house my parents house and after taking my all family members came to two storey building situated at Husen nagar lane no 4 and hidden there.

This witness had given the name in the police statement of dated 13/5/02 and SIT statement dated 18/6/08. This witness had given sufficient evidence in the deposition before the court.

It is proved from the evidence of this witness that the accused who was in the crowd armed with weapon came from the direction of Krishnanagar, Naroda patiya were shouting to cut the Muslims. Thus as per the deposition of this witness, the accused was in the crowd who were committing the criminal act. Thus there is no reason to disbelieve the same.

**(8) Witness no: 184, Md Hanif yusufbhai Shaikh**

**Ex: 1271**

Name is there in the police statement dated 12/5/02

Name is there in the SIT statement dated 14/9/08

Identified and name is given in the deposition before court

Page no: 2 Para no: 4

The incident happened on dated 28/2/2002. It was happened after the Godhra incident of dated 27/2/2002. On that day VHP declared a 'bandh day'.

Page no: 2 Para no: 5

On that day at 9/30 hours I was at my home. At that time there was chaos on the road. The crowd came from the direction of Krishnanagar and Natraj hotel. Both crowds were merged there.

Page no: 2 Para no: 6

This crowd had attacked on the Masjid. On that day there was a police point opposite ST workshop. The crowd had attacked on Muslims.

Page no: 3 Para no: 7

The persons from this crowd were having pipe, swords and other weapons. I had seen Kishan Korani and Manoj Sindhi doing firing from the crowd. They were firing at Muslim crowd.

Page no: 3 Para no: 8

In this crowd, there were Naresh Chhara, Hitesh Chhara, Sehjad Chhara, Murli Sindhi, Ashok Sindhi panwala, Suresh Chhara, Bipin auto wala and son of Bhavani, whose name I don't remember. I know all these persons. All these were instigating the crowd and attacked on the muslims.

Page no: 3 Para no: 9

At this time police had also released tear gas. Kishan Korani and Manoj Sindhi had snatched the gun from the police and done firing. Other persons whose names I had mentioned earlier were having weapons like pipe, dhariya etc.

Page no: 3 Para no: 10

In this way, in the firing done by Kishan Korani and Manoj Sindhi, the boy namely Arif was died. We all had hidden ourselves in the lane. The crowd of this people was increased. I had gone to inside the Jawaharnagar, near wall of SRP quarters. It was 12/00 of noon when I reached there.

This witness had given the name of accused in police statement. In his deposition, the evidence is given before court. In this way the involvement of the accused is proved.

It is proved from the deposition of the witness that the accused was present in the crowd near Noorani Masjid. He attacked on Noorani Masjid. It is proved that he has instigated the people in the crowd. After instigation, crowd had attacked on the Muslims. The accused was present in the crowd. In this way the accused had after doing the overact, he had instigated the crowd and made the crowd to attack on Muslims. This is therefore heinous act. Due to this instigation along with people of crowd, the accused had caused damages to the lives and properties of the Muslims. The same is proved from the deposition of the witness. The witness has in the court room has given the name of accused and identified him. Therefore there is no reason to disbelieve the deposition of the witness.

**(9) Witness no: 189, Md Imran Imtiyazhusen Momin**

**Ex: 1289**

They were there in the fanatic crowd, stated in the police statement of dated 13/5/2002

Given name as was present with sword in crowd as stated in SIT statement dated 10/6/2008.

Identified and given name in the court room.

Page no: 5 Para No:10

I had seen from the 3<sup>rd</sup> floor of this house, that the persons from the crowd were looting the materials of house hold from our houses and were setting fire. They were beating and cutting. There were three brothers in the crowd. They were Guddu Chhara, Hariyo Chhara and Nariyo Chhara. They were beating and cutting. These three had taken the leadership of the crowd and were showing the places to the crowd where our people were hiding. These people were looting our houses and setting the fire to the houses. All these three brothers, Guddu Chhara, Hariyo and Nariyo were having swords in their hands. At that time it was about 2/30 to 3/00 hours of noon. They were causing damages in the chawl which we were watching.

Page no: 6 Para no: 11

After noon time, from this very terrace, we had seen towards Gangotri society and seen that the Chhara people were making sound of dishes and were sending the people towards Husen nagar which were coming from the back side direction of Gangotri society. In committing this act, there were Dalpat and Bhavani. We stayed on the terrace of Husen nagar lane no 4 till 12 to 1/00 hours in the night.

This witness had given the names of accused in the police statement and SIT statement. He had stated in his statement before SIT that accused were having sword. The witness has in his deposition has given evidence before the court. In this way it is proved from the deposition of the witness that the

accused was present at the time of incident. He had along with his two brothers, who are the accused in this case had beaten and cut the muslims. He had lead the crowd. He was showing the places to the crowd where the muslims had hidden to protect their lives. On seeing that the crowd was beating and cutting the people. The witness had seen the sword in the hand of the accused. The witness had seen the accused doing all these acts. The witness had given the name of accused and identified in the court room.

Therefore there is no reason to disbelieve the evidence of witness.

**(10) Witness no 198, Harun Mohamad bhai Shaikh Ex: 1363**

Name is there in the SIT statement of dated 25/5/2008 and 12/9/2008

Name is given in the deposition before court.

Page no: 3 Para no: 6

Persons of both side crowds had put on saffron color stripe on forehead. Some of the persons from the crowd were known to me. I had seen sword, Trishul and pipe in the hands of several persons of the crowd.

Page no: 3 Para no: 7

In this crowd I had seen Mayaben, Babu Bajrangi, Sachin Modi, Ashok Pangallawala, Manoj Videowala, Suresh Langdo, Haresh, Guddu and Bipin Autowala. I had seen all these present at about 9/30 hours in the morning on the incident day. They were in the front side even in the crowd at ST work shop gate. They were also there in the crowd near SRP gate. Thereafter both the crowd was merged in one.

Page no: 4 Para no: 8

These persons and crowd started setting fire to nearby cabins, shops and houses. They had even attacked Noorani masjid. Some persons from our muslim side had gone to explain these nine persons but they had not heard anyone. They shouted word eat them and cut them. They started throwing

stones towards the people of our community. We were frightened and came back to the place where at present the police chawky is situated.

This witness has in his both statements before SIT, stated the names of the accused. He had in his deposition before court had given evidence against the accused.

From the deposition of this witness, it is proved that the accused were leading the crowd which was there near ST workshop and near SRP gate. The witness had seen the accused in the morning at 9/30 hours at the place of incident. By remaining in the crowd, the accused had caused damaged to the properties of muslims. That the accused had played active role in attacking on on Noorani masjid and on the muslims. This witness has given the name of accused and identified in the court room.

**(11) Witness no: 209, Shabana Bundubhai Kureshi Ex: 1463**

Name is there in the SIT statement of dated 23/5/2008 and 14/9/2008

Name given in the deposition and identified in the court room.

Page no: no 6 Para no: 12

When we were returning back, at that time, the crowd was standing there near Gangotri and Gopinath society having weapons like pipes, sword, hockey had started beating the muslim people who were coming behind us. At that time, we were running towards tisra kuva, while the people from Gangotri and Gopinath were coming towards us. At this time the public started running here and there. At that time, there is one lane between Gangotri and Gopinath society, where there is one water tank, we rushed to this lane. At that time all our family members were separated. But when we entered to this lane, my mother, my sister Nasim and my brother Raja were with me.

Page no: 7 Para no: 13

When we entered the lane, the crowd had cordoned us from all the direction. In this crowd, I had seen Suresh Chhara, son of Dalpat, son of Jay Bhavani, Naresh, Haresh, Manu, two sons of Marathi, Jay Bhavani, Dalpat and Guddu Chhara and other people.

Page no: 7 Para no: 14

At this time, on the road, opposite the lane, all the persons whose names I had stated were there in the crowd. That crowd had cut the 'religious Tavij' through dragger of one boy Siddik and attacked on him. Thereafter he got injuries around neck. The dragger was broken down and fell down. Thereafter they started beating this Siddik with pipes. He had by keeping his hands on head, tried to save himself. All these things were seen by me. Thereafter some liquid of the kind of kerosene was poured on him and was burnt him. In this way Siddik died there.

Page no: 8 Para No: 15

After Siddik's incident, I had seen that there were persons, whose names I had stated earlier, were there in the crowd. The persons of that crowd had taken away by pulling one girl of Husen nagar. At that time my sister Nasim was cordoned and pipe blow was given on her head. On the same place, they poured kerosene on my sister and burnt her alive. She was also died there.

Page no: 8 Para No: 16

At that time, on seeing this, my mother shouted and tried to run away but at that time Suresh Langda had caught her and he had inflicted gupti blows on her stomach part. Thereafter all these persons, whose names I had mentioned had burnt my mother. My mother died at the same place.

Page no: 9 Para no :17

At that time the Muslims who were there in the lane, and when they came out from there, this crowd had caught hold of them and burnt them. At this time

the persons from the crowd felt that the attacks were started and therefore by pouring kerosene, all were burnt alive.

Page no: 9 Para no: 18

At that time the fire broke out; therefore I jumped the wall and sat there which was near the lane. At that time the persons from the crowd had thrown stone on my leg. Due to this stone, I fell down on the other side of the wall. I was frightened by seeing all these things. The persons from the crowd were uttering very filthy language and were setting a fire and therefore I was frightened. I sat for two minutes near the wall and thereafter I came out of the gate and had gone to the terrace of Gangotri society.

Page no: 10 Para no: 19

Other muslims were there when I reached to terrace. There were muslims on three terraces of Gangotri society. We were there till late night.

This witness had given the name of accused in the statement before the SIT dated 23/5/2008 and 24/9/2008. The mother and sister of witness had died in this incident. The witness is staying at the place of incident since years. He was at home at the time of incident. He had seen the persons with weapon in the crowd. This witness was running towards Tisra kuva for saving himself. The crowd came from that place so he ran towards Gangotri and was trapped in the lane where the carnage was taken place between Gangotri and Gopinath society. The witness had seen the accused in the crowd near water tank. The witness had seen cutting the neck of one boy Siddik and also seen setting fire to Siddik. The boy namely Siddik was burnt by the accused and the crowd and it is proved from the deposition of the witness. Thereafter the witness had seen this accused and other accused dragging one girl of Husen nagar. The witness had seen pouring kerosene on the witness's sister Nasim and setting fire on her. Mother of witness was also burnt alive by the accused and the crowd. The muslims who were coming out of the lane were being caught and were burnt alive by the accused and the crowd. In the same lane, the accused and the

crowd had poured kerosene and burnt the muslims altogether. Thus these accused have played active role in the massacre occurred near water tank. Thus this is proved from the deposition of the witness.

On the day of incident, this witness received injuries on leg, when she jumped from the wall near water tank due to stone thrown on her leg. After seeing the entire incident, the witness had gone to terrace of Gangotri society and sat there till late night to save her life.

This witness has got injury on her leg as per her say, in the incident. The witness had taken treatment in the camp.

Therefore the deposition of the witness cannot be ruled out. She was the eyewitness of the incident. Her presence is clear at the place of incident. There is no reason to negate the facts stated by the witness in her chief examination. The witness had in her deposition on oath had stated the names of accused and indentified them.

**(12) Witness No 212, Rukshana Bundu Kureshi**

**Ex: 1507**

Name is given in SIT statement dated 3/6/08 and 14/9/08

Name given in deposition before court and identified.

Page no: 5 Para no: 8

After coming out of the hall, I was separated from my mother, brother and sisters. The people of our community started to go towards Tisra kuva. The people who had gone speedily from our side had come back immediately, stating that there was a crowd of Hindu people and they were having weapons. I was frightened and was shouting 'mummy, mummy. The persons who came back were asked as to what happened. On that they stated that the big crowd of hindu people with weapons have come.

Page no: 5 Para no: 9

I was started running with the persons our community, while running; suddenly I saw that Suresh Langdo was inflicting gupti blows on the stomach of my mother. The persons, Naresh, Haresh, Suresh Langdo, Guddu Chhara are those who had attacked on my mother. The daughter of Jay Bhavani was giving drinking water to the persons who were in the crowd. In that crowd, there were Jay Bhavani, son of Jay Bhavani, Dalpat, son of Dalpat, Chintu and one blue eyed person and one curly hair person were there. This person was having iron piper in his hand.

Page no: 6 Para no: 10

There were other people also along with this crowd. They were burning people of our community. Daughter of Jay Bhavani was giving kerosene and clothe/bed sheet to these people for setting fire.

Page no: 5 Para no: 11

At that time it was day light and there was no darkness. The time was about 5/30 to 6/00 hours. I went to terrace of Gangotri and was weeping. There were other people also of our community on the terrace. When I was on the terrace, one burnt woman came on the terrace with a small child. The child was also burnt. The woman was uttering the word, 'save, save'. Many people of our community were killed by these people and burnt by them.

This witness had given the names of the accused in the statement before the SIT of dated 3/6/2008 and 14/9/08. The witness was present at the place where the incident took place. She was staying at Jawahar nagar lane no 1 since childhood. The witness had seen the incident from the terrace. She had seen crowd near Nurani masjid. By going down stair, she tried to go to SRP quarter. SRP persons did not permit her. She went to one hall and from there she had gone to Tisra kuva. From there she had seen the accused in the crowd with weapon. The accused who had beaten her mother was present in the crowd. The crowd in which the accused was present had killed and burnt the

mother and sister of the witness. That incident was seen by the witness directly.

The witness had seen the incident with her naked eyes. She had identified the accused who was beating and cutting. The witness had given the name of accused in the deposition before court and identified him. Therefore there is no reason to disbelieve the same.

**(13)Witness no 242, Mo Salim Ahmedbhai Shaikh**

**Ex no: 1690**

Seen in the crowd with weapon, stated in the statement before SIT dated 25/9/2008.

Name given in the deposition before court.

Page no: 3 Para no: 7

Thereafter at about 4/00 hours I started to go towards my house. I was by taking my entire family members was going to Kumbaji's chawl. At that time, the crowd was there at the place of Jawan nagar.

Page no: 4 Para no: 8

There were many persons in that crowd. There were Suresh Langdo, Haresh Chhara and Guddu Chhara in that crowd. All these three persons were having weapons like rod and sword. I do not remember as to who has armed with which weapon. This witness had given the name of accused in the statement of SIT. Witness had stated that accused were in the crowd with the weapons. The witness had given the deposition before the court and thus given evidence. Thus on seeing the evidence of this witness, it is proved that the accused was present in the crowd which was there at the place of Jawan nagar. The witness had seen them directly. The witness had seen the accused at 4/00 hours. Thus the presence of accused is established at the place of incident. This witness

had given the name of accused in the deposition before court and identified him.

**Accused no (11) Kaptansingh Jawansing Parmar (Chhara)**

**(1) Witness no 116, Lalabhai Nizabhai Luhar**

**Ex: No: 753**

Name given in the deposition before court.

The below stated evidence is received against this accused in the deposition of witness before the court.

Page no: 2 Para no: 4

The incident occurred on dated 28/2/2002. I was at my home. I came out of my chawl at the corner of ST work shop at about 9/00 hours in the morning. There was a big crowd and was shouting to close it , close it. They were making to close the shops near the masjid. Thereafter the crowd had started stone pelting and I came back to my children.

Page no: 3 Para no: 6

In this way we reached to society. At that time it was about 5 to 5/30 hours. We went to one terrace and sat there with our family. From the terrace I

have seen that one crowd was coming from highway side. There were many people in the crowd. Out of them I was knowing twelve persons.

Page no: 4 Para no: 7

In this crowd, someone was having spear, sword and some was having kerosene. Some was having pipe and some was having stick.

Page no: 4 Para no: 8

In this crowd, there were Ganpat Chhara, Vikram Chhara, Rajesh Panglo, Champak Barot, Amrut Chharo, Suresh Langdo, Kaptan Chhara and others were also there whose names I do not remember as a long time has passed. I will inform when I will remember these names. I clearly had seen that Suresh Langdo was having spear and Champak Barot was having stick.

As stated by this witness in his deposition before the court that on dated 28/2/2002, there was a declaration of "Bandh" and on that day the crowd was making to close the shops near Nurani masjid and was doing stone pelting. The crowd had started robbing, setting fire and killing the people at about 12/30 hours. At 5/00 hours, this witness had seen from the terrace of Gangotri society that the crowd came from the direction of high way and the persons from the crowd were having weapons like spear, sword, kerosene, stick and pipes. In this crowd there was the aforesaid accused and other accused were there. Along with those accused, this accused had in collusion with them made un lawful assembly and to carry out their plan gathered and committed the criminal act on that day. That is proved from the deposition of this witness. This witness had stated in the deposition before this court that since eight years have passed to this incident, therefore the difficulty arose to identify the accused. Therefore the witness has not identified the accused. But the witness had narrated the act done by the accused on the incident day. Therefore there is no reason to disbelieve the deposition of the witness.

**Accused no: (17) Nandlal @ Jacky Vishnubhai Chhara**

**(1) Witness no 236, Siddikbhai Allabax Mansuri**

**Ex no: 1662**

In the statement before SIT dated 26/5/08 reference is made of leaders along with Mayaben Kodnani.

In the deposition before court, identified the leaders with Mayaben.

Page no: 45 Para no: 10

At this time in the morning at about 11/00 hours, white color maruti fronti car of Mayaben Kodnani was there and behind that there was a trax jeep. Both vehicles came from Krishnanagar side and stopped at ST work shop. The faces of the vehicles were towards the gate of ST work shop. Mayaben came

down from the maruti car. She called the crowd by giving the signal, at the gate of ST work shop. At that time, the hundred persons who came as leaders, amongst them, the PA of Mayaben was there. Mayaben had done some discussion with them. Thereafter by giving some signal she instructed her PA.

Page no: 5 Para no: 11

At that time PA of Mayaben had taken out weapons from the trax jeep. There were sword, spear, trishul and revolver kind of weapons were seen from the far distance. As per the instruction of Mayaben, the PA had given these things to the leaders of the crowd. Thereafter Mayaben's vehicle and trax jeep moved towards the Krishnanagar. They took turn in the lane of Uday gas service. After Mayaben left, the persons in the crowd and her PA, who was in the crowd had broken down gas bottles and the entire tanker of kerosene got entered in the Noorani masjid.

Page no: 6 Para no: 12

There after the persons from the crowd had set a fire and burnt the shops situated near Noorani masjid. Thereafter that crowd had entered in the internal part of the road towards Husen nagar, Jawan nagar. This crowd had burnt the houses of Husen nagar and Jawan nagar and burnt the women and children, which I had seen. That means I had seen the crowd till it entered in the Jawan nagar and Husen nagar.

Page no: 8 Para no: 19

I do not know the name of PA of Mayaben Kodnani. But on seeing him, I can identify him. I can identify the leaders of crowd on seeing them. I don't remember their names. Today also I can identify them. I can identify the accused by going to nearer to them where they are sitting at present.

Page no: 10 Para no: 20

By going to the place where the accused are seated, I identify the accused turn by turn, who where PA of Mayaben Kodnani and Mayaben. Apart

from this, there were two leaders which I had mentioned earlier. I had identified the persons, who in turn were accused no, 24 20 17 2 and 44. After this incident, threat was given to me by Sehjad who is not present in the court but I know him.

This witness has given the names of the leaders who were along with Mayaben Kodnani, in his statement before SIT dated 26/5/2008. This witness supports the deposition given by earlier witness no 104 and 115. This witness had in his deposition before court had given cogent evidence against the accused.

It is proved from the deposition of this witness that the accused was one of the people amongst the seven leaders who came with Mayaben Kodnani. They even made discussion with Mayaben. Thereafter they took out weapons from the trax jeep and given to accused and other leaders. Thus this accused was armed with weapon and made destruction to Noorani masjid and set a fire to it and burnt the shops and houses. The children were burnt alive. Thus the accused appeared to be found in the entire incident.

Thus on reading the entire deposition of the witness, it is proved from the deposition of the witness that the accused had attacked on Noorani masjid, set a fire to houses of muslims at Husen nagar and burnt the children, women and men. The witness had given the name and identified the accused before the court. Thus there is no reason to disbelieve the deposition of witness.

**Accused no: (18) Babubhai Bajrangi Rajabhai Patel**

Name is there in FIR

This accused is head strong person of Naroda Patiya area. The name of accused is there in the FIR since beginning. He is the leader of VHP and Bajrang Dal of Naroda patiya area. He is the close person to Mayaben Kodnani. This accused is having strong influence over the government and the police department. (That can be seen from the bail granted to him) Accused is staunch Hindu person. The accused and other leaders of Naroda patiya are involved in as the accused. They have hatched the conspiracy by arranging meetings on the second day i.e in the night of dated 27/2/02 to take the revenge of the incident of Godhra by damaging the properties and lives of the muslims. As a part of that conspiracy, they collected 23 revolvers on the previous night from Naroda patiya area. They hatched the conspiracy with the leaders to attack on the muslims and were succeeded in it. On dated 28/2/02, as per the conspiracy, the accused Babu Bajrangi and the leaders of Naroda patiya i.e the accused of this case had altogether for carrying out the aim, lead the crowd, instigated them and caused destruction and looted the houses and properties of muslims of Naroda patiya area and committed rape on muslim women and thus 93 muslims women, children and men were burnt brutally. Thus to get success in the act, the accused Babu Bajrangi and other leaders

have played important role. Thus to carry out the act, as per the conspiracy, the accused have played main role.

The accused had committed heinous and brutal act. In this, in one of the incident, the accused had inflicted sword blows on the stomach part of one pregnant woman, Kausharbanu and her still to born child was taken out through the edge of the sword from the stomach and burnt by pouring kerosene on Kausharbanu and on the child. The witness of this case has by giving his name has given evidence by narrating this act and thus given the evidence like of rarest of rare case. Such a heinous act has been committed by the accused.

Against this accused, nine witnesses have given sufficient evidence before the court. The same are as below.

**(1) Witness no 142, Jannatbibi Kallubhai**

**Ex no: 961**

Name is not there in the police statement dated 13/4/02 and SIT statement dated 28/5/08

Name given in the deposition before the court and identified.

Page no: 8 Para no: 13

I was there in a lane between Gopinath nagar and Gangotri society. At that time I had seen that the clothes of girls were being torn and they were burnt. At that time the crowd from Parshwanath nagar and from the opposite side came. In that crowd there were Bhavani singh, Guddu Chhara, Suresh Chhara, son of Bhavani singh and elder daughter of Bhavani singh were there. The elder daughter of Bhavani singh was giving petrol and kerosene from the white can to the persons of the crowd. Bhavani singh, Guddu Chhara, Suresh, Bhavani singh's son, who is an advocate and elder daughter were there in the crowd which came from opposite side.

Page no: 8 Para no: 14

The girls whose clothes were being torn and were burnt were, Khairunnisha, Nasimbanu, Sufiyabanu, Nargisbanu and one woman. At that time, it was about 4 to 4/30 hours in the evening.

Page no: 8 Para no: 15

Thereafter, after sometime, Bhavani singh brought Kausharbanu. She was shouting that, leave me, I am due to deliever shortly, for God shake, leave me, but she did not relieve. At that time Babu Bajrangi came and inflicted sword blows on her stomach part and her still to born child was taken out, by lifting the child through sword, he said that, see your child is killed before it born/comes in this world. Thereafter his daughter have brought kerosene and given to Bhavanisingh, which was poured on Kausharbanu and her child and burnt them there.

This witness had given the name of this accused Babu Bajrangi in the police statement and in the statement before SIT and the evidence is given as per the deposition before the court.

On reading the deposition of this witness, it is proved that the accused was present in the fanatic crowd at the time of incident. He was armed with weapon. The accused had inflicted the sword blows on the stomach part of one pregnant lady Kausharbanu, took out her still to born child from the foetus through the sword and by lifting through the sword said that see I have killed your child before it born/ comes in the world. Thereafter the kerosene was poured on Kausharbanu and her child and burnt them. This entire incident was seen by the accused through her named eyes. This incident had been seen by the witness by hiding herself. Therefore there is no reason to disbelieve the same.

Further it is to state that the child of Kausharbanu and herself were burnt and killed by this accused. Against that as per the deposition of the doctor, the child was in the stomach of Kausharbanu. The doctor cannot say this fact

accurately because on the day of incident in the Naroda patiya, Gulbarg and in the Naroda gam area and in the entire Gujarat, many muslims were killed by burning them and on that day the dead bodies were coming to hospital in a piece of cloth and amongst them someone was not having hand, not having leg and thus coming the dead bodies completely in burnt condition and therefore it was impossible to identify the same. In Naroda patiya area also, the persons were killed in bulk and after pouring the petrol and kerosene they were burnt and these dead bodies were burning till late night. Under these circumstances the dead bodies were totally burnt. It was impossible to identify any dead body under any circumstances. In this incident, the dead bodies of the dead people were sent in pieces of clothes by gathering their hands and legs. Under the circumstances it is not believable that the doctor can identify the dead body of any one. In this case the police have as per their wish the slips with names as per the say of others placed the slip on the dead bodies. That is also one part of the conspiracy because the police was not knowing as to which dead body was of which person. Therefore how did the police put the name slip on the dead bodies that is also a matter of investigation. The doctor had also prepared the PM note as per the name slip attached with the cloth which was having the dead body. But actually doctors were not having personal knowledge as to which dead body is of which person. Under this circumstances the doctors had as per the say of the police, the names are written in the PM report. That the conduct of the police on the day of incident can be seen from the police cell which is presented in this case. In this way the doctor who had done the PM of Kausharbanu had written the name of Kausharbanu on PM note, which cannot be believable as per the facts stated above. Under the circumstances, as per the say of the doctor, that there was a child in foetus of Kausharbanu, cannot be believable because the eyewitness had stated in the deposition before the court that Babu Bajrangi had inflicted sword blows on the stomach part of Kausharbanu and took out the child from it and then burnt both of them. This incident was seen by witness themselves. They have stated this incident before the court. From that it is proved that this accused Babu Bajrangi had given

sword blow on the stomach part of Kausharbanu and took out the child and burnt it. There is no reason to disbelieve the same, because the doctor was not present at the place of incident. The doctor had not seen this incident with his naked eyes. He didn't know Kausharbanu, in spite of that the doctor said that it was Kausharbanu's PM. That cannot be believed under any circumstances.

Thus from the deposition of the witness, it is proved that accused Babu Bajrangi had inflicted sword blows on the stomach part of the Kausharbanu and taken out the child from the fortus and burnt it. There is no reason to disbelieve the same. This witness had identified the accused before the court and given his name in the deposition.

**(2) Witness No: 149, Farida A Kadar Khalifa**

**Ex no: 1028**

Name is there in SIT statement dated 3/6/08

In the deposition before the court had given name and identified.

Page no: 4 Para no: 8

In the crowd where Mayaben Kodnani was there, there were other persons present and they were Kishan Korani, Babu Bajrangi, Murli, Manoj Videowala, Ashok Pangalla wala, Bipin Panchal, Jay Bhavani, Dalpat Chhara, Tinio Chhara, son in law of Dalpat Chhara, Sehjad Chhara, Vijay Chhara, son in law of Sehjad Chhara, Suresh Langdo, Guddu, Hariyo, Nariyo, Tiniyo Marathi, Subhash and Naresh.

Page no: 5 Para no: 11

There after these persons from the crowd were proceeding further and destructing the properties, setting fire to houses and were killing the people. Therefore we were scared. Thereafter I had gone to Javan nagar to the house of my daughter who was residing there. I locked my house and had gone to my

daughter Afsanabanu's home at Javan nagar. I came to my home for two to three times from my daughter's home. In this way, I came to see my home at 2/00 hours in noon time. At that time I had seen the son of one person namely Mullaji, who is handicapped boy by legs, who was in burning condition near his house. I was scared on seeing this and thereafter immediately I came back to my daughter's house.

Page no: 7 Para no: 13

I was sitting outside the SRP quarters. At that time, one crowd came from the direction of Uday gas agency. The persons in the crowd were having sword, dhariya, iron pipes, rods, can of kerosene and petrol. I had seen Guddu Chhara, Hariyo, Nariyo, Sehjad, Dalpat Chhara, his son in law Tinio, Tinio Marathi, Vijay Chhara who were leading the crowd.

Page no: 7 Para no: 14

At that time one boy, Aiyub came near Jawan nagar. He was scared seeing crowd near his house. He jumped from the terrace and therefore he received injuries in his two legs. This boy, Aiyub, due to injury could not get up. The persons from the crowd had lifted Aiyub and thrown him in to rickshaw and set a fire to rickshaw. They had burnt Aiyub alive. I had seen it with my naked eyes. At that time one person with helmet and uniform was there.

Page no: 8 Para no: 15

This crowd had set a fire to the house of Majidbhai, situated in the last line of Javan nagar. At that time the family members of Majidbhai were there in the house. At that time we felt that we will not be saved and therefore we came down from the terrace, came to Gangotri society, crossing the field, we had reached to open ground along with my children. There were other people also with me.

This witness had given the name of accused in the evidence before the court. He had given the sufficient evidence before court against the accused and confirmed the involvement of the accused.

From the deposition of this witness, it is proved that Babu Bajrangi was present along with Mayaben Kodnani and others at the time of incident. The witness had given the name of accused. He had seen the accused with naked eyes. The crowd was proceeding further and were beating and killing the people and setting fire to houses. It is proved that the accused was present in the crowd. The crowd in which the accused was present had burnt one son of a person namely Mullaji near his house. The same was seen by this witness with his naked eyes. Thus the accused was present in the crowd who had killed the son of Mullaji. Thus it appears from the deposition of the witness. Thus it is proved from the deposition of the witness that the accused was present at the place of incident on the incident day. He had by remaining in the crowd, in collusion with other accused beat and killed and set a fire to the houses of the muslims. Therefore there is no reason to disbelieve this witness.

This witness had in the deposition before the court had given the name of accused and identified him.

**(3) Witness no: 198, Harun Mohammadbhai Shaikh**

**Ex no: 1363**

Had seen accused face to face in the fanatic crowd as stated in the statement before SIT dated 25/5/2008 and 12/9/2008

Name given in the deposition before court and identified.

Page no: 3 Para no: 6

Persons of both side crowds had put on saffron color stripe on their forehead. I knew some of the persons of the crowd. I had seen sword, pipes and trishul in the hands of some persons of the crowd.

Page no:3 Para no:7

I had seen Mayaben, Babu Bajrangi, Sachin Modi, Ashok Pangalla wala, Manoj Videowala, Suresh Langdo, Haresh, Guddu and Bipin Autowala in the crowd. I had seen all these persons in the morning at about 9/30 hours on the day of incident. They were present and on the front portion of the crowd, even at the gate of S T work shop. They were present in the crowd near gate of SRP workshop. That, thereafter both the crowds had merged in to one.

Page no: Para no:8

These persons and persons from the crowd had started setting fire to the cabins, stalls, shops and houses and they attacked on Noorani masjid. Several persons from our muslim community had gone to explain these people. But they did not hear them and started shouting to beat and cut and started stone pelting on the people of our community. In this way we had gone to explain these nine persons near Noorani masjid. But they did not hear and started stone pelting. Therefore we were scared and came back to the place where the police chawky is situated at present.

Page no : Para no:11

We stayed at Gopinath nagar society till about four hours in the evening. When we were sitting at this place, at that time Tiwari, Sehjad, Jay Bhavani and Guddu came at the place and told to us that you may go by back side way to SRP quarters. At that time we the men, women and children all were there.

Page no:6 Para no:12

These Tiwari, Sehjad, Jay Bhavani and Guddu were residing in our area and therefore we believed their advice and started to go along with them. When we were leaving at that time the persons of the crowd were seated hiding themselves at the gate of Gopinath nagar. When we came out, these persons of the crowd had cordoned us. There were Sachin and Suresh Langdo in the crowd. During this incident, we came back to Gopinath nagar society to save

ourselves. We had gone to the lane near the water tank of Gopinath nagar society. We had gone there thinking that the crowd might go away from the opposite site. But the crowd had started beating and cutting us in this lane. The persons from the crowd started beating and cutting our people and burnt them there.

Page no:8 Para no:18

In this way when we started to go, we saw that near the ground of Tisra kuva, Babu Bajrangi stood with a crowd. We were scared and stood there, at that time persons of the crowd started beating and cutting our people. The persons of this crowd had, in front of me, had killed five persons of our community at that place. I was frightened and came back to Gopinath society. I hid myself in Gopinath society.

This witness had given name of accused in the statement of police and SIT. He has given the detail evidence in the deposition before the court.

It is proved from the deposition of this witness that the accused was present on the day of incident in the crowd near Noorani Masjid. The persons of that crowd were having sword, pipe and trishul. Thus it is proved that the accused were armed with weapons and were the members of unlawful assembly. This witness had seen this accused at about 9/30 hours in the morning. The persons of the crowd were setting fire to pan galla, cabins and shops and were attacking on Noorani masjid and were shouting words like beat and kill. This accused being the member of the crowd, his over act appears. He had by remaining in the crowd had committed all the offences. That is proved from the evidence of this witness. This witness supports the deposition of earlier witness, Farida Abdulkadar Khalifa witness no 149. Both the witness had seen Babu Bajrangi in the crowd, against the crowd of Mayaben Kodnani. Therefore there is no reason to disbelieve this witness. The witness had given the name of accused in his deposition and identified.

**(4) Witness no: 228, Javed Ismailbhai Shaikh**

**Ex no 1621**

Armed with sword attacked on muslim men, women and children, as stated in the statement before SIT of dated 28/5/2008

Name given in the deposition before court and identified.

Page no: 5 Para no: 10

Thereafter Bhavani singh stated to us that you may leave this place. Your arrangement is made at Tisra kuva. We started to go towards that direction and saw that there was one crowd. The persons in the crowd were having sword, dhariya, gupti cans of petrol and other weapons. On seeing the crowd we started to return back to muslim chawl. The crowd followed us. The second crowd came when we the muslims were coming back towards the muslim chawl that is towards Jawan nagar. We were going towards Jawan nagar. But we could not reach Jawan nagar. Before we reached to Javan nagar, we were trapped in the lane between the water tank and Gopinath Gangotri society.

Page no: 6 Para no: 11

Several persons could go jumping the wall near this water tank. But we could not do so. We were stopped by the persons of both the crowd. There was Babu Bajrangi in the crowd. He was having sword in his hand. He was showing us the news paper and telling that this is the photo of Godhra incident. The conditions of all of you will be like this. There after Babu Bajrangi said Jay Shiyaram and started beating and killing the muslims. In this crowd, I had seen Guddu Chhara, Bhavani Singh, Suresh Chhara and Manubhai. All these persons and the persons of the crowd uttered a word, 'jay siyaram' and started beating and killing. These people had thrown clothes with fire on us from the terrace of the tank.

Page no: 6 Para no: 12

In this incident the small children were burnt alive. I was also there amongst these trapped persons. The stone pelting was also done in this incident. I received injury on the forehead due to stone pelting. I was hidden behind the bush in the lane near Gangotri and Gopinath society.

Page no: 7 Para no: 13

My family members were separated from me at the time of this incident. This incident occurred at about 6/30 to 7/00 hours in the evening. I had seen that my maternal aunt's daughter Kausharbanu, wife of Khalid Nurmohamad Shaikh was also there at the time of this incident. She was trying to escape from the crowd to save herself. At that time four persons had caught hold of her. I had seen that Babu Bajrangi had taken out the child from the stomach part and by keeping on the top edge of the sword lifted the child and thrown in to fire. Kaushar banu was also thrown in the fire like other persons. I had seen one woman in this crowd who is not known to me. By tearing her clothes, the persons of this crowd were inserting iron pipe in to her private part. She was lying in unconscious condition. I had also seen one woman who was completely in burnt condition. Her name was Kudratbibi. She was lying completely in burning condition. Some person of the crowd had thrown a stone on Kudratbibi who was lying there, due to that some flesh kind of substance came out from the head of this woman. She was completely burnt.

Page no: 8 Para no: 14

The persons of the crowd were examining as to who is live and who is dead by beating the persons who were lying on the ground. I was trying to go out of the bush. At that time the persons from the crowd came and therefore I lie down there amongst the dead bodies pretending like a dead person. At that time they were checking that who is live, at that time Guddu Chhara had inflicted pipe blows on my head.

This witness had given the name of accused in the statement before the SIT that the accused, armed with sword attacked on muslim men, women and children. Witness had given the evidence before the court as per the deposition.

It is proved from the deposition of the witness that the accused was present in the crowd near the water tank and he was armed with sword. He was showing the news paper to the muslims and was showing the photo of Godhra incident and was telling that you will also meet with the same fate. Saying this, Babu Bajrangi uttered the word, 'jay siyaram' and started beating and killing the muslims. This witness had seen this incident with his naked eyes. Because this person was present at the place of incident near water tank where this massacre happened. The accused along with other accused had altogether as a part of conspiracy committed this massacre. The accused had played main role in this incident. The same is revealed from the deposition of this witness.

In this incident, near the water tank, this witness had also received injuries on his right forehead. The witness had hidden himself behind the bush. Thereafter this witness had seen that his maternal aunt's daughter Kausharbanu was caught hold by four persons and Babu Bajrangi had taken out her child from the stomach part, the still to born child was lifted through the top part of the sword and thrown in to fire. This incident was seen by the witness from the place of incident through his naked eyes. Kausharbanu happens to be the cousin of this witness. He was knowing Kausharbanu very well. He had given the name of Kausharbanu and given the description of the incident. Thus there is no reason to disbelieve this because the eyewitness Jannatbibi Allubhai witness no 142 had also given the description of this incident in the same way and stated before the court. Thus this witness completely supports the deposition of witness no 142. Therefore there is no reason arisen to disbelieve this witness.

Thus from the deposition of this witness, the evidence of the murder against this accused is established. Therefore no reason arises to disbelieve

this witness. The witness had given the name of this accused in his deposition before the court and identified him. Further, it is to state that the accused had burnt Kausharbanu and her child. Against that, as per the deposition of the doctor, the child was in foetus of Kausharbanu. The doctor cannot say this fact precisely, because on the day of incident, many muslims were killed and burnt in Naroda Patiya, Gulbarg and in many part of Gujarat and the dead bodies were coming in the piece of clothes in the hospital. The dead bodies were in such a condition that some dead bodies did not have hands or legs or were burnt totally and therefore, it was not possible to identify it. In Naroda Patiya area also, the people were killed in numbers and after pouring kerosene and petrol, they were burnt. The dead bodies were burning till late night. In the circumstances, these dead bodies were completely burnt and under any circumstances it was not possible to identify the dead bodies. In this incident, the dead bodies of dead persons were assembled in pieces of clothes and were sent to hospital. In this case it is not possible for the doctor to identify the dead body of any person. In this incident, the police had at its own and as per the say of people, had put the name slip on the dead bodies. That act also is also one part of conspiracy, because police also was not knowing that which dead body is of which person..Thereafter under which circumstance, the police had put the slip with name of the dead bodies, that is a matter of investigation. That the doctor had also put the name on the PM note as per the name slip found on the dead body. In fact the doctor was not having any personal knowledge as to which dead body was of which person. In this circumstance the doctor had written the name in the PM note as per the say of police. Thus how was the conduct of the police that can be seen from the police cell presented in the case. In this way the doctor who had performed the PM of Kausharbanu, had written the name of Kausharbanu on PM note and that cannot be believed in light of above facts. Under these circumstances, it cannot be believed, as per the say of the doctor that the child was in the foetus of Kausharbanu. Because the eyewitnesses have in their deposition before the court have clearly mentioned that Babu Bajrangi had inflicted sword blows on

the stomach part of Kausharbanu and taken out the child from the womb and thereafter both were burnt. This incident was seen by the witnesses through their naked eyes. They have narrated this incident before the court. From that it is proved that this accused, Babu Bajrangi had inflicted sword blows on the stomach part of Kausharbanu and taken out the still to born child and burnt it, and there is no reason to disbelieve this. The doctor was not present at the time of incident; he had not seen this incident through his eyes. He doesn't know Kausharbanu, in spite of that he states that it was Kaushar banu's PM. That cannot be believed under any circumstances.

Thus these witnesses must be believed as the two witnesses i.e (1)witness no 142 and (2) witness no 228 are giving the exact similar version about the incident of Kausharbanu.

**(5) Witness no: 244, Mayudin Imamudin Shaikh,**

**Ex no: 1703**

The witness had seen the accused leading the crowd and as identified by the others as stated in the statement of SIT dated 3/6/08.

Name given in the deposition before the court.

Page no: 4 Para no: 8

The SRP's wall is situated at Jawannagar. One open plot is there in Jawan nagar. At that place some muslim with their family members were seated. I had also gone there and seated with my family members. At that time it was about 2 to 2/30 hours. At that time one big crowd rushed towards us from the direction of Uday gas service.

Page no: 5 Para no: 9

Babu Bajrangi was leading this crowd. He had by pointing out with fingers, shown us. Therefore this crowd had attacked on us.

Page no: 5 Para no: 11

Thus, before going to terrace, when Babu Bajrangi was in the crowd, at that time some of the muslims had said that, Babu Bajrangi is standing there. He had put on white long shirt, trouser and had kept saffron color band around the neck. I had never seen him before the day of this incident. But as stated by the persons on that day, now I can identify him. Thereafter we had gone to the terrace of Gangotri society.

Page no: 5 Para no: 12

When we were on the terrace at that time the sounds like 'save, save and the sounds like cut them and rob them were heard. At that time it was about 6/30 hours in the evening. I was on the terrace of Gangotri society till 10/30 to 11/00 hours in the night.

This witness had given the name of accused and stated in the statement before the SIT that he was leading the crowd. The witness has as per the deposition before the court had given the evidence against the accused.

This witness was seated in the open plot in the Jawan nagar where other muslims with their family were there. At that time at about 2 to 2/30 hours, he had seen that one big crowd from the direction of Uday gas came towards the muslims and Babu Bajrangi was leading the crowd. He had by pointing out his finger towards the place where the muslims were seated had shown to the persons of crowd. Thus it is proved that on his pointing out to crowd the persons of crowd had attacked on the muslims. Thereafter the witness had by running was going on the terrace, at that time several persons from muslim had shown him the accused Babu Bajrangi. Thus it is proved that witness had identified Babu Bajrangi in the crowd.

Thus, it is clearly proved that this accused had led the crowd on the incident day and the crowd had done this massacre under the leadership of this accused.

This witness could not identify the accused while giving deposition before the court. For that, no benefit can be given to the accused, because the witness

by giving the name of accused narrated the act of accused in his deposition. The incident occurred in the year 2002 and the witness had given the deposition in the year 2010. Thus about nine years have passed between the day of incident and the deposition and during this time if some people have less memory, it is natural that he may not identify the person. In the same way this witness could not identify the accused. Therefore the seriousness of the offence and the act committed by the accused cannot go down. Under these circumstances by considering the deposition of this witness, there is no reason arisen to disbelieve this evidence against the accused.

**(6) Witness no: 262, Vinubhai Khemabhai Dalvadiya (complainant) (V K Solanki)**

**Ex no: 1770**

Name is given in the complaint (FIR) dated 28/2/02, shown as leading the crowd.

Name is given in the deposition before the court and identified.

Page no: 5 Para no: 8

During this time the Deputy Commissioner of Police Shree P B Gondiya of the relevant time and ACP Shree M T Rana of G division and senior PI Shree K K Maysor wala of Naroda Police station came at this place. At that time the crowds of the people from Krishnanagar, Saijpur, Fadel, Kubernagar, Chhara nagar had gathered near Noorani masjid and the huts of Husen nagar.

Page no: 5 6 Para no: 9

In this crowd, at the relevant time, the leaders of VHP and Bhajapa's active members like Kishan Korani, P J Rajpur, Haresh Rohera, Babu Bajrangi and Raju Chaumal were there. They were leading the crowd and instigating them. Within a short period they started targeting the masjid, shops, cabins and

houses of the muslims and were destructing and robbing and setting fire to them.

As I stated the five persons earlier, they were shouting the words, to cut and to beat the people and instigating the crowd. Therefore to disperse the crowd, the announcements were made frequently through loudspeaker from the jeep. In spite of this warning, the persons of the crowd were continued to destruct the houses, shops, cabins and were setting fire to them. The persons of this crowd were robbing at all these places.

This witness had shown the name of this accused in the FIR as leading the crowd at the time of entire incident and in the deposition before the court had given evidence against this accused.

The witness had, from the beginning; the name of the accused is given stating him leading the crowd. He had stated in the FIR also.

It is clearly revealed from the deposition before the court, of this witness that the witness had seen the accused leading the crowd near Noorani masjid and near Husen nagar huts. There were other accused also along with him. This witness had seen this entire incident while he was on patrolling duty near Noorani masjid. The same is revealed from the deposition of this witness. Thus the witness is the eyewitness of the incident. This witness had seen this accused leading and instigating the crowd and targeting the masjid, shops, and houses of the muslim, destructing, robbing and setting a fire to them, with his naked eyes.

Thus as per the deposition of the witness, the accused was present in the crowd near Noorani masjid and was instigating the crowd. Therefore the crowd got encouragement and became more aggressive and thereafter the accused had targeted Noorani masjid and done destruction in it and by setting fire to the houses and shops had robbed them. The same is proved and there is no reason to disbelieve the same.

This witness has given the name of the accused in his deposition and identified him.

**(7) Witness no: 266 Parbatsinh Vajesinh Thakore Ex no: 1785**

In the jeep of PI

Name is there in the statement before police dated 25/5/2002 (by remaining in the crowd, was instigating the people of the crowd)

Name given in the deposition before the court and identified.

Page no: 4 5 Para no: 10

At about 2/00 to 2/15 hours in the noon time, we had seen Kishan Korani, Babu Bajrangi, P J Rajput and Raju Chaubal, the activists of Naroda area amongst the crowd of Naroda patiya. They were discussing something. The crowd was doing stone pelting and making sound at that time. We were present near Noorani masjid, at that time the attack was made at Noorani masjid. I had seen that the persons of the crowd were doing stone pelting. We had received such message from the police control room. We had gone to Noorani masjid and tried to drive out the public. The crowd was for sometime dispersed due to our attempts but again it was gathered.

This witness had given the name of this accused in his police statement as instigating the crowd. This witness was performing his duty in the jeep of PI at the time of this incident. He had seen this incident with his naked eyes. This witness had in his deposition before the court had given sufficient evidence against the accused.

It is proved from the deposition of this witness that the accused is the notorious person of Naroda area. The witness knows him very well. The witness had seen him in the middle of the crowd. The accused was talking with the persons of the crowd and the crowd was doing stone pelting and making

sound. When this witness was near Noorani masjid, at that time he had seen him attacking on Noorani masjid.

Thus, it clearly appears from the deposition of the witness that the accused was instigating the crowd and being a part of crowd was attacking on Noorani masjid. Therefore there is no reason to disbelieve this witness.

This witness had given the name of accused in his deposition before the court and identified.

**(8)Witness no : 274, Kerman Khurshid Maysorewala (Naroda police station PI)**

**Ex no: 1824**

Accused in the statement before SIT of dated 25/10/2008, there was evidence against the accused, arrested.

Name given in the deposition before the court and identified.

Page no: 12 Para no: 23

Earlier to this, in the crowd which was gathered after 2/00 hours, in the middle of the crowd between Noorani masjid and Husen nagar chawl, I had seen Kishan Korani, P J Rajput, Rajubhai Chobal and Babu Bajrangi who were talking and were explaining the crowd. At that time the crowd was uttering the words, beat and kill them. I had seen all these four persons in the crowd till 2/45 hours.

This witness had given the name of accused in the statement before SIT and in the deposition before the court had given the evidence.

It is evident from the deposition of this witness that the accused was present in the crowd near Noorani masjid along with other accused. This witness stated before the court that the accused and the other accused were explaining the crowd and the crowd was uttering the words, beat and cut them. This witness

had seen the accused in the crowd till 2/45 hours. Thus from the deposition of this witness, it can be said that the accused had talked and instigated in such a manner with the crowd that the crowd became more aggressive and they have continued beating, slashing and looting the people mercilessly till evening time. This witness stated that he had not heard as to what talk was going on between the accused and the crowd, but stated that at that time the crowd was shouting the word, cut and beat the people. From this, it can be said that the accused along with other accused were talking about killing and beating the people and were carrying out the plan as per the conspiracy. Because apart from this witness, the other witnesses had also seen this accused leading the crowd and attacking with the sword. Therefore it is proved from the deposition of this witness that the accused was present in the crowd along with other accused who were beating and cutting.

Further the witness stated that as the sufficient evidences were available in this offence against the accused, he is arrested. Therefore it can be said that there is sufficient evidence available, involving the accused in this offence, he is arrested. Therefore there is no reason to disbelieve this accused.

**(9) Witness no: 277, Madansinh Takhatsinh Rana**

**Ex no: 1867**

Accused was seen in the fanatic crowd as stated in the statement dated 14/5/02, was talking with crowd and the crowd was shouting to kill and to beat.

Name given in the deposition before court and identified.

Page no: 9 Para no: 17

Muslims were also aggressive against Hindus. Further the hindus had set a fire to the houses, cabins, shops and masjid of muslims.

Page no:10 Para no: 21

Again the attempts were made to disperse the crowd. In that crowd, there were P J Rajput, Kishan Korani, Raju Chaubal and Babu Bajrangi. We did not hear the talk which was going on between them. Thereafter the crowd became more aggressive. The police had again released the tear gas, done firing to disperse this crowd. That the crowd was somewhat decreased. But the crowd was not dispersed. This was continued till 4/00 hours in the evening. The crowd was at some extent decreased at 4/00 to 4/30 hours and therefore I along with PI Maysorewala and others had gone to other places as the messages of incidents at other places were received. Thus as we left, prior to that as the message is received by Shree Gohil PI, we sent him to that place. Such kinds of messages were received from the places like Naroda and the place of Noorani masjid.

This witness had given the name of accused in the police statement, stating that the accused was present in the crowd which was shouting the words, kill and beat them. The witness had given the evidence as stated in the deposition before the court.

Thus, it is proved from the deposition of this witness that the accused was present in the crowd which had set a fire to the houses, shops, cabins and Noorani masjid of muslims. The witness had seen the accused with his naked eyes. From the deposition of this witness, it can be said that this accused had along with other accused had talked with the crowd and as per the say of the witness, the crowd became more aggressive. From that it can be said that the accused and the other persons might have told the aggressive words to the crowd and resultantly the crowd became more aggressive. Therefore there is no reason to disbelieve this.

Thus, from the deposition of this witness, it is proved that this accused had in collusion with other accused had instigated the crowd and the crowd had thereafter committed massacre and ransacked, raped the muslim women

and set a fire to the properties of muslim. Therefore the active role of the accused is proved in this entire incident. Hence there is no reason to disbelieve this witness.

This witness has given the name of the accused in his deposition before the court and identified him.

**(10) Witness no: 174, Abdulalim Abdulmajid Chaudhry**

**Ex no :1198**

This witness had given the name of accused in his deposition before the court.

Page no: 3 Para no: 7

On hearing this, I along with the persons of our chawl came out of our houses. We all had gone to see near Noorani masjid. There was a chaos and stone pelting.

Page no: 3 Para no: 8

At that place, the persons of the crowd were shouting to kill the muslims. The persons who were in the front of the crowd were Dalpatsinh, Bhavanisinh, Guddu, Suresh and Manoj Videowala. I had seen Babu Bajrangi also in this crowd. He was also on the front side of the crowd. Guddu was having sword in this crowd. Suresh was having spear and trishul. Manoj was having revolver. Manoj Videowala was doing firing from the wall side of the ST work shop.

Page no: 4 Para no: 9

The persons who were on the front were calling the persons from the crowd and were saying to beat, kill and burn the muslims...

This accused was present in the unlawful assembly on the day of incident. He was the member of the group having weapons. He was leading the crowd. This

appears from the deposition of the witness. It is clearly proved from the deposition of this witness that the crowd was shouting to beat, kill and burn the muslims.

This witness had not identified the accused before the court. It is to remember that the deposition before the court is given after nine years of the incident. The witness, as per his memory, has identified three accused but he could not identified accused Babu Bajrangi. In the remarks of the deposition of this witness before court, the Id court has written that the witness had after seeing only two accused and thereafter without seeing any other accused, the witness came to witness box. Thus this witness had not identified the accused no 18. Therefore the evidence given by the witness cannot be said meaningless. Therefore there is no reason to disbelieve the deposition of this witness.

**(11) Witness no: 244, Mayudin Imamuddin Shaikh**

**Ex no: 1703**

This witness had given the name of accused in his deposition before the court.

Page no: 4 5 Para no: 8

There is a wall of SRP at Javan nagar. One open plot is there in Javan nagar. At that place some muslims with family members were seated. I had also gone there and sat with my family members. At that time it was about 2/00 to 2/30 hours. At that time one big crowd rushed to us from the direction of Uday gas service.

Page no: 5 Para no: 9

This crowd was lead by Babu Bajrangi. He showed us to crowd by pointing his finger. Therefore this crowd had attacked on us.

Page no: 5 Para no: 11

Thus before going on the terrace, on seeing Babu Bajrangi in the crowd, some of the muslim told that, see, Babu Bajrangi is there. He had put on long white shirt, white trouser and had kept saffron color band around neck. I had never seen him earlier before this incident...

Thus from the deposition of this witness it is proved that the accused was present in the crowd which was committing criminal act. That Babu Bajrangi was present in the crowd which was coming from the direction of Uday gas at about 2/00 to 2/30 hours. He had led this crowd. He had shown to place where the muslims were seated, by pointing out his finger. Therefore it is proved from the deposition of this witness that the crowd under the leadership Babu Bajrangi had attacked on muslims.

This witness could not identify the accused. This witness had in his deposition before open court stated that I know Babu Bajrangi, the long time has passed therefore I perhaps may identify him. Thus as the witness had come after nine years of the incident to give deposition and as the witness had seen the accused on the day of incident, he could not identified the accused in the open court. Therefore the evidence given by the witness before the court cannot be said meaningless. There is no reason to disbelieve this witness.

**(12) Witness no: 322, Ashish Sureshchandra Khaitan**

**Ex no : 2265**

Name is given in the statement before SIT

In the deposition before court, name is given and identified.

This witness has while sting operation had talked with this accused, Babu Bajrangi. The entire conversation is recorded in the CD. The said CD is presented in the ld court at exh no..

This witness had given deposition before this court. During deposition he had presented transcript of CD at BB 1 to BB 6 vide exh no 2266. The accused no 18 has, during the sting operation, stated the planning made in the commission of offence and accepted the offence. This accused had accepted the commission of offence done by himself and narrated the role of other accused, Mayaben Kodnani and others in this offence. During entire sting operation, the accused had without any pressure or threat has confessed the commission of offence and narrated the facts and act committed by the other accused. Therefore there is no reason to disbelieve the sting operation done by this witness and the transcript presented by him.

There is no reason to disbelieve the criminal conspiracy and acceptance of offence committed by these accused in the entire sting operation because during the entire sting operation, whatever is stated by the accused, is fact and acceptance of offence. During this entire sting operation, the conversation done can be considered as extra judicial confession by the accused. Therefore there is no reason to disbelieve the same.

The witness has stated in his deposition before the court about important parts of conversation done with Babu Bajrangi. In that Babu Bajrangi has stated that,

Page no: 14 Para no: 30

On dated 14/6/2007, I had made a talk with Babu Bajrangi in two sessions, before lunch and after lunch. In my view, the important points of conversation done with Babu Bajrangi are as follows,

Tahelka: means on that day, if you don't tell, your follower will not come out..

Babu Bajrangi: they will not come out in Naroda... we made a challenge on the next day..... you don't write otherwise we will be in trouble.....

Tahelka: no no, no question arises....

Babu Bajrangi: we had challenged there, when we had gone to Godhra and seen the dead bodies. I challenged them there that four times more persons then this will be killed in Patiya...

Again Babu Bajrangi: then we reached to you and we told you to give your revolver..... Replied that we will not give, then we told that we will hit first bullet to you.

Tahelka: to whom you said?

Babu Bajrangi: the person who has given the revolver.....to hindu people...we moved in the night and collected 23 revolvers during the night....23 revolvers and if you said and guess if revolver not given then I told, tomorrow in the morning I will hit you the bullet....in front of the children....and said (abusive word) do whatever you want to do and if you want to approach police, you may go.... Tomorrow in the morning we will hit you a bullet..... (Abusive word) first..... in this way we got 23 revolvers.

Page no: 16 Para no: 31

Apart from this, on the same day I talked to Babu Bajrangi, which was like below,

Tahelka: how many hindus were killed in it?

Babu Bajrangi: here four hindu died.....my two close activist died.

Tahelka: died....

Babu Bajrangi: nobody sees.....

Tahelka: what happened to their family?

Babu Bajrangi: sir, nobody is caring.....I am sending Rs 2000/-.....

Tahelka: are they killed in police firing?

Babu Bajrangi: I am sending Rs 2000/- every month.....one was my friend.....was working in my team.....now no one cares for him.

Tahelka: is he killed in police firing?

Babu Bajrangi: no, muslim had killed him....eyes....nose....

Tahelka: how..... Who had allowed them to cut?

Babu Bajrangi: oh.....nose, eyes were cut in the crowd and then thrown out.....

Tahelka: then why did you not do anything for him?

Babu Bajrangi: sir thereafter .....whenever they were before us, sir.....stone pelting.....he had gone inside....had gone inside talking....

Tahelka: you should not do this foolish act?

Babu Bajrangi: what do they have...it is....at that place like that ..... gradually what is.....in patiya, there is like this.....

At this stage, he was by drawing the map, was explaining me. At the time of drawing he spoke that,

Babu Bajrangi: this is a wall of ST work shop.....this is highway and etc.....here there is patiya police chawky... here the muslims are staying.... These are lanes..... from this, there is road....this is patiya, this is road ok, from this way, the persons will go inside....then what will they do....in this way the crowd entered inside, this is lane, this is road, they were hiding inside....then what will a person do in one lane... will see in a lane.....

Tahelka: yes,, will not know anything.....

Babu Bajrangi: if one sees in a lane, nobody is there... he will go further....then will shout to catch tightly.....then what will happen if the crowd goes from here.....half crowd will run away due to fear....someone will throw fire, or acid then half crowd and only fifteen to twenty persons will be there....

Tahelka: they will be alone saved.

Babu Bajrangi: they will remain alone....then from this side, they will come and from that side also will come,, from all side there will be attack...out of these, whoever comes in their hands, they were taking him dragging....and then they cut him in pieces and throw it.....

Page no: 19 Para no: 32

Further, in this conversation, the following talk was done,

Tahelka: then how did you arrest?

Babu Bajrangi: I was told to get arrested....Narendrabhai told me to get arrested now.....

Tahelka: u will be killed if Narendrabhai was not there?

Babu Bajrangi: will be killed....then what has happened in the High court.....then I was waiting that today bail will be granted.....file placed in the court....seeing Babu Bajrangi...High court Judge throw away the file....three times the file was thrown away in this way.....then what setting is done by Narendrabhai.....said granted.....i waited for four months.....I was alone...I had a vehicle, that was also sold.....second vehicle was purchased and moved in that vehicle here and there.....

Tahelka: when are you coming at Delhi?

Babu Bajrangi: I will come on 21-22.....

Tahelka: come on dated 21-22...I will be there at Delhi....we will sit there?

Babu Bajrangi: I will be telling openly there....

Tahelka: once you meet Anandji....this is my request to you.....

Page no: 21 Para no: 33

Earlier to this conversation, I told Babu Bajrangi that I will take you to Anandji. I told him that Shree Anandji is the senior activist of RSS. In fact no person is existing in the name of Shree Anandji. It is a fictional character.

Page no: 21 Para no 34

Thereafter the following talk was done,

Babu Bajrangi: sir, at that time when I came in the evening I thought that now no muslim will remain in the Hindustan....but such a hindus are there.....in that politicians are more....

Tahelka: when you returned back from Godhra?

Babu Bajrangi: then what did Narendrabhai say and what permission was given....."Ram naam satya" ...not a single muslim may remain in Hindustan....if once it started then it would be like the scene of Haldighati.....

Tahelka:but our people had betrayed?

Babu Bajrangi: sir, they betrayed.....we in the entire India...we in the entire patiya....maximum people were killed in patiya.....in the entire patiya I was blamed.....we were having financial strength..... I was.....otherwise I would have been died.....

Page no: 22 Para no: 35

Thereafter I had gone to Mumbai. I came back to Ahmedabad in the month of July 2007. I met Murli Mulchandani and Kakul Pathak in Godhra who were associated with Sabarmati express Godhra massacre. I met one boy at the petrol pump who had sold petrol to the accused of Godhra massacre. I went to Vadodara. I met Noel Parmar. Thereafter I returned back to Mumbai. I then directly had gone to Mumbai from Vadodara.

Page no: 23 Para no: 36

Thereafter I came to Ahmedabad in the month of August 2007. At that time also I met Babu Bajrangi in his office which is situated at opposite Galaxi cinema. It was the day of dated 10/8/2007.

Page no: 23 Para no: 37

During this meeting he was stuck to what he told earlier about the communal riots and he had repeated the same. He had given further information also during this meeting.

Babu Bajrangi: I will be once asking Togadia in open.....he never talked.....I will ask sir have you.....you are a big leader, have you slapped anyone.....right.....

Tahelka: have you ever beat any muslim ?

Babu Bajrangi: to any hindu also... musalman.....have you ever slapped to any hindu....you know good language to speak....you spoke effective language in the mike and said do this and do that, we have done that.....then you take out us.....

Page no: 24 Para no: 38

During the entire conversation Babu Bajrangi had expressed his pain that though he had done everything during the riots for hindutva, in spite of that he was expelled from Vishva Hindu Parishad. For that he was angry on VHP and on Shree Togadia.

Page no: 24 Para no: 39

Further on that day the following conversation was also taken place.

Tahelka: whatever you had done, it was not as per the direction of Togadia ?

Babu Bajrangi: we had not on the name of Togadia but for Hindutva... when we were in Godhra, at that time challenge was given..... that we will give result of this in Naroda tomorrow.... We had made a challenge on previous day..... we had collected 23 revolvers during the night....told that brother do you have revolver, and want to give....you are not giving....(abusive language) tomorrow we will hit first bullet to you(abusive word and language)....you are the blood of muslims.

Tahelka: people had given..?

Babu Bajrangi: abusive word...given... otherwise they will be killed...I had so much backing I can speak openly...these people have no courage (very abusive words) ....I was very angry....but my hands are never used for hindu....that is my weakness....hindus are my God and musalman is (abusive word).....I...

Tahelka: when the incident of Naroda Patiya occurred, at that time where was Togadia...he was in Ahmedabad ?

Babu Bajrangi: Togadia was not here.....

Tahelka: was he in Ayodhya... he was in Ayodhya. He himself..

Babu Bajrangi: Togadia was not there...others were there...Jaydipbhai...otherwise sir Jaidipbhai Vaidipbhai were there....they were out...talk was done on phone....it came in the news paper also...just it came....

Babu Bajrangi: yes... it came.....stated that Babu Bajrangi had talked this much time.....

Tahelka: what it means while talking?

Babu Bajrangi: that is alright I was....I have total 14 muslims and 16 policemen against me.....

Tahelka: why....police is why against you.....

Babu Bajrangi: Police stood there and then (abusive words)....for government job....pressure came....at 2/30 hours in the night.

Page no: 27 Para no: 40

I met him thereafter also. He had given me the number of Prakash Rathod. He had sent me to the house of Prakash Rathod with his person. In that way I had gone to Chhara nagar.

Page no 27 Para no 41

Thereafter on dated 16/8/2007, I met Babu Bajrangi. At that time also conversation took place. In that the facts were as follows...

Tahelka: and this Jaydeep Patel who was continuously talking with you on phone and on that day?

Babu Bajrangi: at that time....sir..... these much....how.....These...then  
(abusive word and language)

The above words were spoken by Shree Bajrangi in Gujarati language, I have made this script as per I understood.

Tahelka: means.....

Babu Bajrangi: Here, they showed gestures by signaling that they massacred the people

Tahelka: How many people did you massacre?

Babu Bajrangi: Yes....

Tahelka: This Jaydeep?

Babu Bajrangi: Yes.....He has told about 11-12.... Then my battery had become low.

Page No: 29 Para No: 42

In September 2007, Shri Babu Bajrangi came to Delhi. He came to Delhi. He came to Delhi for his work. After coming to Delhi, he telephoned me and in conversation, he expressed desire to meet Shri Anandji, Senior Worker of fictitious RSS. Therefore, I asked Shri Tejpal Kaka to play role of Anandji and we also affixed photos of former workers of RSS in house of Shri Anandji, so that Shri Babu Bajrangi may feel that the said house belongs to only workers of RSS. I went to airport to receive Shri Babu Bajrangi. We went to house of Tarun Kakal, i.e. Anandji from airport.

Page No: 29 Para No: 43

In our conversation occurred in Delhi, Shri Anandji was involved. During this conversation, the fact was that,

Babu Bajrangi: We- people.....My function was that we were first in Patia Carnage and local people of that area were with us..... Patia is situated near

our area, which is little bit away.... about 1.5 kms. away. From our home, the first function, which we did.....we had gone in Godhra Carnage..... We could not see there.... On next day, we gave reply.... thereafter...

(Chacha) Anandji: What could you not see there...? What did you not see in Godhra Carnage?

Babu Bajrangi: The scene, worth-seeing, in Godhra Carnage..... if any person sees the said scene, he will feel that 'just now kill and massacre all.... situation was like this...

(Chacha) Anandji: Had you gone there?

Babu Bajrangi: Yes, I was there..... when we saw Godhra carnage, we resisted it in Naroda.

(Chacha) Anandji: How did you organize this in less time?

Babu Bajrangi: Chhote..... We gathered in night. We collected our team of 29-30 persons....We went to those persons, who have revolver and asked them to give their revolver...but they refused to give the same... we will shoot you tomorrow even if you are Hindu....If you do not give revolver tomorrow..... Then, they told the people to take revolver and cartridges.... By doing so, we collected 23 revolvers and we did not kill anyone with said revolvers. It happened that due to fear and frightening, the said persons hid in a big pit, which was surrounded from four directions and whoever was remaining there, was confined. At that time, we told...at 7 o'clock...

Tehelka: There, in Patia.....Is it called Patia?

Babu Bajrangi: Patia Patia...

Tehelka: Please show me in Patia. Which kind of Patia is this?

Babu Bajrangi: Patia is a workshop of S.T. Bus. Adjacent to it, there is a wall. Opposite to Patia, there is a mosque. There is one big pit near said mosque. We kill all in a ground there. We informed Home Minister at 7.00 o'clock and also informed Jaydeepbhai as to how many persons were killed. You control it. They did not do anything, what they did, is that.... At 2.30 a.m., FIR was registered in my name and the Commissioner also passed order...

(Chacha) Anandji: Narendraji?

Babu Bajrangi: Yes, the Commissioner passed order.

Tehelka: Narendrabhai....

Babu Bajrangi: No. Narendra.... At that time, he had again controlled.... Narendrabhai was with us for long time....At that time, the Commissioner passed the order. He ordered to leave the house. We left our house and ran away. Thereafter, Narendrabhai kept us in Mount Abu. There is Gujarat Bhawan in Mount Abu, where we were kept for four months... Thereafter, whatever Narendrabhai was saying.... Thereafter, we were arrested.... After arrest, we lived there for six months... Thereafter, Narendrabhai got us released and what Narendrabhai did in Gujarat, no body can do it in Gujarati... If we have no support of Narendrabhai, we could not resist... because the police was standing before us and watching everything, but they had closed their mouth and eye...

(Chacha) Anandji: (this is not hearing.)

Babu Bajrangi: No, no, sir.... At that time, if the police wishes, they would not have allowed us to enter Patia. There was only one Naka....There is only one gate of society. Then, Patia incident starts.... Muslim people start... If they were to be prevented, there were 50-60 police personnel. They might have prevented us...

Chacha (Anandji): (Picks up his phone)

Babu Bajrangi: If the police wanted, they might not have allowed us to enter.... We had full support of police.... because of Narendrabhai.... and because of him, whatever happened in Gujarat, it happened well that the said persons felt peace. Otherwise, the said persons had gone out of control.... Thereafter, they proceeded further....

(Chacha) Anandji: Why did it happen well?

Babu Bajrangi: Because of Narendrabhai, it happened well and we massacred them.

Chacha (Anandji): Voice is not clear.

Babu Bajrangi: Narendrabhai was happy, public was happy and we were happy. Thereafter, we went to jai and returned. After return, the work was going on.

Page No: 35 Para No: 44

Moreover, in this same conversation, further conversation was that,

Tehelka: At least, in Patia and also in village... at two places.....

Babu Bajrangi: Naroda and Naroda Patia...

Tehelka: Naroda is village.

Babu Bajrangi: Distance is about one and half k.m. In both Naroda and Naroda village, we....any number....not to kill in less number there in Naroda and Naroda village....then, they lifted dead-bodies and threw in a well. In the beginning, I was not talking with them. For the first time, I was called by sir. There are many journalists and when even common man is coming there, he is asking me that you were involved in Patia Carnage. I told that I was not involved in Patia Carnage. I was admitted in remote hospital.

Page No: 36 Para No: 45

Moreover, in the same conversation, such conversation was also that,

Tehelka: Show me, how did you do it?

(Chacha)Anandji: You took revolver. Then, from where did you get gas cylinder?

Babu Bajrangi: Sir, the said cylinders were theirs. On intruding house, we took cylinder from there and blasted it. We had revolver. At that time, we were happy, sir. Our four workers died in said incident. No hearing of their case is made.

Tehelka: I visited their house....

Babu Bajrangi: Pravin Togadia can do anything in the market in the name of Vishwa Hindu Parishad. Sir, 200 persons are not there to support today and he says with challenge that if he wants to organize any programme of Vishwa Hindu Parishad, no programme will be organized there.

Tehelka: The said persons bound pit by climbing on mosque.

Babu Bajrangi: We had thrust full tanker in mosque in Naroda Patia.

Tehelka: Was the Tanker filled up with petrol?

Babu Bajrangi: Diesel...Tanker of diesel was thrust and then we set ablaze.

Tehelka: It means that fire was set in Patia with said tanker?

Babu Bajrangi: in Mosque....

Tehelka: in mosque?

Babu Bajrangi: Then, at that time, there was our leadership. We did what we wanted to do, sir...

On perusing aforesaid all facts and transcript produced in this case, it clearly appears that the said accused is involved in said offence and he has actively played role in said offence. There is no reason not to believe it.

Moreover, this is to state that during sting operation of the said accused, while confessing to offence, C.D. containing voice of the accused regarding their conversation and thereafter, with permission of the Hon'ble Court, voice test of the accused Nos. 18, 21 and 22 were carried out at Akashvani and officials of Akashvani took different samples of voice of three accused during trial. For comparing voice pronunciation, sample of voice of the accused and CD were sent to FSL at Jaipur and officials of FSL, Jaipur, compared voice of the accused with voice of CD and produced Spectrography Report of three accused in the Hon'ble Court. As per the said Report, it is revealed that voice of the accused during confession of offence during sting operation and voice of sample of the accused recorded in Akashvani were the same. It means that the said voice was of the accused. The report of spectrography is produced in the Hon'ble Court. From the report of spectrography, it becomes clear that the dialogues spoken by the accused in C.D. of sting operation were belonging to the accused only. Therefore, there is no question not to believe deposition of this witness.

In this case, Witness No. 314 – Bhagirathprasad Manilal Pandya, Director of Akashvani, has been examined, vide Exh. 2212. He stated in his deposition before the Hon'ble Court that he has taken voice samples of the accused Nos. 18, 21 and 22 and the said samples were sent to FSL at Jaipur.

The officials of FSL, Jaipur gave report by comparing voice samples of the accused with the voice of the accused in CD and the said report has come positive. The said report is on record of the Hon'ble Court. From such examination report of FSL, Jaipur, it is proved that the voice in CD of Tehelka is the voice of the accused only. Therefore, there is no place for doubt therein.

In this case, Witness No. 323 – Dr. Shailendra Ramkishor Jha, has been examined, vide Exh. 2274. He has clearly stated in deposition before the Hon'ble Court that voice samples of three persons, sent to us, are the same voice recorded in CD and VCD. Thus, from deposition of this witness, it is revealed that there were voices of accused Nos. 18, 21 and 22 I CD of sting operation and he himself has opened the same in sting operation. Thus, this witness also supports the deposition of Ashish Khetan.

Thus, in view of FSL Report received by CBI, vide Exh. 2276 as produced above and Examination Report of Voice Spectrography produced vide Exh. \_\_\_\_\_, electronic evidence has been produced before this Hon'ble Court and looking to said evidence, the sting operation is proved as per Evidence Act.

The Hon'ble Supreme Court has given special guidelines regarding sting operation. In many judgments, the Hon'ble Supreme Court has given clear guidelines as to in which circumstances and when electronic evidence can be accepted in evidence.

For that, we have invited attention of the Hon'ble Court to judgment reported in III (2009) CCR 402 (SC), R.K. Anand V/s. Registrar, Delhi Court. In Para No. 72 of said judgment, the examination has been made for proving tape-recorded evidence.

“72. In regard to the admissibility of evidence of tape recorded statement, Mr. Ahmed cited a number of decisions of this Court in (i) N. Shri Rama Reddy V. Giri, (1970) 2 SC 340, (ii) R.M. Malkani V. State of Maharashtra, (1973) 1 SCC 471, (iii) Mahabir Prasad Verma V. Dr. Surinder Kaur, (1982) 2 SCC 258 and (iv) Ram Singh V. Col. Ram Singh, (1985) Suppl. SCC 611. He also referred to two foreign decisions on the point, one in (i) R.V. Stevenson, 1971 (1) All ER 678 and the other of the

Supreme Court, Appellate Division of the State of New York V. Francis Bell (taken down from the internet). We need here refer to the last among the decision of this Court and the English decision on R. Stevenson. In Ram Singh, a case arising from an election trial, the court examined the question of admissibility of tape recorded conversations under the relevant provisions of the Indian Evidence Act. The court lay down that a tape recorded statement would be admissible in evidence subject to the following conditions”

“Thus, so far this Court is concerned, the conditions for admissibility of a tape-recorded statement may be stated as follows –

- (1) The voice of the speakers must be duly identified by the maker of the record or by other who recognize his voice. In other words, it manifestly follows as a logical corollary that in the first condition for the admissibility of such a statement is to identify the voice of the speaker. Where the voice has been denied by the maker, it will require very strict proof of determine whether or not, it was really the voice of the speaker.
- (2) The accuracy of the tape recorded statement has to be proved by the maker of the record by satisfactory evidence direct or circumstantial.
- (3) Every possibility of tampering with or eraser of a part of a tape recorded statement must be ruled out otherwise it may render the said statement out of the contest and therefore, inadmissible.
- (4) The statement must be relevant according to the rules of Evidence Act.
- (5) The recorded cassette must be carefully sealed and kept in a safe or official custody.

The voice of the speaker should be clearly audible and not lose or distorted by other sounds or disturbances.”

Similarly, in Para – 74 of said judgment, the following examination has been made as to on which conditions, video tape should be admissible in evidence.

74. Mr. Ahmed also referred to another decision by a US Court on the admissibility of video tapes. This is by the Court of Appeal of the State of North Carolina in State of North Carolina V. Michael Odell Sibley (downloaded from the internet). In this decision, there is a reference to an earlier decision of the same Court in State V. Cannon, 92 NC App. 246, etc. in which the conditions for admissibility of video tape in evidence were laid down as under:

“The prerequisite that the offer or lay a proper foundation for the video tape can be met by –

(1) testimony that the motion picture or video tape fairly and accurately illustrates the events filmed (illustrative purpose); (2) ‘proper testimony concerning the checking and operation of the video camera and the chain of evidence concerning the video tape...,’ (3) testimony that ‘the photographs introduced at trial were the same as those (the witness) had inspected immediately after processing,’ (substantive purpose; or (4) ‘testimony that the videotape had not been edited, and that the picture fairly and accurately recorded the actual appearance of the area photographed.’”

**Accused No. 19 – Padmendrasinh alias P.J. Rajput Jaswantsingh Rajput**

His is name in FIR.

(1) Vinubhai Khemabhai Delvadia (V.K. Solanki), Witness No. 262, Exh. 1770.

In complaint (FIR) dated 28/2/2002, name has been given – he was shown taking leadership in mob.

In deposition before the Hon'ble Court, he has given name and also identified the accused.

Page No: 5 Para No: 8

During this time, Mr. P.B. Gondiya, the then Dy. Commissioner of Police, Mr. M.T. Rana, ACP of 'G' Division and Mr. K.K. Mysorewala, Senior P.I. of Naroda Police Station also came at the said place. At that time, mobs of people gathered near Nurani Masjid and Chhapra of Hussainnagar from Krishnanagar, Saijpur Fadeli, Kubernagar, Chharanagar, etc.

Page No: 5-6 Para No: 9

In the said mob, as leaders, there were active works of VHP and BJP, Kishan Korani, P.J. Rajput, Haresh Kohra, Babu Bajrangi and Raju Chaumal. They took leadership of mob and they were instigating the persons of mob and all of sudden, by targetting shops, houses of Muslim community and Nurani Masjid, they were sabotaging, burning and looting the same.

As I stated earlier, five persons were shouting "Mari Nakho, Kapi Nakho" (Kill, cut) and instigating the persons of mob. Therefore, for scattering the mobs, we gave warning by frequently making announcement in loud speaker in our jeep to mob for scattering. In spite of giving such warning, the persons of mob got out of control and continued to set ablaze to shops, houses and Nurani Masjid and the persons of the said mob were also looting.

The said witness has shown the name of the accused taking leadership of mob at the time of incident in FIR and he has also given evidence against the accused in his deposition before the Hon'ble Court.

From the very beginning, the said witness has shown the name of the accused as taking leadership of mob from the very first day of incident and has also mentioned in this way in FIR.

From the deposition of this witness before the Hon'ble Court, it is clearly revealed that the said witness has seen the accused taking leadership of mob near Nurani Masjid and Chhapra of Hussainnagar and along with him, there were also other accused present. It clearly seems from deposition of this witness that he has seen the accused near Nurani Masjid during patrolling there. Thus, this witness is an eye witness. The said witness has personally seen the accused taking leadership of the mob, instigating the mob, sabotaging, burning and looting shops and houses of the Muslims and Nurani Masjid by targetting them.

Thus, as per deposition of this witness, the accused was present in the mob near Nurani Masjid and he was instigating the mob. Therefore, the mob got morale and became more aggressive and thereafter, the accused has looted and set ablaze to shops, houses and Nurani Masjid by targetting them, which is clearly proved. There is no reason for not believing it.

By giving name of the accused in deposition, this witness has identified him before the Hon'ble Court.

**(2) Witness No: 274, Kerman Khurshid Mysorewala (Police Inspector of Naroda Police Station), Ex: 1824**

In reply dated 25/10/08 before the SIT, as there is evidence against the accused, he has been arrested.

By giving name in the deposition before the Hon'ble Court, he has identified the accused.

Page No: 12 Para No: 23

Before this, among mobs gathered after 2.00 p.m., in middle part between Nurani Masjid and Chawl of Hussainnagar, I saw Kishan Korani, P.J. Rajput, Rajubhai Chobal and Babu Bajrangi talking and persuading the mob

and at that time, the mob was shouting “Maro, kapo”. I had seen the said four persons till 2.45 p.m. in the mob.

This witness has given name of the accused in the statement before the SIT and as per deposition before the Hon’ble Court, he has given evidence.

From the deposition of this witness before the Hon’ble Court, it becomes clear that the accused was present with other accused of the mob near Nurani Masjid. This witness states before the Hon’ble Court that he has seen the said accused and other accused persuading the mob and the mob shouting “Maro, kapo” till 2.45 p.m. Thus, from the deposition of this witness, it can be said that the accused talked to the mob and was instigating the mob to the extent that thereafter, the mob became more aggressive and they brutally massacred the Muslims and looted their houses and shops till evening. This witness has not heard as to what the accused was talking to the mob, but he states that at this time, the mob was shouting ‘maro, kapo’. From this, it can be said that the accused, in collusion with other co-accused, was talking the mob to massacre the Muslims and was accomplishing their conspiracy, because except this witness, other many witnesses have seen the said accused taking leadership in the mob and massacring the persons with sword. Therefore, from the deposition of this witness, it is clearly revealed that the accused was present with other accused in the mob in massacre.

Moreover, the said witness also states that as sufficient evidences were found against the said accused in this offence, he has been arrested. Therefore, it can be definitely said that in respect of involvement in offence against the accused, as there was sufficient evidence in this offence, the accused has been arrested. Therefore, there is no reason for not believing this witness.

**(3) Witness NO: 277, Madansinh Takhatsinh Rana, Ex: 1867**

In the statement dated 14/5/2002, he saw the accused in violent mob. He was talking in mob. The said mob was shouting ‘maro, kapo.’

By giving name of the accused in the deposition before the Hon’ble Court, he has identified him.

The Muslism had also got excited over the Hindus. Moreover, the Hindus set ablaze residential houses, ships of Muslims and Nurani Masjid.

Page No: 10 Para No: 21

Repeated efforts were made to scatter the mobs. In said mobs, there were P.J. Rajput, Kishan Korani, Raju Chaubal and Babu Bajrangi. I saw them. The said four persons were talking to the persons of mobs. But, I did not hear as to what conversation was going on. But, thereafter, the mob got more excited. For scattering the said mob, the police again started lathi-charge, roll of tear-gas and firing. However, there was some decrease in the mob. But, the mob was not scattered. This incident continued upto 4.00 p.m. on that day. At about 4.00 to 4.30 p.m., the mob decreased little bit and on getting message of other incidents, I and Mr. Mysorewala, PI, went at the concerned places. Before we went, Mr. Gohel, PI, was also sent at the place on getting message. Such kind of messages were coming from Naroda Village and Masjid of Naroda Village.

This witness has given the name of the accused in his statement that he seen the accused shouting 'maro, kapo' in the mob and as per deposition before the Hon'ble Court, he has given evidence.

From the deposition of this witness, it is revealed that the accused was present in the mob, which set ablaze residential houses, shops of the Muslims and Nurani Masjid and he has personally seen the accused. From the deposition of this witness, it can be definitely said that the said accused, along with other co-accused, talked something to the mob and thereafter, the mob got more excited. From the statement of this witness, it can be definitely said that this accused and other co-accused might have spoken provocative words to the mob, as a result of which, the mob got more excited. There is no reason for not believing it.

Thus, from the deposition of this witness, it is clearly revealed that this accused along with other accused has instigated the mob and the said excited mob created mass massacre and committed offence of looting, raping and setting ablaze properties of the Muslims. Therefore, there is no reason for not believing that the active role of the accused in entire incident is proved.

By giving name of the accused in the deposition before the Hon'ble Court, this witness has also identified him.

**(4) Witness No: 266, Parbatsinh Vajesinh Thakor, Ex: 1785**

He has given the name of accused in the deposition before the Hon'ble Court, but he has not identified him.

Page No: 4-5 Para No: 10

At about 2.15 p.m., I saw workers of Naroda area, namely, Kishan Korani, Babu Bajrangi, P.J. Rajput and Raju Chaubal among persons of mob in Naroda Patia. They were talking something. Thereafter, the mob was pelting stones and creating disturbance and making uproar. When we were present near Nurani Masjid, attack was made on Nurani Masjid. I saw that persons of mob were pelting stones. We also got such message from the Police Control Room. By making lathicharge near Nurani Masjid, we tried to drive away the public. Due to our efforts, the mob was scattered for a while, but it was coming back.

In police statement, this witness has given name of the accused, provoking the mob. This witness was performing duty in jeep of P.I. on the day of incident and he has personally incident the incident. In Para No. 1.10 of deposition before the Hon'ble Court, this witness has given sufficient evidence against the accused.

From deposition of this witness, it is revealed that the accused is a notorious person of Naroda area. The witness knows him very well. This witness has seen the accused among the persons of mob and the accused was talking something to the mob and thereafter, the mob was pelting stones and creating disturbance and making uproar. When this witness was near Nurani Masjid, he has seen the attack made on Nurani Masjid.

Thus, from the deposition of this witness, it clearly appears that the accused was provoking the mob and by making part of the mob, he was attacking Nurani Masjid. There is no reason for not believing it.

This witness could not identify the accused in deposition before the Hon'ble Court, because the said accused was sitting with other accused No. 44 and as both the accused were looking same in appearance, this witness committed mistake in identifying the said accused and because of that, he could not identify him.

**Accused No. 20 – Kishan Khubchand Korani**

There is his name in FIR.

**(1) Witness No: 73, Basuddin Maiyuddin Saiyed, Ex: 514.**

He gave name and identified the accused.

Para No: 9 Page No: 5

Within short period, a big mob was coming from Kubernagar Patia and Natran Hotel. This mob was rushing towards Nurani Masjid. This mob was shouting slogans, 'Jay Shri Ram'. This mob was led by Kishan Korani, Ashok Sindhi, Suresh Langdo and Manoj Videovala. In this mob, Manoj Videovala and Kishan Korani had revolver. Persons of other mob had weapons, viz. swords, trident, spear and iron pipes, etc.

Para No: 10 Page No: 6

The persons of this mob were setting ablaze to shops of the Muslims, situated near Masjid and they were also pelting stones. When I saw this, it may be 9.30 Hrs.

Para No: 11 Page No: 6

At this time, the persons of our Chawl were standing near house of Gafurbhai, where Mr. Mysorewala, PI of Naroda, was also standing and he was present there with his jeep.

Para No: 14 Page No: 8

Someone from persons of mob was setting ablaze a shop, some one was damaging the mosque and one person started the tanker standing near mosque and penetrated it inside the door of mosque and Milan Hotel, situated near it, was also demolished.

Para No: 17 Page No: 10-11

In the meanwhile, at about 5.00 Hrs., a mob came. In this mob, there were Kishan Korani, Manoj Videowala, Ashok Sindhi and Suresh Langdo. In the house of Majid Langda, residing in last line of Hussain Nagar, under

leadership and guidance of the said four accused, the persons of mob set ablaze to house of Majid. There were family members of Majid in his house and they got burnt in the house. I saw this everything personally.

As per deposition given by this witness in the Hon'ble Court, he has stated that the said accused was involved in the mob, committing criminal act, at the time of incident. This witness has given name of the said accused in the police statement and statement before the SIT and by giving name of the accused before the Hon'ble Court, this witness has identified him. As per deposition of this witness, evidence has been recorded against this accused.

This witness is an eye-witness of the incident. As per the say of the witness, he has got injury in his waist due to falling down while running for saving his life and his son, Ehsan, has also got injury in his knee while running away for saving his life and he has taken treatment in the camp. This witness is a witness survived from mouth of death. There is no reason for not believing the facts mentioned by him in examination-in-chief.

From the deposition of this witness, it is revealed that a mob was coming towards Nurani Mosque, while making slogans. The said mob was led by this accused, who had also revolver. The witness has seen so personally. Therefore, it can be clearly said that the accused, equipped with the weapon, involved in the mob. There is no reason for not believing it and by taking leadership of this mob, the said accused committed offence of massacre and setting ablaze in entire area.

Moreover, from the deposition of this witness, it is revealed that at 5.00 p.m., this accused, taking leadership of the mob with other accused, set ablaze a house of Majid and also burnt his family members alive. This incident is personally seen by this witness. Therefore, there is no reason for not believing that this witness has seen that the accused has burnt family members of Majid alive. Here, it is necessary to refer deposition of Witness No. 156, Abdul Majid Md. Usman Shaikh, because this witness has stated in his deposition that he asked Rajiyabanu as to where his wife and children are. Then, Rajiyabanu has

stated that his wife and children are being burnt. Therefore, he went in street near Gangotri Society. This witness supports deposition of Witness No. 156.

This witness has seen that this accused, in collusion with other accused, set ablaze house of Majid and burnt his family members alive. Thereafter, no explanation has been given as to where family members of Majid died and house of Majid is situated near street of Gangotri Society and the accused set ablaze his house and burnt his family members alive. Therefore, there is no reason for not believing that any person, while burning, may run here and there to save his life. Therefore, it can be definitely said that due to setting ablaze house of Majid, his family members might have run here and there to save their lives and they might have trapped near water-tank, where other Muslims were there for saving their lives and they might have taken last breath of their life there.

Thus, considering entire deposition, there is no reason for not believing that the sufficient evidence is available against the accused for committing offence of loot, massacre, setting ablaze and attack on mosque.

**(2) Witness No: 104, Md. Salim Md. Hussain Shaikh, Ex: 668**

There is his name in statements dated 29/5/08 and 12/9/08 before the SIT.

In statement dated 29/5/08 before the SIT, sword is shown in hand.

He has given name of the accused in the deposition before the Hon'ble Court and has also identified him.

Page No: 5 Para No: 9

Thereafter, a police jeep came, which stood near gate of S.T. Workshop. Before this jeep, Kishan Korani, Manoj Videowala and Murali Sindhi came there. After sometime, one white coloured Maruti Fronti came. I saw that there was MLA – Mayaben Kodnani in said car. She talked to Kishan, Murali, Manoj and police. Mayaben was talking aggressively and she was saying something by signalling towards our area.

Para No: 5 Para No: 10

All these persons, namely, Mayaben, Kishan, Muali, Manoj and policemen called back the mob, which ran away towards Natraj Hotel, by signalling them with hands. Mayaben discussed with mob in aggressive tone. Thereafter, she left said place in the same car, wherein she came there.

This witness has given name of the accused in the statement before the SIT that he has accused the accused with sword and as per deposition before the Hon'ble Court, he has given evidence.

From the deposition of this witness, it is revealed that the accused came with other accused near gate of S.T. Workshop, where Mayaben Kodnani came and talked to the accused. Mayaben talked to the accused and other accused in aggressive tone and told them something by making signal towards Muslims. Thereafter, the accused and other accused called back the persons of mob by making signal with hands and the said mob aggressively attacked in Muslim area, pelted stones and also fired at Muslims. From the deposition of this witness, it can be definitely said that after talking with Mayaben Kodnani and as per her suggestion, the accused dangerously attacked upon Muslim area. There is no reason for not believing it.

Here, it is necessary to discuss the deposition of Witness No. 73, who has personally seen the accused having revolver in his hands in the said mob. Thereafter, this witness has stated that firing has taken place. It becomes clear that in said firing, Muslims died. The deposition of this witness is supported by the deposition of Witness No. 73. Therefore, there is no reason for not believing this witness.

By giving name of the accused in deposition before the Hon'ble Court, this witness has identified the accused.

**(3) Witness No. 149, Farida Abdul Kadar Khalifa, Ex: 1028**

There is name in police statement dated 12/5/02.

Name has been given in statement dated 3/6/08 before the SIT.

By giving name before the Hon'ble Court, she has identified the accused.

Page No: 3 Para No: 7

The persons of mob were sabotaging nearby laris, Galla and rickshaws. The persons of this mob had bound saffron coloured stripe on their forehead. At this time, police personnel and SRP were present near Nurani Mosque and Mr. K.K. Mysorewala was present with Government Jeep near S.T. Workshop. At this time, Mayaben Kodnani came to Mr. K.K. Mysorewala from mob and talked something with him.

Page No: 4 Para No: 8

In the same mob, wherein Mayaben Kodnani was present, some other persons, namely, Kishan Korani, Babu Bajrangi, Murali, Manoj Videowala, Ashok Pan-gallawala, Bipin Panchal, Jay Bhavani, Dalpat Chhara, Tinio Chhara son-in-law of Dalpat Chhara, Sahejad Chhara, Vijay Chhara son-in-law of Sahejad Chhara, Suresh Langdo, Guddu, Hario, Nario, Tinio Marathi, Subhash Ramesh, were also present.

Page No: 5 Para No: 11

Thereafter, the persons of mob went ahead and they were sabotaging and burning houses and also killing Muslims. We were scared much. Thereafter, I went to house of my daughter, residing in Javan Nagar. By locking my house, I went to house of my daughter – Afsanabanu – at Javan Nagar. I visited my house twice or thrice from house of my daughter. In this way, I came to see my home at 2.00 p.m. At that time, I saw son of a person, namely Mullaji, burning near his house. Looking to this, I was scared and immediately, went to house of my daughter – Afsanabanu.

Page No: 7 Para No: 13

I was sitting outside SRP Quarters. In the meanwhile, one big came from Uday Gas Agency. From this mob, someone had sword, someone had dhariya, someone had iron pipe, someone had iron rod and someone had Carba of kerosene or petrol. By demolishing compound wall of Javan Nagar, said mob entered. I saw Guddu Chhara, Hario, Nario, Sahejad, Dalpat Chhara and his son-in-law Tinio, Tinio Marathi, Vijay Chhara, etc. taking leadership in the said mob.

Para No: 7 ParaNo: 14

At this time, a boy, named, Ayub, came to Javan Nagar. He was scared by looking mob near his house. Therefore, he jumped from terrace. Therefore, he got injuries on his both legs. Due to injuries, Ayub could not stand. By lifting Ayub and throwing him in rickshaw, the persons of said mob burnt said rickshaw. I personally saw that they burnt Ayub alive. At that time, in mob, there was also a person, who had put on khakhi uniform and helmet.

Page No: 8 Para No: 15

The same mob set ablaze house of Majidbhai, situated in last line of Javan Nagar. At that time, family members of Majidbhai were inside the house. At that time, we felt that we will not survive. Therefore, I got down from terrace in Gangotri Society. By passing through farm, I with my children ran away from there. There were also other persons with me.

This witness has given name of accused in the statement before the police and SIT and as per the deposition before the Hon'ble Court, he has given evidence against the accused.

From the deposition of this witness, it is revealed that the accused was present with Mayaben Kodnani and other accused near S.T. Workshop and Mayaben talked to Mr. Mysorewala. Therefore, the persons of mob went ahead and massacred Muslims and also set ablaze their properties. It is revealed that the accused has played active role in the incident with mob.

In the deposition before the Hon'ble Court, this witness has identified the accused.

**(4) Witness No: 184, Md. Hanif Yusufbhai Shaikh, Ex: 1271**

There is no name in police statement dated 12/5/02.

There is name in the statement before the SIT dated 14/9/08

He has given name of the accused in the deposition before the Hon'ble Court and has identified him.

Page No: 2 Para No: 4

The incident occurred on 28/2/2002 after Godhra Carnage occurred on 27/7/2002. On that day, there was élan of Bandh declared by Vishwa Hindu Parishad.

Page No: 2 Para No: 5

On that day, I was present at my home at 9.30 a.m. At that time, the disorder took place on road. On that day, the mobs came from Krishnanagar and Natraj Hotel and both mobs gathered there.

Page No: 2 Para No: 6

The persons of said mobs attacked upon Mosque. On that day, there was police point in front of S.T. Workshop. The said mobs also attacked upon the mobs of Muslims.

Page No: 3 Para No: 7

The persons of said mobs had pipe, sword and other weapons. I have seen Kishan Korani and Manoj Sindhi firing in the mob. They were firing at the mob of Muslims.

Page No: 3 Para No: 8

In this mob, there were persons, namely, Naresh Chhara, Haresh Chhara, Sahejad Chhara, Murali Sindhi, Ashok Sindhi Panwala, Suresh Chhara, Bipin Autowala and son of Bhavani (I do not remember his name). I know all these persons. All these persons were instigating the persons of mob and they were attacking Muslims.

Page No: 3 Para No: 8

At this time, the police personal released tear-gas. By snatching revolver from the police, Kishan Korani and Manoj Sindhi started firing. The remaining persons, as mentioned earlier, had weapons like pipe, sword, dhariya, etc.

Page No: 4 Para No: 10

In the firing made by Kishan and Manoj in this way, a boy, namely, Abid died. Thereafter, we all hid in street. The mob of the said persons went ahead. I went near compound wall of SRP Quarters inside Javan Nagar. When I reached there in this way, there was about 12.00 Noon.

This witness has given name of the accused in the statement before the police and SIT and as per deposition before the Hon'ble Court, he has given evidence against the accused.

From the deposition of this witness, it appears that the accused was present in the mob near Nurani Masjid and the accused has fired at mob of Muslim and this witness has seen the accused firing.

The Witness No. 73, who was examined in this case, saw revolver in the hand of the accused. Thereafter, this witness has seen the accused firing. From which, he gives direct evidence against the accused. On the day of incident, the accused had revolver. He has fired at Muslims and in said firing, Muslims have died.

Moreover, another evidence has been produced against the said accused that by snatching revolver from police personnel, the said accused has fired and in said firing, a boy, namely, Abid has died. The direct evidence of killing Abid is also available against the accused.

By giving name of the accused in the deposition before the Hon'ble Court, this witness has identified him.

**(5) Witness No:204, Abdul Razaq Abdul Rehman Saiyed, Ex: 1410**

There is name in police statement dated 13/5/02.

There is name in statement dated 22/6/08 before the SIT.

He has given name of the accused in the deposition before the Hon'ble Court and has also identified him.

Page No: 3 Para No: 5

A Neem Tree was situated outside gate of S.T. Workshop, where there was police point on that day. The said police personnel went near gate of S.T. Workshop on opposite direction of said point, from where, the police fired. Thereafter, by taking rifle from the police, Manojbhai also fired. Kishan Korani also fired with revolver. In this firing, Abidbhai and son-in-law of Maheebub Kureshi were shot. I do not know as to whose bullet was fired at said persons.

This witness has given name of the accused in the statement before the police and SIT and as per Para-5 of deposition before the Hon'ble Court, he has given evidence.

By giving evidence against the accused before the Hon'ble Court, this witness has stated that the accused had revolver and he has seen the said accused firing with said revolver. Therefore, this witness has also supported the depositions of the Witness No. 73 and Witness No. 184. Therefore, there is no reason for not believing deposition of this witness.

By giving name of the accused in the deposition before the Hon'ble Court, he has identified him.

**(6) Siddiqbhai Alabax Mansuri, Witness No. 236, Exh. 1662**

He has referred as leaders with Mayaben Kodnani in statement dated 26/5/2008 before the SIT.

He has identified as leaders with Mayaben Kodnani in the deposition before the Hon'ble Court.

Page No: 4, 5 Para No: 10

At this time, around 11.00 a.m., there was white coloured Maruti Fronti Car of Mayaben Kodnani and behind it, there was Trax Jeep. The said vehicles were stopped near S.T. Workshop and the said vehicles were facing towards gate of S.T. Workshop. Mayaben got down from Maruti Car. After getting down, she signalled towards the said mob and called at gate of S.T. Workshop. At that time, about 100 leading persons came there. Among them, there was also PA to Mayaben. Mayaben talked and discussed something with the said people. Therefore, by making inkling to her PA, she gave instruction.

Page No: 5 Para No: 11

At this time, PA to Mayaben took out weapons from Trax Jeep. Among weapons, there were swords, spears, tridents, revolvers, etc., which were being seen from remote place. On instruction of Mayaben, her PA gave said weapons to the leaders of the mob. Thereafter, car of Mayaben and said jeep were driven towards Krishnanagar and they were turned in street of Uday Gas Service.

After departure of Mayaben, the persons of said mob, including her PA, sabotaged by throwing gas cylinders in Nurani Mosque and they penetrated entire tanker of kerosene inside Nurani Mosque.

Page No: 6 Para No: 12

Thereafter, the persons of mob set ablaze shops situated near Nurani Mosque. Thereafter, the entire mob intruded inside the road leading to Hussain Nagar and Javan Nagar. The said mob burnt houses in Javan Nagar and Hussain Nagar and they also burnt men, women and children alive. I saw this entire facts, i.e. upto intrusion of mob to Javan Nagar and Hussain Nagar.

Page No: 8 Para No: 19

I do not know name of PA to Mayaben, but I know him, I see him. I know leaders of mob on seeing them. I do not know their names. Even today, I will identify all. I will identify the accused by going where they are sitting.

Page No: 10 Para No: 20

I identified the accused by name turn by turn by going where they are sitting. They are PA to Mayaben and Mayaben herself respectively.

Moreover, as I stated earlier, they were as leaders of mob, whom I identified. They were accused Nos. 24, 20, 17, 2 and 44 respectively. After this incident, I was threatened. I went to the accused, but Sahejad is not present in the Hon'ble Court, but I know him.

This witness has given name of accused as leaders with Mayaben Kodnani in reply before SIT on 26/5/08. This witness supports deposition of Witness Nos. 104 and 115. As per deposition before the Hon'ble Court, this witness has given concrete evidence against the accused.

From the deposition of this witness, it is revealed that the accused, who came with Mayaben Kodnani, was one of seven leaders and he also discussed with Mayaben and thereafter, by taking out weapons from Trax Jeep, which came with Mayaben, the same were given to the accused and other leaders. Thus, this accused possessed weapon and thereafter, he sabotaged in Nurani Mosque and set ablaze it. He also burnt shops and houses and also burnt men, women and children alive. It appears that the accused is involved in entire

incident. Thus, on perusing deposition of this witness, the fact is proved that the accused attacked upon mosque, set ablaze houses of Muslims in Hussain Nagar and also burnt men, women and children alive. By giving name of this accused before the Hon'ble Court, this witness has identified him. Thus, there is no reason for not believing deposition of this witness.

**(7) Witness No: 262, Vinubhai Khemabhai Dalvadia (V.K. Solanki, Exh. 1770),**

He has given name of accused in complaint (FIR) dated 28/2/2002 and has shown the accused taking leadership in mob.

In deposition before the Hon'ble Court, he has given name of the accused and has identified him.

Page No: 5 Para No: 8

During this period, Mr. P.B. Gondia, the then Deputy Commissioner of Police, Mr. M.T. Rana, ACP of 'G' Division and Mr. K.K. Mysorewala, Sr. PI of Naroda Police Station also came at the place. At that time, the mobs of people came near Nurani Mosque from Krishnagar, Saijpur Fadel, Kubernagar, Chharanagar, etc. and gathered near Chhapra of Hussain Nagar.

Page No: 5-6 Para No: 9

At that time, as leaders, active members of VHP and BJP, Kishan Korani, P.J. Rajput, Haresh Rohera, Babu Bajrangi and Raju Chaumal were involved in this mob. By taking leadership of mob, they were instigating the people of mob and all of sudden, by targetting shops, houses of Muslims and Nurani Mosque; they were sabotaging, burning and looting the same.

As I stated earlier, five persons were instigating the persons of mob by shouting 'maro, kapo'. Therefore, for scattering the mob, by frequently making announcement from loud speaker in our jeep, warning was given to the mob to scatter. In spite of giving such warning, the persons of mob became indiscriminate and continued to burn shops, houses and Nurani mosque and the persons of this mob were looting at all these places.

This witness has shown name of the accused in FIR, taking leadership of the mob and he has also mentioned in this way in FIR.

From the deposition of this witness before the Hon'ble Court, it is clearly revealed that this witness has seen the accused taking leadership of the mob near Nurani Mosque and Chhapra of Hussain Nagar and there were also other accused with him. This witness has seen this entire incident near Nurani Mosque while patrolling, which is clearly seemed from deposition of this witness. Thus, this witness is an eye witness. This witness has personally seen the accused, taking leadership of mob, sabotaging shops, houses of Muslims and Nurani Mosque by targetting them, burning and looting them.

Thus, as per deposition of this witness, the accused was present in the mob near Nurani Mosque and he was instigating the mob. Therefore, the mob got morale and became more aggressive. Thereafter, by targetting Nurani Mosque, the accused sabotaged therein and by burning houses and shops, he has looted them, which is clearly proved. There is no reason for not believing deposition of this witness.

By giving name of the accused in the deposition before the Hon'ble Court, this witness has identified him.

**(8) Witness No: 266, Parbatsinh Vajesinh Thakor, Ex: 1785**

In Jeep of P.I.

There is name of the accused in police statement dated 25/5/2002 (by remaining present in the mob and talking with persons of mob, he was instigating them.)

He has given name of the said accused in the deposition before the Hon'ble Court and has identified him.

At the time of deposition of this witness, the consent of the Hon'ble Court was obtained to allow him to remain absent and he has no dispute regarding identification, which was declared. Therefore, at the time of deposition of this witness, there is no question to identify the said accused.

At about 2.00 or 2.15 p.m., I saw workers of Naroda area, namely, Kishan Korani, Babu Bajrangi, P.J. Rajput and Raju Chaumal in mob in Naroda Patia. They were talking something. At that time, the mob was pelting stones and creating disturbance and also shouting. When we were present near Nurani Mosque, the attack was made on Nurani Mosque. I saw that the persons of mob were pelting stones. We also got such message from the Police Control Room. By making lathicharge near Nurani Mosque, we tried to scatter the mob. Due to our efforts, the mob was scattered for a while, but after some, it came back.

In police statement, this witness has mentioned the name of the accused, instigating the mob. This witness was performing duty in jeep of P.I. on the day of incident and he has personally seen the incident. In Para Nos. 1 and 10 of deposition before the Hon'ble Court, this witness has given sufficient evidence against the accused.

From deposition of this witness, it is revealed that the accused is notorious person of Naroda area. This witness knows him well. This witness has seen the accused among persons of mob and he was talking something with mob and at that time, the mob was creating disturbance, pelting stone and shouting. When this accused was present near Nurani Mosque, he has seen the attack made on Nurani Mosque.

Thus, from deposition of this witness, it is clearly revealed that the accused was instigating the mob and by becoming part of the mob, he was attacking upon Nurani Mosque. There is no reason for not believing it.

By giving name of this accused in the deposition before the Hon'ble Court, he has identified him.

**(9) Witness No: 274, Kerman Khurshid Mysorewala (P.I., Naroda Police Station),**

**Ex: 1824.**

In reply dated 25/10/08 before the SIT, as there was evidence against the accused, he has been arrested.

By giving name of the accused in the deposition before the Hon'ble Court, he has identified him.

At the time of deposition, consent of the Hon'ble Court to allow the accused to remain absent was obtained and it was declared that with regard to identification, he has no dispute. Therefore, there is no question to identify the said accused at the time of deposition of this witness.

Page No: 12 Para No: 23

In mobs gathered near Nurani Mosque and in the middle part of Hussain Nagar Chawl at 2.00 p.m., I saw Kishan Korani, P.J. Rajput, Rajubhai Chaubal and Babubajrang, talking and persuading the mobs and at this time, the mob was shouting 'maro, kapo'. I had seen said four persons in the mob upto 2.45 p.m.

In the statement before the SIT, this witness has given name of the accused and as per the deposition before the Hon'ble Court, he has given evidence.

From deposition from this witness before the Hon'ble Court, it is revealed that the accused was present with other accused of mob near Nurani Mosque. This witness states before the Hon'ble Court that the accused and other accused were persuading the mob and the mob was shouting 'maro, kapo'. This witness has seen the accused upto 2.45 p.m. in the mob. Thus, from deposition of this witness, it can be said that by talking to the mob, the accused was instigating the mob to that extent that the mob became more aggressive thereafter and the persons of said mob have brutally massacred the people and looted their properties upto evening time. This witness has stated that he has not heard as to what the accused was talking to the mob, but he states that at that time, the mob was shouting 'maro, kapo', from which, it can be said that the accused with other co-accused talked to massacre the people and they were giving final touch to their conspiracy, because except this witness other witnesses have also seen this accused talking leadership in the mob and massacring people with sword. Therefore, from deposition of this

witness, it becomes clear that the accused was present with other accused in the mob, committing act of massacre.

Moreover, this witness also states that as sufficient evidences were found against the accused in this offence, he has been arrested. Therefore, it can also be said that as there were sufficient evidences with regard to involvement of the accused in this offence, he has been arrested. Therefore, there is not reason for not believing this witness.

**(10) Witness No: 277, Madansinh Takhatsinh Rana, Ex: 1867**

In the statement dated 14/5/2002, this witness stated that he saw the accused in violent mob and he was talking to the mob. The said mob was shouting 'maro, kapo'.

By giving name of the accused in the deposition before the Hon'ble Court, this witness has identified him.

At the time of deposition, consent of the Hon'ble Court to allow the accused to remain absent was obtained and it was declared that with regard to identification, he has no dispute. Therefore, there is no question to identify the said accused at the time of deposition of this witness.

Page No: 9 Para No: 17

The Muslims had also got excited over the Hindus. Moreover, the Hindus set ablaze residential houses, shops of Muslims and in area of Nurani Mosque.

Page No: 10 Para No: 21

Repeated efforts were being made to scatter the mob. In the said mob, P.J. Rajput, Kishan Korani, Raju Chaubal and Babu Bajrangi. I saw them. The said four persons were talking something to the persons of mob. But, we did not hear as to what they were talking. But, the mob got more excited thereafter. For scattering this mob, the police lathicharged, released cell of tear gas and also fired. However, the mob was decreased little bit. On getting message of other incidents, I and Mr. Mysorewala, PI, went to respective places. Before going there, on getting message, Mr. Gohel, PI was also sent there. Such kind of messages were coming for Naroda Village and place of mosque of Naroda Village.

This witness has given the name of this accused in police statement that he has seen the accused shouting 'maro, kapo' in the mob.

From the deposition of this witness, it is revealed that the accused was present the mob, which set ablaze in residential houses, shops of Muslims and Nurani mosque and he has personally seen the accused. From the deposition of this witness, it can be definitely said that this accused along with other accused talked something to the mob and thereafter, the mob got more excited, which is stated by this witness, from which, it can be exactly said that this accused along with other accused must have spoken provocative words to the mob, as a result of which, the mob got excited. There is no reason for not believing it.

Thus, from the deposition of this witness, it is clearly revealed that this accused with other accused has instigated the mob and the said excited mob committed mass killing, rape and committed act of setting ablaze properties of Muslims. Therefore, there is no reason for not believing that the active role of the accused in this entire incident is proved.

**(11) Witness No: 188, Mohammadbhai Bachubhai Belim, Ex: 1282**

In the deposition before the Hon'ble Court, this witness has stated that a leader belonging to Sindhi community had spots of small pox on his face and he is black coloured. His height is about five to six feet. This witness has given following evidence against the accused.

Page No: 3 Para No: 8

In the morning, I also saw a mob coming from Natraj Hotel. This mob was led by Manoj Videowala, Suresh Langda Chhara and one Sindhi leader. This Sindhi leader had spots of small pox on his face, he is black coloured and his height is about 5 to 6 feet. The persons of this mob had sword, trident and carbas filled with chemical.

Page No: 3 Para No: 9

The mob, coming from Krishnanagar, stopped a tanker filled with kerosene, near Nurani Mosque and at this time, they also stopped one crane near Nurani Mosque. By sabotaging in Nurani Mosque, the mob, coming from

Natraj Hotel, attacked upon said mosque. This mob also beat Maulana of Nurani Mosque. Looking this, Yusuf Lightwala requested SRP personnel, who were sitting on SRP Point situated there, to persuade the mob. Instead of preventing the mob, SRP personnel beat Yusuf with stick. As the mosque was burning, boys gathered near Pandit's Chawl.

From deposition of Witness No. 188, it is revealed that the accused was leading the mob, coming from Natraj Hotel. The said accused and mob had lethal weapons in their hands. It appears that the said accused with mob attacked upon Nurani Mosque and also beat Maulana of Mosque. Thus, by creating illegal association and becoming member thereof, this accused with other accused has committed misdeeds as mentioned in deposition. There is no reason for not believing it.

**(12) Witness No: 202, Samsuddin Shahbuddin Rathod, , Exh. 1394**

Page No: 2 Para No: 5

The incident occurred on 28/2/2002. At about 9.00 a.m. on that day, I went to tea-stall, which is situated near Nurani Mosque, to drink tea. On that day, there was police point near Nurani Mosque. I saw a mob coming from Natraj Hotel towards Nurani Mosque. The persons of the mob had weapons in their hands, they were pelting stones and they were proceeding further in the direction of Nurani Mosque. I saw that the said mob set ablaze shops and houses in our area. At this time, there was police near Nurani Mosque.

Page No: 3 Para No: 6

I saw Kishan Korani, Manojbhai, Bipin Auto, Guddu Chhara, Naresh Chhara, Suresh Chhara and Mungda Chhara in the mob. Thereafter, another mob came from Krishnanagar.

As per the deposition before the Hon'ble Court, this witness has given evidence against the accused.

From the deposition of this witness, it is revealed that by creating illegal association and becoming member thereof, the accused with other accused has played active role in satisfying their common intention. As a result of which, such a big massacre has taken place. This witness has given name of the

accused in the deposition before the Hon'ble Court, but he cannot identify him, because as the deposition has been recorded after 8 years of incident, it is possible that due to change in physical appearance of the accused, he may not identify him. Thus, there is not reason for not believing the deposition of this witness.

**Accused No. 21 – Prakashbhai Sureshbhai Rathod**

**(1) Witness No. 322, Ashish Sureshchandra Khetan, Ex: 2265**

This witness has mentioned the name of the accused in the statement before the SIT.

By giving name of the accused in the deposition before the Hon'ble Court, this witness has identified him.

During deposition given by this witness before the Hon'ble Court, transcript of CD, from P.R. 1 to P.R. 2, has been produced, vide list of Exh. 2266.

Thereafter, he met the accused No. 21 – Prakash Rathod and recorded conversation made with him. In the Hon'ble Court, two transcript, P.R. 1 and P.R. 2 have been produced, vide list of Exh. 2266. As per which, such conversation was made with the accused – Prakash Rathod that...

Page No: 38 Para No: 48

I met Shri Prakash Rathod and such conversation took place between that,

Tehelka: Now, names of Jaydeep Patel and Mayaben Kodnani have been deleted. They.....in Naroda Carnage.....

Prakash: Why was name of Mayaben deleted, why deleted....for some reason....she used money power too much....

Tehelka: She was telling that she was not present there on that day.

Prakash: May I mention whether Mayaben was there or not.

Tehelka: Was she there?

Prakash: Yes.

Tehelka: Did she come here?

Prakash: She had come thereafter...We were there to create disturbance..... Kill them, we are behind you... She was saying like this.

Tehelka: The day, on which Naroda Carnage had occurred?

Prakash: Hamm...

Tehelka: For how many hours was she there?

Prakash: She had not moved there for more time.

Tehelka: One hour or two hours?

Prakash: About half hours or more?

Tehelka: But, did her name delete?

Prakash: It is in the hands of the Government...

On the same day, Prakash Rathod took me to house of Suresh Richard and I went to house of Suresh Richard with Prakash Rathod and Prakash Rathod met Suresh alias Richard on that day. I have also talked to Suresh Richard on that day.

Page No: 40 Para No: 49

I met Suresh Richard on 11/8/2007. The conversation taken place between me and Suresh was such that...

Tehelka: who helped on that day, when Naroda Patia Carnage occurred.....Did Vishwa Hindu Parishad not help?

Suresh: No.....At that time, nobody helped us....Babubhai had helped us....and the said boy is my nephew.

Tehelka: Did not he give sword?

Prakash: Nothing....Not only sword, but the sticks were also taken.... Pipe was taken from my house...and we have also not.....We have also played role...

Tehelka: Yes.

Suresh: We have also done there...also created disturbance....we have done a lot...I am not sorry for that....as Babubhai has risk, we have also risk from Mohamedan...

Suresh: Listen to me....when this carnage took place....

Sajan: If we were not there, nobody would have entered.

Suresh: If we did not do it, members of RSS, VHP and Shivsena, who had come there, might have killed them...

Sajan: Could not enter...could not enter...

Suresh: -----

Sajan: Muslims are afraid of only our caste.

Suresh: A girl of our caste had eloped with Muslim.

Tehelka: Hindu.

Suresh: Hindu brothers had cut her breast and we had covered cloth of jute bag on her.

Tehelka: Cloth of jute bag?

Suresh: This jute bag.....Then, we...intruded inside....people of Chhara community could not see it. Then, many Hindus were trapped and we helped them and we are in jai. Now, they are telling us that you are in jail for life time.

Sajan: Only, our case is much....there are our 23 persons inside Patia Carnage and there are no more from outside there.

Page No: 42 Para No: 50

During this my conversation with Suresh Richard, another person was also sitting there. He introduced said person as Sajan with me.

Thereafter, this witness talked to the accused No. 22 – Suresh Richard. Three transcripts thereof – from S.R. 1 to S.R. 3, have been produced, vide list of Exh. 2266 and main parts of said transcript have been mentioned in the Hon'ble Court. Accordingly, such conversation took place that,

Page No: 43 Para No: 51

I talked further to Suresh Rathod on 11/8/2007. The said conversation was such that,

Tehelka: Mayaben Kodnani was telling that she was in Gandhinagar...

Prakash: Did she not give lecture on that day...

Suresh: She was there...

Tehelka: was she present on the day of Patia carnage?

Suresh: Yes....Listen to me. After carnage, our brother had come here....also Narendra Modi.... Then he told Jay Shri Ram Jay Shri Ram...He himself told that he passed in car through this road...

Tehelka: Narendrabhai....

Suresh: Then, he saw Chawl...He garlanded us here and told, bravo. How do we know that said garland has become handcuffs for us. This Narendrabhai.....said Mayaben Kodnani was here for the whole day.

Tehelka: The day on which, Patia Carnage had occurred...

Suresh: For the whole day, from evening to 8.00 p.m...

Prakash: She left, did she?

Suresh: No, she moved in a car and she was making round there. After taking round, she told that do correctly....She took mob from here...This mob has got number one...This mob number one from all...

Sajan: There is also name of my uncle in Patia carnage....Ganpat Chhara.

Tehelka: and on that day, did she ask the policemen not to do anything?

Suresh Richard: Yes.

Sajan: All were standing...no defence...

Suresh: No....policemen were in our favour....

Tehelka: Were they in your favour from the very day of Patia Carnage?

Suresh: From that day, they were in our favour. At that time, they also killed 70 -80 persons by firing....

Tehelka: Yes, policemen?

Suresh: They killed Muslims... and from next day, they were against us...

Sajan: He is also accused of Patia Carnage.

Suresh: Said Patia carnage...

At this time, by pointing finger towards a person coming from opposite Tenement, both Sajan and Suresh were giving introduction in this way.

Suresh: His wife died...someone release him....by mortgaging house, he was released.... Thereafter, by mortgaging house, his son released him...

Tehelka: Then, Narendrabhai also came out in car.... Narendrabhai Modi....

Suresh: Why did he come out? He had gone to Himmatnagar....

Tehelke: Then, did he say Jay Shri Ram?

Suresh: Jay Shri Ram...he garlanded us...He shook hands with my sister. Then, he left.

Tehelka: The day on which, carnage has occurred?

Suresh Richard: Carnage occurred. He came at 5.30 p.m. Then, he made round there.....SRP...went earlier upto Petrol Pump.... Bethak.....He returned from Bethak and went this side upto SRP Quarters....Then, he has not appeared till date. He is seen in TV and Newspaper...

Thereafter, this witness talked to the accused Nos. 21, 22 and other person. The main parts of conversation have been mentioned in the Hon'ble Court. Accordingly,

Page No: 46 Para No: 52

I met Prakash Rathod, Suresh Richard and other person on 12/8/07. Prakash Rathod introduced said person as Rajesh Kantilal with me. First of all, I went to house of Prakash Rathod, where I talked to Prakash Rathod and said Rajesh Kantilal. Thereafter, Prakash Rathod took me to house of Suresh Richard. Then, I talked to Suresh Richard and Prakash Rathod and at that time, wife of Suresh Richard was also present there.

Page No: 47 Para No: 53

The conversation, taken place between us, was such that,

Tehelka: Did Jaydeepbhai tell you that preparation is to be made tomorrow?

Prakash Rathod: Shakes his head....

Tehelka: Did he not say?

Prakash Rathod: He told nothing to us...We have come to know that Godhra Carnage has occurred. The Muslims have burnt train, wherein Ram Sevaks had died... Many Hindus died...We thought that as there is élan of Bandh, no body should open shop.

Tehelka: Did you estimate in the night that such disturbance took place...If it is said in the night, persons might be ready.

Prakash Rathod: We would be prepared for that.

Tehelka: Then, our persons of Chhara caste will fight with hand and stick....

Prakash Rathod: No, some persons have sword, trident...

Tehelka: At that time, we had....

Prakash Rathod: This Chhara persons had...this Suresh Richard has all weapons, except revolver...

Tehelka: They are in such huge numbers that they can be given to all.

Prakash Rathod: No. Some persons are making safety themselves. One of Guddu.

Tehelka: Guddu....

Prakash Rathod: He is still in.

Tehelka: in Patia.

Prakash Rathod: Yes, in Patia....His bail has been done.....Other was neither released on bail nor he had run away. He is in for him. He also killed many. He had huge daring. He was also residing in area of Muslims. The said persons had power there.

Tehelka: Did you not massacre two or four Muslims?

Prakash Rathod: We broke hands and legs of many persons...We have killed many Muslims here...

Tehelka: Did you break only hands and legs?

Prakash Rathod: We were not going there.

Tehelka: Patia?

Prakash Rathod: We were not going inside. Then, all persons of Chhara Caste had gone inside. We were here. We send away whoever comes there by beating him in the night....

Tehelka: When, where was Bipin Panchal?

Prakash Rathod: Firstly, we were here and there...Such disturbance will not take place...The crowd was increasing. Then, Bipin Panchal came. Other persons came with him. They also told, all intrude.....saying Shri Ram Shri Ram, brother, our persons were killed and we have to teach them lesson. They also went inside...Then, we came here... When fire took place, Muslims persons.....

Tehelka: Muslims persons.....

Prakash Rathod: Then, they were sent away by beating them....One of two of them were thrown inside....

Tehelka: Among your Chhara community, Suresh Richard fought strongly.....

Prakash Rathod: Very strong....

Tehelka: And who fought strongly?

Prakash Rathod: one Suresh Richard, Guddu, Naresh Chhara. They did not tire. Means....

Tehelka: Courage is necessary for such work....

Prakash Rathod: What type of enmity they had. The Muslims (slang) are disloyal. The Muslims might have shown disloyalty with them. Then, they (words are not heard)....

Tehelka: were you saying yesterday?

Prakash Rathod: What exploit did Richard show....First of all, this boy was loving his sister...He enjoyed with her. Then, he asked her to marry him. He told that he will marry her tomorrow. He eloped with her in the night.

Tehelka: Did Muslims not create uproar?

Prakash Rathod: All Muslims are afraid of him.

Tehelka: afraid?

Prakash Rathod: All Muslims...nobody can say anything.... Some are policemen (slang word)....He is not going to them speedily. If he is not helpless by leg, he alone might have evicted whole chawl.

Page No: 52 Para No: 54

Then, on the same day, Prakash Rathod took me house of Suresh Richard. I talked to both Suresh Richard and Prakash Rathod. But, most of conversation was made with Suresh Richard, which was like this...

Suresh Richard: After burning, we came back. Then, we were called by the police... There were 20-25 boys. They told that Muslims have hidden themselves in chawl....When we went there, houses were burning. About 7 – 8 Muslims have hidden in gutter. We closed lid of gutter. If we intruded, we may be put in danger. The gutter is big. We put lid and bricks on it....big bricks....

Then, they 8 persons died in the gutter. We closed gutter with lid, so that they died due to gas.

Tehelka: Will they die due to gas?

Suresh Richard: Then, dead-bodies were found from said gutter.

Tehelka: it is the matter of evening.

Suresh Richard: it is the matter of evening.

Tehelka: It means that after completion of disturbance in the day....

Suresh Richard: The disturbance was going on during whole night, upto 8.30 p.m.

Tehelka: Did you make another round inside?

Suresh Richard: We were inside. Then, in the evening, the atmosphere became cool.... The person may get tired of pelting stones, attacking with pipe, knife.... But, when we came from inside, only courageous person can come out...

Page No: 54 Para No: 55

The further conversation made by them with me was such that,

Suresh Richard: Mayaben was moving in a car for the whole day.

Tehelka: On the day of Patia Carnage.

Suresh Richard: Jay Shri Ram Jay Shri Ram....Bind saffron stripe....drink tea?

Tehelka: No, I drink cold tea.

Suresh Richard: Slogan "Jay Shri Ram Jay Shri Ram" is being told....saying that we are sitting....saying that we are sitting....She had put on white sari and bound saffron stripe...We have also bound saffron stripe...

Suresh Richard: Now, they are blasting bottles and throwing gas cylinders. Now, none has courage. The pigs are sleeping under the truck. We killed sleeping pigs with spears. Then, they could not get up. We were tired....We along with persons of Chhara bound pigs on mosque and by taking saffron flag from here, we placed it on said mosque.

Tehelka: The day, on which Patia Carnage occurred.

Suresh Richard: On the day of Patia Carnage....We demolished bamboo sticks, with which tents were tied on the mosque and we demolished Minar thereof and we placed flag thereon....This is their stigma.....

Tehelka: of Muslims....

Suresh Richard: Yes.....saying that we you....

Tehelka: No work of Hindutva can be bigger than this work....

Suresh Richard: The pigs are tied in this blast....Go from there and here...both parties...even then, we – 8-10 boys, climbed by fighting...

Prakash Rathod: Many bottles were blast, but the mosque did not move more....

Tehelka: It means that the mosque was constructed so strongly that it did not move even after blasting bottles.

Suresh Richard: What are you talking about bottles...Full tanker.....one person has brought someone there from Thakkarnagar Cross Road, by killing a Muslim, he had brought said tanker. By reversing said tanker, it was hit with mosque....tanker of petrol or kerosene....entire road was broken by tanker....take out old papers....he intruded with tanker in the mosque...water is sprinkled....fire brigade....petrol was sprinkled in this way and it was again set ablaze...

Tehelka: It was again set ablaze.

Suresh Richard: It was again set ablaze....Old papers, which you.....I said that Jaydeepbhai must have old papers.

Tehelka: He might not have kept....he might not have kept the same.

Suresh Richard: He must have kept....

Prakash Rathod: Babubhai must have....

Tehelka: Babubhai must have...

Suresh Richard: All old papers....other wise the same would be available from press....

Tehelka: Alright, whatever happened....who had brought the tanker....

Suresh Richard: One person had brought tanker....it was our brother...

Tehelka: did he belong to Vishwa Hindu Parishad?

Suresh Richard: It is not he...He was Hindu...by killing four Muslims, he brought said tanker from Thakkarnagar Cross Road....He took tanker and then, Chhara people helped him...then, we came...by reversing said tanker, wall of mosque was broken with it....wall of mosque was broken and as water is released, it was released in mosque. The persons, who had intruded in said mosque, died therein...

Page No: 58 Para No: 56

Similarly, further conversation was like this,

Suresh Richard: He is our elder brother...His position is high....

Tehelka: Look, I bring....when I telephone, I will bring....if he comes, you will say nothing...only talk your issues respectfully.

Prakash Rathod: We do not want anything, no money and no food...

Tehelka: He knows me....He was saying that the persons of Chhara community had raped there....

Suresh Richard: Then, there is something... if Piyushbhai intruded, somebody will have to eat fruits?

Tehelka: must eat...

Suresh Richard: now, if thousand of hungry people intruded, somebody will eat fruit...

Tehelka: 2 or four persons may have done so...

Suresh Richard: Not all. But, 2000, 3, 500, 1000 persons of Chhara intruded inside...if there is any drunkard person and is hungry and there is fruit, he will eat it....even otherwise, after crushing fruits, they will throw away....

Tehelka: Even otherwise, they have to die...

Suresh Richard: They are burning and beating them. Then, they must have eaten fruits....

It is not so that we are telling lie...Goddess is sitting before us...

At this time, Suresh Richard showed photo of Goddess by signalling towards it.

Tehelka: two or four rapes must have been committed...

Suresh Richard: It may be more....Then, there were also our brothers, Hindus and members of VHP...

Tehelka: Even otherwise, Muslim girls are very nice.

Suresh Richard: Then, anyone may eat...who will not eat fruit...

Tehelka: I was moving with one Muslim girl earlier, but now I cannot move....

Suresh Richard: It is less as much as they are killed. I am angry much over them. I will not spare them....

Tehelka: I say that if rape is not committed, it must have been committed...

Suresh Richard: we are saying...my wife was sitting...the fruit was lying there and anyone can eat it...

Tehelka: The fruit is tasty?

Suresh Richard: this is on sheets...of sheets....we also committed at that time. We also ate...we ate once...

Tehelka: We committed only once...

Suresh Richard: there....then, chance of killing may be missed....

(At this time, Suresh Richard is talking to Prakash Rathod about a girl, whom he raped and killed.)

Suresh Richard: girl of Bhangarwala, Nasimo...very fat beautiful, plumpy....on her...

Tehelka: raped her....

Suresh Richard: Yes... legally

Tehelka: She may not be spared.

Suresh Richard: no, we crushed her... we made her crush of achar...she was thrown from sheet. Then, wall was constructed with bricks. Then, we kept lid of gutter there...

Page No: 61 Para No: 57

Further conversation was that,

Suresh Richard: Hereinafter, if your child... and I put him in fore and you see that soul will burn...After survival of all, this is same Langda, who throw my child in fire...You can hid anywhere, like in three, house. Some were running here and there. How most of Muslims were survived.

Tehelka: for becoming Hindu...

Suresh Richard: Then, Jay Shri Ram...then, we are behind you.... Piyushbhai is outsider. We killed the persons, if they belong to that area.

... if he is member of RSS and Bajrangdal, he is killing by thrashing. Now, what about said persons, who pour their blood...

During the sting operation carried out by the witness, accused No. 21 has confessed planning made by him in said offence and has also confessed to offence committed by him. The confession committed by the accused No. 21 and roles played by other accused, viz. Mayaben Kodnani and other accused in said offence give clear picture. During this entire sting operation, the accused have confessed to their offence without any force, threat or temptation of anyone. The act and planning committed by other accused are also revealed. Therefore, there is no reason for not believing entire sting operation done by this witness, its transcript and deposition given by this witness before the Hon'ble Court.

There is no reason for not believing confession of offence done by this accused during entire sting operation and criminal conspiracy because whatever have been said by the accused during the sting operation, are facts and confession of offence. The conversation made during entire sting operation cannot be considered extra judicial confession of the accused. Therefore, there is no reason for not believing it.

The important parts of the conversation with Prakash Rathod have been mentioned by this witness in the deposition before the Hon'ble Court, wherein Prakash Rathod has stated that,

On perusing all aforesaid facts and transcript produced in this case, it clearly appears that the accused are involved in this offence and they have played active role therein. Therefore, there is no reason for not believing it.

This is to further state that while admitting offence by the accused during sting operation, the CD having their voice, with which, they have made conversation and thereafter, with permission of the Hon'ble Court, voice test of accused No. 18, 21 and 22 were taken at Akashvani and during trial, different samples of voice of said three accused were taken by the officers of Akashvani and for comparing pronunciation of voice, the sample of voice of the accused and CD were sent to FSL at Jaipur and the officials of FSL, Jaipur compared voice of accused with voice of CD and they have produced spectrography report of the accused before the Hon'ble Court. As per the report, it is revealed that the voice during confession of offence during sting operation and voice of sample of the accused taken in Akashvani were same. It means that the same were of the accused. The said spectrography report is produced in the Court vide Exh.\_\_\_\_ From the report of this spectrography, it becomes clear that the dialogues, which the accused spoke in CD of Sting operation, are the voice of the accused only. Therefore, there is no question for not believing the deposition of this witness.

In this case, Witness No. 314 – Bhagirathprasad Manilal Pandya, Director of Akashvani, has been examined, vide Exh. 2212. He has stated in his deposition before the Hon'ble Court that he has taken voice sample of the accused Nos. 18, 21 and 22 and said samples were sent to FSL, Jaipur. The officials of FSL, Jaipur compared voice sample of the accused with voice of the accused in CD and the said report has come positive. The said report is on record in the Court. From the examination report of FSL, Jaipur, it is proved that the voice, which is in CD of Tehekla, is the voice of the accused only. There is no place of doubt therein.

In this case, Witness No. 323 – Dr. Shailendra Ramkishor Jha, have been examined, vide Exh. 2274. He has clearly stated before the Hon'ble Court that the sample voice of three persons and voice recorded in CD/VCD are the same. Thus, from deposition of this witness, it is revealed that in the CD of sting operation, there were voices of the accused Nos. 18, 21 and 22 and the same is

revealed in the sting operation. Thus, this witness supports the deposition of Ashish Khetan.

Thus, looking to FSL Report received by the CBI, produced, vide Exh.\_\_\_\_ and Examination Report of Spectography, produced vide Exh.\_\_\_\_, the electronic evidence has been produced before the Hon'ble Court and looking it, sting operation is proved as per Evidence Act.

With regard to sting operation the Hon'ble Supreme Court has given specific guidelines and the Hon'ble Supreme Court has given clear guidelines in many judgments, as to under which circumstances and when, electronic evidence can be considered in the evidence.

For that, we have invited attention of the Hon'ble Court towards III (2009) CCR 402 (SC), R.K. Anand V/s. Registrar, Delhi Court. In Para No. 72 of said judgment, the examination has been made for proving tape-recorded evidence.

“72. In regard to the admissibility of evidence of tape recorded statement, Mr. Ahmed cited a number of decisions of this Court in (i) N. Shri Rama Reddy V. Giri, (1970) 2 SC 340, (ii) R.M. Malkani V. State of Maharashtra, (1973) 1 SCC 471, (iii) Mahabir Prasad Verma V. Dr. Surinder Kaur, (1982) 2 SCC 258 and (iv) Ram Singh V. Col. Ram Singh, (1985) Suppl. SCC 611. He also referred to two foreign decisions on the point, one in (i) R.V. Stevenson, 1971 (1) All ER 678 and the other of the Supreme Court, Appellate Division of the State of New York V. Francis Bell (taken down from the internet). We need here refer to the last among the decision of this Court and the English decision on R. Stevenson. In Ram Singh, a case arising from an election trial, the court examined the question of admissibility of tape recorded conversations under the relevant provisions of the Indian Evidence Act. The court lay down that a tape recorded statement would be admissible in evidence subject to the following conditions:

“Thus, so far this Court is concerned, the conditions for admissibility of a tape-recorded statement may be stated as follows –

- (6) The voice of the speakers must be duly identified by the maker of the record or by other who recognize his voice. In other words, it manifestly follows as a logical corollary that in the first condition for the admissibility of such a statement is to identify the voice of the speaker. Where the voice has been denied by the maker, it will require very strict proof of determine whether or not, it was really the voice of the speaker.
- (7) The accuracy of the tape recorded statement has to be proved by the maker of the record by satisfactory evidence direct or circumstantial.
- (8) Every possibility of tampering with or eraser of a part of a tape recorded statement must be ruled out otherwise it may render the said statement out of the contest and therefore, inadmissible.
- (9) The statement must be relevant according to the rules of Evidence Act.
- (10) The recorded cassette must be carefully sealed and kept in a safe or official custody.

The voice of the speaker should be clearly audible and not lose or distorted by other sounds or disturbances.”

Similarly, in Para – 74 of said judgment, the following examination has been made as to on which conditions, video tape should be admissible in evidence.

74. Mr. Ahmed also referred to another decision by a US Court on the admissibility of video tapes. This is by the Court of Appeal of the State of North Caroline in State of North Caroline V. Michael Odell Sibley (downloaded from the internet). In this decision, there is a reference to an earlier decision of the same Court in State V. Cannon, 92 NC App. 246, etc. in which the conditions for admissibility of video tape in evidence were laid down as under:

“The prerequisite that the offer or lay a proper foundation for the video tape can be met by

- (2) testimony that the motion picture or video tape fairly and accurately illustrates the events filmed (illustrative purpose); (2) ‘proper testimony concerning the checking and operation of the video camera and the chain of evidence concerning the video tape...,’ (3) testimony that ‘the photographs introduced at trial were the same as those (the witness) had inspected immediately after processing,’ (substantive purpose; or (4) ‘testimony that the videotape had not been edited, and that the picture fairly and accurately recorded the actual appearance of the area photographed.’”

**ACCUSED NO. [22] SURESH @ RICHARD @ LANGADO KANTILAL DEDAWALA [CHHARA]**

All the aforesaid 56 witnesses in their statements before the police as well as before the SIT have mentioned the name of this accused and have stated that they had seen him with weapons. Moreover, in their depositions before the Hon'ble Court, they have identified this accused by giving his name.

All the aforesaid 56 witnesses, on the date of the incident i.e. on 28.2.2002 when there was Call of Gujarat Bandh, had seen the accused of this case in different mobs at different times and at different places armed with weapon and was present in the cases of beating and setting to fire and burn men, women as well as children of our Muslim community and in the cases of raping girls, sabotaging and looting the houses of the Muslims and setting fire to them and thereby by taking active part, he has indulged in criminal acts. On the date of the incident, this accused was moving in the whole Naroda Patiya area and

committed dangerous atrocities upon the Muslims and by creating an atmosphere of dangerous terror, committed inhuman atrocities and by causing grievous hurts to them, killed them and with an intention of destroying the evidence, poured inflammable substance upon them and by burning them alive, has killed them. Moreover, by rushing into the houses of innumerable Muslims and after sabotaging and looting them, has also set fire to the houses. Thus, this accused, on the date of the incident, committed atrocities upon innumerable Muslims, killed them and has committed criminal acts so as to make Hitler feel ashamed.

This accused would mix with the other accused persons at different times at different places and by forming an unlawful assembly and becoming member thereof, with an intention to carry out criminal conspiracy and with an intention to achieve common intention of all of them and to achieve their goals, united with them and by committing criminal acts so as to feel the demon ashamed, has committed the offences in the Naroda Patiya area and with an intention to destroy the evidences, by burning the persons alive, has killed them and by throwing inflammable substances in the houses of the Muslims, has set fire to them. Thus, this accused, committed dangerous offences of causing grievous hurts to Muslims, killing them, sabotaging and looting the properties and then setting fire to them as well as of committing rapes on the Muslim ladies on the date of the incident in different parts of Naroda Patiya and cooperated with other accused indulging in the offences and abetted them in committing the offences by instigating to commit such criminal acts and by playing active role has committed criminal acts which all facts become clear from the depositions of the aforesaid witnesses before the Court.

Thus, total about 56 witnesses have given evidence against this witness in respect of the offences of rape, burning Muslims alive, sabotage and setting fire to the property of the Muslims.

**[1] Salim Roshanali Shaikh, Witness No. 37, Exh. 256:**

- He has given the name of the accused armed with weapon in the statement before the SIT.
- It is stated in the statement before the SIT that the accused killed his son, cousin Sharif and set fire to them.
- Has given the name in the deposition before the court and identified accused no. 22.

**Page No. 4 Para-7:**

**There were also people wearing *Khakhi* shorts, saffron strip and white banyan. Persons of the said mob were armed with scythe, sword, kerosene, sticks, pipes, carboys of kerosene and tins of kerosene.**

Page No.5 Para-8:

Leadership of this mob was taken by Guddu Chharo, Suresh Langado who is also Chharo, one person, namely Darbar, Bipin Autowala, Pintoo and Dalpat-father of Pintoo. In this mob, as stated by me, Guddu Chhara was armed with sword; **Suresh was armed with scythe**; Darbar was armed with scythe, Bipin Autowala was armed with pipe; Pintoo and Dalpat were also armed with pipes. As I have been residing in Naroda Patiya since last ten years, I know the persons of the mob whose names I have stated.

Page No. 7 Para 12:

At that time, large mob of Hindus had arrived near the gate of Gangotri Society of Jawannagar... At that time, the mob had gained more strength. It was about 6.00 to 6.30 pm. in the evening and the police had fired teargas. At that time, my **son Siddique was separated from me.** While I was coming down from the roof, as stated by me above that I had seen six persons, among whom, there were Guddu, Suresh, Darbar, Bipin Autowala, Pintoo, Dalpat etc. **they had pulled my son Siddique in this mob, i.e. the mob of Hindus.**

Near water tank of Gopinath Society, Guddu had hit pipe **to my son Siddique** from behind; Darbar by hitting scythe in the abdomen had felled Siddique down and Bipin **and other three persons, by pulling him and after pouring kerosene and throwing quilt etc. and after pouring inflammable liquid had set fire to him. I had seen this. My son Siddique had died. At that time, on seeing the manner in which my son was being beaten, a shriek had come out from my mouth and at that time, somebody from the mob had told that here there is Muslim and when somebody from the mob told that here there is Muslim and told to catch me, I had run away towards Gangotri Society and had hidden there.**

**Page No. 8 Para No.13:**

In the incident that occurred near the water tank, there was Sharif, my maternal uncle's son. This mob had also killed him in the manner in which they had killed my son Siddique.

In this case, from the deposition of witness no. 37, it clear that there is direct evidence to show that the accused became a

member of an unlawful assembly, held weapon and burnt alive a boy, namely Siddique, i.e. by committing his murder.

**[2] AMINA ABBASBHAI BAILIFF, WITNESS NO. 52, EXH. 425:**

- Has given the name in the statement dated 30.5.2008 before the SIT.
- Has given the name in the deposition before the Court but has not identified.

**[3] SHAKILABANU FIROZ AHMED ANSARI, WITNESS NO. 72, EXH. 510:**

- Has given the name and also indicated the act in the statement dated 27.5.2008 before the SIT.
- **The name is disclosed in the deposition before the Court. Has identified.**

**Page No. 7 Para No.12:**

**After I was separated from my family members, they went ahead and ahead, wherein, my mother, my brother Mehboob, younger brother Shabbirahmed and their children, wife of younger brother etc. had gone away further. I had seen them going ahead. While they started going ahead, Bhavani had made sign to the mob. The mob was armed with many weapons, petrol, diesel etc. My family members were beaten before my eyes, wherein there were five persons, namely, Guddu Chhara, Bhavani, Shahjad Chhara, Manu Bhangi and Suresh Langada. All these five persons were abetting the mob in setting fire to everything. This mob had burnt alive my family members after pouring petrol. This mob had also thrown alive my nephew aged three months in the fire.**

From the deposition of the witness no. 72, it becomes clear that the accused together with other accused beat the mother of the witness, brother Mehboob, younger Shabbir and his children, wife of the younger brother etc. and burnt them by pouring petrol and kerosene. Moreover, there is also sufficient evidence forthcoming regarding throwing alive innocent child of three months in the fire.

**[4] Basuddin Maiyuddin Saiyed, Witness No. 73, Exh. 514:**

Has given the name in the statement dated 4.6.2008 before the SIT.

Name is given.

**Page No.5 Para 8:**

On that day at around 8.00 am a large mob of Hindus was coming from the direction of Krishnanagar. On hearing the noises of this mob I had come on the National Highway Road. After coming out, I had stood near Jai Ambe Pan Galla. Along with me, Munnabhai of the chawl was also present. This mob of Hindus was coming from Krishnanagar towards Noorani mosque. This mob was led by Bipin Panchal, Guddu Chhara and his two real brothers. Persons of this mob of Hindus were armed with weapons such as swords, tridents, spears, revolvers and iron pipes.

**Page No.5 Para No.9:**

Within some time, a large mob was coming from Natraj Hotel of Kubernagar Patiya. This mob was coming towards Noorani Mosque. This mob was raising slogans. They were raising slogans of "*Jai Shri Ram*". This mob was being led by Kishan Korani, Ashok Sindhi, Suresh Langado and Manoj Videowala. In this mob, Manoj Videowala and Kishan Korani were armed with revolvers. Other

persons of the mob were armed with weapons like swords, tridents, spears, iron pipes etc.

**Page No. 6 Para No.10:**

Persons of this mob were setting fire to the shops belonging to Muslims situated near the mosque and the persons of this mob were also pelting stones. When I saw all this, it would be about 9.30 hrs.

**Page No. 6 Para No.11:**

At that time, persons of our chawl were standing near the house of Gafurbhai. Shri Mysorewala, P.I. of Naroda was standing near his house. Shri Mysorewala, P.I. of Naroda was also present with his jeep.

**Para No.17 Page No.10:**

During this time, **one mob had arrived at about 5.00 hrs.** In this mob, there were Kishan Korani, Manoj Videowala, Ashok Sindhi and **Suresh Langado.** Under the leadership and guidance of all these four accused, house of Majid **Langada was set ablaze.** **All the persons who were inside this house which was set to fire were burnt alive. I had witnessed all this.**

From the deposition of witness no. 73, it becomes clear that the accused was setting fire to the shops belonging to the Muslims and he had led the mob and after setting fire to the house of Abdul Majid, had burnt the family members of his house. Thus, sufficient evidence is forthcoming against this accused from the deposition of the witness.

**[5] HUSSENBHAI VALIBHAI KALADIYA, WITNESS NO.5, EXH. 676:**

- Has given the name in the statement dated 28.6.2008 before the SIT.
- Has given the name in the deposition before the Court. Not identified.

**Page No.6 Para No.10:**

Many persons of Naroda Patiya were in this mob. ... Manoj Sindhi, **Suresh Langado**, Bipin Autowala, Guddu Chharo, Bhavanising and Tiwari were there in this mob.

From the deposition of witness no. 105, it becomes clear that the accused was present in the mob of Hindus.

**[6] SARFARAJKHAN MAHEBOOBKHAN, WITNESS NO. 109, EXH. 704:**

- Has given the name in the statement dated 12.5.2002 before the Police.
- Has given name in the deposition before the Court. Not identified.

**Page No. 2 Para No.3:**

Incident had taken place in February, 2002. On the previous day, call of Bandh was given for next day. On the day of the incident, I was at my home in the morning. At 9.00 a.m. I had come on the road outside. On that day, there was a mob of about fifteen to twenty thousand persons. Persons of the mob were resorting to arson and were indulging in fighting. There were too many persons. I had gone back to my home. Thereafter, by taking my family, I had gone towards Gangotri. While running, we had gone towards S.R.P.Quarters, where we were not given shelter.

**Page no.3 Para No.5:**

I can identify some persons of the mob which was there when I had come out of the house. In this mob, I had seen Mungado Chharo, Jaibhavani Chharo, Sahejad Chharo, Manoj Videowala and **Suresh Langada Chhara** whom I had recognized. **All these five persons were armed with weapons.**

Deposition of witness no. 109 makes it clear that this accused was member of an unlawful assembly and together with the mob, he has assaulted and burnt the Muslims and evidence in that regard is coming forth.

**[7] FATMABIBI MOHAMMED YUSUF SHAIKH, WITNESS NO.112, EXH. 717:**

- Has given the name in the statement dated 19.4.2002 before the Police.
- There is name together with weapon in the statement dated 28.5.2008 before the SIT.
- Has given name in the deposition before the Court and has also identified.

**Page No.6 Para No.14:**

At that time, one Jaibhavani, a driver of A.M.T.S. had met me and had asked me that what had happened and I had told that our children were crying and we were hungry; that we are hungry since the morning; that our houses had been sabotaged and looted and had been burnt. At that time Jaibhavani had told to stay, and that he is doing some arrangement for meals for us. Thereafter, after going at some distance, he had signed Hindu mob by hand towards our side. The said mob had come towards us. In this mob, I had seen Bhavanising Chhara, Guddu Chharo who was armed

with sword; Shehjad Chhara was armed with hokey and **Suresh Chhara was armed with hokey** and Suresh Chhara was armed with *gupti*.

Deposition of witness no. 112 makes it clear that the accused, armed with weapon, was a member of an unlawful assembly which was indulging in criminal act and it appears that the accused has played active role in the act of looting and burning of the houses of the Muslims.

**[8] REHMANBHAI SHAKURBHAI SAIYED, WITNESS NO. 114, EXH. 740:**

- Has given name of the accused armed with scythe in the statement dated 9.5.2002 before the police.
- Has given name of the accused armed with weapon in the statement dated 30.5.2008 before the SIT.
- Has given name in the deposition before the Court and has also identified.

**Page No.5 Para No.9:**

Near the tank, there was a wall. At this place, the persons of the mob had slaughtered my daughters Ruksanabanu, Zarinabanu and son Samsad. These three children were with me. On seeing this, I had hidden. My children were massacred after 7.00 hrs in the evening.

**Para No.10 Page No.5:**

Fighting and massacre was going in all four directions; Gas cylinders were exploded.

**Para No.11 Page No.5:**

**Incident of killing my children had taken place.** In the said mob, there were Bhavanising, Guddu Chhara and **Suresh Langada**. At that time, Bhavani had carboy; Guddu Chhara had trident and **Suresh Langada was armed with sword**. I can identify all these three persons. As I have come to know, Bhavanising and Guddu Chhara have died. I can identify Suresh Langada.

Deposition of witness no. 114 makes it clear that in the mass massacre that was done near water tank, accused was also present and he was armed with sword and strong evidence is forthcoming against the accused as regards his killing three children of this witness, namely, Rukshana, Zarina and son Samshad. There is evidence forthcoming that all these three innocent children were killed mercilessly by this accused and other accused.

**[9] LALABHAI NIJAMBHAI LUHAR, WITNESS NO. 116 EXH. 753:**

- Has given the name in the statement dated 13.4.2002 given before the police.
- Not mentioned in the statement before the SIT.
- Name is given in the deposition before the Court - has not identified.

**Para No.8 Page No.4:**

**In this mob**, there were Ganpat Chharo, Vikram Chharo, Rajesh Panglo, Champak Barot, Amrut Chhara, **Suresh Langado**, Kaptan Chhara and other persons. ... I had clearly seen that **at that time, Suresh Langada was armed with spear and Champak Barot** was armed with stick.

**Para No.9 Page No.4:**

Persons of the mob were indulging in assault, loot and arson. There were too many persons in all directions. We were scared too much and therefore had stayed on the roof. In this position, it was about 11.00 to 11.30 p.m. and at that time, police vehicles had shifted us safely from there to the Camp at Shah Alam.

Deposition of witness no. 116 makes it clear that the accused armed with spear was present in the mob. It shows that he has committed unlawful acts of assault, loot and arson.

**[10] ABDUL RAHIM ABDUL GAFUR SHAIKH, WITNESS NO. 133, EXH. 874:**

**-Recovery panch [of panchnama of recovery of sword]**

- Has given the name in the deposition before the Court. Has identified.

In the presence of this witness, the accused of this case has shown the weapon [sword] in presence of the police used in the offence and the accused in presence of this panch witness has shown the same in terms of the panchnama which is seized by the police in presence of this witness. Therefore, the police had seized the weapon [sword] used in the offence from this accused in presence of the panchas and this witness was one of the panchas therein and in presence of this witness, the police has seized the weapon used by this accused in the offence. **The said panchnama of recovery of sword is produced vide exh. 875** in the Hon'ble Court and there is no reason not to believe the same.

**[11] JANNATBIBI KALLUBHAI SHAIKH, WITNESS NO. 142, EXH.961:**

- Has given the name in the statement dated 13.4.2002 before the police.

- Has given the name in the statement dated 28.5.2008 before the SIT.
- Has given the name in the deposition before the Court and has identified.

**Page No.4 Para No.8:**

Thereafter at around 11.00 am to 11.15 am, Bhavanising had told in our *chawl* to give a *Tapela* [a utensil] telling that he would prepare *Kadhi-Khichdi* for us. Upon this, I had told him that we were worried about our lives and he was talking about the *Tapela* [utensil] and from where we could get him a *Tapela*. Upon this Bhavanising had told that after eating *Khichdi* we may sleep peacefully. Thereafter, Bhavanising by telling that: "*you have to die and not to escape*" and by giving abuses had gone away.

**Page No.5 Para No.9:**

While going, he had made a sign and therefore the mob had arrived. **In this mob, there were Suresh** Chharo, Guddu Chharo, Sahejad Chharo and Bipin Panchal, wherein, Suresh, Guddu and Sahejad were armed with sword and Guddu by shouting at Bipin was telling to fire bullet. This Bipin was armed with Pistol. **These four were in the front of the mob.**

Deposition of witness no. 142 makes it clear that Bhavani Sing was present in the mob which mob he had called and he was armed with sword. Thus, there is sufficient evidence against this accused that this accused, armed with deadly weapons and with an intention to achieve common object was present in the unlawful assembly.

**[12] SARFARAJ ABBASKHAN PATHAN, WITNESS NO. 144 EXH. 998:**

- Has given the name in the statement dated 9.3.2002 given before the police.
- Has given the name in the Hon'ble Court.
- Application of the accused regarding exemption from presence [there is no dispute regarding identification]

**Page No.2 Para No.4:**

On the day of Gujarat Bandh i.e. on 28th, I and my family members were at home and at that time, around 10.00 am to 11.00 am, a mob of persons had arrived at Hussennagar. This mob was of about ten to twenty thousand persons. This mob had started pelting stones and exploding gas cylinders. This mob by coming in our house had set fire to it and had also set fire to my scooter. My scooter was lying on the road before my house.

**Page No.3 Para No.6:**

In the mob, which had arrived in our *chawl* and had set fire my house and had damaged our house, there were **Kalu** Bhaiya, **Suresh Chhara**, Guddu Chharo and Bipinbhai Panchal. There were also other persons whom I know.

Deposition of witness no. 144 makes it clear that the accused had set fire to the house of the witness and had also burnt the scooter of the witness. Thus, it becomes clear that this accused by becoming a member of an unlawful assembly had caused loss to the properties of the Muslims.

**[13] SHAHNAWAZ ABBASKHAN PATHAN, WITNESS NO.145, EXH. 999:**

- Has given the name in the riotous mob in the statement dated 9.3.2002 before police.

- By giving name in the deposition before the Hon'ble Court has identified.

**Page No.2 Para No.3:**

On the date of occurrence of the incident, there was call of Gujarat Bandh. On the day of Bandh Call, I was at my home. **On the date of the incident, at 9.30 hrs. mob had arrived outside my house.** They were breaking the shops and mosque. All this was going on up to 11.00 hrs. Thereafter, the police had resorted to firing wherein the mobs of our Muslims had gone inside the lane. Thereafter, the persons of the mob of Hindus had advanced and had rushed inside our *chawl*. Mob of these Hindus had set fire to the Hukamsing's Chawl and Dilip's Chawl and had looted the belongings. **Persons of the mob had rushed inside the chawls.**

**Page No. 3 Para No.4:**

Mob had arrived from the direction of Natraj Hotel. This mob had arrived from the Patiya in front of S.T.Workshop. This mob was of about fifteen to twenty thousand persons. **Persons of the mob had burnt my house and had looted my house.** Stone pelting and fighting was going on outside and therefore, we had gone inside Hussennagar. We had hidden in Hussennagar. Thereafter, at night, the police vehicle had shifted us to Camp in Shah Alam. I do not know that where my family members had gone at that time.

**Page no.4 Para no.6:**

In the mob, which had rushed in and **in such incident as stated by me wherein my house was being sabotaged and set fire to,** there were total seven persons, namely, Bipinbhai Panchal, Majoj Sindhi, Murli Sindhi, Kalu Bhaiya, **Suresh Chharo,**

Haresh Chharo and Naresh Chharo. I was knowing these seven persons only and was not knowing other persons of the mob.

Deposition of witness no. 145 makes it clear that there is evidence that the accused along with other persons of the mob was indulging in looting and he has set fire to the house of the witness after looting it and has looted the belongings after setting fire to Hukamsing's chawl and Dilip's chawl.

**[14] RESHMABANU NADIMBHAI SAIYED, WITNESS NO. 147, EXH. 1013:**

- Has given the name in the statement dated 19.4.2008 given before the SIT and stated that the accused was present armed with sword in the riotous mob.

- By giving name in the deposition before the Hon'ble Court has identified.

**Page no.6 Para no.14:**

At that time, I had seen Guddu Chhara, **Suresh Langado** and Bhavanising in the mob. **They were calling the persons of the mob towards and near us.** At that time, Guddu Chhara was armed with sword. Bhavanising was armed with a trident and **Suresh Langada was armed with sword.** They were calling the persons of the mob towards our *chawl*.

**Page no.10 Para no.22:**

**At that time, Guddu Chhara, Bhavanising and Suresh Langdo and their friends had pulled my sister Kausharbanu.** She was raising shrieks to spare her. At that time, sword blow was given on the abdomen of Kausharbanu and a child from her embryo was taken out. At that time, Kausharbanu had fallen down

there itself. After throwing the child upon this Kausharbanu, they were set fire to and they were burnt.

Deposition of witness no. 147 makes it clear that the accused armed with sword was present in the mob and was calling the persons of the mob inside the *chawl*. This accused along with other accused was pulling Kausharbanu who was pregnant. It is pertinent to mention here that by giving sword blow upon the abdomen of this Kausarbanu and after taking out a child from her embryo, they have been burnt alive. Other witnesses have also supported this incident and thus, it makes it clear that this accused along with other accused persons was present in killing Kausarbanu and her newborn kid.

**[15] FARIDA ABDUL KADAR KHALIFA, WITNESS NO. 149 EXH. 1028:**

- Has given the name in the statement dated 12.5.2002 given before the police.
- Has given the name in the statement dated 3.6.2008 given before the SIT.
- Has given deposition by giving name before the Hon'ble Court. Accused is present in the court.

**Page no.4 Para 8:**

There were some other persons present in the mob in which Mayaben Kodnani was present, wherein, there were Kishan Korani, Babu Bajrangi, Murli, Manoj Videowala, Ashok - *Pan Galla wala*, Bipin Panchal, Jaibhavani, Dalpat Chhara, Tiniyo Chhara - son in law of Dalpat Chhara, Sahejad Chhara, Vijay Chhara - son in law of Sahejad Chhara, **Suresh Langado**, Guddu, Hariyo, Nariyo, Tiniyo Marathi and Subhash Ramesh etc. were also present.

**Page no.5 Para 11:**

**Thereafter, persons of the mob were advancing further and indulging in sabotage and were setting fire to the houses and were indulging in assault.** Therefore, we were very much scared. Thereafter, I had gone at the house of my daughter who was residing in Jawannagar. After locking my house, I had gone away to the house of my daughter Afsanabanu in Jawannagar. From the house of my daughter, I had arrived twice or thrice to have a look at my house. **When I had come to have a look at my house at 2.00 p.m., I had seen son of one person, namely, Mullaji who is handicapped by both legs, burning near his house.** I was scared on looking this and had immediately gone to the house of my daughter Afsanabanu.

**Page no.7 Para 14:**

At that time, one boy, namely, Aiyub was scared after looking the mob near his house and therefore, he had jumped from the roof, as a result thereof, he had sustained injuries in both his legs. On account of these injuries, this Aiyub could not get up and the persons of the mob had lifted the said **Aiyub and had thrown him in a rickshaw and had set fire to the rickshaw. They had burnt Aiyub alive.** I myself had witnessed this. At that time, there were one person wearing *Khakhi* uniform and a person wearing helmet.

**Page no. 8 Para 15:**

**This very mob had set fire to the house of Majidbhai situated in the last row of Jawannagar** and at that time, family members of this Majidbhai were inside the house. At that time, we had thought that we would not survive and therefore, from the

roof, we had gone in Gangotri society and by passing through a field and a ground, I and my children had gone away. Other persons were also there along with me. [**Application vide exhs. 994 and 1001 for exemption from presence. There is no dispute as regards identification**].

Deposition of this witness no. 149 makes it clear that the accused was present in the mob which was indulging in the assault and setting fire to the houses and by committing loots in the *chawls*, was setting fire to the houses. Moreover, it makes it clear that the accused had played active role in all the acts of burning alive one boy, namely, Aiyub by throwing him in a rickshaw and in setting fire to Majidbhai.

**[16] ISAKKHAN SARDARKHAN PATHAN, WITNESS NO.150, EXH. 1041:**

- Has given the name in the statement dated 11.6.2008 given before the SIT. Accused was in the mob armed with sword.
- Has given the name in the deposition before the Hon'ble Court. [As long time has passed, could not identify the accused. Page No.10 Para 24]

**Page no.6 Para no.14:**

Thus, before we reached S.R.P. Quarters and were abused, there was a mob of about 50 to 60 persons near Jawannagar corner wherein, in the front, there were Hira Marwadi, Jaibhavani Chharo, **Suresh Chharo** and Sahejad which I myself had seen. These four and others had abused us and were uttering the words: "*kaapi naakho, maari naakho*" and they had also uttered that : "*where are you going, ... miyas where would you go, now there is your end, today we would cut you.*" **All of them were armed with swords.**

**Page no. 8 Para no.18:**

Upon reaching there, I had seen that Jaibhavani, **Suresh Chharo**, Hira Marwadi and Sahejad who all armed with weapons **were molesting one girl- sister of one Nagina and her mother** and they were raping them. Looking this, I had run away. While running as such, I had arrived on the roof of Gangotri Society and after arriving there, I had told my wife that there was no possibility of leaving the place.

Deposition of witness no. 150 makes it clear that the accused armed with sword was present in the mob near S.R.P.Quarters; he had abused the witness and had uttered the words like *maari naakho kaapi naakho, kaapi naakho, miyao where would you go and that we would cut you*. The accused together with other accused had played active role in molesting and raping the sister of one girl, namely Nagina and her mother.

**[17] ABDUL MAJID MOHAMMED USMAN SHAIKH, WITNESS NO. 156, EXH. 1072:**

- Has given the name in the statement dated 20.5.2008 given before the SIT. **Has committed rape.**

- By giving name in the deposition before the Hon'ble Court has identified.

**Page No.5 Para No.9:**

When I saw, at that time, one more mob had started coming from the direction of Krishnanagar. At that time, it would be about 9.00 am. I had not seen the clock at that time, but approximately it would be the time of 9.00 am.

These two different mobs had merged and had attacked Noorani mosque. They had set fire to Noorani mosque. One lorry

filled with kerosene belonging to one Rajesh Kerosenewala was kept outside the Noorani mosque on the footpath. There was one more vehicle belonging to one Vadgeri Badshah wherein also there was kerosene. Both these lorries were filled with kerosene. Kerosene filled in both these lorries was thrown upon Noorani mosque and after throwing gas cylinder in the Noorani mosque, it was set fire to.

**Page no.6 Para no.10:**

At that time, two police vehicles had arrived at S.T. Workshop from which three black boxes were unloaded. Thereafter, one white vehicle had arrived and at that time, all were taking the name of Mayaben Kodnani. Mayaben Kodnani had alighted from this vehicle.

**Page no.6 Para no.12:**

Thereafter, attack was made upon us and even the police had resorted to firing and fired teargas. **The bullet fired by the police was hit in the head of Hasan Kureshi** who had fallen down there itself and we had gone ahead.

**Page no. 7 Para no.13:**

Thereafter, during this firing, one boy, namely, Abid was hit with bullet near his private part and he had also fallen down there. Thereafter, we people had retracted back. Thereafter, one rickshaw driver, namely, Khadir was caused injuries with sword near the toilets situated in the line of the chawl and he was burnt there. Thereafter, I had gone away to my house.

**Page nos. 7,8 Para no.15:**

At that time and on that day, we ten people by leaving our house had gone away. I do not remember the exact time, but when we had gone on the roof of Gangotri Society, it was the time of afternoon. From the roof of this Gangotri Society, I had seen that two brothers of Guddu Chhara, Tiniyo and others were present. All of them were armed with sword, stick, kerosene carboy etc. They had attacked Aiyub, son of Allabaksh and after throwing him in a rickshaw near the wall of S.R.P.Quarters and the house of Aabeda in the last chawl of Jawannagar they had burnt him which I myself had witnessed, wherein, Guddu Chhara was armed with sword, one brother of Guddu was having kerosene carboy and another brother was armed with a stick. There were also other five to six Marathi boys. Tiniyo happens to be the son of Kadam.

**Page no.10 Para 19:**

I had seen that my wife was burning and **my daughter Supriya was being pulled away by the people and these people were Jaibhavani, his son, Tiniyo, Suresh Langado and other two to four persons.** While my daughter was being pulled away, by remembering the Allah, I had uttered the words: "*naare takbir allaho akbar*" and at that time, somebody had attacked me on my head from behind and therefore, I had fallen down there.

**Page No.11 Para no.20:**

When I regained senses, I had seen that my daughter Supriya was being pulled away and **my wife Lalbi, Aafrinbanu and Sahinbanu, son Mohammedhussen, son Khwajahussen and daughter Sufiyabanu were burning there.** When I regained senses, a thought had occurred to me as to what would have happened to my remaining children and therefore, I had shouted

by taking the names of the remaining children, namely, Chand, Yasin and Mehboob.

**Page no.11 Para 21:**

At that time, **I had seen one Mehboob, husband of one lady, namely, Bibibanu in burnt condition.** Thereafter, I had heard the voice of my son Yasin calling me and **my son Yasin was in burnt condition.** On account of pain of burns, my son Yasin had sat in the tank. I had told him not to sit in the water, because, on account of that, skin may swell. I had taken out him from the tank.

**Page no. 14 Para 27:**

After taking chit of Soniya Gandhi, I had gone to Civil Hospital. On inquiry through the nurses, I had found out Supriya. I had met Supriya. She had told her story to me. **She had told me that she could not survive and that she could not save her modesty.** I had told her that I had seen those people taking away her but thereafter, I was attacked and therefore, I could not save her and could not see what happened to her. **Supriya had told me that there were four to five persons who had raped her.** She had told me that Guddu Chhara, son of Jaibhavani and Jaibhavani were involved in this rape. She had told me that there was also Harijan Manubhai. Supriya had told me that Manu had removed her clothes. On the same day, I had tried to take Supriya to V.S.Hospital. Supriya was also telling me to take her with me and at that time, as the doctor was absent there I could not take her. Thereafter, after talking with her, I had come back to V.S. Hospital. I had to go to V.S.Hospital leaving my daughter.

Deposition of witness no. 156 makes it that the witness has seen from the roof of Gangotri Society that at the time of afternoon, the accused was armed with sword and was having a carboy of kerosene and after attacking a boy, namely, Aiyub and throwing him in a rickshaw has set fire to him. Moreover, this accused pulled Supriya, daughter of the witness and has raped her. Moreover, it makes it clear that this accused has played active role in killing the wife and three daughters as well as son of the witness and setting fire to them.

**[18] MOHAMMED SHAFI ALABAX MANSURI, WITNESS NO.157, EXH. 1108:**

- Has given the name in the statement dated 13.4.2002 before the police and has seen him in the mob.
- Has given the name in the statement dated 2.6.2008 before the SIT.
- By giving name in the deposition before the Hon'ble Court has identified him.

**Page no.3 Para no.7:**

On having a look after coming out, there was a large mob near Noorani mosque. One more **mob was coming from the direction of Krishnanagar whereas one mob was coming from the direction of Natraj Hotel.** I had seen the mobs coming from Natraj as well as from Kishnanagar. Stone pelting by the mob was going on over Noorani mosque and they were sabotaging. I state that the mob of Noorani mosque was such that the persons were in groups scattered up to S.T. Workshop. **Looking in the mob of Natraj and Krishnanagar, I had seen the persons of the mob armed with weapons. In the weapons in the mob, there were**

**sword, scythes, rods, pipes etc.** On the forehead and neck of some persons of this mob, red and saffron strips were tied.

**Page no.4 para no. 8:**

Bipin Autowala was there in this mob. There was police and Kirpalsing was behind them who was in the mob near the gate of Workshop situated in front of Noorani mosque. **Guddu Chhara and Suresh Langado were there in this mob towards Noorani mosque.** Sabotage was going on near Noorani mosque. During that time, Muslim people had started gathering in the Chetandas' chawl situated in front of Noorani mosque.

**Page no.8 para no.15:**

At that time, **a mob from Uday Gas Agency had arrived and the persons of the said mob were armed with weapons. In this mob also,** there were Bipin Autowala, Guddu Chhara and Kirpalsing and **Suresh Chhara.** Some persons from among these persons had mounted on the roof of the house of Tiniya Marathi situated near S.R.P. Wall and we people among whom, there were men, women and children all had started pelting stones from the roof.

I had thought that if we were allowed to sit there, perhaps the incidents that occurred would not have occurred. But the plan of the persons of the mob in association with S.R.P. personnel was to send us any how in the open field situated behind Gangotri and Gopinath Society and stone pelting was caused to drive us in the open space.

Deposition of witness no. 157 makes it clear that the accused was present in the mob of Noorani mosque and had sabotaged Noorani mosque and it appears that by remaining present in the mob had committed illegal acts.

**[19] RAFIK KALLUBHAI SHAIKH, WITNESS NO. 162, EXH. 1149:**

- Has given the name of the accused armed with sword in the statement dated 20.5.2008 given before the SIT.
- By giving name in the deposition before the Hon'ble Court has identified.

**Page no.5 para no.9:**

With a view to drive us away from outside the S.R.P. quarters where we were sitting, S.R.P. personnel had fired teargas shells. On that day, at that place, there were about 400 to 500 Muslims. On account of firing of teargas shells, we had run away from there and after coming out of S.R.P. Quarters to save our lives, had hidden in a house of one S.R.P. personnel in Gangotri Society. At that time, the house wherein we had hidden was vacant. At that time, one S.R.P. personnel had arrived and had told us that the mob has gone away and had told us to go away from that place one by one. At that time, mob was standing in the front. **In this mob, there were** Bhavanising, Guddu Chhara, **Suresh Langado who were armed with weapons such as scythes, swords.** In this mob, **other persons were also there who were having kerosene and petrol carboys.**

**Page no.6 para no.11:**

Upon looking all this, I had stayed near S.R.P. Quarters. But some persons from us had started going towards Naroda. The persons who had gone were attacked by the mobs with scythes, swords, pipes etc. While standing at the place where I was standing, I had heard the shrieks of the people who had gone

separating from us and their shrieks were like requesting to save them.

**Page no. 7 para no.12:**

I had also heard the noises of the people who had separated from us shouting to save the modesty of the ladies. At this place, ladies and children were massacred and burnt alive which also I have heard. This incident would have occurred at about 7.00 to 7.30 pm.

Deposition of the witness no. 162 makes it clear that the accused was present with weapon in an unlawful assembly and he had burnt alive the people who had separated from the mob of Muslims near the water tank. Thus, there is strong evidence forthcoming against the accused regarding committing mass massacre.

**[20] MOHAMMED HUSSEN KAIYUMBHAI SHAIKH, WITNESS NO. 167, EXH. 1163:**

- Has given the name of the accused armed with weapon in the statement dated 12.5.2002 given before the police.
- Given the name in the statement dated 12.6.2008 given before the SIT, [the accused] was stated to be leading the mob.
- Has given the name in the deposition before the Hon'ble Court and has identified him.

**Page no.5 para no.15:**

**I had seen Suresh Langado in the mob coming from Mahajaniya Vas who was armed with sword. He was also telling to kill, cut and burn the Muslims.** Persons of this mob had caused stone pelting upon the Noorani mosque and the surrounding lorries and cabins.

Deposition of witness no. 167 makes it clear that the accused was present with sword in the mob coming from Mahajaniya Vas and was telling to kill, cut and burn the Muslims and it makes it clear that he had attacked Noorani mosque and the surrounding properties of the Muslims.

**[21] Aiyshabibi Abdul Kadar Shaikh, Witness no. 168, Exh. 1168:**

- Has given the name of the accused stating that the accused was present in the riotous mob as stated in the statement dated 12.5.2002 given before the SIT.
- Has given the name in the deposition before the Hon'ble Court.

**Page no. 4 para no.8:**

**I had seen the mob on the date of the incident and in that mob,** there were Jaibhavani, Guddu Chhara and **Suresh Langado.**

Deposition of witness no. 168 makes it clear that the evidence of the accused having been present in the mob.

**[23] JUBEDABANU MOHAMMED IDRISH BELIM, WITNESS NO. 169, EXH.1169:**

- Has given the name of the accused stating that she had seen him in the mob as stated in the statement dated 12.5.2002 given before the police.
- Has given the name of the accused stating that she had seen him in the mob as stated in the statement dated 23.5.2008 given before the SIT.
- Has given the name in the deposition before the Hon'ble Court.

**Page no.7 para no.19:**

I could recognize these four persons in this riotous mob. **They, armed with deadly weapons were standing in the mob. I had seen and identified** Bipin, Guddu, **Suresh Langado** and Bhavanising.

Deposition of witness no. 169 makes it clear that the accused was present in this mob armed with deadly weapon and he has committed unlawful acts.

**[23] JALALUDDIN IBRAHIM SHAIKH, WITNESS NO. 170, EXH. 1174:**

- Had seen the accused armed with weapon in the riotous mob as stated in the statement dated 12.5.2002 given before the police [Statement before the SIT is not there].

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.3 para no.6:**

Mob of ten to fifteen thousand persons of Hindus which had come from Natraj Hotel was raising shouts of "*maaro ... kaapo*". **Persons of this mob had arrived armed with swords, scythes, pipes etc.** This mob had arrived near S.T.Workshop. This mob was pelting stones.

**Page no. 3 para no.7:**

I know about six persons from among the other persons seen by me in this mob. Bhavanising, Guddu Chharo, Mungado Chharo, Hariya Chhara, **Suresh Langado** and Bipin Panchal were present in this mob.

**Page no.3 para no.8:**

**These six persons were leading the mob and were managing this mob.** They had taken this mob from Natraj Hotel to S.T.Workshop.

**Page no.5 para no.15:**

**In the mob going towards Noorani mosque, I had seen** Hariyo Chharo, Mungada Chhara and **Suresh Langada**. At that time, I was standing near a tap near S.T.Workshop. At that time, someone had fired a bullet upon me, but the same had hit the person standing behind me. At that time, firing was going on and therefore, we were running towards the chawl. Bullet had hit the person behind me and thereafter, I had gone to home.

Deposition of witness no. 170 makes it clear that the accused was present in the mob that had come from Natraj and was leading the mob and the said mob has set fire to the mosque and the houses and has looted and made assaults and evidence to this effect is forthcoming.

**[24] MUSTAK AHMED ABDUL RAZAK SHAIKH, WITNESS NO. 171, EXH. 1177:**

- Has stated in his statement dated 12.5.2002 given before the police that the accused was in the riotous mob.
- Has stated in the statement dated 27.6.2008 given before the SIT that the accused was in the mob armed with stick.
- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.2 para no.5:**

Upon hearing this, I had gone at the omelette stall near Noorani mosque. After going there, when I saw, the mob was large. Persons of the mob had started sabotaging my lorry. They were

also causing damage to the surrounding shops. They were also causing damage to the mosque. They were also causing damage to the lorries, cabins and surrounding shops.

**Page no.3 para no.7:**

**In this mob**, I had seen Guddu Chharo and **Suresh Langada**. Both were there in the mob and were looting and **were instigating the public. Suresh Langada was armed with something like stick**. Guddu was armed with weapon like sword.

Deposition of witness no. 171 makes it clear that this accused had caused damage to the properties of the Muslims and to the mosque and was instigating the mob and as a result of such instigation, the mob had indulged in the assault.

**[25] ABDUL ALIM ABDUL MAJID CHAUDHARI, WITNESS NO. 174 EXH. 1198:**

- Has stated in the statement dated 16.6.2008 given before the SIT that he has seen the accused with trident.
- Has given the name in the deposition before the Hon'ble Court and has also identified.

**Page no.3 para no.7:**

Upon hearing this, I and people of my chawl had come out of the houses and we all had gone near Noorani mosque to have a look. There was hue and cry going on and stone pelting was being caused.

**Page no. 3 para no.8:**

Persons of the mob there were telling to beat the Muslims. In the front of this mob were Dalpatsing, Bhavanising, Guddu, **Suresh** and Manoj Videowala. I had also seen Babubhai Bajrangi in this mob. He was also in the front of the mob. In this mob, Guddu was armed with sword, **Suresh was armed with spear and**

**he was also armed with trident.** Manoj was armed with revolver. This Manoj Videowala was firing under the cover of the wall of S.T.Workshop.

**Page no. 4 para no.9:**

The persons who were in the front were calling all the persons of the mob inside and were telling to cut, kill and burn Muslims. From this place, directly I had gone to the house of my mother-in-law and father-in-law in Jawannagar. While I was coming back to my home by taking my mother-in-law and father-in-law, there was Bhavanising near Gayatri and Gangotri Societies at about 4.30 to 5.00 p.m. and he had told that he has prepared *khichdi* for all the persons and had told all to go inside the Society. However, I had not gone there. I had not gone because, someone had told that there is more problem inside and had told not to go inside and therefore, when Bhavanising had told, I had not gone there.

**Page no.6 para no.11:**

When I came out, some people were talking in Sindhi language and some persons were talking in Chhara language. I know both these languages because of my profession of rickshaw driving. I was standing in such manner so as not to be seen by them and at that time, I had heard them talking in their language that their time was over and that they should go to the house of Mukhi and receive money and that time from 8.00 to 12.00 hrs. was over. There were **Suresh**, Dalpat, Bhavanising, Manoj Videowala talking such thing. Others were also there whom I was not knowing but I had heard the said people talking in such way.

**Page no.6 para no.12:**

All these had gone on the roof and were playing the songs of a movie "*Kabhi khushie kabhi gam*". Sindhis were playing the songs of *Zulelal*. All of them were expressing pleasure that all Muslims had been finished.

Deposition of witness no. 174 makes it clear that the accused was leading the mob which was shouting: "Kill Muslims" and at that time, the accused was armed with spear. Thus, it appears that the accused was present in the mob armed with lethal weapon.

**[26] YAKUBALI KASAMALI SAIYED, WITNESS NO. 175, EXH. 1205:**

- Has given the name in the statement dated 12.5.2002 given before the police.
- Has given the name in the statement dated 25.5.2008 given before the SIT.
- Has given the name in the deposition before the Court and has identified.

**Page no. 5 para no.13:**

At 1.30 pm I had seen Bipin Panchal of Auto Centre, Guddu Chhara, Hariya Chhara, Manoj Videowala and **Suresh Chhara**. In this mob, Bipin Panchal was armed with sword; Bhavanising and Manoj Videowala had led the mob. **Suresh and Hariya Chhara were armed with pipe**. Persons of this mob were pelting stones and burning houses. They had brought carboys of kerosene and after pouring inflammable liquid, were setting fire. We had stayed in the S.R.P.Quarters till about 10.30 pm. Thereafter, when the govt. vehicle arrived at this place to take us, I and my family members who were with me in the S.R.P. Quarters on the concerned day, were all taken from there to the Camp.

Deposition of witness no. 175 makes it clear that the accused was present in the mob armed with pipe and it appears that the accused had played active role in burning the houses of the Muslims.

**[27] ASLAMBHAI SHAMSHERBHAI SHAIKH, WITNESS NO. 180, EXH. 1215:**

- Has given the name in the deposition before the Court and has identified.

**Page no.2 para no.3:**

The incident had taken place on 28.2.2002. On that day, there was call of Gujarat Bandh. On that day, **I had come out on the road from my house at about 9.00 to 9.15 am.** I had seen that there were mobs on both the sides. **On one side, there were mobs towards Krishnanagar and another side, they were towards Natraj.** All the persons in the mob were armed with weapons. This mob was advancing by raising shouts of "*maaro ... maaro*". The mobs had advanced and had started pelting stones upon the people of our maholla. I know one person from this mob which was pelting stones.

**Page no. 4 para no.8:**

**On that day, the person whom I had seen and had recognized, was Suresh. He is known as Suresh Langada.** I can recognize Suresh Langada even today. While standing here also, I can identify Suresh. He is the same who is sitting before the uncle sitting in the last row.

Deposition of witness no. 180 makes it clear that the accused was present in the mob armed with weapon and was raising

shouts along with the mob of "*maaro ... kaapo*". Thus, it appears that this accused was present in the unlawful assembly.

**[28] AFSARBEGAM KABIRALI, WITNESS NO. 181 EXH. 1252:**

- Has given the name in the statement dated 12.5.2002 given before the police.
- Has given the name in the statement dated 25.5.2008 before the SIT.
- Has given the name in the deposition before the Court and has identified.

**Page no. 4 para no.11:**

**Persons of the mob were looting and setting fire to the houses**, all of which I had seen.

**Page no.4 para no.12:**

**In this mob, Suresh Chharo was also present who was having something like baton [*danda*] in his hand.** He was calling the people of his community by shouting to loot the houses of the Muslims. I was standing behind him. Suresh had not seen me.

**Page no.5 para no.13:**

From among the two dead bodies which were burning, I had a glimpse of one and he was the **son of Mullaji** residing beside me. **This boy was handicapped. I had seen the dead body of this handicapped boy burning.** At that time, I and Kalubhai were together.

**Page no.6 para no.16:**

Persons of the mob were running here and there and were raising shouts. They were burning. I had heard the sounds that they were burning people out. Of course, I have not seen the same.

**In the mob which I had seen,** there Guddu Chhara, Bhavanising and **Suresh**. They were indulging in the looting.

Deposition of witness no. 181 makes it clear that the accused was present in the mob indulging in looting and burning the houses of the Muslims and he was having something like baton [*danda*] in his hand and it appears that this accused was shouting to loot the houses of the Muslims and was calling his people.

**[29] MOHAMMED HANIF YUSUFBHAI SHAIKH, WITNESS NO. 184, EXH. 1271:**

- Has given name in the statement dated 12.5.2002 given before the police.
- Has given the name in the statement dated 14.9.2008 given before the SIT.
- Has given the name in the deposition before the Court and has identified.

**Page no. 2 para no.4:**

Incident had taken place on 28.2.2002 which had occurred pursuant to occurrence of Godhra carnage on 27th. On that day, there was call of Bandh by Vishwa Hindu Parishad.

**Page no.2 para no.5:**

**On that day at 9.30 a.m.** I was at home. At that time, there was commotion on the road outside. **On that day, mobs had arrived from Krishnanagar and Natraj Hotel** and both the mobs had merged.

**Page no. 2 para no.6:**

People of these mobs had attacked the mosque. On that day, there was police point in front of the S.T. Workshop. The people of these mobs had attacked the mob of the Muslims.

**Page no.3 para no.7:**

**Persons of these mobs were armed with pipe, sword and weapons.** In this mob, I have seen Kishan Korani and Manoj Sindhi making firing. They were firing upon the mob of the Muslims.

**Page no.3 para no.8:**

In this mob, there were Naresh Chhara, Haresh Chhara, Sahejad Chhara, Murli Sindhi, Ashok Sindhi Panwala, Suresh Chhara, Bipin Autowala and son of Bhavani whose name I do not remember. I know all of them. **All of them were instigating the people of the mob and were attacking the Muslims.**

**Page no.3 para no.9:**

At that time, the policemen had fired teargas shells. Kishan Korani and Manoj Sindhi by snatching the gun from the police had fired whereas others, whose names have been given by me above, **were armed with weapons like pipe, sword, scythe etc.**

Deposition of witness no. 184 makes it clear that the accused was present in the mob coming from Natraj and was armed with weapon. It specifically becomes clear that he had attacked the mosque and has attacked the Muslims.

**[30] MOHAMMED AIYUB SHAUFILAL, WITNESS NO. 185, EXH. 1275:**

- Has given name in the statement dated 13.5.2002 given before the police.
- Has given the name in the statement dated 7.6.2008 given before the SIT.
- Has given the name in the deposition before the Court and has identified.

**Page no.2 para no.5:**

The incident had taken place on 28th day in the year 2002 wherein, on the previous day, i.e. on 27th day, train was burnt at Godhra and the incident had occurred on the next day. I do not remember the month.

**Page no. 3 para no.10:**

After coming out on the road when I saw, there were mobs of people near S.T.Workshop and S.R.P. Quarters. People of these mobs were pelting stones upon the Muslims. **They were armed with swords and they** were also firing teargas shells.

**Page no. 4 para no.12:**

A jeep was standing in the front of the mob. From this vehicle, the policemen had started firing and policemen had also fired teargas shell. On account of the teargas, our eyes had become red and the people had started running helter skelter. We had poured water in the eyes. It was about 9.45 am. in the morning at that time.

**Page no. 4 para no.13:**

People of this mob had made headlong attack upon the *maholla* of the Muslims. **People of this mob were armed with sword, gun** etc. They were having packets of dry eatables. People of the mob were clad in saffron clothes. They had worn shorts and banyan [*chaddi-baniyan*]. **People of the mob were indulging in sabotage and looting and beating the persons and looting the shops.**

**Page no.5 para no.14:**

**I had recognized four persons in this mob.** In this mob, I had recognized Jaibhavani, Tiwari, **Suresh Langado** and Guddu Chhara. **In this mob, Suresh Langada was armed with sword.** Jaibhavani was armed with sword. Tiwari by telling us that they

have made arrangement for safety of the Muslims was telling us to go towards their direction. Tiwari was provoking the people of the mob. First Tiwari was giving shelter to the Muslims and thereafter was calling the mob.

Deposition of the witness no. 185 makes it clear that the accused was present in the mob near S.T. Workshop. Accused had made a headlong attack along with the mob upon the mahollas of the Muslims. The mob in which this accused was present was armed with lethal weapons and it appears that the accused was present and indulging in looting and beating the Muslims and looting the shops.

**[31] MOHAMMEDBHAJ BACHUBHAJ BELIM, WITNESS NO. 188, EXH. 1282:**

- Has given the name in the statement dated 26.5.2008 given before the SIT and stated that he [accused] was leading the mob.

- Has given the name in the deposition before the Hon'ble Court and has identified him.

**Page no.3 para no.8:**

At this time in the evening, I had seen one more mob also coming from Natraj Hotel. **This mob was led by Manoj Videowala, Suresh Langada Chhara** and one Sindhi leader. This Sindhi leader has blots of small-pox on his face and is black in complexion and his height is about 5.30 to 6.00 feet. **This mob was also armed with sword, trident and carboys filled with chemicals.**

**Page no. 3 para no.9:**

Mob coming from Krishnanagar had parked one tanker filled with kerosene near Noorani mosque and at that time, one crane was also brought and parked near Noorani mosque. Mob coming from Natraj **had sabotaged and attacked the Noorani mosque. This mob had also beaten Maulana of the Noorani mosque.** On

looking this, Yusuf Lightwala had requested the S.R.P. personnel sitting at the S.R.P. Point to persuade this mob. S.R.P. personnel, instead of stopping the mob had beaten Yusuf by baton [*danda*]. As the mosque was burning, boys had assembled near the Pandit chawl.

**Page no.5 para no.11:**

Mob which had come in the chawl had started resorting to arson by sabotaging it. People of the mob had started rushing in the surrounding chawls of Noorani mosque, Pandit chawl, Hukamsing chawl, Chetandas chawl and Badarsing chawl.

**Page no.6 para no.14:**

After this time, mobs were increasing slowly near the wall of S.T. in Hussennagar. People of these mobs were assaulting and were burning. In this situation, on account of fear, I had hidden myself after going away from Hussennagar on the roof of a house situated in Gangotri Society where there were many other Muslims. At that time, my family members were separated from me.

**Page no.6 para no.15:**

From the roof of this house of Gangotri, I had seen that Jaibhavani Chharo and Tiwari Conductor by making signs to the mob were showing the place where we were hidden. People of this mob had chopped of the persons with swords and by throwing burning rags had burnt them alive. I had stayed on this roof up to 12.00 hrs in the night.

Deposition of the witness no. 188 makes it clear that the accused was leading the mob coming from Natraj Hotel and the accused and the mob were armed with lethal weapon. It appears that the accused together with mob had attacked Noorani mosque and had beaten the Maulana.

**[32] MOHAMMED IMRAN IMTIYAZHUSSEN MOMIN, WITNESS NO. 189, EXH. 1289:**

- Has given the name armed with sword in the riotous mob, in the statement dated 10.6.2008 given before the SIT.
- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.4 para no.8:**

**In the mob near Noorani mosque, I had seen Suresh and Manoj Videowala, wherein, Suresh was armed with sword and Manoj Videowala was armed with trident and a private weapon. All these were pelting stones.** Moreover, they were raising shouts of "*maaro ... kaapo*". Thereafter, I had gone away to the house of my mother.

**Page no.5 para no.10:**

From the roof of this house having three floors, I had seen that **people of the mob were looting the household articles of our houses and were setting fire to them. They were also indulging in fighting and slaughter.** There were three brothers in this mob. These three brothers were Guddu Chharo Hariyo Chharo and Nariyo Chharo. They were indulging in fighting and slaughter and all these three had led the mob and were showing the place where we were hidden by making signs to the mob. These persons were burning our houses after looting the same. All these three brothers, namely, Guddu, Hariyo and Nariyo were armed with sword. At that time, it would be about 2.30 pm to 3.00 pm. I was looking that they were sabotaging our chawl.

Deposition of the witness no. 189 makes it clear that the accused was present in the mob armed with sword and was raising shouts of "*maaro kaapo*". Thus, it appears that this accused was present in an unlawful assembly which was attacking the Noorani mosque and raising shouts of "*maaro kaapo*".

**[33] RASIDABANU IMTIYAZHUSSEN MOMIN, WITNESS NO. 192, EXH. 1314:**

- Has given the name in the statement dated 10.6.2008 given before the SIT.
- Has given the name in the deposition before the Hon'ble Court and has identified.
- Application exh. 1312 regarding exemption from presence. There is no dispute as regards identification.

**Page no.5 para no.9:**

People of the mob coming from Krishnanagar were also **pelting stones and bottles**. People of the mob coming from Natraj were also **pelting stones and bottles**. Mayaben Kodnani was present in this mob. Majoj was present in this mob and as per my notion, his name is Manoj Videowala. In this mob of Natraj, there was also Bipin Autowala. Moreover, there was Santosh Dudhwala in this mob. This Santosh Dudhwala has his shop near Kamla Welding on the road going towards Kubnarnagar. **In the mob of Natraj**, there were Guddu Chhara, Naresh Chhara, **Suresh Langado and younger brother of Suresh Langado**. In this mob, Mayaben was provoking the public by telling to go ahead and beat. At that time, the police had arrived there and had fired upon the Muslims and fired teargas shells upon them standing near the *naka*. Therefore, **four to five Muslim boys were hit with bullets**.

**Page no. 6 para no.11:**

As the mob started approaching slowly inside the chawl towards us, after coming to my house, I had gone on the roof of my house to take my children. From the said place [roof] whole road is visible and from there I had seen that people of the mob were indulging in assaults. Therefore, I had got down by taking my

children. Thereafter, I had started running and after taking my children, I had gone away on the roof of Ramjani Pinjara.

**Page no.7 para no.13:**

From the roof of Ramjanibhai, I had seen that the first house of the chawl where Ramjanibhai has been residing was set fire to by the people of the mob. People of this mob were speaking in rough manner and were shouting. They were raising shouts of "*maaro kaapo*". I had seen all this from behind the curtain of the house of Ramjanibhai. Thereafter, I had gone on the roof of Ramjanibhai by taking my child. When I saw towards the public toilets situated in Jawannagar from this roof, **people of the mob were burning everything. I had seen the people of this mob beating and burning.** People of this mob were indulging in assaulting the Muslims. I do not know what the time at that time was.

Deposition of the witness no. 192 makes it clear that the accused was present in the mob coming from the Natraj and had rushed in the chawl together with the mob and had indulged in assault and was burning everything in the chawl and it appears that this accused has played active role in this mob which was beating and burning the people.

**[34] HAROON MOHAMMEDBHAJ SHAIKH, WITNESS NO. 198, EXH. 1363:**

- Has given the name in the statements dated 28.5.2008 and 12.9.2008 given before the SIT.
- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.3 para no.6:**

Saffron strips were tied on the foreheads of the people of the mobs from these both sides. I was knowing some persons of these

mobs. **I had seen swords, pipes and tridents in the hands of some people.**

**Page no. 3 para no.7:**

**In these mobs, I had seen** Mayaben, Babu Bajrangi, Sachin Modi, Ashok Pan Gallawalo, Manoj Videowala, **Suresh Langado**, Haresh, Guddu and Bipin Autowala. **I had seen all these persons on the date of the incident at about 9.30 am.** They were also in the front of the mob standing near the gate in front of the S.T. Workshop and were also present in the mob near the gate of S.R.P. Of course, both the mobs had then merged.

**Page no.4 para no.8:**

**These people and the persons of the mobs had started burning the surrounding lorries, cabins, houses etc. and had attacked the Noorani mosque.** Some persons from our Muslims had also gone to persuade these nine persons, but they had not listened to anyone and had started raising shouts of "*maaro ... kaapo*" and had started pelting stones upon the persons of our community. Thus, we had gone to persuade these nine persons, but as they did not listen to us and pelted stones upon us, we had come back being scared at the police choky situated at present.

**Page no.6 para no.12:**

These Tiwari, Sehjad, Jaibhavani and Guddu have been residing in our area itself and by believing them, we had started going with them. While we were leaving, people of the mob were sitting near the gate of Gopinathnagar hiding themselves and as we came out, all the people of the said mob had surrounded us. There were **Suresh** Langado and Sachin in this mob which was hiding. At the time of this incident, with a view to save ourselves, we had come back in the Gopinathnagar society and had gone inside a a narrow lane [*khancha*] near the water tank of Gopinathnagar Society. We had gone in the narrow lane thinking

that the mob would go away from the opposite side, but the mob had started assaulting us in the portion of narrow lane. After the assault, the persons of the mob had burnt our people there.

**Page no.7 para no.13:**

Thus, when this assault started, there were three members of my family, who were my mother Mumtajbanu, my wife Gausiyabanu and my son Akram; all of the three had died in this incident. Apart from this, other people of our community had also become victim to this assault, who included my maternal aunt Rabiya, my niece Farhana and Lokma Reshma residing in my neighbourhood.

**Page no.7 para no.15:**

**I had seen these five persons indulging in this assault** which included Tiwari who was armed with sword; Jaibhavani who was armed with sword. Now, I remember that Jaibhavani was armed with stick; Guddu who was armed with sword; **Suresh Langado, who was armed with scythe**; Sachin @ Modi was also there who was armed with pipe.

**Page no.8 para no.16:**

While this fighting was going on, **I had intervened to rescue my son Akram and at that time, I was hit with scythe in the right hand and had sustained burn on the portion below the right eye and had sustained such injuries.** After escaping from all these, I had hidden myself in the Gangotri Society. While I was sitting there for some time, I had learnt that other people of our community were also sitting there. At that time, it was the time of prayer of *magrib* [prayer taking place at the time of sunset].

**Page no.8 para no.18:**

Thus, while we were going, we had seen Babu Bajrangi standing with a mob near the ground situated near Tisra Kuva. We

had stood there being scared. At that time, people of the mob had started assaulting us. Persons of this mob were killed [pl. see original]. After looking all this, being scared, I had gone back to Gopinath Society. Thereafter I had hidden in the Gopinath Society.

Deposition of witness no. 198 makes it clear that this accused was present in the mob with Mayaben near Noorani mosque and had set fire to the surrounding lorries, *gallas*, cabins, houses etc. He had attacked Noorani mosque and thereafter the accused persons by surrounding near the water tank, had started assaulting the witness and other Muslims and after assaulting the Muslims had burnt them, which included the maternal aunt of the witness, his niece, Farhana and one Reshma residing beside them was also beaten and burnt by this accused and the mob. The witness has seen this accused in the mob which was indulging in the assault. In this incident, the witness was hit with a scythe in the hand and the witness had also sustained burn beneath the right hand. Thus, this witness has witnessed this accused indulging in the assault.

**[35] NOORMOHAMMED NAZIRMOHAMMED MEV, WITNESS NO. 199, EXH.1375:**

- Has given name in the statement dated 12.5.2002 given before the police.
- Has given the name in the statement dated 2.6.2008 given before the SIT.
- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no. 3 para no.6:**

**Persons of this mob were armed with weapons such as pipes, scythes etc.** The mob coming from Natraj Hotel had gone towards Noorani mosque. The mob which came from Krishnanagar had started burning lorries, *gallas* etc. situated behind my house.

Persons of this mob were raising shouts such as "*maaro... kaapo... salgavo*" [beat, cut and burn].

**Page no.3 para no.8:**

There was saffron coloured strips on the foreheads and waistband on the waist of some persons of the mob which came from Krishnanagar. **Four persons were leading the mob** and were instigating the persons of the mob. **These four persons included Suresh Langado, Guddu, Bhavani and Tiwari.** They were showing the houses and shops belonging to the Muslims to the persons of the mob and were also showing the place where the Muslims were hiding. Thereafter this mob had rushed inside the houses of the Muslims. Thereafter, I had gone to my house.

Deposition of the witness no. 199 makes it clear that the accused was instigating the mob near Noorani mosque and after merging with the mob had set fire to the properties of the Muslims and in association with the persons of the mob, this accused had raised shouts of "*maaro ... kaapo and salgavo*".

**[36] SAMSUDDIN SHAHBUDDIN RATHOD, WITNESS NO. 202 EXH. 1394:**

Has given the name in the statement dated 13.5.2002 given before the police.

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.2 para no.5:**

Incident had taken place on 28.2.2002. On that day, **at about 9.00 am**, I had gone to take tea at the tea-stall situated near Noorani mosque. On that day, there was a police point near Noorani mosque. I had seen one mob coming from Natraj Hotel towards Noorani mosque. **The persons of the mob were armed with weapons and were pelting stones** and the persons of this

mob were advancing towards the direction of Noorani mosque. This mob was setting fire to the shops and houses situated in our area which I had seen. At that time, there was police towards Noorani mosque.

**Page no.3 para no.6:**

**I had seen** Kishan Korani, Manojbhai, Bipin Auto, Guddu Chhara, Naresh Chhara, Suresh Chhara and Mungada Chhara in the mob. Thereafter, one mob had arrived from Krishnanagar.

**Page no.3 para no.7:**

After half an hour, one more mob had arrived which was led by Bipin Autowala. Both these mobs had merged. This mob had caused loot in our area. Loot was caused in my house also. **At that time at about 9.00 to 9.15 am, the police had resorted to firing upon the mob of the Muslims**, wherein, Abidhussen was hit with bullet. Therefore, I had gone to my house. When I returned to my home, I had handed over my two daughters to Miraben, residing beside my house. Two houses are situated between the houses of myself and Miraben. After her house, there is a wall.

**Page no.4 para no.8:**

I had told Miraben that if the riots mount up, I and my wife would come and take away my son. On that day at 1.30 pm when I was at my home, husband and son of Miraben were also there. At that time, a mob had arrived from the direction of Krishnanagar. This mob had arrived in the ditch [*Khada*] [lower portion of ground] of Jawannagar. This ditch is situated at a distance of about 30 to 35 feet and that that time, there was a wall between the same. Bipin Autowala had led this mob. At that time, as the mob approached nearer, husband of Miraben had told me to go away as I was having heavy body and therefore, I along with my wife and son had gone away towards Gangotri Society. I had gone

to the house of sadhubhai [husband of one's wife] of my friend who was serving in S.T. I had stayed there on that day till about 6.30 pm.

Deposition of the witness no. 202 makes it clear that the accused was present in the mob which had arrived from Natraj to Noorani mosque and in the said mob, the accused had indulged in loot and that the accused was present armed with weapon in the mob.

**[37] SHARIFABIBI IQBALBHAI SHAIKH, WITNESS NO.203, EXH.**

**1404:**

- Has given the name in the statement dated 13.5.2002 before the police.
- Has given the name in the statement dated 27.5.2008 before the SIT.
- Has given the name in the deposition of the Hon'ble Court but has not identified.

**Page no.5 para no.10:**

I had seen one roof in the Gangotri Society and I had mounted upon the said roof together with my remaining children. After going upon the roof, I had covered the mouth of my children, because, they were crying. I had hidden in a corner of the roof together with my children.

**Page no.5 para no.11:**

While we were hiding on the roof, there were noises of "kaapo". At that time, when I had seen through the vent of the roof, **they were beating my son Sharif with sword, hokey, sticks etc. and had felled him down and after pouring kerosene and petrol over Sharif, he was burnt which I had seen.** In this mob, which was **beating and burning my son Sharif, there were,** Bhavani, Guddu Chhara, **Suresh Langado,,** Dalpat, Sahejad

Chharo, Tiniya Marathi, Raju Marathi, Kishan Marathi and others. If I remember the names of the rest, I would tell. I now remember that there was son of Bhavani also in the mob.

**Page no.6 para no.12:**

These people had killed my son and burnt him before my eyes as stated by me. **I had seen the people of this mob throwing young kids in the fire. These very persons as I had seen were also raping young girls.**

**PAGE NO.6 PARA NO.13:**

I had seen that **persons of this mob were raping the wife of Naeem after removing her clothes.** At that time it was about 5.00 to 6.00 pm. I had stayed on the roof together with my remaining children up to 12.00 hrs. at night.

Deposition of the witness no. 203 makes it clear that this witness has seen from the roof of Gangotri Society that Sharif, son of this witness was beaten with swords and hokey and after being felled down and pouring petrol and kerosene over him, he has been burnt. There is direct evidence forthcoming against this accused of having committed murder of Sharif and there is evidence forthcoming against this very accused that he has thrown young kids in the burning fire and that this accused was raping the young girls and from the deposition of this witness, the offence of raping Zarina, wife of Naeem stands proved against this accused together with other accused persons and therefore, there is no reason not to believe the deposition of this witness.

**[38] SHABANA BUNDUBHAI KURESHI, WITNESS NO.209, EXH. 1463:**

- Has given the name in the statement dated 23.5.2008 given before the SIT.

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.6 para no.12:**

While we were returning, **the persons of the mob standing near Gangotri and Gopinath Society, were armed with pipes, swords, hokeys etc.** They had started beating the Muslims who were left behind us. At that time, while we were running towards Gangotri from Tisra Kuva, people from Gangotri and Gopinathwala were coming towards us. At that time, people were running helter skelter. At that time, we had gone into a narrow lane situated between Gangotri and Gopinath Society whereon, there is a water tank. At that time, all my family members were separated. **But when I went in that narrow lane, I, my mother, my sister Naseem and my brother Raja were together.**

**Page no.7 para no.13:**

**When we entered the narrow lane, the mob had surrounded us from all four sides. In this mob, I had seen Suresh Langada,** son of Dalpat, son of Jaibhavani, Naresh, Haresh, Manu, two sons of Marathi, Jaibhavani, Dalpat and Guddu Chhara and other many persons.

**Page no. 7 para no.14:**

At that time, all the persons whose names I have stated above were there in the mobs which were standing on the road in front of the narrow lane. The said mob by cutting the talisman of one boy, namely, Siddique with dagger had attacked him, as a result thereof, he had sustained injury in the throat and upon cutting the talisman, the dagger after being broken had fallen down. This Siddique was being beaten with the pipe and at that time, he had tried to defend himself by keeping his hands upon the head **which all I myself have seen. Thereafter, after pouring**

**some inflammable liquid kerosene upon this Siddique, he was burnt. This Siddique had died there.**

**Page No. 8 para no.15:**

After the incident of Siddique, I had seen that the persons of the mob whose names I have stated above had pulled and take away a girl of Hussennagar. At that time, **my sister Naseem was surrounded and thereafter, they had hit a pipe in her head and thereafter, after pouring kerosene, they had burnt her at that very place and she had also died.**

**Page no. 8 para no.16:**

**Upon looking this, my mother had run by raising shouts and at that time, Suresh Langado had caught my mother. Suresh Langada after catching my mother had inflicted *gupti* in the abdomen of my mother and thereafter, the persons as stated by me above together with the persons of the mob had burnt my mother alive. Thereafter, my mother had died there.**

**Page no.9, para no.17:**

At that time, as the Muslims who were inside the narrow lane tried to come out, they were being caught and after killing them they were being burnt. At that time, the persons of the mob had felt that **perhaps fight was started in this narrow lane and after throwing kerosene, all were burnt together.**

**Page no. 9 para no.18:**

At that time, as fire took place in the narrow lane, I had jumped over and sat on the wall near the said narrow lane. At that time, the persons of the mob had hit stone upon my leg. As this stone hit me, I had fallen down on the other side of the wall. On looking all this at that time, I was scared. Persons of the mob were giving very filthy abuses and were burning, as a result thereof, I was scared. After sitting for about two minutes near the

wall on the other side of the wall, I had gone away on one roof of Gangotri Society by going through a gate.

**Page no.10 para 18:**

When I went on the roof, other Muslims were also there. Muslims were there on three roofs of Gangotri Society. We were there on the roof till late night.

Deposition of the witness no. 209 makes it clear that this accused was involved in the mass massacre which occurred in the narrow lane near water tank. At this very place, the accused in association with other accused persons has beaten Siddique and after pouring inflammable liquid upon him has burnt him.

Moreover, from the deposition of this witness it becomes clear the accused by catching the mother of the witness had inflicted *gupti* in her abdomen and thereafter, other accused persons had set fire to her. Thus, there is direct evidence forthcoming against this witness of committing murder of the mother of the witness by killing her.

**[39] RUKSANA BUNDU KURESHI, WITNESS NO. 212, EXH.1507:**

- Has given the name in the statements dated 3.6.2008 and 14.9.2008 given before the SIT.

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no. 5 para no.8:**

After coming out of the hall, I was separated from my brother, sister and mother. People of our community had started going towards Tisra Kuva. The people who had gone ahead of us had come back immediately and had told that there was a **big mob of Hindus and that they were armed with weapons.** Being scared, I was shouting for my mother. Upon return of the people of our community, I had asked that what had happened and they had

told that big mob of Hindus armed with weapons had arrived there.

**Page no.5 para no.9:**

I had started running together with the people of our community. While running, **I had seen that Suresh Langado was inflicting *gupti* in the abdomen of my mother. Naresh, Haresh, Suresh Langado, Guddu Chhara etc. were there in the mob that had beaten my mother. Daughter of Jaibhavani was giving water to the persons of this mob.** Among them, there were Jaibhavani, son of Jaibhavani, Dalpat, son of Dalpat, Chindu and one person having grey eyes and curly hair who was armed with iron pipe.

**Page no. 6 para no.10:**

There were also other people with the people of this mob. They were burning the people of our community and were beating them. Daughter of Jaibhavani was giving kerosene and quilts to the persons of this mob for setting fire to them.

**Page no.5 para no.11:**

At that time, it was daylight and not dark. It would be about 5.30 to 6.00 p.m. at that time. While crying, I had gone on the roof of Gangotri and had sat there. There were also other persons of our community on the roof of Gangotri. When I was on the roof, one lady who had sustained burnt had arrived with a young kid in her hand and the said kid had also sustained burns. This lady was raising shouts for help and was telling that these persons had killed and burnt many people of our community.

Deposition of witness no. 212 makes it clear that the accused was present along with other accused persons who were involved in the mass massacre in the narrow lane near the water tank and they were armed with weapons and that this witness by inflicting *gupti* in the abdomen of the mother of the witness has killed her

and at that place, this accused together with other accused persons has committed mass murders of Muslims. There is sufficient evidence of murder of all these forthcoming against this accused.

**[40] HASIFKHAN ACHCHHANKHAN PATHAN, WITNESS NO. 213, EXH. 1522:**

- Has stated in the statement dated 2.6.2008 given before the SIT about the presence armed with pipe in the riotous mob.
- Has given the name in the statement dated 14.9.2008 given before the SIT.
- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.4 para no.8:**

Within few minutes thereafter, the persons of the mob had started coming from Natraj Hotel to Noorani mosque. Apart from this, Mobs had also started coming from Krishnanagar to Noorani mosque. Ahead of the said mobs, there were policemen. Most of the policemen who were with me in the morning were ahead of these mobs. **The mobs had started sabotaging the lorries and cabins situated near Noorani mosque. The mobs which came from Krishnanagar had started burning the chawls and houses situated on the road.** Some people of our Muslim community had assembled on the entrance of the chawls.

**Page no.4 para no.9:**

I had seen the police in the mob and had also seen several accused. **In this mob, I had seen** Bipinbhai Panchal, Mukesh@ Guddu Chharo, Babubhai Vanzara, **Suresh Langado**, Navin Chhagan Chhara. Among them, Bipin Panchal was armed with sword and revolver, Guddu was armed with sword, **Suresh**

**Langada was armed with pipe,** Navin Chhara was having gas cylinder.

**Page no.5 para no.10:**

Bipin Panchal by raising violent shrieks and shouts was calling the persons of the mob. By standing on the road, he was calling the persons of the mob towards Noorani mosque. Rest of the accused were causing sabotage of whatever came in their hands and they were sabotaging the lorries, *gallas* etc. Navin Chharo, by bringing gas cylinder and after opening its pin and wrapping cloth and burning the gas cylinder was throwing the same over Noorani mosque and the houses of the Muslims.

**Page no.5 para no.11:**

At that time, the Muslims by raising shouts for saving the mosque were drawing the attention of the police and at that time, the police had resorted to firing over the Muslims and had fired teargas shells. **At that time, Abid, Piru, Khalid etc. were hit by the bullets.** At that time, **I had gone on the roof of Atikkhan,** situated after five to six shops from Noorani mosque and from there, I was looking all this.

Deposition of witness no. 213 makes it clear that the accused was leading the mob and has played active role in burning the lorries, cabins and the houses of the Muslims situated near Noorani mosque and that this accused was armed with weapon. Thus the accused, armed with weapon has burnt the properties and by throwing gas cylinders inside the mosque and by throwing the gas cylinders in the houses was setting fire to them. Thus, there is evidence forthcoming showing the active role played by the accused by involving himself in all these incidents.

**[41] NOORBANU JAKIRHUSSEN SAIYED, WITNESS NO. 219,  
EXH. 1568:**

- Has given the name and shown presence in the riotous mob, in the statement dated 3.6.2008 given before the SIT.
- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.9 para no.17:**

When I saw from beneath the Pan Cabin, many mobs were arriving and the people of our community were running helter skelter. I had seen the mob standing near the house of Jaibhavani. I had seen that Noori, Jadikhala and son of her son, namely, grandson of Jadikhala was with them and all of them were near the house of Jaibhavani. At that time, I had seen that they were near the house of Jaibhavani and Jaibhavani and his daughter were driving all of them outside and were telling that if the mob came, it will add to the difficulties. They had removed all outside and thereafter, they had called the mob. They had called the mob on the back side of their house. Jaibhavani and his younger daughter had given quilts mixed with kerosene to the mob. They were giving the quilts by pouring the kerosene upon the same. Moreover, several persons had also kerosene with them.

**Page no.9 para no.18:**

Guddu was there in the mob and there were also other people. They, by using the quilts mixed with kerosene had burnt Jadikhala, Noori and the grandson of Jadikhala. In this act of burning, Jaibhavani and his younger daughter were involved. I was looking all this from beneath the said cabin [*galla*]. Persons of the mob by catching many persons alive were burning them. After looking all this, I had lost senses, i.e. I was scared very much.

**Page no. 12 para no.26:**

**The mob was at the place where my maternal aunt Jadikhala, her grandson and Noori were being burnt. One boy, namely, Suresh was also present in the said mob. I do not know the full name of Suresh. But, daughter of Jaibhavani had called Suresh by speaking his name and had talked with him and therefore, I had come to know that his name was Suresh. I also know this Suresh. Suresh was involved in burning all of these persons. I would also identify Suresh who is sitting among the accused persons.**

Deposition of witness no. 219 makes it clear that this accused, by throwing the quilts mixed with kerosene has burnt Jadikhala, Noori and the grandson of Jadikhala. There is direct evidence forthcoming against this accused of committing murder of all these three persons. Moreover, this accused has burnt alive many other persons after catching them and there is evidence forthcoming against the accused.

The witness has witnessed this accused killing Jadikhala, Noori and the grandson of Jadikhala and has also identified before the Hon'ble Court.

**[42] CHANDBHAI ABDUL RASID SHAIKH, WITNESS NO. 224  
EXH. 1601:**

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.3 para no.6:**

There is a wall situated behind my house in Jawannagar. Persons of the mob had started rushing in Jawannagar and breaking the wall situated behind my house. I and my family members were very much scared and therefore, we had left the house. We had come out of the house. I had stayed there for sometime and thereafter, as the mob started breaking the other

side of the wall, after leaving our home, we had gone to the house of my mother. House of my mother is situated near the wall of S.R.P. behind my house.

**Page no.4 para no.7:**

**These persons who were breaking the wall were raising slogans. I had seen Suresh Langado** and Guddu Chhara in the mob which was breaking the wall. They were also breaking the wall. After breaking the wall, they had rushed inside. They had **rushed in the chawls of Jawannagar**. At that time also, they were raising shouts of "*maaro ... kaapo*".

**Page no.4 para no.8:**

Guddu Chhara **and Suresh Langda were armed with swords**. We had reached the house of my mother but my mother and three brothers together with their family members had also come out leaving their house. They were standing near the wall of S.R.P. Quarters. **Persons of the mob had arrived in our chawls to assault and burn**. Persons of this mob had burnt one boy, namely Aiyub near **S.R.P. wall**.

Deposition of the witness no. 224 makes it clear that as the witness had witnessed the accused in the mob which has broken the wall to rush in and was raising shouts of "*maaro and kaapo*", there is direct evidence coming forth against this accused. This accused had rushed in the chawl after breaking this wall and after rushing in the chawls, this accused together with other accused had looted and burnt the properties belonging to the Muslims in the chawl and evidence to that effect is coming forth.

There is direct evidence coming forth against this accused to show that he along with other accused had burnt one boy, namely, Aiyub near the wall of the S.R.P.

**[43] SALIM ALLABAKSH SHAIKH, WITNESS NO. 226, EXH. 1608:**

- Has given the name in the statement dated 26.5.2008, given before the SIT, in the mob indulging in massacre of Muslims.

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.3 para no.6:**

We had stayed back in the lane and **thereafter, the persons of the mob had started rushing in. They were sabotaging and burning the houses.** I had come to know that a gas cylinder was also thrown in my house. Of course, I have not seen this.

**Page no.3 para no.7:**

As stated above, I had seen Bhavani, Guddu and **Suresh among the persons of the said mob.** Guddu had worn sky-blue coloured T-shirt. He had covered his face with a handkerchief. He was armed with some weapon. I do not specifically remember whether it was sword or a pipe. Bhavani and **Suresh** and other persons of the mob were also armed with weapons. Persons of the mob were not empty-handed.

Deposition of the witness no. 226 makes it clear that this accused had rushed in the house of this witness and had thrown a gas cylinder and that the accused was present in the said mob.

**[44] JUBERKHAN ISMAILKHAN PATHAN, WITNESS NO. 227**

**EXH. 1614:**

- Has given the name in the statement dated 26.5.2008 before the SIT.

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.6 para no.14:**

While we were sitting as such, Guddu Chhara, Babu Garagewala and **Suresh Langada** had seen us. Thereafter, all these three **had arrived with a mob of Hindus which mob had pelted**

**stones upon the people of Muslims.** Thereafter, we had gone towards Gangotri Society where I had told the people to help us but none had helped us. They had closed the doors of their houses. Thereafter, we had returned to Hussennagar.

Deposition of witness no. 227 makes it clear that the accused had sent the Hindu mobs to the place where the witness was sitting and that he had also driven away the Muslims towards Gangotri by pelting stones and thus, by driving away the Muslims towards the Gangotri, the accused has played successful role in a conspiracy to kill the Muslims.

**[45] JAVED ISMAIL SHAIKH, WITNESS NO. 228, EXH. 1621:**

[Injured witness: Was hit with stone in the right side of the forehead and was hit with pipe in the head]

- Has given the name in the statement dated 28.5.2008 given before the SIT stating that the accused together with riotous mob had made headlong attack upon the Muslim men, women and children.

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no. 5 para no.10:**

Thereafter, Bhavanising had told us to go away from that place and that he had made arrangement towards Tisra Kuva. When we proceeded towards that direction, we had seen that a mob was standing there. Looking at them, the persons of the mob were armed with weapons like swords, scythes, *guptis*, petrol carboys etc. Upon looking at the persons of the mob, we the Muslims had returned to the chawl. This mob had chased us. Another mob had arrived while we were returning towards Muslim chawls i.e. Jawannagar. We were going towards Jawannagar. However, we could reach Jawannagar. Before we could reach

Jawannagar, we were trapped in a narrow lane situated between Gopinath and Gangotri Society near the water tank.

**Page no.6 para no.11:**

Some people could go after jumping over the wall situated near this water tank. But we could not go. **The persons of both the mobs had stopped us there. In these mobs,** there was Babu Bajrangi who was armed with sword. He was showing newspaper to us and was telling that this is the photograph of the incident of Godhra and that our position would also be the same. Thereafter, by shouting *jai siyaram*, **Babu Bajrangi had started assaulting the Muslims. In this mob,** I had seen Guddu Chhara, Bhavanising, **Suresh Chhara** and Manubhai. **All these and other people of the mob by raising shouts of "jai siyaram" had started assault.** These people had thrown burning rags upon us from the roof of the tank.

**Page no.7 para no.13:**

**In this incident, young kids were burnt alive. I was also there among all these persons who were trapped.** Stone pelting had also taken place in this incident. I was hit with a stone on the right side of the forehead. I had hidden myself behind the bushes in the narrow land situated between Gangotri and Gopinath Society.

**Page no.7 para no.13:**

I and my family members were separated at the time of the incident. This incident had taken place at about 6.30 to 7.00 pm. I had seen that Kausharbanu, daughter of my maternal aunt and wife of Khalid Noormohammed Shaikh was also there at the time of the incident and she was trying to escape from the mob. At that time four persons had caught her. I had seen that Babu Bajrangi had removed newborn baby from her abdomen and after swinging it on the edge of the sword had thrown in the fire. Kausharbanu

was also thrown in the fire like other people who were thrown in the fire. I had also seen a woman whom I do not know whose clothes were torn and persons of the mob were inserting an iron pipe inside her private part. She was lying in unconscious condition. I had also seen a woman who was in completely burnt condition. Her name was Kudratbibi. She was lying at the place of the incident in completely burnt condition. Some persons from the mob had hit stone to Kudratbibi where she was lying and at that time, something like lump of flesh from her head had come out. She was completely burnt.

**Page no.8 para no.14:**

**Persons of the mob by hitting upon the bodies of the persons who were lying on the spot, were checking as to who is alive and who has died.** While I was trying to come out from the bushes, the persons of the mob had arrived there and therefore, I had also pretended to be a dead body among the dead bodies which were lying there. At that time, they were checking that who is alive. **At that time, Guddu Chhara had hit a pipe upon my head.**

Deposition of the witness no. 228 makes it clear that this accused was present near the water tank and after assaulting the Muslims there, he has burnt the Muslims collectively. It makes clear the active role of this accused in whole of this mass massacre. There is sufficient evidence forthcoming against this accused in this mass massacre.

**[46] SAIRABANU KHWAJAHUSSEN SHAIKH, WITNESS NO.228, EXH. 1628:**

- Has stated in the statement dated 28.5.2008 given before the SIT to have seen in the riotous mob.

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.5 para no.10:**

At that time, **mob of the Hindus had arrived in the chawl of Husennagar.** In this mob, there were Chharas, Sindhis, **Suresh Chhara and** Sahejad Chhara. There were also Chhara women. Persons of this mob were **indulging in looting and burning the houses.** In front of the house wherein I was sitting, there was house of Jahedabibi and at that time, I had seen that **the Chharas were looting and burning the houses.**

**Page no.6 para no.11:**

At that time, I was in the house of one Pinjara and after coming near the window falling in that house, Sahejad Chhara and **Suresh Chhara had told every ladies and children to go with them** and that they would move us to safe place. We had told them to move all if they wanted to do so or we were at the mercy of the Allah. **They had shown us the newspaper and had told that what tyranny was done by the Muslims and had told us to go to Hyderabad and not to return.** Thereafter, they had gone away to the other side.

Deposition of the witness no. 229 makes it clear that there is evidence forthcoming that this accused attacked the chawls of the Muslims and by looting the properties has burnt them.

There is evidence forthcoming that this accused after going to the witness had told to send the ladies and the children and after showing the newspaper had told the Muslims to go away to Hyderabad.

**[47] MOHAMMED RAFIK ABDUL KARIM SHAIKH, WITNESS NO. 230 EXH. 1635:**

- In his statement dated 18.6.2008 given before the SIT, he has stated that he had seen the accused in the riotous mob and has also killed the Muslims by setting fire to them near the water tank.

**Page no. 4 para no.8:**

Thereafter, the persons of the mobs which came from Natraj and Krishnanagar had started rushing in our chawls. After coming in the chawls, they had indulged in sabotage, assaults and loot. They had also set fire to our chawls. At that time, there was a commotion and such commotion had taken place around 4.00 to 5.00 pm. At that time, I was scared too much.

**Page no.5 para no.9:**

Being scared, by taking my wife and two children I had mounted on a roof of Gangotri Society or Gopinathnagar. My other two children had gone away to S.R.P. Quarters since the morning. After taking my family, I had gone on a roof and **from there I had seen that Guddu Chhara and Suresh by pushing 27 to 28 persons were taking them towards water tank. At that time, it would be the time of about 5.00 to 6.00 pm.**

**Page no. 5 para no.10:**

**After taking these persons near the water tank and after pouring some inflammable liquid from the tank, 27 to 28 ladies, gents and children were burnt and these 27 to 28 persons were shouting for help. I had seen all these.** I had also heard their noises. But as I was too much scared I myself had thought that they would kill me also and therefore, I had hidden behind the parapet.

**Page no.5 parano.11:**

When I had seen all this from the parapet, the fire had escalated.

Deposition of the witness no. 230 makes it clear that the witness has witnessed the accused taking 27 to 28 Muslims by

pushing them towards the water tank. Here it is required to be mentioned that the incident of burning after killing the Muslims collectively near the water tank has taken place. Thus, there is direct evidence forthcoming against this accused regarding mass massacre.

**[48] JULEKHABEGAM MOHAMMED AIYUB SHAIKH, WITNESS  
NO. 231, EXH. 1637:**

- Has stated in the statement dated 30.5.2008 given before the SIT that he has seen the accused armed with weapon in the mob and that the accused has burnt the husband of the said witness. Witness herself has witnessed.

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.5 para no.8:**

**In this mob**, there were Bhavani, Guddu Chhara and **Suresh Chhara. They had told me that you have to die today and therefore die here itself.** In this incident, my family members were separated, wherein, my sister-in-law, myself and my six children were together. We had arrived in Gangotri society to save ourselves. The people residing surrounding Gangotri Society had told us to come out of the godown and therefore, we had moved out of the godown. Thereafter, we had started going towards Naroda. Many people were going there. Some people were returning and they had told not to go further as there was also mob. We were trapped there, because, the mob had arrived from both the sides and we had thought that we would not survive.

**Page no.5 para no.9:**

To save ourselves, we had arrived on one roof of Gangotri Society where there was a wall of S.R.P. Quarters. From the roof I had seen that **persons of the mob were indulging in sabotage**

**and arson**, wherein, there were Bhavani, Guddu Chhara **and Suresh Chhara**.

**Page no.5 para no.10:**

At the time of the evening, when I had seen from this room, **Guddu Chhara by pulling my husband had taken him in the last lane of Jawannagar** where there was also Bhavani. Guddu Chhara had taken away my husband by pulling him **where, Guddu Chhara, Suresh and Bhavani had chopped of my husband and after pouring inflammable liquid had burnt him in a rickshaw lying there.**

Deposition of witness no. 231 makes it clear that there is evidence forthcoming against this accused to show that this accused had told the witness on the date of the incident that you have to die here and therefore die here itself and thereafter, the accused has sabotaged and burnt the houses.

This witness together with other two accused had chopped of the husband of the witness and has burnt him. Thus, there is direct evidence forthcoming against this evidence regarding murder of the husband of the witness.

**[49] NASRINBANU MOHAMMED RAFIK SHAIKH, WITNESS NO. 238, EXH.1673:**

- Has stated in the statement dated 21.5.2008 before the SIT that she had witnessed the accused in the mob that had attacked the chawl of the witness.

- Has given the name in the deposition before the Hon'ble Court and has identified him.

**Page no.3 para no.6:**

Persons of the mob of Bajrang Dal had tied saffron strip upon the head whereon "*jai shri ram*" was written. **In the mob that had assembled on the road**, I had seen Munna Shetty and Sahejad

Chhara pelting stones and at that time, **Suresh Langada was armed with sword**. Thereafter, as heavy stone pelting had started, the policemen had resorted to firing upon the Muslims.

**Page no.4 para no.9:**

All the family members were scared and therefore, I and my family members had gone on the top floor of a bungalow situated in lane no.4 of Hussennagar, situated in front of our house for safety. We had gone on the roof and had seen the incident taking place. Around 5.00 to 5.30 pm, of course, I do not remember the time, but it was evening, I had seen that the **persons of the mob were looting and burning our chawls and houses**. I had seen four persons in this mob.

**Page no.5 parano.10:**

At that time, I had seen Munna Shetty, Sahejad Chhara, **Suresh Langado** and Ganpat Chhara. Thus, Munna Shetty and Sahejad were in the mob. **Suresh was armed with sword** and Ganpat Chhara was giving making signs with hand. I was on the roof till 12.00 at night and thereafter as the vehicles of Shah Alam Camp arrived, we had gone to the Camp in Shah Alam.

Deposition of witness no. 238 makes it clear that the accused was present in the mob armed with sword in the morning time and that this accused after rushing in the chawls had committed acts of loot and burning the houses. This incident is witnessed by the witness from the roof. There is direct evidence forthcoming against this accused regarding this.

**[50] GULAMYASIN NOORBHAI KURESHI, WITNESS NO. 239, EXH. 1674:**

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.3 para no.6:**

This mob had attacked Noorani mosque. People of the mob had also attacked the Muslims.

**Page no.3 para no.7:**

In the meantime, the police had resorted to firing upon the Muslim mob. In this firing, one boy, namely, Abid had sustained injury and other two to three persons had also sustained injuries. Pursuant to all this, I had closed Ajmeri Mutton Centre out of fear. After closing the shop, I had gone away towards my chawl. After closing the house, we were sitting. Thereafter, during the whole day, we had stayed in the house.

**Page no.4 para no.8:**

Before going to the house, I had stayed for some time near my shop Ajmeri Mutton Centre. **There were my 45 goats in the open space in front of my shop. At that time, mob had arrived there and the persons of the mob had taken away all my 45 goats. Suresh Langado was present in this mob.**

**Page no.4 para no.9:**

**Suresh Langado, by leading the mob was taking away these goats.** I was looking, but I had no courage to prevent him.

Deposition of witness no. 239 makes it clear that this accused was leading the mob and there is direct evidence forthcoming against the accused regarding the incident of his taking away of 45 goats of the witness.

**[51] MOHAMMED SALIM AHMEDBHAJ SHAIKH, WITNESS NO.242 EXH.1690:**

- Has stated in the statement dated 25.9.2008 given before the SIT that he has seen the accused in the mob armed with weapon.
- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.3 para no.7:**

Thereafter at about 4.00 pm I had started going towards my house. While I was going in the Kumbhaji's chawl along with my whole family, **mob was also standing in the ditch [lower portion of the area] of Jawannagar.**

**Page no.4 para no.8:**

**In this mob, there were many persons.** In this mob, **there were Suresh Langado,** Haresh Chhara and Guddu Chhara. All these three were armed with **weapons like swords** and rods. Of course, I do not have exact notion as to who was armed with which weapon.

Deposition of witness no. 242 makes it clear that the accused was there in the mob armed with weapon and was present in the mob of Jawannagar armed with weapon at about 4.00 pm. Thus, there is direct evidence forthcoming against this accused that he was present armed with weapon in an unlawful assembly.

**[52] SABBIRALI NIWASALI ANSARI, WITNESS NO. 243, EXH. 1694:**

- Has stated in the statement dated 4.6.2008 before the SIT that he has seen the accused armed with weapon in the mob.

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no. 3 para no.8:**

After returning, Shri Mysorewala had gone towards Natraj Hotel. Mob was gathering slowly near Natraj Hotel. This mob was belonging to the Hindus. Persons of this mob had started advancing towards our-Noorani mosque. Persons of this mob were raising the slogans of "*Shri Ram*". **Persons of this mob had looted and sabotaged the shops. Persons of this mob were armed with weapons such as sticks, swords, scythes etc.**

**Page no.4 para no.9:**

**In this mob, I had seen Suresh Langada,** Jaibhavani and Guddu Chhara. Apart from this, another mob had arrived from Krishnanagar. I had seen Bipin Panchal in this mob. At that time, Bipin was armed with something like revolver. Police was also there along with the mob. This mob from Krishnanagar had arrived towards Noorani mosque. Persons of the mob had caused stone-pelting. They had caused stone-pelting upon the Muslims.

Deposition of the witness no. 243 makes it clear that this accused was present in the mob which was armed with weapons and which had caused loot and sabotage near Noorani mosque and it proves that the accused had caused attack near Noorani mosque.

**[53] AFROZBANU MOHAMMEDRAZAK ANSARI, WITNESS NO. 247 EXH. 1717:**

- Has stated in the statement dated 12.5.2002 given before the police that the accused has played role in killing the son of the witness and as such she has given the name.

- Has given the name in the deposition before the Hon'ble Court and has identified the accused.

**Page no.5 para no.10:**

**When we reached Gopinath Gangotri Society, the persons of the mob had surrounded us. We were in the middle of all of them. At that time, it would be about 5.00 to 6.00 pm. I know two persons from the said mob,** wherein, one was Bhavani who has died at present and **another was Suresh Langado.** Of course, many years have passed and therefore, I do not know whether I can identify him or not.

**Page no.5 para no.11:**

**Persons of the mob had initially caused stone pelting upon my son and he was hit below the ear on right side.**

**Thereafter, by hitting a pipe on his leg, he was felled down and thereafter had burnt him alive. My son had died on the spot.** I had seen this incident that occurred with my son.

**Page no.6 para no.12:**

**At that time, I had seen that Salim and Wasim, two children of Aziz, brother-in-law of my son Mohammed Yunus were thrown alive in the fire.** Both the children had died.

**Page no.6 para no.13:**

I had also seen that four persons had caught and pulled in a nearby lane the wife of Naimuddin, brother-in-law of my son Mohammed Yunus, whose name is Zarinabanu.

Deposition of the witness no.247 makes it clear that this accused was present near the water tank and had surrounded the witness and other Muslims accompanying him and by hitting pipe in the head and leg of the son of the witness had burnt him alive and at that time, had burnt alive Salim and Wasim, two children of Aziz, brother-in-law of the son of the witness and thus, there is direct evidence forthcoming against the accused of having committed three murders. Moreover, it also makes it clear that the witness has witnessed the accused carrying Zarina by pulling her in a lane. Thus, there is sufficient evidence against the accused.

**[54] MOHAMMED RIYAS FASIYUDDIN SHAIKH, WITNESS NO. 257, EXH. 1754:**

- Has stated in the statement dated 23.5.2008 that he has witnessed the accused armed with weapon in the mob thrashing the Muslims and burning with petrol and kerosene. The accused was armed with *gupti*.

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no. 2 para no.5:**

After going there, I had seen that the persons of the mob had gathered. The mobs were coming from Krishnanagar, Mahajaniyavas and Patiya. Persons of the mob were raising slogans of "*jaishri ram*" and were indulging in sabotage in the mosque. The mobs which I had seen had arrived in front of the mosque and after arriving there, they were causing stone-pelting and indulging in sabotage.

**Page no. 3 para no.6:**

Persons of the mob were armed with weapons like scythes, swords etc. Persons of the mob had beaten the Imam Saheb of the mosque. I was scared on looking all this and as I was scared, I had gone back to my home. I was at home till 1.00 pm together with my family members on the date of the incident.

**Page no.3 para no. 7:**

After breaking the wall which was situated in the ditch [lower portion of ground] of Jawannagar, the mobs had started coming inside our chawls. Thereafter, I and my family members, after leaving our house had gone towards the wall of S.R.P.

**Page no.3 para no.8:**

**I had seen Guddu Chhara in the mob which had rushed in our chawls after breaking the wall of Jawannagar.** He had tied a strip on the forehead and was armed with sword. **I had seen Suresh Langada armed with *gupti* in this mob.** Guddu Chhara had hit one lady which I had seen. Guddu Chhara had inflicted sword first and after sprinkling kerosene upon her had burnt her. **Suresh Langado was inflicting *gupti* to the ladies in the mob.**

I had seen Bhavanising in this mob. Bhavanising Chhara was calling the persons of the mob by making signs and the persons of the all the mobs pursuant to such signs were arriving and indulging in looting.

**Page no.4 para no.9:**

We had tried to go inside the S.R.P. Quarters. But the S.R.P. personnel standing there had not allowed us to go inside the Quarters and therefore, we had stood outside near the S.R.P. Quarters. We had stayed there up to 5.00 pm. As the mobs mounted up, we had gone on one roof of Gangotri Society and had sat there. At that time, my younger Mohammed Afzal was separated from me. I had gone towards Jawannagar leaving my family members on the roof.

**In the Jawannagar, the persons of the mob were beating the persons of Muslim community whoever came to their notice. Four boys of this mob had made a lady nude and had raped her.** At that time, it would be about 6.30 to 7.00 pm. I do not know the names of these four boys.

**Page no.5 para no.10:**

Thereafter, I had gone on another roof of Gangotri Society. From the roof, I had seen that by beating one more lady, the persons of the mob had broken her hands and legs. I had seen from the roof that, **son of Jakirhussen, son of my maternal aunt who was aged about five years was also thrown alive in the fire by the persons of the mob. Thereafter, the mob had gone away.** I had seen all this from the roof by hiding.

Deposition of the witness no. 257 makes it clear that the accused was present in the mob which was indulging in stone pelting over Noorani mosque and had rushed in the chawls by breaking the wall of the ditch of Jawannagar; at that time, he was armed with *gupti* and was inflicting *gupti* to the ladies in the mob. Thus, the witness has witnessed the accused inflicting *gupti* and there is evidence forthcoming through the deposition of this witness that this accused made a lady nude and committed rape upon her. There is also direct evidence forthcoming against this

accused that he had thrown alive Jakirhussen, five years' old son of the maternal aunt of the witness and had thereby killed him.

**[55] RASULBI AZMUDDIN SHAIKH, WITNESS NO. 260 EXH. 1762:**

[Injured witness: was hit with stone in the head].

- Has given the name in the statement dated 21.5.2008 before the SIT stating that the accused was [present in the mob].

- Has given the name in the deposition before the Court and has identified.

**Page no.3 para no.5:**

In the stone-pelting caused by this mob, I was hit with stone. Taufik, son of my daughter was also hit with stone in the leg during this incident. Thus, as we sustained injuries on account of the stone-pelting, we, means I and my children had gone in the house of bakriwala situated leaving two chawls from my house and had hidden there. There were also Muslims who had saved us. While we were sitting on the house of bakeriwala, the house was shut from below.

**Page no. 4 para no.6:**

From this house of Bakeriwala, I had seen that the mob was coming. **The mob had rushed inside our chawls.** In this mob, **there were Bipinbhai who was leading the mob. There was also one another person, namely Sureshbhai.** There were also Guddu Chharo and Bhavani in this mob, who have died. **Persons of the mob were burning everything. By burning tyres, they were throwing the same over our roofs.** My house was also burnt by the persons of the mob. While hiding myself, I had gone to extinguish the fire of my house but could not extinguish. However, everything of my house was burnt.

**Page no.4 para no.7:**

**My house was burnt by the mob wherein there was Bipinbhai.** I had come to save my house and after returning and going on the roof of Bakeriwala had sat there to save my life.

Deposition of witness no. 260 makes it clear that this accused was leading the mob on the date of the incident and was burning everything and by burning the tyres was throwing the same over the houses of the Muslims.

**[56] MARIYAMBIBI HASANBHAI SAIYED, WITNESS NO.261, EXH. 1766:**

- Has given the name in the statement dated 12.5.2002 before the police of SIT. [Has given the name that the accused was present in the mob which had burnt the son of the witness].

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.3 para no.6:**

On the date of the incident, while my family members were at home, I was preparing tea and breakfast. On that day, while I was going to take milk at the shop of Hiralal at about 8.00 am and had reached at the entrance of S.T., I had seen that mobs of Hindus from Krishnanagar and Natraj Hotel had arrived and had started pelting stones. The mob had also caused stone-pelting at the place where I was standing near S.T. Workshop and the mob had also caused stone-pelting near Noorani mosque. The mobs were of the Hindus.

**Page no.4 para no.8:**

I had gone together with my all children. But my handicapped son Maiyuddin who was on the roof of *Madressa* had refused to come. He was watching the incidents that were occurring in the riots.

**Page no.4 para no.9:**

As my son Maiyuddin did not come with me, I had gone at the house of Abdulbhai Ghadiyali together with other family members. After dropping my family members, I had arrived to take Maiyuddin at the *Madressa* and as mob of Hindus came there, Maiyuddin had told me to hide in the *Madressa* as mob of Hindus had arrived. By telling this, Maiyuddin had gone inside the house. Thereafter, I had sat on the staircase of the *Madressa*. There were other two to three boys also.

**Page no.5 parano.10:**

At that time, mob of the Hindus was causing sabotage and loot in the houses of our chawls. **This mob of Hindus by breaking the door of my house had removed out my son; after breaking the door of my house, the said people had removed my handicapped son Maiyuddin outside my house.** They were Murli Sindhi, **Suresh Langado**, Suresh Mama and Guddu Chhara, **which I had seen. The said people had told my son to speak "Shri Ram" and at that time, my son Maiyuddin had told that he would not speak "Shri Ram", as a result thereof, they had beaten him with sword, stick, pipe etc. and after pouring petrol or kerosene over him, had burnt him alive which I had seen. I had seen all these through the window of the *madressa* while I was inside *Madressa*.**

Deposition of witness no. 261 makes it clear that the accused after breaking the door of the house of the witness and after removing out Maiyuddin, handicapped son of the witness and after beating him with sword and sticks, has burnt him alive. The witness has witnessed this through the window of the *madressa* of her house. Thus, there is direct evidence forthcoming against the accused of having committed murder of Maiyuddin.

**[57] KAMRUNISHA MURADALI SHAIKH, WITNESS NO. 56, EXH. 448:**

This witness has given the name of the accused in the deposition before the Hon'ble Court and has identified him.

**Page no.2 para No.3:**

...On that day, the people had told that riot is going on outside and therefore, I had come out to see and at that time, I had seen that people were setting fire and were pelting stones over the mosque which was Noorani mosque.

**Page no.3 para no.4:**

Thereafter, till 12.00 hrs. in the noon, I was at home, people of the mob were setting fire which I had seen. I do not know them as they were from other areas. After leaving my house at 12.00 noon, I had gone away to Gangotri Society. I had left the house by taking my children. When I had gone in the Gangotri Society, I had taken my children with me.

**Page no.3 para no.5:**

All the people of the mob in the ground were from other areas. Persons in the mob which was near my house were the people residing surrounding my house and they were Chhara people. Persons from the mob near our house had taken away my goats and they were burning and after looting the same were taking them away. They had taken away my 9 goats. Thus, many people had taken away my goats. From among them, I know one who was **Suresh Chhara. All Chharas had caused loot and thereafter we had gone in the Gangotri Society.**

**Page no.4 para no.6:**

We had hidden on one roof of Gangotri Society where there were many people of my family wherein, there were my children, my sister and her children. In this incident, I had sustained injury in the chest on account of stone-pelting and my daughter

had sustained injury on the left side of forehead on account of the stone-pelting. On the same night at about 1.30 am, police vehicle had arrived in Gangotri Society and had taken us to Shah Alam Dargah where there was Relief Camp.

Deposition of this witness before the Hon'ble Court makes it clear that the accused had become a member of an unlawful assembly and after committing loot, has resorted to arson and has taken away nine goats of the witness and that this witness has seen the accused taking away her nine goats on the date of the incident and has identified the accused in the deposition before the Hon'ble Court.

This witness has sustained injury in the chest on account of the stone-pelting on the date of the incident and her daughter has sustained injury on the forehead portion on account of stone-pelting. Thus, this witness is an injured witness who has witnessed the incident and has seen the accused committing criminal act on the date of the incident and as she has identified the accused before the Court, there is no reason not to believe the deposition of this witness.

**[58] RAFIKANBANU RAHEMANBHAI SAIYED, WITNESS NO.137, EXH.915:**

This witness in her deposition before the Hon'ble Court has given the name of this accused and has identified him before the Hon'ble Court. Moreover, in her deposition before the Hon'ble Court, she has given the evidence against the accused as mentioned under. This witness has sustained injury in this incident. Thus, this witness is an injured witness.

**Page no.3 para no.5:**

Thereafter, Bhavani, Guddu, **Suresh** and Tiniya and Sahejad had sent us towards Tisra Kuva.

**Page no.3 para no.6:**

**There was a huge mob near Tisra Kuva. In the said mob, some was armed with *gupti*, some was armed with sword and some had carboys of kerosene.** By showing the news of Godhra carnage to us, they were beating and would also drive away from there. Being scared, we had arrived in Gopinath Society.

**Page no.4 para no. 7:**

As Bhavani made a sign, **Suresh**, Guddu, Sahejad and Tiniya as well as the persons of the mob had beaten us. Guddu Chhara had inflicted *gupti* to me on the groin portion. We had demanded water from Bhavani and at that time, Bhavani had given the glass filled with petrol to my son. As my son felt effect of the petrol in the neck, I had inserted finger and had caused vomiting of petrol to my son.

**Page no.5 para no.10:**

**Rukshana and Zarina were burnt and killed on that day by Guddu, Suresh, Bhavani and Tiniya.**

From the deposition of this witness, it becomes clear that on the date of the incident, while this witness was running to save her life towards Tisra Kuva, as mob arrived from the opposite side, she had run towards Gangotri and at that time, the accused persons had beaten them and by throwing Samshad, son of this witness alive in the fire had burnt him before the eyes of the witness. In this incident, Samshad, son of the witness; daughter Rukshana and Zarina have died and daughter Afsana was also burnt, as a result thereof, she had sustained too much burns. Thus, this accused has played direct part in killing the daughters of this witness, namely, Rukshana and Zarina by burning them. This witness has seen her own two daughters and a son burning

alive and has also seen daughter Afsana crying in injured condition. Thus, family members as aforesaid of this witness have died in this heinous incident. This witness has identified this accused no. 22 before the Hon'ble Court, there is no reason to disbelieve the deposition of this witness.

This is an eye witness and before her eyes, her three children have breathed their last. Witness herself is injured. From the deposition of this witness, it specifically becomes clear that the accused of this case has burnt three children of the witness before her eyes. Thus, from the deposition of this witness, direct evidence is forthcoming against the said accused regarding his committing murders of three children of the witness. Thus, there is no reason not to disbelieve this witness.

**[59] ASHISH SURESHCHANDRA KHETAN, WITNESS NO. 322, EXH. 2265:**

- Has given name of the accused in the statement given before the SIT.

- Has given the name in the deposition before the Hon'ble Court and has identified.

During the sting operation, this witness has discussed with accused Suresh Richard and all that conversation has been recorded in a CD. The said CD is produced before the Hon'ble Court vide exh.\_\_\_\_\_.

This witness had met accused no. 22 Suresh Richard and had recorded the conversation he had with him. He has produced two transcripts being P.R. 1 and P.R. 2 vide exh. 2266 before the Hon'ble Court and as per the same, there was discussion with accused Prakash Rathod that-

On that day, Prakash Rathod had taken me to the house of Suresh Richard and I had gone to the house of Suresh Richard along with Prakash Rathod and had met Suresh @ Richard on that day along with Prakash Rathod. On that day, I had also conversation with Suresh Richard.

**Page no.40 para no.49:**

On 11.8.2007 I had met Suresh Richard. I had a conversation with this Suresh that,

**Tahelka:** Who helped on the date of occurrence of Naroda Patiya carnage .... Vishwa Hindu Parishad did not extend any help?

**Suresh:** No, at that time, nobody had extended us any help... Babubhai had extended us help ... and we, see this boy is my sister's son.

**Tahelka:** Did not they give swords?

**Suresh:** Nothing. What sword, we surrendered sticks of our house. ... We had gone with pipes from our house ... and it is not that ... we had also played role. ...

**Tahelka: Yes.**

**Suresh:** We had done there ... had done riot .... had done many more things ... I have no repentance, see ...The way Babubhai has danger, we have also danger from Mohmedians...

**Suresh:** Listen to me... when this carnage take place ....

**Sajan:** If we were not there, nobody would have been able to rush in ....

**Suresh:** If we people would not have initiated, R.S. people had arrived ... V.H.P. people Shiv Sena ... would have finished them.

**Sajan:** Could not enter inside ... could not enter inside...

**Suresh:** why would lose if one Chharas were there ....

**Sajan:** Muslims are afraid only of our caste.

**Suresh:** Our one lady ... Momedian

**Tahelka:** Hindu

**Suresh:** Hindu-Bhaiya had cut her chest and had arrived totally naked and we had thrown jute over her.

**Tahelka:** Jute?

**Suresh:** This bag .... Thereafter, we people ... rushed in .... our Chharas .... could not see them .... thereafter, many Hindus were trapped inside and we had helped them and now they are responsible for our languishing in jail ... now in that case spoke, you will remain in jail for life....

**Sajan:** Only our caste is in more strength... Our 23 people are involved in Patiya carnage and there are no more from outside.

**Page n. 42 page no.50:**

During my this discussion with Suresh Richard, one another person was also sitting there whom he had identified as Sajan.

Thereafter, this witness had talked with accused no. 22 Suresh Richard and three transcripts thereof being S.R.1 to S.R.3 are produced vide list exh. 2266 and relevant excerpts thereof are stated before the Hon'ble Court. As per the same, it was discussed that ...

**Page no.43 para no.51:**

On 11.8.2007 during the conversation I had with Suresh Rathod, there was also further discussion that,

**Tahelka:** Mayaben Kodnani is telling that she was in Gandhi agar ...

**Prakash:** Why Mayaben had not addressed...

**Suresh:** she was there...

**Tahelka:** She was there on the day of Patiya carnage?

**Suresh:** Yes ...listen to me. After the occurrence of this carnage, our brother had also arrived ... Narendra Modi also... thereafter big brother uttered Jai Shri Ram Jai Shri Ram... He himself had uttered and had gone in a vehicle from the road here...

**Tahelka:** Narendrabhai ...

**Suresh:** Then he saw the chawl ... then garlanded us .... and congratulated us... he thanked ... but we were not knowing that the garland have become our handcuffs... this Narendrabhai .... this Mayaben Kodnani was here whole day.

Tahelka: On the day when the Patiya carnage took place?

Suresh: She was there for the whole day from morning to night till 8.00 pm

Prakash: Had she gone ...

Suresh: No she was taking rounds in the vehicle ... was taking rounds ... after taking round, would come and tell to do properly ... took away bald [*tola*]. ...This *tola* had come first [*ek number*]... first of all this [*ek number*]

Sajan: There is name of Kaka also in Patiya carnage .... Ganpat Chhara

Tahelka: And on that day told to Policemen not to anything on that day?

Suresh Richard: Yes

Sajan: All were standing... Nobody would save ...

Suresh: No .... At that time, policemen were in our favour ...

Tahelka: They were in your favour on the day of the Patiya carnage ... at the time of occurrence?

Suresh: They were in our favour on that day ... At that time, they also killed seventy to eighty persons through firing....

Tahelka: Yes Policemen?

Suresh: Killed Mohmadians... and then turned and went against on the next day ...

Sajan: He is also accused of Patiya carnage ...

Suresh: He is also ... Patiya carnage ...

At that time, Suresh and Sajan both indicated towards one person coming out of a tenement and were identifying the said person thus.

Suresh: His wife died ... nobody would rescue .... he mortgaged his house and got released. Thereafter his son mortgaged his house and got him released.

Tahelka: Then, Narendrabhai also had ... on that day with vehicle ....Narendrabhai Modi...

Tahelka: He had come ... and then, had gone directly towards Himmatnagar ...

Tahelka: Spoke Jai Shri Ram?

Suresh: Jai Shri Ram, garlanded ... here got made handshake with my sister and thereafter left ...

Tahelka: On the date on which carnage had taken place?

Suresh Richard: On the evening of the day of carnage, had come at 5.30 pm.... then took round.... S.R.P. first went up to Petrol Pump ... Bethak, again went from Bethak till S.R.P. Quarters ...thereafter till today, he is not seen .... he is seen on T.V. and paper ...

Thereafter, the witness has stated the relevant excerpts of the conversation this witness had with accused no. 21 and 22 as well as one more person and as per the same:

**Page no.46 para no.52:**

On 12.8.2007, I had met Prakash Rathod, Suresh Richard and one more person together. This another person was introduced to me by Prakash Rathod as Rajesh Kantilal. First of all, I had gone to the house of Prakash Rathod where I had a discussion with Prakash Rathod and the said Rajesh Kantilal. Thereafter, this

Prakash Rathod had taken me to the house of Suresh Richard and thereafter, I had a conversation with Suresh Richard and Prakash Rathod at the house of Suresh Richard. At that time, wife of Suresh Richard was also present.

**Page no.47 para no.53:**

It was discussed among us that,

Tahelka: Were you told by Jaideepbhai at night that you have to prepare for the next day:

Prakash Rathod: Prakash Rathod nods his head.

Tahelka: Had not told?

Prakash Rathod: Nothing was told ... we had come to know that Godhra carnage has taken place .... Muslims have burnt the train ...Ramsevaks have died in the same .. many Hindus had died ... we had thought that as there is call of Bandh, nobody would open his shop...

Tahelka: But we had no estimate that such riot would take place ....if we were told at night, some persons could have prepared himself ...

Prakash Rathod: so that we may remain prepared ...

Tahelka: Then, our Chharas fought with hands, legs and *lathis* [stick] and *dandas* [baton] only.

Prakash Rathod: No, some had .... sword, trident ...

Tahelka: We had at that time

Prakash Rathod: These Chharas had ... This Suresh Richard whom you met has all weapons...he has everything except revolver...

Tahelka: But they were in such proportion that they could be given to all ...

Prakash Rathod: No ...some prepare themselves for their safety.... One has Gudda ...

Tahelka: Guddu ...

Prakash Rathod: He is in [jail] at present...

Tahelka: In connection with Patiya?

Prakash Rathod: Yes, in connection with Patiya...he was released on bail... what else... was released on parole and had absconded .... at present he is in jail in that connection. ... he had killed many persons .... he was courageous...he was facing Muslims face to face ... were afraid of his boys...

Tahelka: You did not cut two to four Muslims?

Prakash Rathod: We .... hands and legs of many persons ...we beat many from this area ...

Tahelka: broke only hands and legs?

Prakash Rathod: We would not go there ...

Tahelka: Patiya?

Prakash Rathod: We would not go inside... all Chharas had gone inside... we were here .... if anybody came here, we would drive him by beating him at night ....

Tahelka: Where was Bipin Panchal?

Prakash Rathod: Firstly, we were here... there ...such riot would not occur ... gathering mounted ... and at that time, Bipin Panchal arrived.. Persons came with him.... thereafter, they shouted to rush inside ....by shouting Shri Ram Shri Ram, told that our people have been killed, now they are to be learnt lesson ... they all went inside... thereafter, we came here... when fire started ... thereafter these people were driven away by Muslims ....

Tahelka: Muslims ...

Prakash Rathod: Thereafter, drove away them by beating... one or two were thrown inside...

Tahelka: Suresh Richard from among you Chharas fought strongly...

Prakash Rathod: very strongly ...

Tahelka: Who other fought strongly?

Prakash Rathod: One Suresh Richard, one Guddu, one Naresh Chhara .... they were not tired, means.....

Tahelka: One has to have courage for this work...

Prakash Rathod: What enmity was to be \_\_\_\_\_ from these people .... Muslims [filthy abuse] are GADDAR \*\*\* Muslims would have also done any GADDARI with them.... then they .... [words are not heard] ... in this dispute, Richard has kept Muslim girl...

Tahelka: What he was speaking ...

Prakash Rathod: What had happened with Richard .... initially, this girl ... he had love with his sister .... enjoyed with her, slept with her and told her to marry, he told that tomorrow I would marry... He eloped with her at night...

Tahelka: Muslims did not create fuss?

Prakash Rathod: All Muslims are afraid of him...

Tahelka: they are afraid?

Prakash Rathod: All Muslims... nobody can speak against him.... some policemen [abuse] have .... with him.... does not go easily... if he was not helpless with leg, he alone can vacate the whole chawl...

**Page no.52, para no.54:**

On the same day, Prakash Rathod had taken me to the house of Suresh Richard. There I had a conversation both with Suresh Richard and Prakash Rathod. But mainly, had a conversation with Suresh Richard wherein it was discussed that,

Suresh Richard: After burning everything, we came back .... thereafter, police had called us... 20 to 25 boys who can kill two to five ...told that Muslims are hidden in the chawl ...now when we people went, all houses were burning and now, some seven to eight had hidden in the drainage.... we closed the lid ....now, if we

entered, we had also risk ... drainage is big drainage...we closed the lid upon them and threw bricks thereon, big bricks....thereafter, eight to ten dead persons were found from the drainage... they had hidden there to save themselves, but we closed from the above and they may die because of its gas....

Tahelka: Would die because of gas

Suresh Richard: Dead bodies were unearthed from the drainage ...

Tahelka: Is this the incident of evening ...

Suresh Richard: it is the incident of evening...

Tahelka: Means, after the riots were over completely during the day...

Suresh Richard: Riots had gone whole night till 8.30 hrs.

Tahelka: So, you had gone inside in the second round

Suresh Richard: We were already inside .... then, atmosphere became cool in the evening... how many persons .... person may also get tired.... throwing stones, inflicting pipe, inflicting knife ... but as we came out, the person with strong heart can come out...

**Page no.54 para no.55:**

Further conversation they had with me was that,

Suresh Richard: Mayabn was taking rounds whole day on the jeep or car ...

Tahelka: On the day of Patiya carnage ...

Suresh Richard: Jaishri Ram Jaishri Ram .... Tied saffron strip .... take tea ...

Tahelka: No I take little cold?

Suresh Richard: Is telling Jaishri Ram Jaishri Ram ... slogans are being recited... was telling do we are there.... we are there ... was wearing white saree and saffron strip was tied ... we had also tied saffron strip...

Suresh Richard: Now the said cylinders are exploding ... these gas cylinders are being thrown....now... *fat fat*...nobody can dare they

were sleeping below the truck.... we killed the *suvvar* ... whole spear was inflicted in the said sleeping.... thereafter they did not rise ... we were tired ... we in together killed four to five others .... *Suvvar* we tied on the mosque and after opening saffron flag from here, we unfurled the saffron flag ...

Tahelka: On the date on which Patiya carnage took place ...

Suresh Richard: At the place of Patiya carnage ... after breaking bamboo which were tied on the mosque and broke all *minaar binaar* and we unfurled flag... which is blot to them...

Tahelka: to Muslims....

Suresh Richard: yes.... telling us that you ...

Tahelka: No other work of Hindu than this can be done...

Suresh Richard: has physique of pig... in such blast.... go from this also, go from there also... both parties .... even then, we eight to ten boys mounted....

Prakash Rathod: Exploded many cylinders, but the mosque did not suffer any more damage.

Tahelka: means, the mosque was constructed so strong that it could not .... even after exploding the cylinders ...

Suresh Richard: what are you talking about cylinders, whole tanker .... some person had come taking someone from our Thakkarnagar Four Square, after killing Muslim, had brought the tanker ... thereafter by driving reverse, broke with the whole tanker ....tanker of kerosene petrol.... broke whole tanker ...find old papers .... tanker were rushed in the mosque .... water is sprinkled ... fire brigade personnel... thus, petrol was sprinkled and thereafter chawls were burnt ...

Tahelka: again burnt

Suresh Richard: again burnt ... old paper ...old papers would be with Jaideepbhai...

Tahelka: would not have retained ... he would not have retained this ...

Suresh Richard: would have retained...

Prakash Rathod: would have been with Babubhai ...

Tahelka: would be with Babubhai

Suresh Richard: all old papers if ....otherwise if they are available from Press ... some of it ...

Tahelka: OK whatever happened...who had brought the tanker ...

Suresh Richard: one person had brought the tanker ... it was our Bhaiya ...

Tahelka: Was belonging to Vishwa Hindu Parishad...

Suresh Richard: No... he was a Hindu brother ... After killing four Muslims he brought from Thakkarnagar Four Square... they took away the tanker, thereafter Chharas helped ... and we came .... thereafter by taking the tanker in the reverse, broke the wall of the mosque... broke the walls of the mosque and poured as if water is poured and some who were inside were also finished ...

**Page no.58 para no.56:**

Similarly, in the further conversation, it was discussed that,

Suresh Richard: Our brother is big... his post is big ...

Tahelka: See, I am bringing ... will phone, am bringing at present... if comes, do not speak anything... talk your story with ease...

Prakash Rathod: Do not want anything, no money...no food ...no drink ...

Tahelka: Knows me ... was telling one thing ... told ... Chhara people committed rape there ...

Suresh Richard: See there is one thing ... if Piyushbhai intruded wholly, would taste any fruit?

Tahelka : Yes taste...

Suresh Richard: Now if thousands hungry intruded and if any fruit is found, they would eat...

Tahelka: Two to four persons would have done ...

Suresh Richard: Not all, such as 2000,3, 500, 1000 Chharas intruded inside.... now if one drunkard is there and is hungry and if there is fruit, he would eat... even otherwise, would throw away after eating the fruit...

Tahelka: Even otherwise, was to die...

Suresh Richard: Even otherwise, they were being burnt, being killed, then, someone would eat the fruit ...it is not that we are lying.... Mataji is sitting in front of us ...

At that time, Suresh Richard by signal had shown the photo of Mataji.

Tahelka: Two to four rapes would have been committed ...

Suresh Richard: more would have been committed, then there were our brothers also, Hindu brothers, V.H.P. people and R.S.S. people also...

Tahelka: Even otherwise, Muslim girls are beautiful...

Suresh Richard: then, anybody may eat, who will not eat the fruit ...

Tahelka: was roaming with one Muslim girl earlier, now cannot roam...

Suresh Richard: Whatever they are killed is less, I have too much animosity for them.... I may not spare them....

Tahelka:I am telling that if rape is not committed then it would have been done ...

Suresh Richard: I am telling, committed at many places ... my wife was sitting ... in what manner I.... fruit was lying anybody can eat the same ...

Tahelka: Is that fruit tasty?

Suresh Richard: Above these tin-sheets, I also did at that time... I also ate ... I ate only once...

Tahelka: Committed rape once only ...

Suresh Richard: there ....then, one may lose the chance of killing ...

[At that time, Suresh Richard turning towards Prakash Rathod talks about a girl upon whom he had committed rape and had then killed her]

Suresh Richard: that girl Naseemo of Bhangarwala, fat, full of flesh... upon her ...

Tahelka: you mounted upon her ...

Suresh Richard: yes legally...

Tahelka: did not survive ...

Suresh Richard: no, then, crushed her, crushed her... threw her from the tin-sheet, thereafter, tore apart with bricks of the wall and lid of drainage...

**Page no.61 para no.57:**

In further conversation, it was talked that,

Suresh Richard: if you have any child today and I throw him in the fire and if you see, your soul may hurt.... thereafter, after surviving everything, may tell that this is the very crippled ....he had ... my son in fire ... you were hiding anywhere ... anywhere such as in the tree, house, running anywhere and applied *tika* .... how majority Muslims survived, let me tell you, they applied *tika* by taking blood ...

Tahelka: to become Hindu ...

Suresh Richard: Then on looking the mob of Hindus, Jai Shri Ram ... then, we are there behind... Piyushbhai is an outsider, is person from there ... we killed ... if you meet any R.S.S. persons,

Bajrang Dal persons, ask them ... Chharas were killing by identifying ... now what to those people came and applied blood ...

During the sting operation done by the witness, accused no. 21 has admitted the offence committed by him and about the planning made during the said offence. This accused no. 21 clearly narrates about the confession of his offence and the role played by Mayaben Kodnani among other accused and other accused. During this whole sting operation, the accused persons, without being influenced by any force, pressure, threat, allurements or coercion have admitted their offence and have thrown light upon the acts committed by other accused persons and their planning. Therefore, there is no reason to disbelieve the deposition of the witness before the Hon'ble Court as well as the whole sting operation and its transcript done by the witness.

There is no reason to disbelieve the confession made by these accused during the whole sting operation and their criminal conspiracy, inasmuch as whatever is stated by these accused during the whole sting operation is all factual and is confession of the offence. Whole conversation made during the course of whole of this sting operation can be said to be extra-judicial confession of the accused and therefore, there is no reason to disbelieve the same.

In the excerpts of the conversation of the witness with Prakash Rathod which are stated during the deposition before the Hon'ble Court, Prakash Rathod has stated that,

In view of all the aforesaid facts and on perusal of the transcript produced in this case, it becomes clear that this accused was involved in the said case and had played active role in connection with the said offence and there is no reason not to believe the same.

It is further submitted that the CD containing the voice in the conversation of the accused while admitting their offence in their own voice during the course of the sting operation of the accused, and with the permission of the Hon'ble Court, voice tests of the accused nos. 18, 21 and 22 were obtained by the *Akashwani* and the officers of the *Akashwani* had obtained various samples of the voice of all the three accused during the currency of the trial and had sent the said CD as well as samples of their voice to F.S.L., Jaipur for the purpose of comparison of pronunciations of their voice and the officers of F.S.L., Jaipur, after comparing the voices of the accused with the voice of the CD have produced spectography report of all the three accused before the Hon'ble Court and the said report makes it clear that the voice of the accused admitting their offence during the course of the sting operation and the sample voice of the accused so obtained, were the same, i.e. they were of the accused. The said spectography report is produced before the Hon'ble Court vide exh.\_\_\_\_. From this spectography report, it becomes clear that the dialogues contained in the CD of the sting operation spoken by the accused are the voices of these very accused and therefore, there is no question of not to believe the deposition of this witness.

In this case, Bhagirathpraad Manilal Pandya, witness no. 314 has been examined vide exh. 2212. He in his deposition before the Hon'ble Court had stated that he had obtained the voice samples of the accused nos. 18, 21 and 22 and the said samples were sent to F.S.L. Jaipur and the F.S.L. Jaipur, after comparison of the voice samples of the accused with the voice of the accused contained in the CD, has given positive report and the said report is on the record of the Hon'ble Court which proves from the voice analysis report of the F.S.L., Jaipur that the voice contained in the

CD of Tahelka is that of the accused and therefore, there is no question of any doubt.

In this case, Dr. Shailendra Ramkishor Jha, witness no. 323 has been examined vide exh. 2274. He before the Hon'ble Court has specifically stated that the sample voices contained in the CD of three persons as well as the voice recorded in the VCD sent to them are one and the same. Thus, from the deposition of this witness, it implies that there were voices of accused nos. 18, 21 and 22 in the CD of sting operation and it is disclosed itself in the sting operation. Thus, this witness also supports the deposition of Ashish Khetan.

Thus, looking to the F.S.L. report obtained by the C.B.I. produced vide exh. \_\_\_ and the voice spectography analysis report submitted vide exh. \_\_\_, electronic evidence is produced before this Hon'ble Court and looking to the same, sting operation has been proved as per the Evidence Act.

Hon'ble the Supreme Court has issued specific guidelines and has issued clear guidelines in many judgments delivered by it as to in which circumstances the electronic evidence can be admissible in evidence.

We therefore, draw attention of this Hon'ble Court to para no. 72 of the judgment in the case of R.K.Anand v. Registrar, Delhi High Court, reported in III [2009] CCR 402 [SC], wherein, observation has been made to prove tape-recorded evidence:

72. In regard to the admissibility in a number of tape recorded statements Mr.Ahmed cited a number of decisions of this Court in [i] N. Shri Rama Reddy v. Giri [1970] 2 SCC 340; [ii] R.M. Malkani v. State of Maharashtra [1973] 1 SCC 471; [iii] Mahabir Prasad Verma v. Dr.Surinder Kaur, [1982] 2 SCC 258 and [iv] Ram Singh

v. Col. Ram Sing, [1985] Suppl. SCC 611. He also referred to two foreign decisions on the point, one in [i] R v. Stevenson, 1971 [1] All ER 678 and the other of the Supreme Court, Appellate Division of the State of New York v. Francis Bell [taken down from the internet]. We need here refer to refer to the last among the decisions of this Court and the English decision of R. Stevenson. In Ram Singh, a case arising from an election trial the court examined the question of admissibility of tape recorded conversations under the relevant provisions of the Indian Evidence Act. The court lay down that a tape recorded statement would be admissible in evidence subject to the following conditions:

"Thus, so far as this Court is concerned the conditions for admissibility of a tape-recorded statement may be stated as follows:-

[11] The voice of the speakers must be duly identified by the maker of the record or by other who recognize his voice. In other words, it manifestly follows as a logical corollary that in the first condition for the admissibility of such a statement is to identify the voice of the speaker. Where the voice has been denied by the maker it will require very strict proof of determine whether or not it was really the voice of the speaker.

[12] The accuracy of the tape recorded statement has to be proved by the maker of the record by satisfactory evidence or circumstantial.

[13] Every possibility of tampering with or erasure of a part of a tape-recorded statement must be ruled out otherwise it may render the said statement out of context and, therefore inadmissible.

[14] The statement must be relevant according to the rules of Evidence Act.

[15] The recorded cassette must be carefully sealed and kept in a safe or official custody.

The voice of the speaker should be clearly audible and not lose or distorted by other sounds or disturbances."

Similarly, in para-74 of the said judgment, the following observations have been made as to on which conditions, the videotaped evidence should be held to be admissible in evidence:

"76. Mr. Ahmed also referred to another decision by a US Court on the admissibility of video tapes. This is by the Court of Appeal of the State of North Carolina in State of North Carolina v. Michale Odell Sibley [downloaded from the internet]. In this decision, there is a reference to an earlier decision of the same Court in State v. Cannon, 92 NC App. 246 etc. in which the conditions for admissibility of video tape in evidence were laid down as under:

"The prerequisite that the offer or lay a proper foundation for the videotape can be met by-

[3] testimony that the motion picture or videotape fairly and accurately illustrates the events filmed [illustrative purpose]; [2] 'proper testimony concerning the checking and operation of the video camera and the chain of evidence concerning the videotape...' [3] testimony that 'the photographs introduced at trial were the same as those [the witness] had inspected immediately after processing,' [substantive purpose]; or [4] 'testimony that the videotape had not been edited, and that the picture fairly and accurately recorded the actual appearance of the area photographed."

**ACCUSED NO. [23] ASHOK SHILVANT PARMAR [CHHARA]****1.NASIMBANU KHWAJAHUSSEN SHAIKH, WITNESS NO.250, EXH. 1729:**

- Has stated in the deposition before the Hon'ble Court that the witness had seen this accused pelting stones in the mob near Noorani mosque.

**Page no.3 para no.5:**

On the date of the incident, at about 9.15 am I was at my home. I and my children were taking breakfast and at that time, mobs of the Hindus had arrived from outside and therefore, the people of our mahollas had told to come out as the mobs had arrived and therefore, while taking breakfast, we had come out.

**When we came on the road near Noorani mosque, there was a mob on the road. I had seen Ashok Chhara and Raju Chhara, two persons, pelting stones.**

**Page no.3 para no.6:**

When were in Gangotri Society, persons of the mob had also pelted stones over our chawls, wherein, there were Raju Chhara and **Ashok Chhara**. I had stayed in Gangotri Society.

Thus, looking to the deposition of the said witness, it makes it clear that this accused merged in the mob with other accused persons, formed an unlawful assembly and became a member thereof and with an intention to achieve their common intention, united themselves and with a malafide intention of causing damage to Noorani mosque, together with the persons of the mob, was pelting stones which is seen by this witness. Thus, from the deposition of this witness, it makes it clear that this accused was present in the stone-pelting and there is no reason to disbelieve the same. In the deposition before the Hon'ble Court, this

witness could not identify this accused as eight years have passed by the incident and because of change in physical appearance of the accused.

**ACCUSED NO.[24] RAJKUMAR @ RAJU CHAUMAL:**

**There is name in the F.I.R.**

This accused is a person having stronghold in the Naroda Patiya area. Name of this accused has been mentioned in the F.I.R. from the very first day of the incident. This accused is known as Raju Choval in Naroda Patiya area. Following evidence has been produced against the accused before the Hon'ble Court.

**[1] SIDDIQUEBHAI ALABAKSH MANSURI, WITNESS NO. 236, EXH. 1662:**

- In the statement dated 26.5.2008 given before the SIT, he has mentioned him as one of the leaders with Mayaben Kodnani.

- Has identified him as one of the leaders with Mayaben Kodnani in the deposition before the Hon'ble Court.

**Page no. 4, 5 para no.10:**

At that time, at about 11.00 am, Mayaben Kodnani had arrived with Maruti Fronti of white colour and a Trax Jeep behind it at the gate of S.T. Workshop. After taking both the said vehicles from Krishnanagar, the same were parked near S.T. Workshop. The same were parked so as to face the gate of the S.T. Workshop. Mayaben had alighted from this Maruti car. At that time, about hundred leaders had arrived which included P.A. of Mayaben. Mayaben had talked with them and thereafter, instructed her P.A. by making sign.

**Page no.5 para no.11:**

**At that time, P.A. of Mayaben had taken out the weapons from the Trax Jeep. Among the same, there seemed to be some**

**weapons like swords, spears, tridents, revolvers from far distance. On the instructions of Mayaben, P.A. had given the same to all the leaders of the mob.** Thereafter, car of Mayaben and the said jeep had started going towards Krishnanagar and had turned in the lane of Uday Gas Service. After the departure of Mayaben, persons of the said mob, which included her P.A. also had thrown the gas cylinders in the Noorani mosque and had caused sabotage and had thrust the whole tanker of kerosene inside the Noorani mosque.

**Page no. 6 para no.12:**

Thereafter, the persons of the mob had set fire to the shops surrounding the Noorani mosque. Thereafter, the whole mob had rushed inside the road leading to Jawannagar and Husennagar. This mob had burnt the houses situated in Jawannagar and Husennagar and had burnt alive the men, women and children which I had seen, meaning thereby, I had seen the facts till the mobs had rushed in Jawannagar and Hussennagar.

**Page no.8 para no.19:**

I do not know the name of P.A. of Mayaben, but I can identify him by sight. **I know the leaders of the mob by sight. I do not know their names. Today also, I would identify all of the same.** After going near the accused where they are sitting, I would identify.

**Page no.10 para no.20:**

After going to the place where the accused are sitting, they are as I mentioned above; P.A. of Mayaben and Mayaben respectively.

Apart from this, as mentioned by me above, **leaders of the mob whom I identified were accused nos. 24, 20, 17,2 and 44 respectively.** After this incident, I was given threat by the

accused Sehjad who is not present in the Hon'ble Court but I know him.

This witness, in his statement dated 26.5.2008 has given the name of the accused as one of the leaders with Mayaben Kodnani. This witness supports the deposition of the earlier witness nos. 104 and 115. As per the deposition before the Hon'ble Court, this witness has given strong evidence against the accused.

From the deposition of this witness, it becomes clear that the accused was one of the seven leaders who had arrived with Mayaben Kodnani and he had also discussed with Mayaben and thereafter, after taking out the weapons from the Trax jeep that had come with Mayaben, the same were given to this accused and other leaders. Thus, this accused was armed with weapon and thereafter had caused sabotage in Noorani mosque and had burnt it and had also burnt the houses and shops. He had also burnt alive men, women and children. Thus, it appears that the accused was present in whole of this incident.

Thus, on perusal of the deposition of this witness, it proves that the accused attacked the mosque, burnt the houses belonging to the Muslims in Hussennagar and has burnt alive the men, women and children and this witness by giving the name of the accused has identified him before the Hon'ble Court. Thus, there is no reason not to believe the deposition of this witness.

**[2] VINUBHAI KHEMABHAI DALVADIYA [COMPLAINANT] [V.K. SOLANKI] WITNESS NO. 262, EXH. 1770:**

- Has given the name in the complain dated 28.2.2002 and had shown the accused to be leading the mob.
- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.5 para no.8:**

During this period, Shri P.B. Gondiya, Deputy Police Commissioner, Shri M.T. Rana, A.C.P. of "G" Division and K.K. Mysorewala, Senior Police Inspector of Naroda Police Station had arrived at the spot. At that time, mobs of people from all the places such as Krishnanagar, Saijpur Fadel, Kubernagar, Chharanagar had arrived and assembled near Noorani mosque and slums of Hussennagar.

**Page no.5-6 para no.9:**

In these mobs, at that time, as leader of V.H.P. and active workers of BJP Kishan Korani, P.J. Rajpur, Haresh Rohera, Babu Bajrangi and Raju Chaumal were there. **After leading the mobs, they were instigating the mobs and within no time, they were causing sabotage to burning the shops and houses belonging to the persons of Muslims and Noorani mosque and were committing loot by targeting them.**

**As stated by me, the said five persons by shouting "*maari naakho kaapi naakho*" were instigating the persons of the mobs and therefore, with a view to disperse the mob, warnings to disperse were given to the mobs by making frequent announcements from the loudspeaker from our jeep, despite such warnings, the persons of the mob had become uncontrollable and had kept on burning the shops, houses and Noorani mosque and the persons of these mobs were committing loots everywhere.**

This witness has given the name of the accused in the F.I.R. showing that he was leading the mob and has also given evidence against the accused in paras 8 and 9 of the deposition before the Hon'ble Court.

This witness has given the name of the accused from the very beginning-from the very first day of the incident showing him to be leading.

From the deposition of this witness before the Hon'ble Court, it becomes clear that the witness has seen the accused in the mob leading the mob near Noorani mosque and Hussennagar slums and there were also other accused with him. From the deposition of this witness, it becomes clear that this witness during the course of patrolling on duty has seen the whole incident from near Noorani mosque. Thus, this witness is an eye witness. This witness has witnessed the accused leading the mob, instigating the mob and causing sabotage and looting the shops and houses belonging to Muslims and Noorani mosque by targeting them.

Thus, as per the deposition of the witness, it becomes clear that the accused was present in the mob near Noorani mosque and was instigating the mob and therefore, the mob had gained morale and had become more aggressive and thereafter by targeting Noorani mosque, caused sabotage in the shops and houses, looted them and has burnt them and there is no reason not to believe the same.

This witness has given the name of the accused in the deposition before the Hon'ble Court and has identified him.

**[3] PARBATSINH VAJESINH THAKORE, WITNESS NO.266, EXH. 1785:**

- In the jeep of P.I.
- Has given the name in the statement dated 25.5.2002 before the police [has stated that the accused was leading the mob and causing instigation]

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.4-5 para no.10:**

**Around about 2.00 to 2.15 in the afternoon, I had seen the activists of Naroda area - Kishan Korani, Babu Bajrangi, P.J.Rajput and Raju Chobal among the persons of the mob in Naroda Patiya. They were talking something. At that time, the mob was causing stone pelting and riots and was raising shouts.** I was present around Noorani mosque and at that time, attack was committed upon Noorani mosque. I had seen that the persons of the mob were pelting stones. I had received such message from the Police Control Room also. At that time, by resorting to lathicharge around Noorani mosque, we had tried to drive away the public, the mob would disperse for some time on account of our efforts but then would come back.

This witness has given the name of the accused in the statement before the police stating that the accused was instigating. This witness was discharging duty in the jeep of the P.I. and he has witnessed the incident. This witness has given sufficient evidence against the accused in his deposition before the Hon'ble Court.

From the deposition of this witness, it becomes clear that the accused is notorious person of Naroda area and the witness knows him very well. The witness has seen the accused among the persons of the mob and the accused was talking something with the mob and the mob was causing riots, stone-pelting and raising shouts at that time. When this witness was near Noorani mosque, he has seen the accused attacking Noorani mosque.

Thus, from the deposition of this witness, it becomes clear that the accused was instigating the mob and by becoming part of

the mob was attacking Noorani mosque and there is no reason not to believe the same.

This witness has given the name of the accused in the deposition before the Hon'ble Court and has identified him.

**[4] KERMAN KHURSHID MYSOREWALA [NARODA POLICE STATION P.I.] WITNESS NO. 274, EXH.1824:**

- Has given the name in the statement dated 25.10.2008 before the SIT.

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.12 para no.23:**

Prior to this, I had seen **Kishan Korani, P.J.Rajput, Rajubhai Chobal and Babu Bajrangi** talking among the mobs near Noorani mosque and at the centre of chawl of Hussennagar and persuading the mob and this mob at that time was raising shouts of "*maaro... kaapo*". I had seen all these four persons in this mob till 2.45 pm.

This witness was discharging duties as 1st PI in the Naroda Police Station at the time of the incident and he has conducted the investigation from the beginning of the incident. This witness, in his statement before the SIT dated 25.10.2008 has stated that as there was sufficient evidence against the accused, he was arrested. This witness has given evidence as per para 38 of his deposition given before the Hon'ble Court. This witness has also stated before the Hon'ble Court that evidence was found against the accused and therefore, the accused was arrested.

Thus, this witness gives evidence against the accused and upon evidence coming forth against the accused, has

arrested him and by giving name in the deposition before the Hon'ble Court has identified him.

Thus, considering the aforesaid whole evidence, witnesses have given evidence against the said accused and have identified him before the Hon'ble Court. The accused has played active role in the said incident. Thus, considering the whole evidence, it makes it clear that the accused was present at the place at the time of the incident and he has played active role in the loots, assault of Muslims and thereafter burning them and also causing sabotage and burning the properties of the Muslims. It is therefore, necessary to punish this accused in the interest of justice.

**[5] MADANSINH TAKHATSINH RANA, WITNESS NO. 277 EXH. 1867:**

- Has stated in the statement dated 14.5.2002 before the police that he had seen the accused in the riotous mob. **He was talking in the mob and the said mob was raising shouts of *maaro and kaapo*.**

- Has given the name in the deposition before the Hon'ble Court and has identified him.

- Application of the accused for exemption from presence.

**Page no.9 para no.17:**

Muslims had also got instigated against the Hindus.

Moreover, Hindus had set fire to the residences, shops belonging to the Muslims and mosques in the area of Noorani mosque.

**Page no. 10 para no.21:**

**We were again making efforts to disperse the mobs. I had seen P.J. Rajput, Kishan Korani, Raju Chaubal and Babu Bajrangi present in the said mobs, but I had not heard what**

**they were talking. Thereafter, the mob had got instigated further.** To disperse this mob, the police had again resorted to lathicharge, teargas. Of course, the strength had reduced to some extent but the mob was not dispersing. All this had gone on till 4.00 pm on that day. As the strength of the mob reduced a little at around 4.00 to 4.30 pm and as messages of other incidents happening at other places were received, I and P.I. Shri Mysorewala had gone at the concerned places. Before that, as Police Inspector Shri Gohel also received message, he had sent [the personnel] at that place. Such types of messages were being received for the places of Naroda Gam and mosque of Naroda Gam.

This witness in his statement given before the police has stated that he has seen the accused in the mob raising shouts of *maaro ... kaapo* and has given his name and has given evidence as per the deposition before the Hon'ble Court.

Deposition of this witness makes it clear that the accused was present in the mob which had set fire to the residential houses and the shops of the Muslims in the area of Noorani mosque. This witness has witnessed the accused. From the deposition of this witness, it can certainly be said that the witness states that the accused together with other accused had talked something with the mob and thereafter the mob had got instigated further. From the same, it can certainly be said that the accused together with other accused had uttered some instigating words before the mob and on account of the same, the mob had got instigated and there is no reason not to believe the same.

Thus, deposition of this witness makes it clear that this accused together with other accused instigated the mob and the said instigated mob has committed the acts of loot, rapes and

burning the properties of the Muslims after creating mass massacre in Naroda Patiya and therefore, there is no reason not to believe that there was active role of this accused in this whole incident.

**At the time of the deposition of this witness, on behalf of the accused, permission was obtained from the Hon'ble Court not to remain present and it was declared that there is no dispute as regards the identification. Therefore, there is no question of identifying the said accused at the time of the deposition.**

**ACCUSED NO.[25] PREMCHAND TIWARI CONDUCTOR:****His name is there in the FIR.**

This accused is notorious person in Naroda Patiya area. In the said area, he is known as Tiwari Conductor. He has played active role together with other accused in the Naroda Patiya massacre. Name of this accused is mentioned in the F.I.R. from the date of the incident.

- The following witnesses have given evidence before the Hon'ble Court against this accused.

**[1] BASUDDIN MAIYUDDIN SAIYED, WITNESS NO. 73, EXH.514:**

Gave name and identified.

**Page no. 8-9 para no.15:**

I was standing on the back side of my house and was inquiring about my family members and at that time, a mob had arrived from the back side of my house from the ground. This mob had gone towards Noorani mosque. Three persons had met us near the entrance of Gangotri Society wherein, there were [1] Jaibhavani [2] **Tiwari Conductor** [3] Dalpat Chhara and after looking at us they had asked us where we were going towards that side. They had told us to hide in the godown. We about 150 persons had hidden in the said godown. From their talks, we had presumed that these three would burn the godown and thereafter as Jaibhavani opened the gate, we all, ladies, gents and children in unison with each other had come out. At that time, about 15 to 20 persons were left in the godown and the rest had come out.

This witness has given the name of the accused in the statements before the police as well as before the SIT.

As per the deposition before the Hon'ble Court, there is sufficient evidence against this accused. Deposition of this

witness makes it clear that this accused together with other accused had told the Muslims to hide in the godown and thereafter, had conspired to set fire to the godown as it becomes clear from the deposition of this witness. This accused, together with co-accused, with a view to achieve common intention, has played active role.

**[2] AKBAR SUBRATI NAZIR AHMED MUNSI, WITNESS NO. 94, EXH.570:**

- Has given the name in the statement dated 13.5.2002 before the police [no statement before SIT]
- Has given the name in the deposition before the Court and has identified.
- Has been residing in Jawannagar of Naroda Patiya since last 20 years.

**Page no.3 para no.6:**

At that time, there was hue and cry at about 9.00 to 9.30 am and thereafter I had come out and saw that at that time, persons of mob of Hindus were pelting stones over the mosque and therefore being scared, after taking my family members, I had gone in the society situated behind our chawl. **I had gone in Gangotri Society.**

**Page no.3 para no.7:**

**From the roof, I had seen the mob setting on fire. I had also seen the mobs beating. We had stayed on the roof till night.**

**Page no.3 para no.9:**

**I had seen Jaibhavani and Tiwari in the mobs which were burning and beating.**

This witness in his statement dated 13.5.2002 given before the police has given the name of the accused and has also given

evidence against the accused as per the deposition before the Hon'ble Court.

Deposition of this witness makes it clear that this accused was present in the mob which was indulging in criminal act and that the accused had indulged in arson and assault. The witness has witnessed the accused and therefore, there is no reason not to believe the deposition of this witness.

By giving name of the accused in the deposition before the Hon'ble Court, this witness has identified the accused.

**[3] HUSSENBHAI VALIBHAI KALADIYA, WITNESS NO. 105 EXH. 676:**

- Has given name in the statement dated 17.5.2002 before the police.

- Has not given name in the statement dated 28.6.2008 before the SIT.

**Page no.6 para no.10:**

**There were many people of Naroda Patiya area... In this mob,** there were Manoj Sindhi, Suresh Langado, Bipin Autowalo, Guddu Chharo, Bhavanising and **Tiwari**.

This accused in his statements before the police and the SIT has given the name of the accused. Moreover, he has given strong evidence against the accused as per the deposition given before the Hon'ble Court. Moreover, he has given the name of the accused in the deposition before the Court and has identified the accused.

Deposition of this witness makes it clear that this witness has witnessed the incident and has identified some persons of Naroda Patiya area who were present in the mob which was indulging in assault and burning alive the Muslims on the date of the incident. He has given the name of the accused. It appears

that this accused was also present in the mob indulging in criminal acts. Thus, there is no reason not to believe the deposition of this witness.

**[4] FARJANA AIYUBKHAN PATHAN [INJURED] WITNESS NO.106, EXH. 687:**

- Has given the name in the statement dated 28.5.2008 before the SIT and has shown the act.
- Has given the name in the deposition before the Court and has identified.

**Para no.8 para no.4:**

I had seen that the persons of the mob were raising shouts of *maaro... kaapo*. Some people of the mob were clad in white banyan and *khakhi* shorts and had tied saffron coloured strip on the forehead. Persons of the Hindus were armed with instruments such as swords, hokeys, pipes. Police was ahead of this mob and the police was driving us away. Thus, we had come to our chawl. Persons of the Hindu mob were sabotaging and burning the chawls and thus, the mob was indulging in causing sabotage and arson.

**Para no.9 page no.4-5**

At that time it was 2.00 to 3.00 in the afternoon. Thereafter, we had started going to S.R.P. Quarters where we were not allowed to go there and by giving abuses, we were driven away from there and we were told that "*today you have to die.*"

None had given shelter to us there. Thereafter, burning rags, stones and something like burning were being thrown upon us i.e. upon the Muslims. At that time it would be about 6.00 pm.

**Para no.10 Page no.5-6:**

Thereafter, we had sat near the house of Jaibhavani situated there. At that time, one policeman had arrived there and had told

us to take us in safety vehicle. By believing him to be true, we had gone along with the police and at that time, there was also a big mob of Hindus. At that time, one big mob had also arrived from the other side and we were surrounded there. The place where we were surrounded was a narrow lane of Gangotri Gopi Society. At that time, along with me were my both daughters, my brother, my mother, my nephew Akram. Thereafter, shouts of *maaro ... kaapo* were raised.

**Para no.11 page no.6:**

At that time, the mob of the Hindus had pulled my mother Mumtaj and after killing my mother before my eyes, had burnt her.

**Para no.12 page no.6:**

At that time, my two daughters were with me. My elder daughter Farhana was pulled by the persons of the mob from me and had removed her clothes and four to five persons from the mob had raped her. Pipe was hit on both hands of my younger daughter Reshma and fracture was caused upon hands. Persons of the mob, by pouring petrol upon my body as well as on the hands had set fire to me.

**Para no.14 page no.7:**

At that time, persons of the mob had pulled and carried away one girl, namely, Zarina and had also raped her and chopped of her hand.

**Para no.16 page no.7:**

There were Jaibhavani, Sahejad, Tiwari and Manu in the said mob of the Hindus whom I know.

**Page no.9 para no.23:**

Out of the four persons whose names have been given by me, to my knowledge, Jaibhavani has died. I know Manu Tiwari and

Sahejad. I cannot identify all these three if they are in the Court, but can identify if I go at the place where the accused are sitting.

This witness has given the name of the accused in the statement before the SIT and has given evidence as per the deposition before the Hon'ble Court.

This witness is an injured witness. On the date of the incident, the witness had sustained burns on the waist portion. On the date of the incident, the mob wherein the accused was present has burnt the mother of the witness and by raping Farzana, daughter of the witness, the persons of the mob have killed her; by hitting pipe on both hands of Reshma, daughter of the witness, have caused fracture on her both hands and persons of this very mob by pouring petrol on the back portion of the body of the witness, the persons of the mob have burnt her. This witness has witnessed raping a girl, namely, Zarina and chopping of her hand. This witness by rolling on the floor near the water tank at the place of the incident has extinguished the fire she had caught on her back and has witnessed the whole incident from near the water tank and has identified the accused as Tiwari in the mob indulging in the assault and rape.

Witness, by giving name in the depositions before the Hon'ble Court has identified the accused.

Deposition of this witness makes it clear that there is sufficient evidence forthcoming against this accused in connection with assault, loot, rape, burning the mother and daughter of the witness, causing fracture on the hand of the daughter of the witness as well as committing rape upon Farzana and Zarina and in whole of this incident, it becomes clear that the accused was present. Thus, there is no reason not to believe the deposition of this witness.

**[5] FATMABIBI MOHAMMED YUSUF SHAIKH, WITNESS NO. 112, EXH. 717:**

- Has given the name in the statement dated 28.5.2008 before the SIT.

- Has given the name in the deposition before the Court and has identified.

**Para no.13 page no.5:**

Thereafter, stone-pelting had started from the S.T.

**Para no.14 page no.6:**

At that time, one driver, namely, Jaibhavani had met us and asked as to what had happened. Thereupon, I had told that my children were crying and that we were hungry since morning and that our house was set on fire. Thereupon, Jaibhawani had told us that he would make some arrangement for our meals. Thereafter, after going at some distance, he had made sign to the Hindu mob with his hand towards us. The said mob had arrived towards us. In the said mob, I had seen Bhavanising Chhara, Guddu Chharo who were armed with sword; Sahejad Chhara was armed with hokey and Suresh Chhara was armed with *gupti*.

**Para no.18 page no.7-8:**

I was standing in such manner that I could see. From the said place, I had looked towards the open ground where, I had seen the mob with petrol, diesel, swords etc. I had seen that some persons who had separated from us and had gone away and they were not allowed to come back by the policemen standing there and they had hidden in the narrow lane of water tank situated near Gangotri and Gopinath Society.

**Para no.19 page no.8:**

I had returned towards the chawl of Gangotri where wires were tied near S.R.P. Quarters and two policemen were sitting there. I had told both of them to allow me to go inside, upon this,

they had told that they have received orders from the above for us and that we have no chance of survival. They had told not to speak Allah but to speak Ram. I had told that why should I speak Ram, upon this, they had told that what you have done in Godhra, thereupon, I had told that there was no Muslims in Godhra from Patiya and why are we penalised. Despite that, we were not allowed to go inside.

**Para no.20 page no.8:**

They had told us to go away from there but as we did not go they had beaten us with the gun and stick and had fired teargas shells upon us... at that time, it would be about 7.00 to 7.30 pm.

**Para no.21 page no.9:**

Noises for help were heard from the narrow lane near water tank where the Muslims who had separated from us had hidden. We had seen towards that direction. I had seen that by chopping these off hiding Muslims with swords, scythes etc. they were burnt. By pouring petrol and diesel upon the bodies of the said persons, they were burnt.

**Para no.22 page no.9:**

There were young innocent kids and they were striving without water since the morning and were asking for water and they were making the said kids to drink diesel and petrol. Thereafter, within short time, more hue and cry and noises were heard and shouts to save the modesty were being heard. Young girls were there in nude position.

**para no.23 page no.10:**

Before our eyes, the Muslims who had separated from us were chopped off. Hindu mobs had thought that all have died and

thereafter, by playing whistles and singing songs were raising shouts that all have died which I had heard.

**Page no.7 para noa.17:**

After coming out of this house, we had gone out where, there was one **Tiwari, serving as Conductor in AMTS and uniformed policemen** and had requested them to give shelter to us at safe place and they had told us that arrangement has been made towards the ditch [lower portion of land .. known as *khada in the area*].

This witness has given the name of the accused in the statement before the SIT and has given cogent evidence against the accused as per the deposition given before the Hon'ble Court.

In this incident, the witness was hit with stone in the head. Moreover, both the hands of the husband of the witness had sustained fractures, treatment of which was got made in the camp. Government has paid Rs. 1,25,000.00 to the witness towards the aid for his injuries. Therefore, this witness is an eye witness.

Deposition of this witness makes it clear that on the date of the incident, the accused was present in the mob indulging in the criminal acts. Upon request being made by the hungry and thirsty Muslims for meals, he had told to make arrangement and had by making signs had called the mob of Hindus standing towards ditch [*khada*] and there were other accused in the said mob and they were raising shouts of *miyaone kaapi naakho* and this very accused, as part of well planned conspiracy had sent the Muslims towards the ditch [*khada*] where, assault was caused upon them. Thus, this accused has played key road in carrying out the criminal conspiracy.

The accused was residing near the locality of the Muslims and the witnesses were knowing him very well and therefore as

they had full faith upon the accused had sought shelter and help from the accused and this Tiwari, with a view to carry out the well planned conspiracy with the accused, had sent the Muslims at the place where, mobs were standing to carry out the conspiracy and were armed with weapons and have attacked the Muslims.

Thus, the accused has committed the act so as to the human being ashamed and instead of helping them although he was knowing that he is handing them out to death, has committed the said act willfully and therefore, the said accused can never be pardoned in any circumstances.

The witness, by giving the name of the accused in the deposition before the Hon'ble Court has identified him.

**[6] MOHAMMED NASIM SHAIKH BUDDHU, WITNESS NO. 173, EXH. 1190:**

- Has given the name in the statement dated 21.6.2008 before the SIT.

- Has given the name in the deposition before the Court and has identified.

**Page no. 9 para no.18:**

At that time, many people of our *maholla* were in the house of Tiwari Conductor which is situated in Gangotri Society, wherein, there were also my children and wife. This Tiwari was earlier residing in my neighbourhood. I had also gone to the house of this Tiwari. We had sat in the house of Tiwari for long time and noises of crying, explosions of gas cylinders and shouts for help were being heard. At that time, it was about evening time.

**Page no.9 para no.19:**

**At that time, Tiwari had told all of us to leave that place and go towards Naroda and that arrangement for us had been made there. We so many people were there. All had started leaving the house of Tiwari. We had also left. Persons from among us had left as they thought.** Some had gone towards S.T.Workshop; some had gone towards S.R.P. Quarters and **some had also gone towards Naroda.** After coming out and reaching at some distance, we had thought that Naroda would be too far and therefore, we had gone towards S.R.P. Quarters. After passing Gangotri Gopinath, we had gone towards S.R.P. Quarters.

**Page no.10 para no.20:**

**As per my information, those who had gone towards Naroda were killed. This I have learnt on being heard.**

This witness has given the name of the accused in the statement given before the SIT and has also given evidence against the accused before the Hon'ble Court.

On the date of the incident, the witness together with his family was running helter skelter in Naroda Patiya area to save life. On being scared and running away from the Hindu mobs from all the places, after relying upon Tiwari had taken shelter in the house of Tiwari where Tiwari had told them to go towards Naroda and all the Muslims had started leaving the house of Tiwari. From among them, by relying upon Tiwari, some, as told by him, had gone towards Naroda and all those who had gone towards Naroda had died as was learnt by the witness.

Thus, Tiwari has played key role in the whole heinous incident. He has driven the illiterate, hungry and thirsty people to death as it is specifically appearing from the deposition of the witness.

The witness has given the name of the accused in the deposition before the Hon'ble the Court and has also identified him.

**[7] ZULEKHA SARDARAHMED CHAUDHARI, WITNESS NO. 176, EXH.1212:**

- Has given the name in the statement dated 28.5.2008 before the SIT.
- Has given the name in the deposition before the court and has identified.

**Page no.6 para no.15:**

From there, we had returned to Gangotri Society and our Muslims had hidden behind a water tank which is situated there. Persons of the mob, by pouring petrol, diesel and blankets upon the hidden Muslims, ha set the said Muslims on fire which I myself have witnessed. Leaving that place we had arrived near Gangotri.

**Page no. 6 para no.16:**

We had arrived on the roof of a house of Gangotri Society. Muslims were burnt near Tank and those who could survive from among them were coming towards this house of Gangotri Society. **At that place, Mobs of Hindus were there near Gangotri Society also and they were telling that nobody from among them would be able to survive which I had heard. Thereafter, we all had mounted on the roof.**

**Page no.7 para no.17:**

**In the mob which I had seen near Gangotri Society, I had seen** Manu Harijan and **Tiwari Conductor**. I had good rapport with Tiwari Conductor and therefore, had requested him to allow me and my children to sit in his house in Gangotri Society. A boy, namely, Sabir who was in the lap of my brother's wife had fallen down and had sustained hurt in the head. We had stayed on the roof of Gangotri Society till 11.30 pm. Thereafter, police vehicles had arrived. Police had arrived to take us away. When we left Gangotri for sitting in the said vehicles, many dead bodies of ladies and gents were lying on the way. We had left looking all this. Thereafter, we had come and sat in the vehicle. This vehicle had taken us to Shah Alam.

This witness has given the name of the accused in the statement before the SIT and has also given evidence against the accused as per the deposition given before the Hon'ble Court.

Deposition of this witness implies that the accused was present in the massacre which was caused by the accused persons near the water tank situated near Gangotri and the witness has witnessed the accused.

Thus, there is clear evidence forthcoming against the accused regarding carrying out planned massacre and there is no reason not to believe the same.

This witness has given the name of the accused in his deposition before the Hon'ble Court and has identified him.

**[8] MOHAMMED YUSUF SHAUFILAL, WITNESS NO. 185,  
EXH.1275:**

- Has given the name in the statement dated 28.5.2008 before the SIT.

- Has given the name in the deposition before the Court and has also identified.

**Page no.5 para no.14:**

I had recognized four persons in this mob. I had recognized Jaibhavani, Tiwari, Suresh Langado and Guddu Chhara in this mob. In the mob, Suresh Langada was armed with sword, Jaibhavani was armed with sword. **Tiwari who was telling the Muslims to go towards him as arrangement was made for the Muslims, was instigating the persons of the mob. First, Tiwari would give shelter to the Muslims and then would call the mob.** In this incident, there was a commotion and I was on the road.

**Page no.6 para no.18:**

I had seen the mob assaulting and looting the Muslims in the lane. After looking all this, I had run towards Gangotri Society.

**Page no. 6-8 para no.19:**

There was also one mob near Gangotri Society. I had seen two persons in the said mob. I had seen Tiwari and Bhavani in this mob. At that time it would be about 4.30 to 5.00 pm. While I was running towards Gangotri, I had thought that I was not safe and therefore, I had returned in lane no.4 of Hussennagar. Thus, when I returned, Suresh Langado had followed me and at that time, he was armed with sword. Suresh Langado could not follow me with my speed and therefore, I had run away. While running in such manner, I was hit by a rod on the road.

This witness in his statement before the SIT has given the name of the accused and has given evidence against the accused in the deposition before the Hon'ble Court.

From the deposition of this witness, it becomes clear that Tiwari has played important and successful role in carrying out this criminal conspiracy in this offence, because, the Muslims were having trust upon Tiwari and were going the way as told by him. But, this accused committed breach of that trust and with a view to carry out criminal conspiracy, together with other accused persons, gave shelter to the Muslims and thereafter would call the mob and the said mob would cause attack over the said Muslims and thereby he was playing murderous game. This witness, while giving further evidence states that the accused was instigating the persons of the mob and the mob on getting instigated would indulge in assault and loot which is witnessed by this witness.

This witness has given the name of the accused in the his deposition before the Hon'ble Court and has identified him.

**[9] ALTAF ABDUL REHMAN SAIYED, WITNES NO. 187 EXH. 1279:**

- Has given the name of the accused in the statement dated 13.5.2002 before the police stating that he was in the mob setting on fire.
- No statement before the SIT.
- Has given the name in the deposition before the Court and has identified.

**Page no.2 para no.4:**

The incident had occurred on 28.2.2002. On that day, I was at my home. On that day, there was a Bandh Call. On that day, at about 9.00 to 9.30 am, I had left the house and gone on the road. There was too much rush on the road. There were mobs on

both sides towards Natraj Hotel and towards Krishnanagar. Both mobs combining together had arrived near Noorani mosque. Persons of the mob after causing sabotage near the mosque had set fire to the surrounding shops and vehicles. Both mobs had merged near Noorani mosque.

**Page no.3 para no.5:**

**Thereafter, the mobs had advanced towards Hussennagar. They went on burning the houses of Hussennagar and advanced further.** I and my neighbouring Muslims had gone on the back side of our Maholla pursuant to occurrence of all this.

**Page no.3 para no.6:**

At around 3.00 to 4.0 pm the mob had reached till our house. During this period, we had gone on the back side of our house. **Persons of the mob were setting fire to our houses situated in our Lane.**

**Page no.3 para no.7:**

**In this mob, there were Bhavanising and Tiwari whom I was knowing.** In this incident, my house was burnt.

This witness, in his statement before the police has stated that the accused was present in the mob which was setting fire. The witness has given the evidence against the accused before the Hon'ble Court.

The deposition of this witness establishes the presence of the accused on the date of the incident. The witness has seen the accused burning the houses in Hussennagar and rushing in the chawls. The witness has identified the accused in the said mob. Thus, this accused has committed the act of causing damage to the properties of the Muslims as is turning out from the deposition of the witness and therefore, there is no reason not to

believe the same. The witness has given the name of the accused in his deposition before the Hon'ble Court and has identified him.

**[10] MOHAMMEDBHAI BACHUBHAI BELIM, WITNESS NO. 188, EXH.1282:**

- Has given the name in the statement dated 26.5.2008 before the SIT stating that the accused was in the mob and was throwing burning rags upon the Muslims.

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.6 para no.14:**

Thereafter, the mobs were slowly mounting up near the wall of S.T. Persons of these mobs were indulging in the assault and were burning. In this situation, on account of fear, at about 5.00 pm I had gone from Hussennagar on the roof of one house in Gangotri Society and hidden there. Other Muslims were also there. At that time, my family members were separated from me.

**Page no.6 para no.15:**

**From the roof of this house of Gangotri, I had seen that son of Jaibhavani and Tiwari Conductor, by making signs were showing the place to the persons of the mob, where we were hidden. Persons of this mob had chopped off the persons with sword and by throwing burning rags had burnt them alive. I had stayed on the roof till 12.00 at night.**

This witness, in his statement before the SIT has stated that the accused was throwing burning rags and has given his name. He has given the evidence against the accused in his deposition before the Hon'ble Court.

From the deposition of this witness, it becomes clear that the accused by making signs was showing the place to the persons of the mob where the Muslims were hiding and the persons of the mob after going at the said place, would chop off

them and by throwing burning rags over them were burning them alive.

This witness also supports the deposition of the earlier witnesses. Thus, it proves that this accused has played main role in the whole incident and also proves that he has played relevant part in the assault of the Muslims. The witness has given the name of the accused in his deposition before the Hon'ble Court and has identified him.

**[11] HAROON MOHAMMEDBHAJ SHAIKH, WITNESS NO. 198, EXH. 1363:**

- Has given the name in the statements dated 28.5.2008 and 12.9.2008.
- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.5 para no.11:**

**Till 4.00 km, I had stayed in the Gopinathnagar and Gangotri Society in such manner. When we 15 to 20 Muslims were sitting at this place, Tiwari Sahejad, Jaibhavani and Guddu had arrived there and had told us to go towards S.R.P. Quarters through back side.** At that time, ladies, gents and children all were together.

**Page no. 6 para no.12:**

**Since this Tiwari, Sahejad, Jaibhavani and Guddu have been residing in our area, by believing them, we had started going with them. While we were leaving, persons of the mob were sitting hiding themselves near the gate of Gopinathnagar and as soon as we came out, they had surrounded us.** In this hiding mob, there were Sachin and Suresh Langado. At the time of this incident, we had returned to Gopinathnagar to save ourselves and had gone in a narrow lane situated near water tank of

Gopinathnagar society. We had gone in the narrow lane thinking that the mob would pass away from the front, but the mob had **started assaulting us in the portion of the narrow lane. The persons of the mob, after assaulting and had burnt our people.**

**Page no.7 para no.13:**

**While this assault occurred, there were three persons of my family wherein, there were my mother Mumtajbanu, my wife Gausiyabanu and my son Akram who all three had died in this incident.** Apart from this, other persons of my community had fallen victim to this assault wherein, there were my maternal aunt Rabiya, my nephew Farhana and Reshma, residing surrounding my house.

**Page no.7 page no.15:**

**I had seen five persons indulging in this assault wherein, there was Tiwari who was armed with sword.** There was Jaibhavani who was armed with sword. Now I remember that Jaibhavani was armed with stick. There was Guddu who was armed with sword. There was Suresh Langado who was armed with scythe and there was Sachin @ Modi who was also armed with pipe.

**Page no.8 para no.16:**

While this fight was going on, I had intervened to save my son Akram and at that time, I was hit with scythe on the right hand and had sustained burn on the lower portion of right eye and thus, I had sustained injuries. After surviving from all this, I had gone in Gangotri Society and had hidden there. After sitting there for some time, I had noticed that other people of our Muslim community were also sitting there. At that time it was the time of *magrib* i.e. evening time.

This injured witness has given the name of the accused in his statements before the SIT and has also given evidence against the accused as per his deposition before the Hon'ble Court.

In this incident, mother, wife, son, maternal aunt and nephew of the witness and Reshma residing in the neighbourhood have been killed. All of them were killed and burnt in the narrow lane situated near water tank. The witness has seen the accused armed with sword in this mob which was indulging in this assault. While trying to rescue the life of his son, the witness was hit with scythe on the hand and has sustained injury on the right eye on account of receiving burn.

Deposition of this witness makes it clear that the accused was present armed with sword in the mass massacre that was crated near water tank and he has mad assault and thus, this accused together with other accused has played main role in the mass massacre in the narrow lane near water tank and there is no reason not to believe the same. The witness has given the name of the accused in his deposition before the Hon'ble Court and has identified him.

**[12]NOORMOHAMMED NAZIRMOHAMMED MEV, WITNESS NO. 199, EXH.1375:**

- Has given the name in the statement dated 12.5.2002 before the police.
- Has given the name in the statement dated 2.6.2008 before the SIT.
- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no. 3 para no.6:**

Persons of this mob were armed with weapons such as pipes, scythes etc. Mob that had arrived from Natraj Hotel had gone towards Noorani mosque. The mob that had arrived from

Krishnanagar had started burning lorries, cabins etc. situated behind our house. The persons of this mob were raising the shouts to assault and burn the Muslims.

**Page no.3 para no.8:**

Some persons of the mob that had arrived from Krishnanagar had saffron coloured strip on the forehead and on the waist. **From among them, four persons were leading the mob and were instigating the persons of the mob.** Among these four persons, there were, Suresh Langado, Guddu, Bhavani and **Tiwari. They were showing the houses and shops of the Muslims to the persons of the mob and were also showing the places where the Muslims were hiding. Thereafter, this mob had rushed inside the houses of the Muslims and thereafter, I had gone to my home.**

This witness, in his statement before the police as well as in the statement before the SIT has given the name of the accused. The witness has given evidence against the accused as per the deposition given before the Hon'ble Court.

Deposition of the witness makes it clear that this accused together with accused was leading the mob and was showing the properties of the Muslims to the persons of the mob and was also showing the places where the Muslims were hiding to save their lives, by making signs to the mob and as per his guidance, the mob was indulging in the acts of assault and causing damage to the properties. This witness supports the deposition of witness no. 198.

This witness has given the name of the accused in his deposition before the Hon'ble court and has identified him. Thus, there is no reason not to believe the deposition of this witness.

**[10] SAMSUDDIN SHAHBUDDIN RATHOD, WITNESS NO. 202,  
EXH.1394:**

- Has given the name in the statement dated 13.5.2002 before the police.

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.2 para no.5:**

The incident had occurred on 28.2.2002. On that date, at about 9.00 am I had gone at the tea stall situated near Noorani mosque for taking tea. On that day, there was a police point near Noorani mosque. I had seen one mob coming from Natraj Hotel towards Noorani mosque. **Persons of the mob were armed with weapons. They were pelting stones and persons of this mob were advancing towards the direction of Noorani mosque. This mob was setting fire to the shops and houses situated in our area. I had seen this.** At that time, the police was on the side of Noorani mosque.

**Page no.3 para no.6:**

**In the mob, I had seen** Kishan Korani, Manojbhai, Bipin Auto, Guddu Chhara, Naresh Chhara and Mungada Chhara. Thereafter one mob had arrived from Krishnanagar.

**Page no.3 para no.7:**

One more mob had arrived half an hour later which was led by Bipin Autowala. Both these mobs had merged. This mob had caused loot in the whole of our area. Loot was caused in my house also. At that time, at about 9.00 to 9.15 am, the police had resorted to firing upon the mob of our Muslims wherein, Abidhussen was hit with bullet. Therefore, I had gone towards my house. After coming back to my house, I had handed my two daughters to Miraben residing beside my house. There are two

houses situated between my house and the house of Miraben. After her house, there is a wall.

**Page no.7 para no.13:**

I had told the facts of the incident to the policemen and had specifically told them that some Muslims are trapped in the society behind Gangotri. I had told the policemen that if they move out the Muslims trapped there, I would present other persons and then, other Muslims would feel confided. Thus, police had given me four Gunmen and had told to take away the Gunmen and to move out the Muslims wherever they may have been trapped.

**Page no.7 para no.14:**

While I was going, at that time, **Bhavani and Tiwari Bhaiyaji had met me at the entrance of the Society and I had told them that some Muslims have been left out here and had asked them whether they were knowing where they were hidden.** At that time, they had told me that they did not know.

**Page no.8 para no.15:**

Thereafter by taking these Gunmen, I had gone at every corner of Gangotri and at that time, Bavani and **Tiwari Bhaiyaji** were following us. After hearing my voice, my daughter from the roof of Gangotri had responded that she was hiding there. Upon asking her, she had told that there are many Muslims on all roofs. Therefore, when told all of them to get down from the roof, there were about 700 to 800 Muslims. They had no trust over the police. But I had tried to confide in them. At that time, Bhavani and **Tiwari had told something in the ears of one of the Gunmen accompanying me. I do not know what they had told but after the said talk, all these four Gunmen had started going back** and had told that whoever wants to come may come fast behind them. On listening this, all the Muslims who were on

the roofs had alighted and joined us. We all had arrived while walking on the main road in front of Noorani mosque where big vehicles of the police were standing. There were six big vehicles, one big truck and one tanker of our area.

This witness has given the name of the accused in his statement before the police and has given evidence against the accused as per his deposition given before the Hon'ble Court.

Deposition of the witness makes it clear that as per the plan, accused had kept constant watch over the Muslims as to where they go; he was following the Muslims and after talking with police had also told the police to go away and as per his instructions, the police had also gone away. Thus, this accused has played active role in carrying out the criminal conspiracy, as a result whereof, huge massacre had happened.

The witness has given the name of the accused in his deposition given before the Hon'ble Court and has identified him. Thus, there is no reason not to believe the deposition of this witness.

**[14] SALIM RAHIMBHAI SHAIKH, WITNESS NO. 217, EXH. 1562:**

- Has stated in the statement dated 20.6.2008 before the SIT that the accused was standing in the mob armed with baton [*danda*].

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.3 para no.4:**

Thereafter, mob of Hindus armed with weapons had arrived from Tisra Kuva at about 5.00 to 6.00 pm. They were armed with pipes, swords etc. At that time, S.R.P. personnel had fired teargas shell and thereafter, a commotion had taken place there.

Thereafter, I had gone on the roof of one house of Gangotri Society and had sat there. Other Muslims were also sitting there.

**Page no. 3 para no.5:**

After about one and a half our to two hours after I had gone on the roof, my brother Rasid had arrived on the roof. Before I went on the roof, in the first mob, **Tiwari Conductor**, Bhavani and others **were standing below, armed with batons**. Thereafter, I had gone on the roof. There Rasid had met me. Head and both hands of Rasid were burnt. Thereafter, my brother Sabir had arrived.

This witness, in his statement before the SIT has given the name of the accused and has also given evidence against the accused as per his deposition before the Hon'ble Court.

Deposition of this witness makes it clear that the accused armed with batons was standing near Gangotri Society and was present in the mob.

The witness in his deposition before the Court has given the name of the accused and has identified him.

**[15] FATMABIBI MAKBULBHAI SHAIKH, WITNESS NO. 83, EXH. 542:**

- Has given the name of the accused by stating in her deposition before the Hon'ble Court that the witness had seen this accused in the mob near Noorani mosque pelting stones.

**Page no.2 para no.3:**

The incident had occurred on 28.2.2002. On the date of the incident, I was at my home. On that day, there was fighting going on. There was a mob, the mob was pelting stones. By taking my children I had come out to see. At about 9.30 am all this was happening. When I saw, some persons **were pelting stones over Noorani mosque and were burning. In this mob, I had seen** one

Guddu Chhara, Sahejad Chhara, Bhavani Chharo and **Tiwari. I had seen all of them in the mob.**

**Page no.3 para no.5:**

After causing sabotage in my house, it was burnt. All these people had looted and taken away two tolas of gold, two fans and household articles from my home.

Thus, looking to the deposition of the said witness, it makes it clear that this accused together with other accused had merged with the mob, formed an unlawful assembly, became member thereof and united with an intention to achieve their common intention and with a malafide intention of causing damage to Noorani mosque, together with the persons of the mob, had caused stone pelting and arson which is seen by this witness. Thus, this accused was involved in causing stone-pelting and setting fire to the mosque as it transpires from the deposition of this witness and there is no reason not to believe the same. As eight years have passed by the incident and as change has occurred in physical appearance of the accused, this witness could not identify the accused in her deposition before the Hon'ble Court.

Thus, there is evidence of about 14 eye witnesses against the said accused Premchand @ Tiwari Conductor and all these witnesses have stated that the said accused was present in the mob which was indulging in criminal act and by giving his name before the Hon'ble Court has identified him.

**ACCUSED NO. [26] SURESH @ SAHEJAD DANUBHAI NETALKAR  
[MARATHI BOY]**

**[1] SHAKILABANU FIROZAHMED ANSARI, WITNESS NO.72 EXH.  
510:**

- Has given name in the statement before the SIT and has also indicated the act.
- Has given the name in the deposition before the Hon'ble Court and has also identified.

**Page no. 5 para no.9:**

We had gone in one shop having shutter situated towards Gangotri and had sat in the said shop. Other persons were also there in the said shop. We had sat there hiding and at that time, Manu Bhangi had also arrived and had told us not to be scared and that he would make arrangement for our food.

**Page no.7 para no.12:**

After I was separated from my family members, they went further and further wherein, my mother, my brother Mehboob, younger brother Shabbirahmed and his children and wife of younger brother were there whom I had seen going further. As they started going further, Bhavani had made a sign to the mob. The mob was armed with many weapons, petrol, diesel etc. My family members were killed before my eyes wherein, there were Guddu Chhara, Bhavani, **Sahejad Chhara, Manu Bhangi and Suresh Langada. All these five persons were aiding the mob in setting fire to everything. After pouring petrol over my family members, this mob had burnt them alive. My three months' old nephew was also thrown in the fire by this mob.**

This witness has given the name in his statement before the SIT and has also given evidence against the accused as per her deposition before the Hon'ble Court.

Deposition of this witness makes it clear that the accused together with other accused has burnt alive the family members of

the witness by pouring petrol and kerosene over them. Three months old innocent nephew of the witness is also thrown in the fire and this accused was present in the said mob and has played part in committing murder.

By giving the name of the accused in her deposition before the Hon'ble Court the witness has identified him and therefore, there is no reason not to believe her deposition.

**[2] FARZANA AIYUBKHAN PATHAN, WITNESS NO. 106, EXH. 687:**

- Has given the name of the accused in the statement dated 28.5.2008 before the SIT and has indicated his act and that he was involved in killing.

- Has given the name in her deposition before the Hon'ble Court and has identified him.

**Page no.9 para no.23:**

I know the four persons whose names I have given and as long as I know, Jaibhavani has died. I know Manu, Tiwari **and Sahejad**. I cannot identify all these three if they are present in the Hon'ble Court but I can identify them if I go at the place where the accused are sitting.

This witness has given the name of the accused in the statement before the SIT and has also given evidence as per the deposition before the Hon'ble Court.

This witness is an injured witness. On the date of the incident, the witness had sustained burns on the waist portion. On the date of the incident, the mob wherein the accused was present has burnt the mother of the witness and by raping Farzana, daughter of the witness, the persons of the mob have killed her; by hitting pipe on both hands of Reshma, daughter of the witness, they have caused fracture on her both hands and

persons of this very mob by pouring petrol on the back portion of the body of the witness, have burnt her. This witness has witnessed a girl, namely, Zarina being raped and her hand being chopped off. This witness by rolling on the floor near the water tank at the place of the incident has extinguished the fire she had caught on her waist and has witnessed the whole incident from near the water tank and has identified the accused as Sahejad in the mob indulging in assault and rape.

Thus, it specifically makes it clear that this accused, by playing active role in the incident of mass massacre has caused assault.

The witness, by giving name in the deposition before the Hon'ble Court has identified the accused.

**[3] SARFARAJKHAN MAHEBOOBKHAN, WITNESS NO. 109, EXH. 704:**

- Has given the name in the statement dated 12.5.2002 before the Police.
- Has given name in the deposition before the Court but has not identified.

**Page No. 2 Para No.3:**

Incident had taken place in February, 2002. On the previous day, call of Bandh was given for the next day. On the day of the incident, I was at my home in the morning. At 9.00 a.m. I had come on the road outside. On that day, there was a mob of about fifteen to twenty thousand persons. **Persons of the mob were resorting to arson and were indulging in fighting.** There were too many persons. I had gone back to my home. Thereafter, by taking my family, I had gone towards Gangotri. While running, we

had gone towards S.R.P. Quarters, where we were not given shelter.

**Page no.3 Para No.5:**

I can identify some persons of the mob which was there when I had come out of the house. In this mob, I had seen Mungado Chharo, Jaibhavani Chharo, **Sahejad Chharo**, Manoj Videowala and Suresh Langada Chhara and I had identified them. **All these five persons were armed with weapons.**

This witness has given the name of the accused his statement before the police and has also given evidence against the accused as per the deposition before the Hon'ble Court.

Deposition of this witness makes it clear that that the accused was present in the mob armed with weapon which was indulging in criminal act.

The witness has given the name of the accused in his deposition before the Hon'ble Court and has identified him.

**[4] FATMABIBI MOHAMMED YUSUF SHAIKH, WITNESS NO.112, EXH. 717:**

- Has given the name in the statement dated 19.4.2002 before the Police.
- There is name together with weapon in the statement dated 28.5.2008 before the SIT.
- Has given name in the deposition before the Court and has also identified.

**Page No.6 Para No.14:**

At that time, one Jaibhavani, a driver of A.M.T.S.had met me and had asked me that what had happened and I had told that our children were crying and we were hungry; we were hungry since the morning; our houses have been sabotaged and looted and

had been burnt. At that time Jaibhavani had told us to stay there and that he would make some arrangement for our meals. Thereafter, after going at some distance, he had made a sign by hand to the Hindu mob towards our side. The said mob had come towards us. In this mob, I had seen Bhavanising Chhara, Guddu Chharo who was armed with sword; **Shehjad Chhara** was armed with hokey and **Suresh Chhara was armed with hokey** and Suresh Chhara was armed with gupti.

This witness has given the name of the accused in her statement before the SIT and has also given cogent evidence against the accused as per her deposition before the Hon'ble Court.

In this incident, the witness is hit with stone in the head. Both hands of the husband of the witness had sustained fractures for which treatment has been got done in the Camp. The government has paid Rs.1,25,000.00 towards the aid for injuries of the witness and therefore, this is an injured and eye witness.

Thus, from the deposition of this witness, it specifically becomes clear that the accused by making sign had called the accused and at his instance this accused committed assault over the Muslims and the witness has seen the accused armed with hokey. Thus, it appears that this accused was present in the mob and his role in the mob is proved and there is no reason not to believe the same.

**[5] Basirkhan Nannekhan Mansuri, witness no. 136, Exh. 898:**

- Injured witness
- Has given the name in the statement dated 18.3.2002 before the police.
- Has given the name in the statement dated 27.3.2008 before the SIT.

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.4 para no.10:**

One white car had arrived near a police vehicle which was standing near the corner of the S.T. Workshop and Mayaben had alighted from the same. She had talked with some officer of the police standing there. Thereafter, after some time, police was walking ahead of Hindu mob. Police was firing teargas shells and Hindu mob was coming behind them. Therefore, we were scared, because, the situation had worsened too much. Therefore, we had retracted and at that time, I was hit with a bullet on the left shoulder. It was about 10.15 am when I was hit with bullet.

**Page no.6 para no.12:**

First of all, **Hindu mobs had looted the shops situated near Noorani mosque and thereafter had arrived towards our locality** and had rushed in Hussennagar. At that time, we were too much scared. My husband had taken me away. He had taken me away towards Jawannagar Gangotri Society. We had stayed in Jawannagar where S.R.P. personnel were not allowing us to go inside.

**Page no.8 para no.17:**

**In the mob seen near S.T. Workshop, I had seen Sahejad Chhara, Bipin Autowala and Guddu Chhara. They were leading the mob.**

This is an injured witness and he has given the name of the accused in the statement before the police as well as before the SIT and has given evidence against the accused as per the deposition given before the Hon'ble Court.

This witness is an eye witness and he was hit with bullet on the shoulder.

From the deposition of the witness, it becomes clear that the accused was present in looting and burning the properties of the Muslims near Noorani mosque and it proves that together with co-accused, he had led the mob and looted and caused damage to the properties. This witness has witnessed the accused in indulging in criminal act.

The witness has given the name in the deposition before the Hon'ble Court and has identified the accused.

**[6] MOHAMMEDBHAJ ABDULRAHIM SHAIKH, WITNESS NO. 138, EXH.928:**

- Has given the name in the statement dated 12.5.2002 before the police.
- Has given the name in the statement dated 31.5.2008 before the SIT.
- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.4 para no.8:**

**At about 2.00 pm**, Dalpat, Guddu Chhara and **Sahejad had arrived in my home**. When they had arrived, there were Rs. 40,000/- cash in my house. I am doing business of making storewell and they had taken away the storewells. Other people were also accompanying these three persons. **All these had looted five storewells and Rs. 40,000/- from my house and had taken the same away. They had also looted household articles from my house. I had seen all this from the roof whereon I was sitting**, from where roof of my house was visible. There was a whole above the roof, which roof was broken and front part of my house was also open.

This witness in his statements before the police as well as before the SIT has given the name of the accused and has also

given evidence against the accused as per paras 7 and 8 of his deposition before the Hon'ble Court.

From the deposition of this witness, it becomes clear that accused Sahejad Chhara together with other accused had rushed in the house of the witness and had looted and taken away Rs. 40,000/- cash as well as five storewells and had also looted and taken away the household belongings from the house of the witness. The witness has witnessed the accused indulging in all these acts from the roof of third floor of a house situated near his house. Thus, offence of loot against the accused stands established.

The witness has given the name of the witness in his deposition before the Hon'ble Court and has identified him.

**[7] JANNATBIBI KALLUBHAI SHAIKH, WITNESS NO. 142, EXH.961:**

- Has given the name in the statement dated 13.4.2002 before the police.
- Has given the name in the statement dated 28.5.2008 before the SIT.
- Has given the name in the deposition before the Court and has identified.

**Page no.4 para no.8:**

Thereafter, Bhavanising had arrived at about 11.00 to 11.15 am in our chawl and had told us to give a utensil [*tapela*] and that he would prepare *khichdi* for us. I had told him that we were afraid and he was talking about the utensil and that from where we can get him a utensil. Thereupon, Bhavanising had told us to go to sleep after eating *khichdi*. Thereafter, after giving abuses

that you have to die and are not going to survive, Bhavanising had gone away.

**Page no.5 para no.9:**

While going, he had made a sign and therefore, the mob had arrived and in this mob, there were Suresh Chharo, Guddu Chharo, **Sahejad Chharo** and Bipin Panchal, wherein, Suresh, Guddu and **Sahejad were armed with sword** and by shouting at Bipin, Guddu was telling him to fire a bullet. This Bipin was armed with pistol. **All these four were in the front of all.**

This witness, in her statements before the police and the SIT has given the name of the accused and has also given evidence against the accused as per the deposition given before the Hon'ble Court.

From the deposition of the witness, it becomes clear that by making sign, Bhavanising had called the mob and this accused armed with sword had arrived in the said mob and this witness has seen the accused in the mob indulging in criminal act. The witness also states that the accused was in the front of the mob and it proves that he was leading the mob. The mob under his leadership has committed the act of assault and causing damage to the property. Thus, there is sufficient evidence forthcoming against the accused.

The witness, in her deposition before the Hon'ble Court has also given the name of the accused and has also identified him. Thus, there is no reason not to believe this witness.

**[8] FARIDA ABDULKADAR SHAIKH, WITNESS NO.149 EXH. 1028:**

- Has given the name in the statement dated 12.5.2002.
- Has given the name in the statement before the SIT.

- Has given the name before the Hon'ble Supreme Court and has identified.

**Page no.4 para no.8:**

**There were other persons also present in the mob wherein Mayaben Kodnani was there, wherein,** there were Kishan Korani, Babu Bajrangi, Murli, Manoj Videowala, Ashok Pan Gallawala, Bipin Panchal, Jaibhavani, Dalpat Chhara, Tiniyo Chhara - son-in-law of Dalpatbhai, **Sehjad Chhara**, Vijay Chhara - son in law of Sahejad Chhara, Suresh Langado, Guddu, Hariyo, Nariyo, Tiniyo Marathi, Subhash Ramesh were present.

**Page no.5 para no.11:**

Thereafter, the persons of the mob were advancing further and **were causing sabotage and were burning the houses and were assaulting.** Therefore, I was very much scared. I had gone to the house of my daughter who was residing in Jawannagar. After locking my house, I had gone to the house of my daughter Afsanabanu in Jawannagar. Twice or thrice I had arrived from the house of my daughter to have a look at my house. Thus, when I had arrived at 2.00 pm to have a look over my house, I had seen the son of one person, namely Mullaji who is handicapped by both the legs, burning near his house. On looking this, I was scared and immediately had gone to the house of my daughter Afsanabanu.

**Page no.7 para 14:**

At that time, one boy, namely, Aiyub on looking at the mob which had arrived near his house was scared and therefore, he had jumped from the roof as a result thereof, he had sustained injuries in both his legs. This Aiyub could not get up because of these injuries and the persons of the mob had lifted Aiyub and thrown him in a rickshaw and had set fire to the rickshaw. They had burnt alive Aiyub which I had witnessed. At that time, there

was one person clad in *khakhi* uniform and one person wearing helmet.

**Page no.8 para 15:**

This very mob had set fire to the house of Majidbhai situated in the last row of Jawannagar and at that time, family members of this Majidbhai were inside the house. At that time, we had felt that we would not survive now and therefore, after getting down from the roof of Gangotri Society and by passing through the field I together with my children had gone in the ground. Other persons were also there with me.

This witness has given the name of the accused in the statement and by giving sufficient evidence against the accused as per the deposition given before the Hon'ble Court has secured the involvement of the accused.

From the deposition of this witness, it becomes clear that on the date of the incident, Babu Bajrangi was present at the place along with Mayaben Kodnani together with other accused. The witness has given the name of the accused and has witnessed them and the mobs in which the accused was present were advancing further and were indulging in assault and burning of the houses. It becomes clear that the accused was present in the said mob and the mob in which the accused was present had burnt the son of one person, namely Mullaji near his house which is witnessed by the witness. Thus, from the deposition of this witness, it appears that the accused was present in the mob which had killed the son of Mullaji.

Thus, from the deposition of this witness, it becomes crystal clear that the accused was present at the place on the date of the incident and by remaining present in the mob, in which Mayaben Kodnani was present, together with other accused, unitedly had

indulged in the assault and burning of the houses of the Muslims. Therefore, there is no reason not to believe this witness.

This witness has given the name of the accused in the deposition before the Hon'ble Court and has also identified him.

**[9] ISAKKHAN SARDARKHAN PATHAN, WITNESS NO.150, EXH. 1041**

- Has given the name in the statement dated 18.3.2002 before the police.
- Has given the name in the statement dated 11.6.2008 given before the SIT.
- Has given name in the deposition before the Hon'ble Court.

**Page no.6 Para no.14:**

Thus, **before we reached S.R.P. Quarters and were abused, there was a mob of about 50 to 60 persons near Jawannagar corner** wherein, in the front, there were Hira Marwadi, Jaibhavani Chharo, Suresh Chharo and **Sahejad** which seen by myself. These four and others **had abused us and were uttering the words: "kaapi naakho, maari naakho"** and they had also uttered that **: where are you going, ... miyao where would you go, now there is your end, today we would cut you. All of them were armed with swords.**

**Page no. 8 Para no.18:**

Upon reaching there, I had seen that Jaibhavani, Suresh Chharo, Hira Marwadi and **Sahejad who all were armed with weapons were molesting one girl- sister of one Nagina and her mother** and they were raping them. Looking this, I had run away. While running as such, I had arrived on the roof of Gangotri Society and after arriving there, I had told my wife that there was no possibility of leaving the place.

This witness in his statements before the police as well as before the SIT has given the name of the accused and has given the evidence against the accused as per the deposition given before the Hon'ble Court.

From the deposition of this witness it becomes clear that the accused armed with sword was present in the mob near S.R.P. Quarters; he had abused the Muslims and had uttered the words like *maari naakho kaapi naakho, miyao where would you go, now there is your end and that today we would cut you*. The witness has seen the accused armed with sword. Thus, there is sufficient evidence against this accused of he being present in the unlawful assembly, armed with weapon; of speaking abuses in public and of giving threat to kill and of having caused assault. This witness has given the name of the accused in the deposition before the Hon'ble Court and has identified him. Thus, there is no reason not to believe the evidence given by the witness against the accused.

**[10] ISRATJAHAN PARVEZHUSSEN, WITNESS NO. 177, EXH. 1218:**

- Has not given the name in the statement before the police.
- Has given the name in the statement dated 23.5.2008 before the SIT.
- Has given the name in the deposition before the Court and has identified.

**Page no.5 para no.10:**

**At about 2.00 to 2.30 pm, the mob while indulging in sabotage, burning and looting had rushed in our chawls. I had seen from the above that the mob had rushed in our chawls. In this mob, in the front were Sahejad Chhara, Ganpat Chhara and**

two other Chhara ladies. Two Chhara ladies were looting. **Sahejad Chhara had lit matchstick to the first house of our chawl, which is the house of Jahedaapa. After setting fire by Sahejad, people of the mob were taking rounds in our chawls.** Persons of the mob had returned and had knocked the door of the room wherein we were hidden. There, Sahejad had shouted loudly that whatever males were there inside may come outside. We were scared very much inside. My sound had stopped. Other Muslim ladies had given reply to Sahejad Chhara that there were only ladies and children. At that time, Sahejad Chhara had told them to give the children. At that time, the ladies inside had besought that what wrong they have done against them and that what they would do by taking their children. **At that time, Sahejad had told that they would take away these children on the road and would burn them alive.** All the ladies who were inside the room had calmed down because of fear and all had started crying.

**Page no. 6 para no.11:**

Persons of the mob had stayed there for some time and while going had told that today you would not survive and even if survived by chance, then go to Pakistan.

This witness in her statement before the SIT has given the name of this accused and has given cogent evidence against the accused in the deposition before the Hon'ble Court.

From the deposition of this witness, it becomes clear that the accused was in the front of the mob at 2.00 to 2.30 pm which was indulging in the criminal act and it clearly appears that he has played active role in looting and burning the properties of the Muslims by rushing in their chawls.

Moreover, this accused has witnessed with her eyes this accused lighting matchstick to the house of one lady, namely Jaheda and had knocked the door where the witness had hidden

and had told everybody to come outside and had told that they would take away the children on the road and would burn them alive. Thus, sufficient evidence is forthcoming against this accused.

This witness has given the name of the accused before the Court and has also identified him.

**[11] BASIRBHAI USMANBHAI, WITNESS NO. 183, EXH.1263:**

Has given the name in the statement dated 13.5.2002.

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.2 para no.4:**

The incident had occurred on 28.2.2002. On that day, I had night duty. After coming from the service at home, I had gone to bed. As I was told by the people of our chawl at about 9.00 am that a mob has arrived, I had come outside and had seen the mob. I had come out on the highway and had seen. The mob was on all four sides towards Noorani mosque, Krishnanagar. This mob was pelting stones. They were pelting stones upon us. On account of the stone pelting, I had returned to my chawl and after taking my wife and children, I had gone away towards Gangotri Society.

**Page no.2 para no.5:**

**In this mob, there were Sahejad Chharo**, Guddu Chharo, Bhavani and Hira Marwadi. Hira Marwadi and Guddu Chhara were armed with swords.

This witness has given the name of the accused in his statement dated 13.5.2002 before the police also.

This witness has given sufficient and cogent evidence against this accused in the deposition before the Hon'ble Court.

From the deposition of this witness, it clearly appears that the accused was pelting stones near Noorani mosque and the

witness has witnessed this accused in this mob and has given his name in the deposition before the Hon'ble Court and has also identified him.

**[12] MOHAMMED HANIF YUSUFBHAI SHAIKH, WITNESS NO. 184, EXH. 1271:**

- Has given name in the statement dated 12.5.2002 given before the police.
- Has given the name in the statement dated 14.9.2008 given before the SIT.
- Has given the name in the deposition before the Court and has identified.

**Page no. 2 para no.4:**

Incident had taken place on 28.2.2002 which had occurred pursuant to occurrence of Godhra carnage on 27th. On that day, there was call of Bandh given by Vishwa Hindu Parishad.

**Page no.2 para no.5:**

On that day at 9.30 a.m., I was at home. At that time, there was commotion on the road outside. On that day, mobs had arrived from Krishnanagar and Natraj Hotel and both the mobs had united.

**Page no. 2 para no.6:**

People of these mobs had attacked the mosque. On that day, there was police point in front of the S.T. Workshop. **The people of these mobs had attacked the mob of the Muslims.**

**Page no.3 para no.7:**

Persons of these mobs were armed with pipes, swords and weapons. In this mob, I have seen Kishan Korani and Manoj Sindhi making firing. They were firing upon the mob of the Muslims.

**Page no.3 para no.8:**

In this mob, there were Naresh Chhara, Haresh Chhara, **Sahejad Chhara**, Murli Sindhi, Ashok Sindhi Panwala, Suresh Chhara, Bipin Autowala and son of Bhavani whose name I do not remember. I know all of them. **All of them were instigating the people of the mob and were attacking the Muslims.**

**Page no.3 para no.9:**

At that time, policemen had fired teargas shells. Kishan Korani and Manoj Sindhi by snatching the gun from the police had fired whereas others, whose names I have given above, were armed with weapons like pipe, swords, scythes etc.

This witness has given the name of the accused in his statements before the police as well as before the SIT and has given sufficient and strong evidence in the deposition before the Hon'ble Court.

Deposition of the witness makes it clear that the accused was present in the mob that had gathered near Noorani mosque and that he had attacked the Muslims. Persons of this mob were armed with weapons and at that time, the accused together with other accused was instigating the mob and after getting instigated, this mob had attacked the Muslims.

Thus, sufficient evidence has come forth against the accused regarding his causing nattack over the Muslims, regarding his presence in the mob armed with weapon with an intention to achieve common intention and regarding inspiring the mob to cause attack upon the Muslims by instigating the said mob. Thus, there is no reason not to believe this witness. This witness has given the name of this accused in his deposition before the Hon'ble Court and has also identified him.

**[13] KHAIRUNNISA RIYAZUDDIN SHAIKH, WITNESS NO. 197  
EXH. 1354:**

- Has given the name in the statement dated 12.5.2002 before the police.
- Has given the name in the statement dated 31.5.2008 before the SIT.
- Has given the name in the deposition before the Hon'ble Court.

**Page no. 3 para no.4:**

At about 9.00 to 9.30 am, I had gone at the factory of Sirajuddin to call him and at that time, his boss had told me that nothing would happen and that after the work is over, he will drop him. While I was returning by Noorani mosque, mobs were standing there and the persons of the said mob had tied saffron coloured strips on the head and were pelting stones upon Noorani mosque. Thereafter I had come to my house. When I came home, other people by locking their houses were going and my children were standing and at that time, the mob had started rushing inside and therefore, we had gone away towards the wall of S.R.P. **The said mob was pelting stones upon us and was burning our houses.** We were not allowed by the S.R.P. to go inside and we had sat near the wall of S.R.P. and as the sun set and it was dark, we had gone on the roof of Gangotri Society.

**Page no.4 para no.5:**

There were Ganpat Chhara, Guddu Chhara and **Sahejad Chhara**, Jaibhavani in the mob.

This witness has given the name of the accused in the statement dated 12.5.2002 before the police and has also indicated involvement of the accused in the statement dated 31.5.2008 before the SIT.

From the deposition of this witness, it becomes clear that this accused was present in the mob near Noorani mosque and was

pelting stones over the mosque. This witness has also given the name of the accused in the deposition before the Hon'ble Court and has also identified him.

**[14] HAROON MOHAMMEDBHAJ SHAIKH, WITNESS NO. 198, EXH. 1363:**

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no. 5 para no.11:**

We had stayed in the Gopinathnagar and Gangotri Society till about 4.00 pm. While we were sitting at this place, Tiwari, **Sahejad**, Jaibhavani and Guddu had arrived at that place where we 15 to 20 persons were sitting and had told to go away in the S.R.P. Quarters from the back side road. At that time, ladies, gents and children were all together.

**Page no.6 para no.12:**

As these Tiwari, **Sehjad**, Jaibhavani and Guddu have been residing in our area itself, **by believing them, we had started going with them. While we were coming out, the people of the mob were sitting near the gate of Gopinathnagar hiding themselves** and as we came out, all the people of the said mob had surrounded us. There were Suresh Langado and Sachin in this mob which was hiding. At the time of this incident, with a view to save ourselves, we had come back in the Gopinathnagar society and had gone inside a narrow lane [*khancha*] near the water tank of Gopinathnagar Society. We had gone in the said narrow lane [*khancha*] thinking that the mob would go away from the opposite side, but the mob had started assaulting us in the portion of narrow lane [*khancha*]. After the assalut, the persons of the mob had burnt our people there itself.

**Page no.7 para no.13:**

Thus, when this assault started, there were three members of my family, among whom were my mother Mumtajbanu, my wife Gausiyabanu and my son Akram; all of the three had died in this incident. Apart from this, other people of our community had also become victim of this assault, who included my maternal aunt Rabiya, my niece Farhana and Lokma Reshma residing in my neighbourhood.

**Page no.7 para no.15:**

I had seen these five persons in the mob indulging in this assault which included Tiwari who was armed with sword; Jaibhavani who was armed with sword. Now, I remember that Jaibhavani was armed with stick; Guddu who was armed with sword; Suresh Langado, who was armed with scythe; Sachin @ Modi was also there who was armed with pipe.

**Page no.8 para no.16:**

While this fighting nwas going on, **I had intervened to rescue my son Akram and at that time, I was hit with scythe in the right hand and had sustained burn on the lower portion of the right eye and I had sustained such injuries.** After escaping from all this, I had hidden myself in the Gangotri Society. While I was sitting there for some time, I had learnt that other people of our community were also sitting there. At that time, it was the time of prayer of *magrib* [prayer taking place at the time of sunset].

This injured witness has given the name of the accused in his statements before the police as well as before the SIT and has also given evidence against the accused as per the deposition before the Hon'ble Court.

In this incident, mother, wife, son, maternal aunt, niece-sister's daughter and Reshma residing in the neighbourhood have been killed. All these have been killed and burnt in the narrow lane near the water tank. In the mob indulging in the assault, the witness has seen the accused armed with sword. In this incident, while trying to rescue his son, he was hit with scythe on the hand portion and has sustained injury on the right eye on account of receiving burns.

From the deposition of this witness it becomes clear that together with other Muslims, this witness believed the accused and while they were going towards S.R.P. Quarters, the mob which was hiding near the gate of Gopinath Society had surrounded them and as they ran towards the water tank, another mob had arrived from the opposite direction and after assaulting them, they had burnt the Muslims. Thus, this accused has played active role in this offence and after gaining trust of the Muslims who were finding shelter, he sent them at such place where the accused were already hiding from earlier time and by committing planned attack over the innocent Muslims and assaulting them had burnt them. In this incident, together with other Muslims, mother, wife and son as well as maternal aunt and niece [sister's daughter] of the witness as well as a neighbour are burnt by killing them. Thus, it becomes crystal clear that the accused has played active role in the mass massacre that occurred near the water tank.

This witness has given the name of this accused in the deposition before the Hon'ble Court and has also identified him.

**[15] SHARIFABIBI IQBALBHAI SHAIKH, WITNESS NO.203, EXH. 1404:**

- Has given the name in the statement dated 13.5.2002 before the police.

- Has given the name in the statement dated 27.5.2008 before the SIT.
- Has given the name in the deposition before the Hon'ble Court but has not identified.

**Page no.5 para no.10:**

I had seen one roof in the Gangotri Society and I had mounted upon the said roof together with my remaining children. After going upon the roof, I had covered the mouth of my children, because, they were crying. I had hidden in a corner of the roof together with my children.

**Page no.5 para no.11:**

While we were hiding on the roof, there were noises of "*maaro ... kaapo*". At that time, when I had seen through the vent of the roof, **they were beating my son Sharif with sword, hokey, sticks etc. and had felled him down and after pouring kerosene and petrol over Sharif, they had burnt him which I had seen.** In this mob, there were Bhavani, Guddu Chhara, Suresh Langado, Dalpat, **Sahejad Chharo**, Tiniya Marathi, Raju Marathi, Kishan Marathi and others. If I remember the names of the rest, I would tell. I now remember that there was son of Bhavani also in the mob.

**Page no.6 para no.12:**

These people had killed my son and burnt him before my eyes as I have stated. **I had seen the people of this mob throwing young kids in the fire. These very persons as I had seen were also raping young girls.**

**PAGE NO.6 PARA NO.13:**

I had seen that **persons of this mob were raping the wife of Naeem after making her nude.** At that time it was about 5.00 to

6.00 pm. I had stayed on the roof together with my remaining children up to 12.00 hrs. at night.

This witness in her statement before the police as well as before the SIT has indicated the criminal involvement of the accused.

Moreover, in the deposition before the Hon'ble Court also, this witness has given cogent evidence against the accused.

Looking to the deposition of this witness, she gives direct evidence against the accused of having burnt her son Sharif by pouring petrol and kerosene over him. This witness has witnessed from the roof of Gangotri Society through the vent, the incident of the accused having killed and burnt her son. There is no reason not to believe this witness.

Moreover, the witness has seen the accused throwing young kids in the fire and raping the young girls and also raping Zarinabanu, wife of Naemuddin by making her nude.

There is direct evidence coming forth against this accused regarding murder and rape and there is no reason not to believe the same.

**[16] SAIRABANU KHWAJAHUSSEN SHAIKH, WITNESS NO.229, EXH. 1628:**

- Has stated in the statement dated 28.5.2008 given before the SIT to have seen the accused in the riotous mob.
- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.5 para no.10:**

At that time, mob of the Hindus had arrived in the chawl of Husennagar. In this mob, there were Chharas, Sindhis, Suresh Chhara and **Sahejad Chhara**. There were also Chhara women.

Persons of this mob were indulging in looting and burning the houses. In front of the house wherein I was sitting, there was house of Jahedabibi and at that time, I had seen that **the Chharas were looting and burning the houses.**

**Page no.6 para no.11:**

**At that time, I was in the house of one Pinjara and after coming near the window falling in that house, Sahejad Chhara and Suresh Chhara had told every ladies and children to go with them and that they would move us at safe place. We had told them to move all if they wanted to do so or we were at the mercy of the Allah. They had shown us the newspaper and had told that what tyranny was caused by the Muslims and had told us to go to Hyderabad and not to return.** Thereafter, they had gone away to the other side.

This witness has indicated the involvement of the accused in her statement given before the SIT.

From the deposition of this witness it becomes clear that the witness has witnessed the accused together with other accused rushing in the chawls of Hussennagar indulging in looting the houses of the Muslims burning the said houses.

Moreover, there is evidence against the accused that by showing the newspaper to the Muslims who were hiding in a house of one Pinjara [one who makes quilts with cotton] he had told them to go away to Hyderabad and not to return.

Thus, there is sufficient evidence against the accused of having committed loot and burnt the properties of the Muslims and there is no reason to disbelieve the same.

**[17] SIDDIQUEBHAI ALABAKSH MANSURI, WITNESS NO. 236, EXH. 1662:**

- In the statement dated 26.5.2008 given before the SIT, he has mentioned him as one of the leaders with Mayaben Kodnani.
- Has identified him as one of the leaders with Mayaben Kodnani in the deposition before the Hon'ble Court.

**Page no. 8 para no. 17:**

In June, 2002, we had come back to reside at my home in Naroda Patiya. In this area, we about 45 families had returned from the Camps to reside in our area. Initially, we had no business or employment and therefore, we were getting kit of grains from the N.G.O. By getting such kits, I was supplying the same to other families and thereby was doing service. **At that time, Sahejad Chhara had arrived and told me that his name is disclosed in the riot cases and that he is ready to give money and had told to swear an affidavit by taking money. Thereupon, I had refused and therefore, Sahejad Chhara had told me that you have survived in this riot but in the next riot, he would kill me.**

This witness, in his statement dated 26.5.2008 before the SIT has given the name of the accused as leader accompanying Mayaben Kodnani. This witness supports the depositions of the earlier witness nos. 104 and 115. This witness has given cogent evidence against the accused as per his deposition before the Court.

From the deposition of this witness, it becomes clear that the accused was from among seven leaders who had arrived along with Mayaben Kodnani and he had talked with Mayaben and after taking out the weapons from the Trax vehicle which had arrived with Mayaben, the same were given to this accused and other leaders and thus, this accused was armed with weapon and thereafter had caused sabotage in Noorani mosque and had set

fire to it and had also burnt the shops and houses and had also burnt alive the ladies, gents and children and thus, it appears that he was involved in the whole incident.

Thus, perusal of the deposition of this witness shows that the accused caused attack upon the mosque, burnt the houses of Muslims in Husennagar and burnt alive the ladies, gents and children, which fact is proved from the deposition of this witness. This witness has given the name of the accused in the deposition before the Hon'ble Court. Thus, there is no reason not to believe the deposition of this witness.

Moreover this accused had told this witness to swear an affidavit with a view to have his name removed from this case and when the witness refused to do so, the accused had told the witness that in these riots he has survived but in the next riots he will kill him. From this fact, it becomes crystal clear that this accused is involved in the said offence.

**[18] NASRINBANU MOHAMMED RAFIK SHAIKH, WITNESS NO. 238, EXH.1673:**

- Has stated in the statement dated 21.5.2008 before the SIT that she had witnessed the accused in the mob that had attacked the chawl of the witness.

- Has given the name in the deposition before the Hon'ble Court and has identified him.

**Page no.3 para no.6:**

Persons of the mob of Bajrang Dal had tied saffron strip upon the head whereon "*jai shri ram*" was written. In the mob that had assembled on the road, I had seen Munna Shetty and **Sahejad Chhara pelting stones** and at that time, Suresh Langada was

armed with sword. Thereafter, as there was heavy stone pelting, the policemen had resorted to firing upon the Muslims.

**Page no.4 para no.9:**

All the family members were scared and therefore, I and my family members had gone on the top floor of a bungalow situated in lane no.4 of Hussennagar, in front of our house for safety. We had gone on the roof and had seen the incident taking place. Around 5.00 to 5.30 pm, of course, I do not remember the time, but it was evening, I had seen that the **persons of the mob were looting and burning our chawls and houses. I had seen four persons in this mob.**

**Page no.5 para no.10:**

**At that time,** I had seen Munna Shetty, **Sahejad Chhara,** Suresh Langado and Ganpat Chhara. Thus, Munna Shetty and **Sahejad** were in the mob. Suresh was armed with sword and Ganpat Chhara was making signs with hand. I was on the roof till 12.00 at night and thereafter as the vehicles of Shah Alam Camp arrived, we had gone to the Camp in Shah Alam.

This witness has indicated in her statement before the SIT about the involvement of this accused in the offence.

From the deposition of this witness it becomes clear that this accused has caused stone-pelting in the said offence and after looting the houses belonging to the Muslims at about 5.00 pm has burnt their houses and the witness had witnessed the accused indulging in this act. There is no reason to disbelieve the say of this witness.

**[19] MARIYAMBIBI HASANBHAI SAIYED, WITNESS NO.261, EXH. 1766:**

- Has given the name in the statement dated 12.5.2002 before the police. Has given the name that the accused was present in the mob which had burnt the son of the witness.

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.3 para no.6:**

On the date of the incident, while my family members were at home, I was preparing tea and breakfast. On that day, while I was going to take milk at the shop of Hiralal at about 8.00 am and had reached at the entrance of S.T., I had seen that mobs of Hindus from Krishnanagar and Natraj Hotel had arrived and had started pelting stones. The mob had also caused stone-pelting at the place where I was standing near S.T. Workshop and **the mob had also caused stone-pelting near Noorani mosque. The mobs were of the Hindus.**

**Page no.4 para no.8:**

I had gone together with my all children. But my handicapped son Maiyuddin who was on the roof of the *Madressa* had refused to come. He was watching the incidents that were occurring in the riots.

**Page no.4 para no.9:**

As my son Maiyuddin did not come with me, I had gone at the house of Abdulbhai Ghadiyali together with other family members. After dropping my family members, I had returned back to take Maiyuddin at the *Madressa* and as mob of Hindus came there, Maiyuddin had told me to hide in the *Madressa* as mob of Hindus has arrived. By telling this, Maiyuddin had gone inside the house. Thereafter, I had sat on the staircase of the *Madressa*. There were other two to three boys also.

**Page no.5 para no.10:**

At that time, mob of the Hindus was causing sabotage and loot in the houses of our chawls. **The persons of this mob of**

**Hindus who by breaking the door of my house had taken out my handicapped son Maiyuddin outside my house** were Murli Sindhi, Suresh Langado, **Suresh Mama and Guddu Chhara, which I had seen. The said people had told my son to speak "Shri Ram" and at that time, my son Maiyuddin had told that he would not speak "Shri Ram", as a result thereof, they had beaten him with sword, stick, pipe etc. and after pouring petrol or kerosene over him, had burnt him alive which I had seen. I had seen all this through the window of the *madressa* while I was inside *Madressa*.**

This witness in her statement before the police has stated that the accused was involved in the commission of the said offence.

From the deposition of this witness, it becomes clear there is direct evidence that this accused, together with other accused, by pouring petrol kerosene over Maiyuddin, son of the witness had burnt him alive. The witness has witnessed the accused committing this act.

Thus, there is direct evidence against this accused of having committed murder of Maiyuddin, son of the witness and there is no reason to disbelieve the same.

This witness has given the name of the accused in her deposition and has also identified him.

**[20] FATMABIBI MAKBULBHAI SHAIKH, WITNESS NO. 83, EXH. 542:**

- Has given the name of the accused by stating in her deposition before the Hon'ble Court that she had seen this accused in the mob near Noorani mosque pelting stones.

**Page no.2 para no.3:**

The incident had occurred on 28.2.2002. On the date of the incident, I was at my home. On that day, there was fighting going on. There was a mob, the mob was pelting stones. By taking my children I had come out to see. At about 9.30 am all this was happening. When I saw, some persons **were pelting stones over Noorani mosque and were burning. In this mob, I had seen** one Guddu Chhara, **Sahejad Chhara**, Bhavani Chharo and Tiwari. **I had seen all of them in the mob.**

**Page no.3 para no.5:**

After causing sabotage in my house, it set fire. All these people had looted and taken away two tolas of gold, two fans and household articles from my house.

Thus, looking to the deposition of the said witness, it becomes clear that this accused together with other accused had merged with the mob, formed an unlawful assembly, became member thereof and united with an object to achieve their common intention and with a malafide intention of causing damage to Noorani mosque, together with the persons of the mob, had caused stone pelting and burnt which is seen by this witness. Thus, this accused was involved in stone-pelting and burning the mosque as it transpires from the deposition of this witness and there is no reason to disbelieve the same. As eight years have passed by the incident and as change has occurred in physical appearance of the accused, this witness could not identify the accused in her deposition before the Hon'ble Court.

**ACCUSED NO. [27] NAWAB @ KAUL BHAIYO HARISINH RATHOD:****[1] SARFARAJ ABBASKHAN PATHAN, WITNESS NO. 144 EXH. 998:**

- Has given name in the statement dated 9.3.2002 given before the police.
- Has given the statement before the SIT.
- Has given name in the Hon'ble Court and has identified.

**Page No.2 Para No.4:**

On the day of Gujarat Bandh i.e. on 28th, I and my family members were at home and at that time, around 10.00 am to 11.00 am, a mob of persons had arrived at Hussennagar. This mob was of about ten to twenty thousand persons. This mob had started pelting stones and exploding gas cylinders. This mob by coming in our had set fire to it and had also set fire to my scooter. My scooter was lying on the road before my house.

**Page No.3 Para No.6:**

**In the mob, which had arrived in our *chawl* and had set fire to my house and had caused damage to our house, there were Kalu Bhaiya, Suresh Chhara, Guddu Chharo and Bipinbhai Panchal.** There were also other persons whom I know.

This witness has given the name of the accused in his statement before the police and has also given sufficient evidence against the accused in his deposition before the Hon'ble Court.

From the deposition of the witness it becomes clear that at around 10.00 to 11.00 am a mob had arrived in Husennagar wherein the accused was present. He together with other accused has set fire to my house and scooter and it becomes clear from the deposition of this witness that this accused has played active role in this mob.

The witness has given the name of the accused in his deposition before the Hon'ble Court and has identified him.

**[2] SHAHNAWAZ ABBASKHAN PATHAN, WITNESS NO.145, EXH. 999:**

- There is name in the riotous mob given in the statement dated 9.3.2002 before the police.

- By giving name in the deposition before the Hon'ble Court has identified.

**Page No.2 Para No.3:**

On the date of occurrence of the incident, there was call of Gujarat Bandh. On the day of Bandh Call, I was at my home. On the date of the incident, at 9.15 hrs. a mob had arrived outside my house. They were breaking the shops and mosque. All this was going on up to 11.00 hrs. Thereafter, the police had resorted to firing wherein the mobs of our Muslims had gone inside the lane. Thereafter, the persons of the mob of Hindus had advanced and had **rushed into our chawl**. Mob of these Hindus had set fire to the Hukamsing's Chawl and Dilip's Chawl and had looted the belongings. Persons of the mob had rushed in the chawls.

**Page No. 3 Para No.4:**

Mob had arrived from the direction of Natraj Hotel. This mob had arrived from the Patiya in front of S.T.Workshop. This mob was of about fifteen to twenty thousand persons. **Persons of the mob had burnt my house and had looted my house. Stone pelting and fighting was going on outside** and therefore, we had gone inside in Hussennagar. We had hidden in Hussennagar. Thereafter, at night, the police vehicle had shifted us to Camp in Shah Alam. I do not know that where my family members had gone at that time.

**Page no.4 Para no.6:**

In the mob, which had forcibly entered and **in such incident as stated by me wherein my house was being sabotaged and set fire to**, there were total seven persons, namely, Bipinbhai Panchal, Majoj Sindhi, Murli Sindhi, **Kalu Bhaiya**, Suresh Chharo, Haresh Chharo and Naresh Chharo. I was knowing these seven persons only and was not knowing other persons of the mob.

This witness in his statement before the police has given the name of the accused and has given sufficient evidence.

From the deposition of this witness before the Hon'ble Court it becomes clear that the accused was present in the mob which had come outside the house of the witness. The witness has identified the accused in this mob. By remaining in the mob, the accused was breaking the shops and mosque and thereafter, the accused together with mob had rushed in the chawls and had burnt the houses and has also burnt the house of the witness and has looted the household belongings and evidence to such extent is forthcoming against the accused.

**[3] KIRANKUMAR PARSOTTAMBHAI MAKWANA, EXH. 264, EXH. 1778:**

- Has given the name of the accused in the statement dated 7.3.2002 before the police stating therein that the accused was throwing burning rags on the houses of the chawl.
- Has given the name in the statement dated 21.3.2008 before the SIT.
- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.5 para no.9:**

During this period, mobs of the people by throwing stones were trying to rush in the Pandit's chawl in front of Noorani

mosque, chawls of Hussennagar and the slums of Jawannagar and therefore, it was opposed by throwing stones and tube-lights from inside the chawls upon the mob on the road.

**Page no.6 para no.11:**

**In this mob**, I had seen Naresh Agarsinh Chhara residing near Saijpur crematorium and Umesh Bharwad residing in Krishnanagar Housing, raising shouts of *kaapo* and along with them, **Kalu @ Kaliyo Hathising Rathod, residing in Krishnanagar Fadeli was also throwing burning rags over the houses of the chawl.** In the meantime, as there was commotion, some persons had rushed inside the lanes situated beside the S.T. Workshop.

**Page no.6 para no.12:**

In this incident, several persons had also rushed in the chawls of Jigarhasan. **They had started looting and fighting there.** These mobs were of Hindu community.

**Page no. 6 para no.13:**

These mobs had calmed down at about 7.30 pm and the mobs of the persons had dispersed.

We had come to know that about 58 ladies, gents and children were killed by burning them.

This witness is a police witness. On the date of the incident, he was present at police point near Noorani mosque. In his statement dated 7.3.2002, he has seen the accused throwing burning rags and has thus given his name and has also given sufficient evidence against the accused in his deposition before the Hon'ble Court.

Looking to the deposition of this witness, it becomes clear that the accused was trying to rush in the chawls by throwing stones upon the chawls and it clearly establishes that the accused was throwing burning rags upon the houses of the chawl.

This witness has given the name of the accused in his deposition before the Hon'ble Court and has identified him.

**[4] SAJJANSINH JASWANTSINH PUWAR, WITNESS NO. 265, EXH. 1781:**

- Has given the name in the statement dated 7.3.2002 stating that he had seen the accused throwing burning rags on the houses of the chawls.

- Has given the name of the accused in the deposition before the Hon'ble Court and has also identified.

**Page no.6 para no.12:**

**The mob of Hindus which had arrived from Noorani mosque and Krishnanagar had raised the shouts of *maaro ... kaapo*. Persons of this mob were indulging in the act of arson and burning the houses. In this mob, I had seen Naresh Chhara who is residing near crematorium of Saijpur and **Kalu @ Kaliyo Harising** of Saijpur Fadeliwala and had also seen one more person, whose name, at present I do not remember. These people were throwing burning rags. All these three together were throwing the rags and stones. At present I do not remember that what further they were doing.**

This witness has given the name of the accused in the statement before the police and has stated that he was throwing burning rags upon the houses of the chawl. He has given sufficient evidence against the accused in the deposition before the Hon'ble Court.

From the deposition of this witness it becomes clear that the accused was present in the mobs that had arrived from Noorani mosque and Krishnanagar and was raising shouts of *maaro and*

*kaapo* therein and was burning the houses. Thus, there is sufficient evidence coming forth against the accused.

**[5] MANUBHAI MADHABHAI RATHOD, WITNESS NO. 267, EXH. 1789:**

- Was in patrolling.
- Has given the name of the accused in the statement dated 3.3.2002 before the police stating that the accused was throwing burning rags upon the chawls.
- Has given the name in the deposition before the Hon'ble Court and has identified the accused.

**page no.5 para no.11:**

The mob had caused sabotage in the mosque and had also caused sabotage in the shops surrounding the Noorani mosque. These mobs were trying to enter the chawls of Hussennagar, Jawannagar slums, Pantidji's chawl situated in front of the wall of S.T.Workshop. This mob was of Hindus. Thus, when they were trying to enter the chawls of Husennagar, mob of about 400-500 Muslims had arrived from the opposite and by throwing stones and opposing with weapons like stick, pipes, scythes, mobs had arrived against one another. At that time, to disperse the Hindu mob, efforts were made.

**Page no.6 para no.12:**

In these **mobs** of Hindus, there were Naresh Agarsing, Umesh Bharwad and **Kalu @ Nawab. They were raising shouts of *maaro ... kaapo. At that time, Kalu was throwing burning rags. He was throwing burning rags upon the mob of the Muslims.*** At that time also we had resorted to firing. Fighting and assault between both the mobs had started. The mob had rushed in the

lanes of the chawl by jumping over the walls. **The mob had started looting and fighting.**

**Page no.7 para no.16:**

In the mob, I know Naresh Agarsing, Umesh Bharwad and **Kalu @ Nawab**. I will identify them if they are in the court. I will identify after going at the place where the accused are sitting.

This witness is a police witness. He was in the patrolling at the place and date of the incident. In his statement dated 3.3.2002 before the police he has stated that he has seen the accused throwing burning rags over the chawls. This witness has given evidence against the accused as per paras 11,12 and 16 of his deposition before the Hon'ble Court.

He has stated that the accused was in the mob which was armed with weapons; was raising shouts of *maaro... kaapo* and the persons of the mob were throwing burning rags over the chawls. As per the deposition of this witness, the accused was present in the mob of Hindus and has indulged in the loot and assault in the houses of the Muslims.

This witness has given the name of the accused in the deposition before the Hon'ble Court and has identified him. Thus, there is no reason to disbelieve the evidence given by this witness against the accused before the Hon'ble Court.

**ACCUSED NO. [28] MANUBHAI KESHAVBHAI MARUDA [BHANGI]**

**[1] SHAKILABANU FIROZAHMED ANSARI, WITNESS NO.72**

**EXH. 510:**

- Has given the name in the statement dated 27.5.2008 before the SIT and has also indicated the act.
- Has given the name in the deposition before the Hon'ble Court and has also identified.

**Page no. 5 para no.9:**

We had gone in one shop having shutter situated towards Gangotri and had sat in the said shop. Other persons were also there in the said shop. We had sat there hiding and at that time, **Manu Bhangi** had also arrived and had told us not to be scared and that he would make arrangement for our food.

**Page no.7 para no.12:**

After I was separated from my family members, they went further and further wherein, my mother, my brother Mehboob, younger brother Shabbirahmed and his children and wife of younger brother were there whom I had seen going further. As they started going further, Bhavani had made a sign to the mob. The mob was armed with many weapons, petrol, diesel etc. My family members were killed before my eyes by them wherein, there were Guddu Chhara, Bhavani, Sahejad Chhara, **Manu Bhangi** and Suresh Langada. **All these five persons were aiding the mob in setting fire everything. After pouring petrol over my family members, this mob had burnt them alive. My three months' old nephew was also thrown in the fire by this mob.**

This witness has given the name in his statement before the SIT and has also given evidence against the accused as per her deposition before the Hon'ble Court.

From the deposition of this witness, it becomes clear that this accused was involved in killing the family members of the witness by pouring petrol, kerosene over them. There is evidence forthcoming against this accused of having played active role in killing and setting fire to the witness' mother, brother, younger brother Shabbir Ahmed and his children, wife of younger brother etc.

This witness has given the name of the accused in the deposition before the Hon'ble Court and has also identified him.

**[2] FARJANA AIYUBKHAN PATHAN [INJURED] WITNESS  
NO.106, EXH. 687:**

- Has given the name in the statement dated 28.5.2008 before the SIT and has indicated the act.

- Has given the name in the deposition before the Court and has identified.

**Para no.12 page no.6:**

**At that time, my two daughters were with me. My elder daughter Farhana was pulled by the persons of the mob from me, who had removed her clothes and four to five persons from the mob had outraged her modesty. Pipe was hit on both hands of my younger daughter Reshma and fracture was caused upon hand. Persons of the mob, by pouring petrol upon my body as well as on the hands had set fire to me.**

**Para no.16 page no.7:**

There were Jaibhavani, Sahejad, Tiwari and **Manu** in the **said mob of the Hindus** whom I know.

**Para no.18 page no.7:**

**After outraging modesty of my daughter Farhana, he had killed her. Persons of the mob before my eyes had killed and burnt my family members among whom were my mother Mumtazbanu, my daughter Farhana, my Bhabhi Gausiyabanu, nephew Akram and my mother maternal Rabiyanu.**

**Page no.9 para no.23:**

Out of the four persons whose names have been given by me, to my knowledge, Jaibhavani has died. I know Manu Tiwari and Sahejad. I cannot identify all these three if they are in the Court, but can identify if I go at the place where the accused are sitting.

This witness has given the name of the accused in the statement before the SIT and has given evidence as per the deposition before the Hon'ble Court.

This witness is an injured witness. On the date of the incident, the witness had sustained burns on the waist portion. On the date of the incident, the mob wherein the accused was present has burnt the mother of the witness and by raping Farzana, daughter of the witness, the persons of the mob have killed her; by hitting pipe on both the hands of Reshma, daughter of the witness, they have caused fracture on her both the hands and the persons of this very mob by pouring petrol on the back portion of the body of the witness, have burnt her. This witness has witnessed the girl, namely, Zarina being raped and her hands being chopped of. This witness by rolling down on the floor near the water tank at the place of the incident has extinguished the fire she had caught on her back and has witnessed the whole incident from near the water tank and has identified the accused as Tiwari in the mob indulging in assault and rape.

Witness, by giving name in the deposition before the Hon'ble Court has identified the accused.

Deposition of this witness makes it clear that there is sufficient evidence forthcoming against this accused in connection

with assault, loot, rape, burning the mother and daughter of the witness, causing fracture on the hand of the daughter of the witness as well as committing rape upon Farzana and Zarina and in whole of this incident, it becomes clear that the accused was present. Thus, there is no reason not to believe the deposition of this witness.

**[3] JAINULABEDIN SHAIKH, WITNESS NO. 113, EXH. 719:**

- Has given the name in the statement dated 19.4.2002 before the police.
- Has given the name in the statement dated 30.5.2008 before the SIT.
- Has given the name before the Hon'ble Court and has identified.

**Para no.11 page no.4-5:**

Along with my family, I had gone towards the road leading inside the S.R.P. Quarters from Jawannagar. There, the S.R.P. Personnel had not allowed us to go inside. Thereafter, we had gone in the Gangotri Society. It would be the evening time at that time. Thereafter, **we had gone in a narrow lane near Gangotri and Gopinath where there were some Muslim ladies and children.**

**Para no.12 page no.5:**

**All of a sudden, an attack was made there. They were burning alive by inflicting swords. They were burning by pouring petrol kerosene. At that time, I had run away from there. My wife and children were burnt before me. I had seen all of them burning in the fire.**

**Para no.13 page no.5:**

**In this mob**, I had seen Bhavanising, **Manu** and Guddu Chhara. At that time, **Manu was armed with pipe**. Bhavani was armed with sword. I had not seen any weapon in the hand of Guddu Chhara. The people who were burning were shouting for help and when all were burnt, I had gone away from that place. At that time, someone had also hit a pipe in my leg. Thereafter, I had gone away in S.R.P.

This witness has given the name of the accused in the statements before the police as well as SIT. Witness himself is an injured person and has given sufficient evidence against the accused in his deposition before the Hon'ble Court.

From the deposition of this witness it becomes clear that when the witness had gone near water tank, attack was made upon all the Muslims and they were being burnt alive; being burnt by pouring petrol kerosene. In this incident, wife and children of the witness have been burnt.

This accused has played active role in burning by killing the mother and children of the witness. In this regard, he gives evidence against the accused. This witness has seen the accused armed with pipe. This accused becomes offender for the offence of mass massacre that occurred near the water tank. Sufficient evidence is coming forth against the accused and there is no reason to disbelieve the same.

**ABDUL MAJID MOHAMMED USMAN SHAIKH, WITNESS NO. 156,  
EXH. 1072:**

- Has given the name in the statements dated 8.5.2002 and 15.4.2002 before the police.
- There is name in the statement dated 20.5.2008 given before the SIT as Manu Bhangi, son of Keshu Bhangi. [It was stated that has committed rape.
- By giving the name in the deposition before the Hon'ble Court has identified.

**Page no.10 Para 19:**

**I had seen that my wife was burning and my daughter Supriya was being pulled and carried away by the people** and among these people there were Jaibhavani, his son, Tiniyo, Suresh Langado and other two to four persons. While my daughter was being pulled and carried away, by remembering the Allah, I had uttered the words: "*naare takbir allaho akbar*" and at that time, somebody had attacked me on my head from behind and therefore, I had fallen down there.

**Page No.11 Para no.20:**

**When I regained senses, I had seen that my daughter Supriya was being dragged and carried away and my wife Lalbi, Aafribanu and Sahinbanu, son Mohammedhussen, son Khwajahussen and daughter Sufiyabanu were burning there. When I regained senses, a thought had occurred to me as to what would have happened to my remaining children and therefore, I had shouted by taking the names of remaining children, namely, Chand, Yasin and Mehboob.**

**Page no.11 Para 21:**

At that time, I had seen one Mehboob, husband of one lady, namely, Bibibanu in burnt condition. Thereafter, I had heard the

noise of my son Yasin calling me and my son Yasin was in burnt condition. On account of pain of burns, my son Yasin had sat in the tank. I had told him not to sit in the water, because, on account of that, skin may swell. I had taken him out from the tank.

**Page no. 14 Para 27:**

After taking chit of Soniya Gandhi, I had gone to Civil Hospital. On inquiry through the nurses, I had found out Supriya. I had met Suypriya. She had told her story to me. **She had told me that she could not save herself and that she could not save her modesty.** I had told her that I had seen those people taking her but thereafter, I was attacked and therefore, I could not save her and could not see what happened to her. **Supriya had told me that there were four to five persons who had raped her.** She had told me that Guddu Chhara, son of Jaibhavani and Jaibhavani were involved in this rape. She had told me that there was also **Harijan Manubhai**. Supriya had told me that Manu had removed her clothes. On the same day, I had tried to take Supriya to V.S.Hospital. Supriya was also telling me to take her with me but at that time, as the doctor was absent there I could not take her. Thereafter, after talking with her, I had come back to V.S. Hospital. I had to go to V.S.Hospital leaving my daughter.

This witness has given the name of the accused in the statements before the police and the SIT and has given the name by stating that this accused has committed rape upon his daughter.

In this incident, Lalbi, wife of the witness; two daughters, namely Afrinbanu and Shahinbanu; two sons Mohammed Hussein and Khwaja Hussein etc. have been burnt and killed. Five family

members of this witness have been killed in this incident and Supriya, daughter of the witness has been raped. Her treatment was got done in the hospital. There is evidence forthcoming against the accused that he was involved in whole of this incident. This witness has given sufficient evidence against the accused regarding murder of family members of this witness.

Moreover, Supriya, daughter of the witness, while giving dying declaration has told the witness that Manu Bhangi was also involved in committing rape over her. Manu had removed her clothes. Thus, there is sufficient evidence against this accused that by raping Supriya he has killed her. Daughter of the witness Supriya while dying has given the statement at this stage, the witness has given the said names given by his daughter while she was dying and among these names, there is name of accused Manu Harijan. Therefore, there is sufficient evidence against this accused regarding rape and murder and there is no reason to disbelieve the same.

This witness has given the name of the accused in the deposition before the Hon'ble Court and has identified him.

**[5] ZULEKHA SARDARAHMED CHAUDHARI, WITNESS NO. 176, EXH.1212:**

- Has given the name in the statement dated 28.5.2008 before the SIT.
- Has given the name in the deposition before the court and has identified.

**Page no.6 para no.15:**

From there, we had returned to Gangotri Society and our Muslims had hidden behind a water tank which is situated there. **Persons of the mob, by pouring petrol, diesel and blankets upon the hidden Muslims, had set fire to the said Muslims which I myself have witnessed. Leaving that place we had arrived near Gangotri.**

**Page no. 6 para no.16:**

We had arrived on the roof of a house of Gangotri Society. Muslims were burnt near Tank and those who could survive from among them were coming towards this house of Gangotri Society. At that place, Mobs of Hindus were there near Gangotri Society also and I had heard them that nobody from among them would be able to survive. Thereafter, we all had mounted on the roof.

**Page no.7 para no.17:**

**In the mob which I had seen near Gangotri Society, I had seen Manu Harijan** and Tiwari Conductor. I had good rapport with Tiwari Conductor and therefore, had requested him to allow me and my children to sit in his house in Gangotri Society. A boy, namely, Sabir who was in the lap of my brother's wife had fallen down and had sustained hurt in the head. We had stayed on the roof of Gangotri Society till 11.30 pm. Thereafter, the police vehicles had arrived. Police had arrived to take us away. When we left Gangotri for sitting in the said vehicles, many dead bodies of ladies and gents were lying on the way. We had left watching all this. Thereafter, we had come and sat in the vehicle. This vehicle had taken us to Shah Alam.

This witness has given the name of the accused in the statement before the SIT and has also given evidence against the accused as per the deposition given before the Hon'ble Court.

Deposition of this witness makes it clear that the accused was present in the mass massacre which was caused by the accused persons near the water tank situated near Gangotri and the witness has witnessed the accused.

Thus, there is clear evidence forthcoming against the accused regarding carrying out planned massacre and there is no reason not to believe the same.

This witness has given the name of the accused in his deposition before the Hon'ble Court and has identified him.

**[6] SATTARBHAI MOHAMMEDHUSSEN SHAIKH, WITNESS NO. 201, EXH. 1388:**

- Name not found in the statement dated 13.5.2002 given before the police.
- Has given the name in the statement dated 23.6.2008 before the SIT.
- Has given the name in the deposition before the Court and has identified.

**Page no.6 para no.10:**

Thus, when I had run, I had lifted the children of Salim. I wanted to come back from where I had arrived. While alighting from the roof of Gangotri Society and I came, there was one S.R.P. Personnel in plain clothes near this room and he had aimed his pistol upon my chest and had told me to go in the ground and

fight and that if survived, he will fire bullet in my body. At that time, wife of Salim had told me to go and sit on the roof from where we had arrived. **At that time, by escaping while I was going, at that time, Manubhai [witness mentions the words "Manu Bhanga"] was driving away the Muslim ladies with hokey towards the field which I had seen. He was driving away the Muslim ladies from the lane of temple near Gangotri Society.** Thereafter, I had gone on the roof of a butcher and had sat there. Thereafter, after going on the roof of the butcher I had sat there. Along with me, I had also taken away the wife of Salim and his children.

This witness has given the name of the accused in his statements before the police and the SIT and has given sufficient evidence against the accused in his statement before the Hon'ble Court.

From the deposition of this witness, it becomes clear that this accused was driving away the Muslim ladies towards the field. Thus, from the deposition of this witness, it becomes clear that the accused was present in the mob on the date of the incident and was driving away the ladies towards the field. Thus accused has committed rape over the lady.

This witness has given the name of the accused in the deposition before the Hon'ble Court and has also identified him.

**[7] SHABANA BUNDUBHAI KURESHI, WITNESS NO.209, EXH. 1463:**

- Has given the name in the statements dated 23.5.2008 and 14.9.2008 given before the SIT.

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.6 para no.12:**

While we were returning, the persons of the mob standing near Gangotri and Gopinath Society, were armed with pipes, swords, hokeys etc. They had started beating the Muslims who were left behind us. At that time, while we were running towards Gangotri from Tisra Kuva, people from Gangotri and Gopinathwala were coming towards our direction. At that time, people were running helter skelter. **At that time, we had gone into a narrow lane situated between Gangotri and Gopinath Society whereon, there is a water tank.** At that time, all my family members were separated. But when I went in that narrow lane [*khancha*], I, my mother, my sister Naseem and my brother Raja were together.

**Page no.7 para no.13:**

**When we entered the narrow lane, the mob had surrounded us from all four sides. In this mob,** I had seen Suresh Langada, son of Dalpat, son of Jaibhavani, Naresh, Haresh, **Manu**, two sons of Marathi, Jaibhavani, Dalpat and Guddu Chhara and other many persons.

**Page no. 7 para no.14:**

**At that time, all the persons whose names I have stated above were there in the mobs who were standing on the road in front of the narrow lane. The said mob by cutting the talisman of one boy, namely, Siddique with dagger had attacked him, as a result thereof, he had sustained injury in the throat and upon cutting the talisman, the dagger after being broken had fallen down. This Siddique was being beaten with the pipe and**

at that time, he had tried to defend himself by keeping his hands upon the head, all of which has been seen by myself. Thereafter, after pouring something inflammable liquid kerosene upon this Siddique, he was burnt. This Siddique had died there.

**Page No. 8 para no.15:**

After the incident of Siddique, I had seen that the persons of the mob whose names have been stated by me above had pulled a girl of Hussennagar. At that time, my sister Naseem was surrounded and thereafter, they had hit a pipe in her head and thereafter, after pouring kerosene, they had burnt her at that very place and she had also died.

**Page no. 8 para no.16:**

Upon looking this, my mother had run by raising shouts and at that time, Suresh Langada had caught my mother. Suresh Langada after catching my mother had inflicted *gupti* in the abdomen of my mother and thereafter, the persons as stated by me above together with the persons of the mob had burnt my mother alive. Thereafter, my mother had died there.

**Page no.9, para no.17:**

At that time, as the Muslims who were inside the narrow lane tried to come out, they were being caught and after being killed they were being burnt. At that time, the persons of the mob had thought that perhaps fight was started in this narrow lane and after pouring kerosene, all were burnt together.

**Page no. 9 para no.18:**

At that time, as fire took place in the narrow lane, I had jumped and sat on the wall near the said narrow lane. At that time, the persons of the mob had hit stone upon my leg. As this stone hit me, I had fallen down on the other side of the wall. On looking all this at that time, I was scared. **Persons of the mob were giving very filthy abuses and were burning**, as a result thereof, I was scared. After sitting for about two minutes near the wall on the other side of the wall, I had gone away on one roof of Gangotri Society by going through a gate.

**Page no.10 para 19:**

When I went upon the roof, other Muslims were also there. Muslims were there on three roofs of Gangotri Society. We were there on the roof till late night.

This witness has given the name of the accused in her statements dated 23.5.2008 and 24.9.2008 given before the SIT. In this incident, mother and sister of the witness have died.

This witness has been residing at the place of the incident since years. On the date of the incident, she was at home and after coming out has seen the mob armed with weapons. This witness was running towards Tisra Kuva to save her life and from there, as the mob arrived, had run towards Gangotri and was trapped at a place in a narrow lane situated near water tank between Gangotri Gopinath where mass massacre was committed. From this place, the witness has seen the accused in the mob near the water tank. This witness has seen chopping of the throat of a boy, namely, Siddique and has also seen burning Siddique. This Siddique was killed and burnt by the accused mob which becomes clear from the deposition of the witness. Thereafter, the witness has seen the accused together with other accused pulling and taking away a girl of Hussennagar and has

seen burning her sister Naseem by pouring kerosene over her. This accused and the persons of the mob have also burnt alive the mother of the witness. Whoever Muslim would come out of this narrow lane, the accused together with other persons would catch them and would burn them and the accused and co-accused have burnt many Muslims by throwing inflammable liquid in this very narrow lane. Thus, these accused has played active role in the incident of mass massacre near the water tank which is proved from the deposition of this witness.

This witness has sustained injury in the leg on being hit with stone while jumping the wall near water tank on the date of the incident. After watching the whole incident, the witness had gone on the roof in Gangotri Society and had sat there to save her life.

Thus, as stated by the witness he has sustained injury in the incident and has taken treatment in the Camp. Therefore, the deposition of the witness regarding the incident cannot be ruled out. She is an eye witness of the incident. Her presence at the place of the incident becomes clear and there is no question to rule out the facts stated by the witness in her examination-in-chief and that the witness by giving the name of the accused in the deposition on oath before the Hon'ble Court has also identified him.

**[8] JAVED ISMAIL SHAIKH, WITNESS NO. 228, EXH. 1621:**

- Has given the name in the statement dated 28.5.2008 given before the SIT stating that the accused together with riotous mob had made headlong attack upon the Muslim men, women and children.

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no. 5 para no.10:**

Thereafter, Bhavanising had told us to go away from that place and that he had made arrangement towards Tisra Kuva. When we proceeded towards that direction, we had seen that a mob was standing there. Looking at them, the persons of the mob were armed with weapons like swords, scythes, *guptis*, petrol carboys etc. Upon looking at the persons of the mob, we the Muslims had returned to the chawl. This mob had chased us. Another mob had arrived while we were returning towards Muslim chawls i.e. Jawannagar. We were going towards Jawannagar. However, we could not reach Jawannagar. Before we could reach Jawannagar, we were trapped in a narrow lane situated between Gopinath and Gangotri Society near the water tank.

**Page no.6 para no.11:**

Some people could go after jumping over the wall situated near this water tank. But we could not go. The persons of both the mobs had stopped us there. In this mob, there was Babu Bajrangi who was armed with sword. He was showing newspaper to us and was telling that this is the photograph of the incident of Godhra and that our position would also be the same. **Thereafter, by shouting *jai siyaram*, Babu Bajrangi had started assaulting the Muslims. In this mob,** I had seen Guddu Chhara, Bhavanising, Suresh Chhara and **Manubhai. All these and other people of the mob by raising shouts of "*jai siyaram*" had started assault.** These people had thrown burning rags upon us from the roof of the tank.

**Page no.6 para no.12:**

**In this incident, young kids were burnt alive. I was also there among all these persons who were trapped.** Stone pelting had also taken place in this incident. I was hit with a stone on the right side of the forehead. I had hidden myself behind the bushes in the narrow lane situated between Gangotri and Gopinath Society.

**Page no.7 para no.13:**

I and my family members were separated at the time of the incident. This incident had taken place at about 6.30 to 7.00 pm. I had seen that Kausharbanu, daughter of my maternal aunt and wife of Khalid Noormohammed Shaikh was also there at the time of the incident and she was trying to escape from the mob. At that time four persons had caught her. I had seen that Babu Bajrangi had removed newborn baby from her abdomen and after swinging it on the edge of the sword had thrown the same in the fire. Kausharbanu was also thrown in the fire like other people who were thrown in the fire. I had also seen a woman whom I do not know whose clothes were torn and persons of the mob were inserting an iron pipe inside her private part. She was lying in unconscious condition. I had also seen a woman who was in completely burnt condition. Her name was Kudratbibi. She was lying at the place of the incident in completely burnt condition. Some person from the mob had hit stone to Kudratbibi where she was lying and at that time, something like lump of flesh from her head had come out. She was completely burnt.

**Page no.8 para no.14:**

Persons of the mob by hitting upon the bodies of the persons which were lying on the spot, were checking as to who is alive and who has died. While I was trying to come out from the

bushes, the persons of the mob had arrived there and therefore, I had also pretended to be a dead body among the dead bodies which were lying there. At that time, they were checking that who is alive. At that time, Guddu Chhara had hit a pipe upon my head.

This witness has given the name of the accused in the statement before the SIT and by giving name of the accused in the deposition before the Hon'ble Court has given sufficient evidence against him. This witness has been hit with a stone on the right forehead near water tank.

From the deposition of this witness it becomes clear that that this accused was present in the mob of Hindus with Babu Bajrangi near the water tank and together with other accused has assaulted the Muslims near the water tank and has burnt the children alive. Thus, there is sufficient evidence forthcoming against this accused of causing mass massacre that had occurred near the water tank. Sufficient evidence is coming out of the deposition of this witness regarding presence of this accused in the mob in indulging in mass massacre.

This witness has given the name of the accused before the Hon'ble Court and has identified him. The witness is an eye witness and there is no reason to disbelieve him.

**ACCUSED NO.[30] SHASHIKANT @ TINIYO MARATHI @ YUVRAJ  
PATIL:**

**[1] FARIDA ABDULKADAR SHAIKH, WITNESS NO.149 EXH.  
1028:**

- Has given the name in the statement dated 12.5.2002 before the police.
- Has given the name in the statement dated 3.6.2008 before the SIT.
- Has given the name before the Hon'ble Supreme Court and has identified. The accused is present in the Court.

**Page no.4 para no.8:**

There were other persons also present in the mob wherein **Mayaben Kodnani was there, wherein**, there were Kishan Korani, Babu Bajrangi, Murli, Manoj Videowala, Ashok Pan Gallawala, Bipin Panchal, Jaibhavani, Dalpat Chhara, Tiniyo Chhara - son-in-law of Dalpatbhai, Sehjad Chhara, Vijay Chhara - son in law of Sahejad Chhara, Suresh Langado, Guddu, Hariyo, Nariyo, **Tiniyo Marathi**, Subhash Ramesh **were present**.

**Page no.5 para no.11:**

Thereafter, the persons of the mob were advancing further and **were causing sabotage and were burning the houses and were making assault**. Therefore, I was very much scared. I had gone to the house of my daughter who was residing in Jawannagar. After locking my house, I had gone to the house of my daughter Afsanabanu in Jawannagar. Twice or thrice I had

arrived from the house of my daughter to have a look at my house. Thus, when I had arrived at 2.00 pm to have a look over my house, **I had seen son of one person, namely Mullaji who is handicapped by both the legs, burning near his house.** On looking this, I was scared and immediately had gone to the house of my daughter Afsanabanu.

**Page no.7 para 14:**

At that time, one boy, namely, Aiyub on looking at the mob which had arrived near his house was afraid and therefore, he had jumped from the roof as a result thereof, he had sustained injuries in both his legs. This Aiyub could not get up because of these injuries and the persons of the mob had lifted Aiyub, thrown him in a rickshaw and had set fire to the rickshaw. **They had burnt Aiyub alive which I had witnessed. At that time, there was one person clad in khakhi uniform and one person wearing helmet.**

**Page no.8 para 15:**

This very mob had set fire to the house of Majidbhai situated in the last row of Jawannagar and at that time, family members of this Majidbhai were inside the house. At that time, we had felt that we would not survive now and therefore, after getting down from the roof in Gangotri Society and by passing through the field I together with my children had gone in the ground. Other persons were also there with me.

This witness has given the name of the accused in the statement and by giving sufficient evidence against the accused as per the deposition given before the Hon'ble Court has secured the involvement of the accused.

From the deposition of this witness, it becomes clear that on the date of the incident, Babu Bajrangi was present at the place along with Mayaben Kodnani together with other accused. The witness has given the name of the accused and has witnessed them and the mobs in which the accused was present were advancing further and were indulging in the assault and burning of the houses. It becomes clear that the accused was present in the said mob and the mob in which the accused was present had burnt the son of one person, namely Mullaji near his house which is witnessed by the witness. Thus, from the deposition of this witness, it appears that the accused was present in the mob which had killed the son of Mullaji.

Thus, from the deposition of this witness, it becomes crystal clear that the accused was present at the place on the date of the incident and by remaining present in the mob, in which Mayaben Kodnani was present, together with other accused, unitedly had indulged in the assault and burning of the houses of the Muslims. Therefore, there is no reason not to believe this witness.

This witness could not identify the accused before the Hon'ble Court because he had given the names of many accused and in identifying these many accused, the witness has missed in identifying this accused and therefore, the gravity of the offence committed by the accused does not get reduced.

**[2] NAIMUDDIN IBRAHIM SHAIKH, WITNESS NO.158 EXH. 1124:**

- Has supported the incident in the statement dated 19.4.2002 before the police and has witnessed the mob committing rape and murder.

- Has stated in the statement dated 27.5.2008 before the SIT that he has witnessed the mob committing murder, rape in the incident.

- Has given the name in the deposition before the Hon'ble Court and has stated that he has witnessed all the incidents of murder and rape and has identified the said accused of the mob.

**Page no.10 para no.15:**

At that time, with a view to escape, my wife Zarina, my daughter Fauziya, my cousin brother Abdul Aziz, Haroon, Yunus, wife of Yunus etc. of our chawl had arrived in the front lane and after jumping over the wall had run away. At that time, the people who had separated from us and had gone were surrounded by the mob, wherein, four persons from the mob had pulled my wife and had started beating her. **I with my eyes had witnessed that sword was inflicted on the left hand of my wife and her left hand was amputated. Sword was inflicted on her right hand. Blow was also inflicted in her head with the sword and hokey was also inflicted in her leg.**

**Page no. 11, para no.16:**

**They had started pulling the clothes of my wife and had started tearing her clothes. They had kept this on till there was not a single cloth upon the body of my wife. Finally, she was made nude. I had seen all these incidents.**

**Page no. 20 para no.31:**

In the Camp in Shah Alam, eight days later she had told me that while she was running on the date of the incident in the lane of Gopinath and Gangotri, four boys by attacking on her hand and head had committed rape upon her. She was crying very much

while telling this incident to me. She was telling me not to tell this to anyone otherwise, they would lose their reputation. She had told me that she did not know them, but **these four boys were looking like Maharashtra.**

**Page no. 21 para no.34:**

**I can identify even today the four persons who had pulled away my wife at the time of the incident. Apart from this, as stated above, I can identify all those who were involved in the incidents and the attacks that occurred near the tank.**

This witness is an eye witness who has witnessed the incident near the water tank and has narrated the whole incident of mass massacre before the Hon'ble Court. He has witnessed the incident wherein, rape was committed upon his wife Zarina and sword was hit on her hands and head. This witness has not given the name of this accused in the statement before the SIT but in his deposition before the Hon'ble Court has identified the accused who had committed rape upon his wife and had hit the sword upon her hands and head.

This witness has stated in his deposition before the Hon'ble Court that four persons were pulling his wife away and after tearing her clothes and making her nude had raped her. The witness by telling that he can identify the persons who were involved in the incident of rape upon his wife and the incidents and the attacks that occurred near the water tank, has identified this accused out of the accused persons. Thus, there is sufficient evidence coming forth against this accused regarding his involvement in the rape, assault and mass massacre that occurred near the water tank and there is no reason not to believe the same.

**[3] SATTARBHAI MOHAMMEDHUSSEN SHAIKH, WITNESS NO. 201, EXH. 1388:**

- Name not found in the statement dated 13.5.2002 given before the police.
- Has given the name in the statement dated 23.6.2008 before the SIT.
- Has given the name in the deposition before the Court and has identified.

**Page no.5 para no.7:**

At 4.00 pm, while we were sitting outside the wall of S.R.P. Quarters, a mob had arrived from the direction of Uday Gas Agency. **Persons of this mob were armed with sword, scythes etc. After coming, this mob had started pelting stones and by shouting *maaro ... kaapo*, they had started assault.** Pursuant to stone pelting, the Muslims had dispersed. At that time, my wife and my children were separated from me. Children of Salim and his wife were left out with me.

**Page no.5 para no.8:**

When this stone-pelting occurred, my niece Saliyabibi [sister's daughter] was sitting there and she was hit with stone in her head during this stone-pelting and she had bled. **Thus, I had recognized Tiniyo Marathi and Guddu Chhara in the mob. Both were armed with sword. They were showing the houses of the Muslims to the mob and were indulging in the the assault.** At that time, by running we had gone on the roof of one butcher. I, wife of Salim and children had gone on the roof of butcher. After alighting from this roof and going in Gangotri Society, I had gone

through the road which leads to S.R.P.Quarters. I had gone by thinking that through this road, one can go to S.R.P. Quarters. There was a police point and the policemen at the police point had not allowed me to go inside and they had told me that they had no permission.

**Page no.6 para no.9:**

I had requested the policemen to allow the wife of my younger brother and their children to go inside if not me, they had not agreed and on the contrary, had started beating me with the rear part of the gun and had told me to run away otherwise he would kill and therefore, I had run away from there.

**Page no.6 para no.10:**

Thus, when I had run, I had lifted the children of Salim. I wanted to come back from where I had arrived. After alighting from the roof of Gangotri Society and came there was one S.R.P. Personnel in plain clothes near this room and he had aimed his pistol upon my chest and had told me to go in the ground and fight and that if I survived, he would fire the said bullet in my body. At that time, wife of Salim had told me to go and sit on the roof from where we had arrived. At that time, by escaping while I was going, at that time, Manubhai [witness mentions the words "*Manu Bhanga*"] was driving away the Muslim ladies with hokey towards the field which I had seen. He was driving away the Muslim ladies from the lane of temple near Gangotri Society. Thereafter, I had gone on the roof of the butcher and had sat there. Thereafter after going on the roof of the butcher I had sat there. Along with me, I had also taken away the wife of Salim and his children.

This witness has given the name of the accused in his statement before the SIT and has given sufficient evidence against the accused in his deposition before the Hon'ble Court.

From this deposition, it becomes clear that this accused was present in the mob which had arrived from the direction of Uday Gas Agency and that this accused was armed with sword and had started assaulting the Muslims. Other accused were also there together with him and he was showing to the persons of the mob the houses of the Muslims and this witness has witnessed the assault.

Thus, there is sufficient evidence forthcoming against this accused of having involved himself armed with weapon in the mob of the Hindus and having assaulted the Muslims by showing their houses to the mob and there is no reason not to believe the same.

This witness has given the name of the accused before the Hon'ble Court and has identified him.

**[4] ABDUL MAJID MOHAMMED USMAN SHAIKH, WITNESS  
NO.156 EXH. 1072:**

This witness in his deposition before the Hon'ble Court has given deposition against the accused as per the following paragraphs.

**Page nos. 7,8 Para no.15:**

At that time and on that day, we ten people by leaving our house had gone away. I do not remember the exact time, but when we had gone on the roof of Gangotri Society, it was the time of afternoon. From the roof of this Gangotri Society, I had seen that two brothers of Guddu Chhara, Tiniyo and others were present. **All of them were armed with sword, stick, kerosene carboy etc.**

**They had attacked Aiyub, son of Allabaksh** and after throwing him in a **rickshaw near the wall of S.R.P. Quarters and the house of Aabeda in the last chawl of Jawannagar had burnt him which is witnessed by myself**, wherein, Guddu Chhara was armed with sword, one brother of Guddu was having kerosene carboy and another brother was armed with a stick. **There were also other five to six Marathi boys. Tiniyo happens to be son of Kadam.**

**Page no.10 Para 19:**

I had seen that my wife was burning and **my daughter Supriya was being pulled away by the people and these people were** Jaibhavani, his son, **Tiniyo**, Suresh Langado and other two to four persons. While my daughter was being pulled, by remembering the Allah, I had uttered the words: "*naare takbir allaho akbar*" and at that time, somebody had attacked me on my head from behind and therefore, I had fallen down there.

This witness in his deposition has mentioned this accused as Tiniya. This witness was present at the place at time of the time of the incident. Supriya, daughter of the witness was dragged and taken away by the persons of the mob and they have committed rape upon her and have beaten her who has died during the treatment. Lalbi, wife of the witness, two daughters Afrinbanu and Shahidbanu and two sons Mohammedhussen and Khwajahussen have been killed by being burnt. Thus, five members of the family of this witness have died in this heinous incident. Yasin, son of the witness who was in burning condition has been saved by the witness and he has survived during the treatment. This witness has given the evidence against the accused as per his deposition before the Hon'ble Court.

From the deposition of this witness, it becomes clear that on the date of the incident, the accused was present at the place and he was armed with weapon and together with co-accused and unitedly, they have burnt a boy, namely, Aiyub mercilessly by throwing him in the rickshaw. There is sufficient evidence forthcoming against the accused in beating and burning this Aiyub and therefore, there is no reason not to believe this witness.

**ACCUSED NO.[31] ANKUR @ CHINTU ASHOKBHAI PARMAR:****[1] RUKSANA BUNDU KURESHI, WITNESS NO. 212, EXH.1507:**

- Has given the name in the statements dated 3.6.2008 and 14.9.2008 given before the SIT.
- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no. 5 para no.8:**

After coming out of the hall, I was separated from my brother, sister and mother. People of our community had started going towards Tisra Kuva. The people who had gone ahead of us had come back immediately and had told that there was big mob of Hindus and that they are armed with weapons. Being scared, I was shouting for my mother. Upon return of the people of our community, I had asked that what has happened and they had told that big mob of Hindus armed with weapons had arrived there.

**Page no.5 para no.9:**

I had started running together with the people of our community. While running, I had seen that Suresh Langado was inflicting *gupti* in the abdomen of my mother. Naresh, Haresh, Suresh Langado, Guddu Chhara etc. were there **in the mob who had beaten my mother**. Daughter of Jaibhavani was giving water to the persons of this mob. Among them, there were Jaibhavani, son of Jaibhavani, Dalpat, son of Dalpat, **Chintu** and one person having grey eyes and curly hair who was armed with iron pipe.

**Page no. 6 para no.10:**

**There were also other people together with the people of this mob. They were burning the people of our community and**

**were beating them.** Daughter of Jaibhavani was giving kerosene and quilts to the persons of this mob for setting fire.

**Page no.5 para no.11:**

**At that time, there was daylight and not dark.** It would be about 5.30 to 6.00 p.m. at that time. While crying, I had gone on the roof of Gangotri and had sat there. There were also other persons of our community on the roof of Gangotri. When I was on the roof, one lady who had sustained burnt had arrived with a young kid in her hand and the said kid had also sustained burns. This lady was raising shouts for help and was telling that these persons had killed and burnt many people of our community.

This witness in her statements dated 3.6.2008 and 14.9.2008 before the SIT has given the name of this accused. In the horrible incident of Naroda Patiya dated 28.2.2002, Zarina Bundubhai Kureshi, mother of the witness has died on account of the injury sustained with a sharp-edged weapon whose post mortem has been produced in the deposition of Dr. Jayendra Rasiklal Modi, witness no. 96 before the Hon'ble Court vide exh. 585. Moreover, Naseembanu, sister of this witness has died whose post mortem has been produced vide exh. 629 in the deposition of witness no. 96 Dr. Jayendra Rasiklal Modi before the Hon'ble Court. Evidence has been recorded in the Hon'ble Court as per the deposition of this witness.

On 28.2.2002, there was a call of Bandh. On that day, mobs from Natraj Hotel and Krishnanagar had started going towards Noorani mosque. The said mobs were armed with weapons. This accused was also present in the said mobs. Persons of these mobs were burning the people of our community. This accused was present in the mob who had beaten and burnt the mother and

sister of this witness. This witness has witnessed the incident. Moreover, while this witness was going towards the Camp in the vehicle of the police, at that time also, the mobs standing near Natraj Hotel and Saijpur Tower had pelted stones upon this police vehicle and at that time, when the police had fired in the air, the mob had run away, consequently, the lives of this witness as well as other witnesses who were sitting in the police vehicle could be saved otherwise, the death of the witness was also certain.

Thus, this witness is an eye witness and he had recognized this accused in the mob indulging in the criminal act and by giving his name in the deposition before the Hon'ble Court has also identified him. Thus, there is no question of not to believe the deposition of this witness. On the date of the incident, presence of this witness appears. Thus, from the deposition of this witness, it becomes crystal clear that the accused was present there on the date of the incident and by remaining present in the mob, with an intention of achieving common intention, formed an unlawful assembly, became its member and by remaining present in the mob which killed the mother and sister of this witness, has committed criminal act and it also clearly appears that he has also played active role in causing sabotage and looting the chawls. Therefore, there is no reason not to believe the deposition of this witness.

**ACCUSED NO.[33] BABUBHAI @ BABU VANZARA JETHABHAI  
SALAT [MARWADI]:**

**[1] SHAUKAT NABIBHAI MANSURI, WITNESS NO. 200,  
EXH.1381:**

- Has given the name in the statement dated 7.6.2002 with explanation.
- Has stated in the statement dated 12.7.2008 before the SIT that he has seen the accused armed with sword in the riotous mob.
- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.3 para no.7:**

After my customer Gopalbhai left with his vehicle from my garage, stone pelting had occurred upon Noorani mosque. This stone pelting was being done by the persons of Vishwa Hindu Parishad and Bajrang Dal. **Persons of this mob were raising shouts of *maaro ... kaapo* and the persons of this mob by causing attack over the mosque had burnt the mosque.**

**Page no.3 para no.7:**

**Among the persons of this mob,** there were Bipin Panchal and **Babu Vanzara.** Bipin Panchal was armed with revolver at that time and **Babu Vanzara was armed with sword.** At that time, mob of Krishnanagar had arrived at the Cross Roads in front of the mosque. This mob was pelting stones upon the mosque and had started sabotage and burning the vehicles standing there.

This witness has given the name of the accused in the statement dated 7.6.2002 before the police and in the statement

dated 12.7.2008 before the SIT and has stated that the accused armed with sword was present in the riotous mob.

From the deposition of this witness given before the Hon'ble Court it becomes clear that on 28.2.2002 there was call of Bandh and on the date of the incident, the witness was present at his garage situated near S.T.Workshop and at that time, he had seen the mobs assembled there. In this mob, this accused armed with sword was present and the persons of the mob had started sabotage and burning. On account of the stone pelting by the mob, this witness had sustained injury which was got treated and certificate of the said treatment has been produced vide exh. 327 in the deposition of witness no. 42 Dr. Himmatbhai F. Patel before the Hon'ble Court which is on the record of the Hon'ble Court. Thus, this witness was present at the place on the date of the incident and he has also sustained injury there and he has witnessed this accused in the mob armed with sword committing criminal act and therefore, there is no reason not to believe the deposition of this witness.

This witness could not identify this accused and the reason thereof is that many years have passed by and it is probable that change may have taken place in the size and physique of the accused and therefore, could not identify him in the deposition before the Hon'ble Court. However, it is required to be noted that this witness has identified this accused before the Executive Magistrate during the identification parade and the panchnama of the said identification parade is on the record of the Hon'ble Court at exh. 240.

Thus, there is no reason not to believe the deposition of this witness.

**[2] HASIFKHAN ACHCHHANKHAN PATHAN, WITNESS NO. 213,  
EXH.1522:**

- Has stated about the presence of the accused armed with pipe in the riotous mob, in the statement dated 2.6.2008 given before the SIT.
- Has given the name in the statement dated 14.9.2008 given before the SIT.
- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.4 para no.8:**

Within few minutes thereafter, the persons of the mob had started coming from Natraj Hotel to Noorani mosque. Apart from this, Mobs had also started coming from Krishnanagar to Noorani mosque. Ahead of the said mobs, there were policemen. Most of the policemen who were with me in the morning were ahead of these mobs. **The mobs had started sabotaging the lorries and the gallas situated near Noorani mosque. The mobs which came from Krishnanagar had started burning the chawls and houses situated on the road. On account of this, some people of our Muslim community had assembled on the entrance of the chawls.**

**Page no.4 para no.9:**

I had seen the police in the mob and **had also seen several accused. In this mob, I** had seen Bipinbhai Panchal, Mukesh @ Guddu Chharo, **Babubhai Vanzara**, Suresh Langado, Navin Chhagan Chhara. **As stated by me above, all of them were leading the mob and were armed with weapons.** Among them, Bipin Panchal was armed with sword and revolver, Guddu was

armed with sword, Suresh Langada was armed with pipe, Navin Chhara was having gas cylinder.

**Page no.5 para no.10:**

Bipin Panchal by raising violent shrieks and shouts was calling the persons of the mob. By standing on the road, he was calling the persons of the mob towards Noorani mosque. **Rest of the accused were sabotaging whatever came in their hands and they were sabotaging the lorries and the gallas etc.** Navin Chharo, by bringing gas cylinder and after opening its pin and wrapping a cloth and by burning the gas cylinder was throwing the same over Noorani mosque and the houses of the Muslims.

**Page no.5 para no.11:**

At that time, the Muslims by raising shouts for saving the mosque were drawing the attention of the police and at that time, the police had resorted to firing over the Muslims and had fired teargas shells. At that time, Abid, Piru, Khalid etc. were hit by the bullets. At that time, I had gone on the roof of Atikkhan, situated after five to six shops from Noorani mosque and from there, I was watching all this.

This witness in his statement dated 14.9.2008 before the police has given the name of the accused. Thereafter even in the statement dated 2.6.2008 before the SIT this witness has clearly stated that the accused armed with sword was present in the riotous mob. Moreover, this witness has given the name in his deposition before the Hon'ble Court and has identified him. Evidence has been recorded against this witness as per the deposition of this witness.

From the deposition of this witness, it becomes crystal clear that the mob of Hindus had burnt the lorries and cabins of the

Muslims in Krishnanagar on 27.2.2002. On 28.2.2002, there was Bandh call. On that day, Shri Mysorewala, P.I. and Shri Gohel, Second P.I. of Naroda Police Station together with their staff had gone in the Muslims areas and chawls as well as mosques by taking this witness and there is no reason not to believe that as per well-planned conspiracy, these policemen had obtained the information that whether these Muslims have any weapons or not, because, after the checking, the police had arrived on the road outside and thereafter, the heinous incident occurred which is on the record of the Hon'ble Court and which is proved by the deposition of this witness before the Hon'ble Court and perusal of the deposition makes it clear that the Hindu mob had full cooperation of the police and with the cooperation of the police such huge planned conspiracy was got made successful and there is no reason not to believe the same.

**[3] JUBERKHAN ISMAILKHAN PATHAN, WITNESS NO. 227**

**EXH. 1614:**

- Has given the name in the statement dated 26.5.2008 before the SIT stating that the accused was armed with iron pipe.
- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.3 para no.6:**

At that time, I had seen Bipin Panchal in the mob towards Krishnanagar. This Bipin Panchal was armed with sword. Guddu Chhara was also there in this very mob. **In this mob, there was Babu Garagewala. Guddu Chhara and Babu Garagewala, both were armed with iron pipes. This mob of Krishnanagar was raising shouts and was causing sabotage and were burning tyres between the road.**

**Page no.6 para no.14:**

**While we were sitting as such**, Guddu Chhara, **Babu Garagewala** and Suresh Langada had seen us. **Thereafter, all these three had arrived with a mob of Hindus** which mob had pelted stones upon the people of Muslims. Thereafter, we had gone towards Gangotri Society where I had told the people to help us but none had helped us. They had closed the doors of their houses. Thereafter, we had returned to Hussennagar.

This witness in his statement dated 26.5.2008 before the SIT has specifically stated that he had seen this accused armed with iron pipe in the mob. The witness has also stated in his deposition before the Hon'ble Court that this accused was present in the mob armed with pipes in both hands. Evidence is produced against this accused in the deposition of this witness.

On 28.2.2002, there was Bandh Call. I was present at Milan Hotel situated near Noorani mosque. At that time, mobs from Natraj and Krishnanagar had arrived and from the said mobs, in the mob that had come from Krishnanagar, Babu Garage was present armed with iron pipe in both the hands and this mob was indulging in sabotage and was pelting stones upon the Noorani mosque and was also throwing burning rages. Mobs of the Hindus were beating the Muslims and burning the houses of the Muslims. This accused has played active role in the said mob. Thus, this accused also became member of an unlawful assembly and with an object of achieving common intention, by aiding one another in commission of criminal act, has played active role which becomes clear from the deposition. Therefore, there is no reason not to believe the deposition of this witness.

It is further submitted that this witness has failed in identifying the accused before the Hon'ble Court because many years have passed by the incident and it is probable that change may have occurred in the physique of the accused and therefore, it is probable that the witness could not have identified the accused.

**[4] SAHIDHUSSEN ABDUL GAFUR SHAIKH, WITNESS NO. 232, EXH. 1643:**

- Has given the name in the statement dated 19.6.2008 before the SIT.
- Has given the name in the deposition before the Hon'ble Court.

**Page no.2 para no.4:**

On that day, I was sleeping at my home and there was hue and cry at around 8.30 to 8.45 am. On hearing this hue and cry, I had arrived on the road at the entrance of S.T.Workshop opposite Noorani mosque. **I had seen that mob was coming from Krishnanagar and Natraj Hotel. It had arrived near S.T. Workshop. I had seen Babu Garagewala in this mob.**

**Page no.2 para no.5:**

The mob was raising hue and cry. I could not understand as to what hue and cry was raised by the mob. I had stayed there for some time, but as too much public had gathered there, I was afraid and thereafter, I had run away directly to my house in Hussennagar. **Babu Garagewala was in the front of the mob and therefore, he had drawn my attention. He was also raising hue and cry.**

This witness in his statement dated 19.6.2008 in paragraphs 4 and 5 has given evidence against this accused.

This witness in his deposition states that on the date of Bandh Call i.e. on 28.2.2002, when he arrived near S.T.Workshop around 8.45 to 9.00 am, mobs had arrived from Krishnanagar and S.T. Workshop and this accused was leading the said mob and was raising hue and cry. Elder brother of this witness has sustained injury on account of stone throwing in the incident. This witness narrates the facts of the date of the incident which is clear from his deposition. Moreover, during the deposition before the Hon'ble Court, this witness could not identify this accused because, many years have passed and it is possible that on thinking about the date of the incident, the witness may be afraid of the accused and therefore also, it is possible that he may have missed to identify and the said fact is required to be taken into consideration.

**[5] SAIYED SALAHUDDIN SHARFUDDIN, WITNESS NO.249  
EXH. 1725:**

- Has stated in the statement dated 21.5.2008 before the SIT that he has seen the accused in the mob burning the lorries and cabins.

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.4 para no.8:**

On my coming after talking with Bipinbhai, **mob had burnt S.T.D. Booth situated in front of the Auto Centre of Bipinbhai.** I was also among ten to fifteen persons who had gone to talk with Bipinbhai Auto Centrewala. When we went to Bipinbhai, **there was also Babubhai Vanzara. This Babu Vanzara has been doing the work as Foreman of four wheelers.**

This witness in his statement dated 21.5.208 before the SIT has stated that he had seen this accused in the riotous mob burning the lorries and cabins.

This witness in his deposition before the Hon'ble Court has stated that on the date of the incident at about 8.00 to 8.30 am while he was standing on the road, mobs had assembled near S.R.P. Quarters and Natraj and they were burning the loories and cabins of the Muslims and at that time, this witness along with other Muslims had gone to meet Bipinbhai [accused no.44] and at that time, this accused was present with Bipinbhai.

In this incident, daughter of this witness had also sustained injury for which treatment was got done and the house of this witness was also burnt. The witness has seen this accused in the mob. Thus, there is no reason not to believe the deposition of this witness. This witness has failed to identify this accused.

**[6] BALUJI DITAJI SOLANKI, WITNESS NO. 35, EXH. 237:**

This witness was discharging duties as Executive Magistrate in 2007. He has got done the identification parade of accused no.33 before him on 23.11.2007 and witness Shaukatali Nabibhai Mansuri has identified the **accused no.33 as** real accused as it becomes clear from the deposition of this witness.

**Page nos. 6, 7 para no.7:**

Thereafter, witness was summoned from outside through the peon. Upon asking his name and address, he had told me his name to be Shaukatali Nabibhai Mansuri. Thereafter the witness was explained about the identification parade and had told to the witness to go near the accused of this case if he is standing in the queue of the persons and take him out of the queue and identify the said accused. Upon my telling the witness as such,

he had gone near the queue of the persons and after looking the face of everyone had removed one person out by holding his hand. Upon asking the name and address to the person who was moved out of the queue, he had stated his name as **Babubhai Jethabhai Vanzara.**

From the deposition of this witness, it becomes crystal clear that Shaukatali Nabibhai Mansuri had identified the said accused as real accused. Panchnama of identification parade has been produced vide exh. 240 in the deposition of this witness.

**ACCUSED NO. [34] LAKSHMANBHAI @ LAKHO BUDHAJI  
THAKOR:**

**[1] MOHAMMED HUSSEN KAIYUMBHAI SHAIKH, WITNESS  
NO.167, EXH. 1163:**

- Has given name with weapon in the statement dated 12.5.2002 given before the police.
- In the statement dated 12.6.2008 given before the SIT, the accused was stated to be present in the mob towards Bipin Auto Garage.
- Has given the name in the deposition before the Hon'ble Court and has identified him.

**Page no.5 para no.15:**

**I had seen Lakha in the mob coming from Krishnanagar. This Lakha was armed with trident. He was also shouting *kaapi naakho ... baali naakho ... looti lo* and not to spare them.**

This witness in his statement dated 12.5.2002 before the police has stated that this accused was present in the mob and in his statement dated 12.6.2008 before the SIT has stated that he had seen this accused in the mob from Bipin Auto and in his deposition has stated that he had seen this accused armed with weapon and has identified him.

On the date of the incident at about 9.00 am when this witness had left home for the work and when he had reached near S.T.Workshop and had seen, a mob had arrived from Natraj, Mahajaniyavas and Krishnanagar. In this mob, there were persons wearing *khakhi* shorts and wearing saffron strip. Persons of this mob were armed with weapons like pipe, sword, trident and they

were shouting to assault the Muslims. In this incident, Pir Mohammed, son of paternal aunt of the witness was hit with bullet for which he had undergone the treatment and the papers for his treatment have been produced vide exh. 1990 in the deposition of the witness no. 290 Dr. Dinesh Savjibhai Chandanani which are on the record of the Hon'ble Court. While this witness tried to lift Pirmohammed, he was also hit with bullet on the left hand elbow which bullet was fired from the gathering and he had undergone treatment for the same in V.S. Hospital and the treatment papers for the same have been produced vide exh. 1991 in the deposition of witness no.290 Dr. Dinesh Ravjibhai Chandanani which are on the record of the Hon'ble Court. This witness was present there on the date of the incident and at that time, he had seen this accused armed with trident in the mob from the Krishnanagar and was telling the persons of the mob to assault and loot the Muslims and not to spare them.

Thus, it becomes clear that this accused by remaining present in the mob of the Hindus hatched well-planned conspiracy to assault the Muslims and loot their household articles and to achieve the said object of carrying out the said conspiracy, this accused had remained present in the mob armed with trident and has committed criminal acts against the Muslims. Moreover, this witness has seen this accused armed with weapon and this witness has sustained injury by the bullet fired from the mob. Thus, there is no reason not to believe the evidence given by this witness against this accused in his deposition before the Hon'ble Court.

**ACCUSED NO. [35] VIJAY @ MUNNO SHETTY KESHRSINH  
DIDAWALA CHHARA:**

**[1] NASRINBANU MOHAMMED RAFIK SHAIKH, WITNESS NO.  
238, EXH.1673:**

- Has given the name in the deposition before the Hon'ble Court and has identified him.

**Page no.3 para no.6:**

Persons of the mob of Bajrang Dal had tied saffron strip upon the head whereon "*jai shri ram*" was written. **In the mob that had assembled on the road**, I had seen **Munna Shetty** and Sahejad Chhara **pelting stones** and at that time, Suresh Langada was armed with sword. Thereafter, as heavy stone pelting started, the policemen had resorted to firing upon the Muslims.

**Page no.4 para no.9:**

All the family members were scared and therefore, I and my family members had gone on the top floor of a bungalow situated in lane no.4 of Hussennagar, situated in front of our house for safety. We had gone on the roof and had seen the incident taking place. Around 5.00 to 5.30 pm, of course, I do not remember the time, but it was evening, I had seen that the **persons of the mob were looting and burning our chawls and houses**. I had seen four persons in this mob.

**Page no.5 parano.10:**

At that time, I had seen **Munna Shetty**, Sahejad Chhara, Suresh Langado and Ganpat Chhara. Thus, **Munna Shetty** and Sahejad were in the mob. Suresh was armed with sword and

Ganpat Chhara was making signs with hand. I was on the roof till 12.00 at night and thereafter as the vehicles of Shah Alam Camp arrived, we had gone to the Camp in Shah Alam.

From the deposition of the witness no. 238, it becomes clear that in the morning time, accused together with other accused was present in the mob and after rushing in the chawls, this accused has committed the acts of looting and burning the houses. The witness has seen this incident from the roof. Regarding this incident, direct evidence is forthcoming against the accused. The accused has died and the Hon'ble Court has passed order below exh. 1296 regarding abatement of the case as regards him.

**ACCUSED NO.[36] JANAKSINH DHARAMSINHNEHRA @ JANAK  
MARATHI:**

**[1] IQBAL ISMAILBHAI MANSURI, WITNESS NO. 146, EXH.  
1007:**

- Has given the name in the statement dated 19.6.2008.
- Has given the name before the Hon'ble Court and has identified.

**Page no.2 para no.4:**

On the date of the incident, we all were at home. At 8.00 am I was washing the rickshaw of my brother-in-law and at that time, hue and cry had occurred on the road outside. I had gone on the road outside to see and a mob had arrived there from Natraj Hotel. **Persons of the mob there had caused sabotage over the tea lorries and the mosque. Persons of the mob were armed with pipes, swords etc.** Looking all this, I had gone at home.

**Page no.3 para no.7:**

**Janak Marathi was standing near Gangotri Society. He was armed with pipe.** After recognizing us had told us to go away. Thereafter, after passing on the back side of Gangotri Society we had rushed in the S.R.P. Quarters. We had stayed in the S.R.P. Quarters till 4.00 am. In the morning, police vehicle had shifted us to Shah Alam Camp. I and my family had stayed in the Camp for six months.

This witness has given the name of this accused in his statement dated 19.5.2008 and after giving the name of this accused in the deposition before the Court has identified this accused and the evidence against the accused as per para no.47

of the deposition of the witness before the Hon'ble Court has been recorded.

On 28.2.2002, on the date of the Bandh Call, incident had occurred and at that time, as there was hue and cry at about 8.00. to 8.30 am I had gone on the road and had seen that mobs had arrived from Natraj Hotel. The said mobs were armed with weapons and had started causing sabotage. Thereafter, in the evening, we had gone in Gangotri Society where I had seen this accused standing and armed with pipe. The mob has burnt the father of this witness whose dead-body has not been found till today. Thus, father of this witness has been missing.

Thus, from the deposition of this witness, it becomes crystal clear that the accused was in the mob armed with weapon and with an intention to cause criminal act, has committed the act and the accused was standing armed with pipe shows his intention. Thus, there is no reason not to believe all the facts disclosed in the deposition of this witness.

**ACCUSED NO.[37] DR. MAYABEN SURENDRABHAI KODNANI:**

This accused is M.L.A. of Naroda Patiya area and is a political person. Almost everybody - Hindus and Muslims know her in the Naroda Patiya area. This witness, with an intention to gain political mileage, has played active role in getting criminal conspiracy carried out at the instance of the government.

The incident that occurred in Naroda Patiya area is not a casual incident. This incident is as per the plan fixed in advance. Pursuant to the so-called incident of Godhra carnage, to take revenge thereof, the government had given sufficient time to the

Hindus to express their anguish and this fact has been exposed by Shri Sreekumar and Shri Sanjiv Bhatt, I.P.S. officers of the government at the relevant point of time and they have also filed an affidavit in this connection before the Hon'ble the Supreme Court.

At the time of the incident, this accused was the Honourable Minister of the B.J.P. Government. At that time, she was ruling. She has obligations towards the public; to protect the public; to work for the benefit of the public; to cooperate in the happiness and adversity of the public. Thus, as this accused was in power, she had many obligations. A king may not discriminate between the Hindus and the Muslims. But this accused has not done any work at the time of Naroda Patiya carnage which may benefit any political personality. On the contrary, she has extended support to the people of the mob in creating such huge carnage and making it successful. By instigating the mob of the Hindus, and by distributing lethal weapons such as swords etc. she has opened the doors for doing massacre and was telling the people of the mob to go ahead and that she is with them. She has played important and key role in making the carnage successful.

Had this accused not instigated the mob on the date of the incident, had she not distributed lethal weapons to the people of the mob had she not increased the morale of the mob by giving support, such huge mass massacre of 98 humans would not have happened. But this accused has not discharged her kingly duties and has played key role in making such huge massacre successful in a planned manner, which clearly appears on perusal of the evidence produced in this case.

On the date of the incident, this accused has also talked with Mysorewala, P.I. of Naroda and she has talked with him on the public road near S.T. Workshop in front of Noorani mosque. After this conversation, the police has fired upon the Muslims and the Muslims have lost lives. From this fact, it becomes clear that by talking with the police, this accused may have told the police to be inactive and fire upon the Muslims, because, after Mayaben had talked with the police, the mob had not done any work and the police had fired upon the Muslims wherein, Muslims have died.

This accused by telling the persons of the mob to finish the Muslim area has inspired them to do such huge destructive massacre. Work of the doctor is to save the life of a human and not to kill or get him killed. A Doctor never discriminates between the Hindus and the Muslims, but in the case of this accused, it has not happened so. Instead of rescuing the people, she has given instructions to the mob to finish the Muslim area. Witness no.52 has heard the accused speaking this sentence. This witness was standing near the accused at that time and as she had worn *khakhi* clothes for duty, nobody could recognize her as Muslim and this witness no. 52 has also given the evidence against the accused before the Hon'ble Court.

Thus, the accused has played active role in the heinous incident wherein 98 people of Naroda Patiya area were killed and after pouring petrol kerosene over them, they were burnt; houses and shops of the Muslims were looted and burnt and Noorani mosque was attacked and was burnt and there is no reason not to believe the same, because, total 11 witnesses have given evidence against her in this case and there is no reason not to believe the same.

This accused was present whole day on the date and place of the incident and total 11 witnesses of the Hon'ble Court have given sufficient evidence before the Hon'ble Court regarding her presence. All these 11 witnesses have identified the accused in the mob on the date of the incident at difference places and time and they have witnessed her. Therefore, from the evidence produced in the case, actual presence of this accused on the date of the incident and the unlawful acts committed by her become clear.

Thus, against this accused, following total 11 witnesses of the Hon'ble Court have given sufficient evidence.

**[1] AMINA ABBASBHAI BELIF, WITNESS NO. 52, EXH. 425:**

- Has given the name in the statement before the SIT.
- Has given the name in the deposition before the Court - has identified.

**Page no.5 para no.10:**

At that time, from among the persons of the mob, **one white vehicle had arrived from Natraj Hotel towards Noorani mosque.** This white vehicle had arrived from the Ice factory which is situated on the left side of Noorani mosque towards Noorani mosque. When this white vehicle stopped near the mosque, Mayaben and her Assistant had alighted from the same.

**Page no. 5-6 para no.11:**

**Known as Mayaben Kodnani. On that day, she clad in white saree.** Both these had alighted from the vehicle. Thereafter, **Mayaben was talking with the persons of the mob. Mayaben had stood near the mosque and as the persons of the mob approached nearer, by making sign with hand, she was**

**showing the Muslim area. While I was listening, Mayaben had told the persons of the mob to finish the Muslim areas.** I had worn *khakhi* clothes for going to job and had worn *khakhi* saree and blouse and therefore, nobody could recognize me as Muslim woman. **She had presumed me to be policeman and therefore, had spoken in my presence.**

**Page nos. 6-7 para no.12:**

**Thereafter, the persons of the mob had started stone pelting and sabotaging the houses.** Persons of the mob had worn something like shorts which was half-pent and had tied saffron strip. All these persons were raising slogans. They were speaking; **"Jai Shri Ram, revenge of Godhra carnage has to be taken."** The persons of this mob had started stone pelting near Noorani mosque. **Persons of the mob had increased the sabotage.** Policemen were also standing near the mosque. Policemen also would get up and were firing teargas shells towards us and were firing. Thereafter, **I had seen that there was something like pistol in the hand of Mayaben and she had also fired. Mayaben had fired. Thereafter, she had told the mobs to keep on and had returned in the same vehicle.**

This witness, in her statement before the SIT has given the name of the accused persons and has described the acts committed by them. Moreover, the witness has given evidence against the accused in her deposition before the Hon'ble Court.

From the deposition of this witness, it becomes clear that this witness was serving in a private security and was allotted *khakhi* saree and blouse from the company and after wearing the same, she was going to service on the date of the incident. But as the atmosphere was tense, she had not gone and while she was standing near Noorani mosque, Mayaben Kodnani had alighted

from a white vehicle at that time. She was clad in white saree. Mayaben was standing near mosque. She was telling the **mob to finish the mosque and the Muslim area** and the witness has heard her telling so. The witness was standing near her but the accused had presumed her to be the policeman and had uttered provocative words in her presence and thereafter, the mob, as per her guidance and as told by him, had attacked Noorani mosque and the Muslims and thereafter, Mayaben had fired from the pistol in her hand. This witness has witnessed the accused doing firing and had instructed the mob to keep on and after saying so, the accused had gone away. Thus, it becomes clear that this accused had led the mob, instigated the mob and fired from the pistol in her hand and thus, the accused armed with pistol formed an unlawful assembly, led the same and thereby the accused has played important role in making attack upon the Muslims, their properties and upon the mosque.

The witness has given the name of the accused in her deposition before the Hon'ble Court and has identified him.

**[2] MOHAMMED SALIM MOHAMMED HUSSEN SHAIKH,  
WITNESS NO. 104, EXH. 668:**

- Has stated in the statement dated 12.9.2008 before the SIT that the accused was in the mob.
- Has given the name in the statement dated 29.5.2008 before the SIT.
- Has given the name in the deposition before the Court and has identified.

**Page no.5 para no.9:**

Thereafter, one police jeep had arrived and had stopped near the gate of S.T. Workshop. Behind this jeep, Kishan Korani, Manoj

Videowala and Murli Sindhi had arrived. **After some time, one white Maruti fronty had arrived. I had seen that Mayaben Kodnani, M.L.A. was there in the said car.** After she came, **she had talked** with Kishan, Murli and Manoj as well as **police. Mayaben was talking in high-pitch voice and by making sign towards our area was telling something.**

**Page no.5 para no. 10:**

**All these, i.e. Mayaben, Kishan, Murli, Manoj and policemen by making sign had called back the mob which had run away towards Natraj Hotel. Mayaben had talked with the mob in high-pitch voice and thereafter had gone away in the vehicle in which she had arrived.**

This witness has given the name of the accused in his both statements given before the SIT and has also given cogent evidence against the accused in the deposition before the Hon'ble Court.

From the deposition of this witness, it becomes clear that accused Mayaben was present near the gate of S.T.Workshop on the date of the incident and the witness has witnessed her. There were other accused also with this accused and Mayaben had talked with them in high-pitch voice and by making signs towards the Muslims had shown something. Thereafter, Mayaben and other accused by making sign had called back the mob which had gone towards Natraj and had also talked with the said mob.

From this, it can specifically be said that the accused by talking with the co-accused and the police, had told them to finish the Muslim area and witness no. 52 fully supports this fact and this accused by instigating the mob had inspired it to make attack. Here it is required to be mentioned that pursuant to instigation of Mayaben in the mob, the mob had assumed

aggressive proportion and had created havoc in the whole Muslim areas.

This witness has given the name of the accused in his deposition before the Hon'ble Court and has identified him. Therefore, there is no reason not to believe his deposition.

**[3] Basirkhan Nannekhan Mansuri, witness no. 136, Exh. 898:**

- No name in the statement before the police.
- Has given the name in the statement dated 27.3.2008 before the SIT.
- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.4 para no.10:**

One white car had arrived near a police vehicle which was standing near the corner of the S.T. Workshop and Mayaben had alighted from the same. She had talked with some officer of the police standing there. Thereafter, after some time, the police had started indiscriminate firing upon the Muslims. The police was walking ahead of Hindu mob. Police was firing teargas shells and Hindu mob was coming behind them. Therefore, we were scared, because, the situation had worsened too much. Therefore, we had retracted and at that time, I was hit with a bullet on the left shoulder. It was about 10.00 am when I was hit with bullet.

This witness, in his statement before the SIT has given the name of the accused and has also given sufficient evidence in his deposition before the Hon'ble Court against the accused.

On the date of the incident, he was hit with bullet on the left shoulder. He is an eye witness who witnessed the incident while he was hit with bullet.

From the deposition of this witness, it becomes clear that on the date of the incident, the accused had arrived with white vehicle near the corner of S.T. Workshop at the place of the incident and had talked with a police officer and after the accused talked with the police, the police had fired indiscriminately upon the Muslims and an atmosphere of terror was created. This witness has seen Mayaben talking with the police. Thereafter, the police has attacked the Muslims under the leadership of the Hindus. This accused was the Minister of the Government at the relevant point of time and was in power and from the deposition of this witness it becomes clear that she may have given instructions to the police to be inactive and to fire upon the Muslims by supporting the Hindus.

There is no reason not to believe that this accused has played role as a kingmaker in the whole incident of massacre of Naroda Patiya as is appearing from the deposition of this witness. Thus, there is no reason not to believe the deposition of this witness.

This witness has given the name of the accused in the deposition before the Hon'ble Court and has identified her. This witness has supported the deposition before the Hon'ble Court of the witness nos. 52 and 104.

**[4] DILDAR UMRAO SAIYED, WITNESS NO. 143, EXH. 975:**

- Has not given the name in the statement before the police.
- Has given the name in the statement dated 14.9.2008.
- Has given the name in the deposition before the Court and has identified.

**Page no.4 para no.7:**

**Thereafter, a white Maruti car had arrived ten minutes later and had stopped near the jeep. Mayaben Kodnani, who is our M.L.A. had alighted from the said Maruti.** She clad in white saree and had tied saffron strip upon the head. Thereafter, Bipin Panchal, Murli Sindhi and Guddu Chhara had alighted from the said Maruti. **Behind this Maruti car a mob had arrived. This mob would be of about twenty thousand persons. After opening the door of this vehicle, swords were taken out from the same and distributed.** At that time, Bipin Panchal had seen me and had chased me. He had told me to go away or he would chop off me. At that time, after running, I had gone in the house of Maratha. There were an old man and an old woman in the house of this Maratha. The persons of the mob had tried to start my vehicle but they could not start it.

This witness has given the name of the accused in the statement before the SIT and has also given sufficient evidence against the accused in the deposition before the Hon'ble Court.

This witness has seen the incident from the ditch [*khada*] of Jawannagar situated near Panchvati Estate. At that time, Muslims were coming shouting *killed ... killed*. At that time, it would be about 11.45 am. At that time, I had seen that Mysorewala, P.I. of Naroda Patiya Police Station had arrived near Panchvati Estate and ten minutes later, Mayaben had arrived in white car behind him. Other accused had alighted from her car and behind them, mob of 20000 persons had arrived and after opening the door of the car of Mayaben and after taking out swords from the same, the same were distributed to the persons of the mob which the mob was looking. At that time, as Bipin Panchal [accused no\_\_] saw the witness, he had told the witness to go away or he would

chop him off. From the deposition of this witness, it clearly appears that the accused taking the aid of the police near Panchvati Estate and taking the police under control has distributed the swords to the people of the mob with which swords, the persons of the mob have done massacre of the Muslims, as a result thereof, in this heinous incident, 98 Muslims have died and from the deposition of this witness, it clearly appears that this accused is directly involved in the death of the said 98 people. Therefore, there is no reason not to believe the deposition of this witness.

This witness has given the name of this accused in the deposition before the Hon'ble Court and has identified him.

**[5] FARIDA ABDUL KADAR KHALIFA, WITNESS NO. 149 EXH. 1028:**

- Has given name in the statement dated 3.6.2008 given before the SIT.
- Has given the name before the Hon'ble Court and has identified.

**Page no.3 para 7:**

Persons of the mob were sabotaging the lorries, cabins and rickshaws situated surrounding the area. Persons of this mob had tied saffron strip around the forehead. At that time, policemen and the S.R.P. personnel were present near Noorani mosque and K.K. Mysorewala was also present near S.T.Workshop with his govt. jeep. **At that time, Mayaben Kodnani had arrived from the mob near K.K. Mysorewala and had talked with Shri Mysorewala.**

**Page no.4 Para 8:**

**There were some other persons also present in the mob in which** Mayaben Kodnani was present, wherein, there were Kishan Korani, Babu Bajrangi, Murli, Manoj Videowala, Ashok - *Pan Galla wala*, Bipin Panchal, Jaibhavani, Dalpat Chhara, Tiniyo Chhara - son in law of Dalpat Chhara, Sahejad Chhara, Vijay Chhara - son in law of Sahejad Chhara, Suresh Langado, Guddu, Hariyo, Nariyo, Tiniyo Marathi, Subhash Ramesh etc. were also present.

**Page no.4 para 9:**

**After Mayaben talked with Shri Mysorewala and she went away, police firing and private firing had started and incidents of setting fire had started near Noorani mosque. In this firing, Abid and Hasan Qureshi were hit with bullets who had died on the spot whereas in this firing, Mohammed, Piru, Khalid and Majid were hit with bullets who had sustained injuries.**

This witness has given the name of the accused in her statement before the SIT and has also given sufficient evidence against the accused in the deposition before the Hon'ble Court.

From the deposition of this witness it becomes clear that this accused Mayaben was present in the mob together with other accused near S.T. Workshop on the date of the incident and had also talked with P.I. Mysorewala of Naroda at that time. Thereafter, police firing and private firing had started in which firing, Mohammed, Piru, Khalid, Majid, Abid and Hasan were hit with bullets. In this incident, involvement of this accused becomes certain, because, had she not told the police to fire after talking with them, the aforesaid six persons would not have been hit with bullet and private firing also would not have occurred. There is hand of this accused in causing to do the whole firing

and there is her support which specifically becomes clear. In this firing, Abid and Hasan Qureshi have died and this accused is responsible for death of both of them and there is no reason not to believe the same as is appearing from the deposition of this witness. Therefore, there is no reason not to believe the deposition of this witness against the accused.

The witness has given the name of the accused in the deposition before the Court and has also identified him.

**[6] ABDUL MAJID MOHAMMED USMAN SHAIKH, WITNESS NO. 156, EXH. 1072:**

- Has given the name in the statement dated 20.5.2008 given before the SIT. [Has stated that the accused was telling the mob and the police to beat Muslims]

- By giving name in the deposition before the Hon'ble Court has identified.

**Page No.5-6 Para No.10:**

At that time, two police vehicles had arrived at S.T. Workshop from which three black boxes were unloaded. **Thereafter, one white vehicle had arrived and at that time, all had taken the name of Mayaben Kodnani. Mayaben Kodnani had alighted from this vehicle.**

**Mayaben had told to beat the Muslims and thereafter the mob had started assaulting us.** On account of this mob, we all had retracted on the back side towards our chawls.

**Page no.6 Para no.12:**

Thereafter, attack was made upon us and even the police had resorted to firing and fired teargas. The bullet fired by the police

was hit in the head of Hasan Kureshi who had fallen down there itself and we had gone ahead.

This witness in his statement before the SIT has given the name of the accused and has also given sufficient evidence in his deposition before the Hon'ble Court.

From the deposition of this witness, it becomes clear that the accused had a grudge on the date of the incident and as soon as she alighted from her car, she had told to beat the Muslims and on her saying so, the mob had attacked the Muslims and the police had made firing as well as fired teargas shells in which firing, Hasan Qureshi was hit with bullet and had died on the spot itself. From the deposition of this witness, it can certainly be said that the people of Naroda Patiya were believing the accused as God and as soon as she told to beat the Muslims, the mob had caused attack and upon utterance of such words by the accused, the morale of the mob was gathered and they had got inspiration to create terror and they had felt that that Mayaben is with them and that nothing would happen to them and after feeling as such, the other accused of this case had created terror in whole of Naroda patiya. Main role behind whole of this incident is of this accused and there is no reason not to believe the same as it becomes clear from the deposition of this witness. Thus, there is no reason not to believe the deposition of this witness.

The witness has given the name of the accused in his deposition before the Hon'ble Court and has also identified her.

**[7] ZULEKHA SARDARAHMED CHAUDHARI, WITNESS NO. 176,  
EXH.1212:**

- Has not given the name in the statements before the police as well as SIT. - Has given the name in the deposition before the court and has identified.

**Page no.4 para no.10:**

**The mob was shouting to take out, chop off and burn the Muslims alive.** I had heard this voice from the other side of the road and therefore, I had gone there to see. After looking, I had returned to my lorry. After leaving the lorry there, I had gone at my home, taken my children and by locking the house and after telling my husband to stay near the house had gone towards Jawannagar Gangotri.

**Page no.8 para no.18:**

**I had seen the mob on the road at about 9.30 to 9.45 am wherein, there was also Mayaben Kodnani whom I had recognized.**

This witness has given evidence against the accused in her deposition before the Hon'ble Court.

From the deposition of this witness, presence of Mayaben at the place of the incident becomes clear. This witness was running her vegetable lorry a little inside near first chawl of Hussennagar and between 9.30 to 9.45 am she had seen the mob and she has seen the accused in the said mob. Thus, there is no reason not to believe the fact that the accused was present on the date of the incident.

The witness has given the name of the accused in her deposition before the Hon'ble Court and has identified her.

**[8] RASIDABANU IMTIYAZHUSSEN MOMIN, WITNESS NO. 192, EXH. 1314:**

- Has given the name in the statement dated 24.9.2008 given before the SIT.

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.5 para no.9:**

**People of the mob coming from Krishnanagar were also pelting stones and bottles.** People of the mob coming from Natraj were also **pelting stones and bottles. Mayaben Kodnani was present in this mob.** Manoj was present in this mob and as per my notion, his name is Manoj Videowala. In this mob of Natraj, there was also Bipin Autowala. Moreover, there was Santosh Dudhwala in this mob. This Santosh Dudhwala has his shop near Kamla Welding on the road going towards Kubnernagar. In the mob of Natraj, there were Guddu Chhara, Naresh Chhara, Suresh Langado and younger brother of Suresh Langado. **In this mob, Mayaben was provoking the public by telling to go forward and beat.** At that time, the police had arrived there and had fired upon the Muslims and fired teargas shells upon them standing near the *naka*. Therefore, four to five Muslim boys were hit with bullets.

**Page no. 6 para no.11:**

As the mob started approaching slowly inside the chawl towards us, after coming to my house, I had gone on the roof of my house to take my children. From the said place [roof] whole road is visible and **from there I had seen that people of the mob were indulging in assault.** Therefore, I had got down by taking my children. Thereafter, I had started running and thereafter, after taking my children, I had gone away on the roof of Ramjani Pinjara.

This witness has given the name of the accused in her statement before the SIT and has also given evidence against the accused in her deposition before the Hon'ble Court.

From the deposition of this witness, it becomes clear that accused Mayaben Kodnani was present in the mob that had arrived from Natraj and this mob was throwing stones and bottles. At that time, Mayaben had told the mob to go ahead and to beat and was instigating the people of the mob. Thus, from the deposition of this witness, it becomes crystal clear that the accused was the leader of an unlawful assembly and by instigating the mob, she had increased the morale to the mob and the said mob after rushing in the chawls has committed assault. It specifically becomes clear that the accused is responsible in this offence for all the above acts as it becomes clear from the deposition of this witness. Thus, there is no reason not to believe the deposition of this witness.

This witness has given the name of the accused in the deposition before the Hon'ble Court and has identified her.

**[9] HAROON MOHAMMEDBHAJ SHAIKH, WITNESS NO. 198, EXH. 1363:**

- Has given the name in the statements dated 28.5.2008 and 12.9.2008 given before the SIT and has stated that he had seen the accused in the mob.

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.3 para no.6:**

Saffron strips were tied on the foreheads of the people of the mobs from both sides. I was knowing some persons of these mobs. **I had seen swords, pipes and tridents in the hands of some people.**

**Page no. 3 para no.7:**

**In these mobs, I had seen Mayaben,** Babu Bajrangi, Sachin Modi, Ashok Pan Gallawalo, Manoj Videowala, Suresh Langado, Haresh, Guddu and Bipin Autowala. **I had seen all these persons on the date of the incident at about 9.30 am.** and they were also in the front of the mob standing near the gate in front of the S.T. Workshop and were also present in the mob near the gate of S.R.P. Of course, both the mobs had then merged.

**Page no.4 para no.8:**

**These people and the persons of the mobs had started burning the surrounding lorries, cabins, houses etc. and had attacked Noorani mosque.** Some persons from our Muslims had also gone to persuade these nine persons, but they had not listened to anyone and had started raising shouts of "*maaro ... kaapo*" and had started pelting stones upon the persons of our community. Thus, we had gone to persuade these nine persons, but as they did not listen to us and pelted stones upon us, we had come back being scared at the police chowky situated at present.

**Page no.5 para no.9:**

When we returned near the police chowky, the police which was standing near the S.T. Workshop had started firing teargas shells and firing from the jeep. During this firing by the police, four persons were hit with bullet. Abid had died on the spot. After taking three persons except Abid who were hit with bullet, we

Muslims were running towards our Muslim chaws and the persons of the mob had also chased us.

This witness in his both the statements given before the SIT has given the name of the accused and has stated that he had seen her in the riotous mob. He has also given strong evidence against the accused in his deposition before the Hon'ble Court.

From the deposition of this witness, it becomes clear that on the date of the incident, the accused was actually present in the mob armed with deadly weapon near the gate of S.T.Workshop and was leading this mob and the said mob had attacked the surrounding properties of the Muslims and the mosque. There is evidence against the accused in this incident, because, she was leading , i.e. it can be said that she was there as leader as is appearing from the deposition of this witness. Therefore, there is no reason to disbelieve the deposition of this witness.

This witness has given the name of the accused in his deposition before the Hon'ble Court and has also identified her.

**[10] JUBERKHAN ISMAILKHAN PATHAN, WITNESS NO. 227**

**EXH. 1614:**

- Has given the name in the statement dated 26.5.2008 before the SIT stating therein that the accused was in the mob on the road opposite Natraj Hotel and was telling the persons of the **mob to go ahead and that she is with them.**

- Has given the name in the deposition before the Hon'ble Court and has identified.

**Page no.3 para no.7:**

Thereafter, I had gone at the Natraj Hotel situated on the opposite side. **In the mob of Natraj Hotel, I had seen Mayaben Kodnani on the road.** The persons in the mob there were having

saffron flags and they had worn *khakhi* shorts. **Mayaben was telling the persons of the said mob to go ahead and that she is with them.** Thereafter, I had returned to Noorani mosque.

This witness has given the name of the accused in his statement before the SIT and has also given sufficient evidence against the accused in his deposition before the Hon'ble Court.

From the deposition of this witness, it becomes clear that the accused Mayaben Kodnani was telling the mob standing near Natraj Hotel to go ahead and that she is with them. The witness has seen and heard Mayaben telling this. At that time, the accused was a Minister in the ruling government at the relevant time and when a person who is in power, tells to go ahead and that she is with them, it adds mental and physical strength to the other accused present in the mob and they become competent to attack, because, when the person in power is with them, they may think that nobody would do anything against them and may cause attack and this mob has done so. On a single sentence of Mayaben, this mob has played the *Holi* of blood; has massacred the Muslims; by making the young ladies nude and committing rape over them, has burnt them alive; has looted and set fire to the properties of the Muslims and in this whole incident, average 98 persons have been killed and burnt. Main brain behind all these offences is Mayaben, because, had she not uttered the above sentence, such a huge massacre would not have occurred which is appearing from the deposition of this witness.

This witness has also given the name of the accused in his deposition before the Hon'ble Court and has also identified her.

**[11] SIDDIQUEBHAI ALABAKSH MANSURI, WITNESS NO. 236, EXH. 1662:**

- In the statement dated 26.5.2008 given before the SIT she has stated that she was leading the mob, provoked the mob and gave weapons at 11.30 am and that she has provoked to demolish the mosque.

- Has identified her as one of the leaders with Mayaben Kodnani in the deposition before the Hon'ble Court.

**Page no.3 para no.6:**

At that time, I was at my home and had come to know that huge public has gathered on the road outside. At that time, it was 8.30 to 9.00 am. Upon learning this, I had gone to Natraj Hotel from the home. **There was a mob of about five to ten thousand persons. While I was present there, Mayaben had arrived in a Maruti fronty car.** Her P.A. Assistant was also present in her car along with her. **I had seen both of them alighting from the car where I was standing.**

**Page no.3 para no.7:**

**Looking at them, the persons of the mob had raised the slogan of Jai Shri Ram. Here, while giving provocative speech before the people, Mayaben had told she has seen the dead bodies of the Kar Sevaks after going to Godhra and had told the Rambhakts to kill the Muslims of the area, chop them of and to demolish the mosque of the area as Babri Mosque was demolished and that she is with them as also Narendra Modi and that there would be no difficulty to them.** After saying so, she had gone away.

**Page no.4 para no.8:**

After her going, the public had got provoked and had arrived towards our area and Noorani mosque. Police was also there

together with them. Therefore, I had gone back to my area towards Noorani mosque. Persons of the mob were coming towards our area. Looking this, I had run away. At that time, the mob near the Noorani mosque had done stone-pelting and the police had fired teargas shells and had also resorted to firing.

**Page no. 4, 5 para no.10:**

At that time, at about 11.00 am, **Mayaben Kodnani had arrived with white Maruti Fronty** and a Trax Jeep behind it at the gate of S.T. Workshop. After taking both the said vehicles from Krishnanagar, the same were parked near S.T. Workshop. The same were parked facing the gate of the S.T. Workshop. **Mayaben had alighted from this Maruti car. After alighting, by making sign, she had called the mob at the gate of S.T.Workshop.** At that time, about seven leaders had arrived which included P.A. of Mayaben. **Mayaben had talked with them and thereafter, instructed her P.A. by making sign.**

**Page no.5 para no.11:**

At that time, P.A. of Mayaben had taken out weapons from the Trax Jeep. Among these, from some far distance, there seemed to be some weapons like swords, spears, tridents, revolvers. On the instructions of Mayaben, P.A. had given the same to all the leaders of the mob. Thereafter, car of Mayaben and the said jeep had started going towards Krishnanagar and had turned in the lane of Uday Gas Service. **After the departure of Mayaben, persons of the said mob, which included her P.A. also had thrown the gas cylinders in the Noorani mosque and had caused assault and had thrust the whole tanker of kerosene inside the Noorani mosque.**

**Page no. 6 para no.12:**

Thereafter, **the persons of the mob had set fire to the shops surrounding the Noorani mosque.** Thereafter, the whole mob had rushed inside the road leading to Jawannagar and Hussennagar. **This mob had burnt the houses situated in Jawannagar and Hussennagar and had burnt alive the men, women and children** which I had seen, meaning thereby, I had seen the facts till the mobs had rushed in Jawannagar and Hussennagar.

This witness has given the name of this accused by narrating the acts committed by this accused in his statement before the SIT. He has also given strong evidence against the accused in his deposition before the Hon'ble Court. From the deposition of the witness before the Hon'ble Court, it becomes clear that accused Mayaben Kodnani has played very dangerous role in the whole incident i.e. in the Naroda Patiya massacre and she has uttered provocative words which may lead even a layman to become aggressive and commit murder and this witness has witnessed the accused uttering such strong provocative sentences. This accused has provoked the other accused in the name of the religion and she has told that **"I have come after looking at the dead bodies of Kar Sevaks at Godhra and you people Ram Bhaktas kill and chop off the Muslims here and demolish the mosque here as Babri Mosque was demolished. I am with you as also Narendra Modi."** These provocative words have exposed the plan of criminal conspiracy of the government and the accused and from these words, it can certainly be said that this was a planned conspiracy and to play bloody game by inciting the people in the name of the religion, because, Mayaben has not only uttered provocative words, but has also stated that she is with them as also Narendra Modi. If such a huge support is extended to the

mob and the king and the minister are with the accused, then why would the accused have fear? Thus, this accused has given a free hand to the other accused i.e. the persons of the mob to be fearless and to commit assault, loot and to rape. Therefore only, the accused and the mob had got provoked and had attacked the Muslims. Thereafter, this witness had seen the accused alighting from her Maruti fronty at about 11.00 am near the gate of S.T.Workshop and there was a Trax jeep behind her and by making sign, she had called the mob near the gate of S.T. Workshop. By talking with the other leaders who are accused in this case at that time, Mayaben had discussed with her P.A. and had given instruction. P.A.[accused no.61] of accused Mayaben, as per the instruction of the accused Mayaben had given the deadly weapons such as swords, spears, tridents, revolver from the Tax Jeep to the leaders of the mob who are accused in this case and thereafter, Mayaben had gone towards Krishnanagar and the vehicles towards Uday Gas were burnt. Here, it is required to be mentioned that witness no. 143 has seen Mayaben giving swords near Panchvati Estate. Thus, from the deposition of this witness, it becomes clear that after giving weapons near S.T. Workshop, Mayaben had gone towards Uday Gas Agency - Panchvati Estate. After the weapons were given near S.T. Workshop, the mob had assumed aggressive proportion and by attacking the mosque had set fire to it and had set fire to the properties of the Muslims and thereafter this very mob had rushed inside the road of Hussennagar and Jawannagar and by burning the houses had burnt alive the ladies, gents and children. From the deposition of this witness, it can certainly be said that Mayaben played murderous game in this whole incident, led the mob, gave lethal weapons to the mob, provoked the mob strengthened the support and morale of the mob and thereby has

played important role in carrying out the criminal conspiracy to create the whole massacre and the said criminal conspiracy has been successful, as a result thereof, Naroda Patiya massacre had occurred, wherein 98 ladies, gents and children were killed and burnt. In whole of this heinous incident, this accused has played important key role which becomes clear from the deposition of this witness and therefore, there is no reason to disbelieve the same.

This witness has given the name of the accused in his deposition before the Hon'ble Court and has also identified her.

**[12] ASHISH SURESHCHANDRA KHETAN, WITNESS NO. 322,EXH.2265:**

This witness, during the sting operation has talked with this accused Babu Bajrangi, Suresh Richard and Prakash Rathod and has recorded all this conversation in the C.D. The said C.D. is produced vide muddamal list through P.W.no. 319 of the Hon'ble Court.

Some of the excerpts of the deposition of this witness makes the involvement of Mayaben Kodnani clear in the said offence which are as under:-

**Page no.39 para no.48:**

**I had met Prakash Rathod wherein it was discussed that,**

**Tahelka:** Now, names of Jaideep Patel and Maya Kodnani has been removed from Naroda carnage.

**Prakash:** Why name of Mayaben is removed, any reason, she has thrown too much money.

**Tahelka:** She is telling that she was not present there on that day

**Prakash:** May I tell whether she was there or not

**Tahelka:** Was she?

**Prakash:** Yes

**Tahelka:** Had come here?

**Prakash:** Had come on the back side ... we were involved in the riot ... is telling, beat them, we are behind you

**Tahelka:** On the day when Naroda massacre had occurred?

**Prakash:** Yes

**Tahelka:** Stayed for how many hours?

**Prakash:** Had not moved there for more time.

**Tahelka:** Two hours?

**Prakash:** About half to quarter to one hour.

**Tahelka:** But why her name is removed?

**Prakash:** Government is in her hand

**Page no. 43 para no.51:**

In the conversation I had with Suresh Rathod on 11.8.2007, I had further conversation that,

**Tahelka:** Mayaben Kodnani is telling that she was in Gandhinagar...

**Prakash:** Why had she not addressed...

**Suresh:** She was.

**Tahelka:** Was she on the date of Patiya?

**Suresh:** Yes... Listen to me. Pursuant to this massacre, our brother had also arrived ... Narendra Modi also ... thereafter, the big brother uttered Jai Shri Ram Jai Shri Ram... he himself uttered this and passed by the road in a vehicle...

**Tahelka:** Narendrabhai ...

**Suresh:** Then had a look over the chawl ... given garlands here ... praised ...very good ... thanked ... now where we were knowing that this garland would become our handcuffs ... this Narendrabhai ... **this Mayaben Kodnani was here whole day...**

**Tahelka: on the day on which Patiya massacre had occurred ...**

**Suresh: Whole day she was there from morning till 8.00 pm**

**Prakash: Had gone away ...**

**Suresh: No, was moving in the car ... was taking rounds... would come after taking round and tell do properly ... took away the mob from here ... this mob no.1 had arrived. ... it is number one of all ...**

From the deposition of this witness, it becomes crystal clear that Mayaben Kodnani was present on the place of the incident on the date of the incident. Co-accused nos. 21 and 22 of Mayaben in this case, by confessing their offence in their sting operation state that Mayaben was also present at the place of the offence. Prakash Rathod, Accused no.21 in the sting operation clearly states that Mayaben was present during the whole day. On that day, Mayaben was present from morning till 8.00 pm and Mayaben had taken with her the mobs at the place of the incident and the said mob had arrived at mob no.1. Co-accused nos. 21 and 22 of this accused Mayaben Kodnani, while confessing their offence [extra judicial confession] have made clear the involvement of accused Mayaben in this whole carnage. From the deposition of this witness, it becomes clear that Mayaben was present in the whole massacre that occurred at Naroda Patiya.

In this case, **witness nos. 52, 104, 136,143, 149,156,176,192, 227 and 236** in their depositions given before the Hon'ble Court have supported the deposition of this witness, involvement of Mayaben in the sting operation and her active role played in the offence. All these witnesses are eye witnesses and these witnesses support all the facts of the sting operation and the deposition of Ashish Khetan.

**As per Section 30 of the Evidence Act:**

**Consideration of proved confession affecting person making it and others jointly under trial for same offence.--**When more persons than one are being tried jointly for the same offence, and a confession made by one of such persons affecting himself and some other of such persons is proved, the Court may take into consideration such confession as against such other person as well as against the person who makes such confession.

Thus as per the deposition of this witness Ashish Khetan and as per the transcript of the sting operation done by him, there is sufficient evidence available against accused Mayaben Kodnani.

**ACCUSED NO.[38] ASHOK HUNDALDAS SINDHI [KHATWANI]****[1] BASUDDIN MAIYUDDIN SAIYED, WITNESS NO. 73 EXH.****514:**

- Has given the name in the statement dated 4.6.2008 before the SIT stating that the accused armed with revolver was in the mob.

Has given the name and identified.

**Page No.5 Para No.9:**

Within some time, a large mob was coming from Natraj Hotel of Kubernagar Patiya. This mob was coming towards Noorani Mosque. **This mob was raising slogans. They were raising slogans of "Jai Shri Ram". This mob was being led by** Kishan Korani, **Ashok Sindhi**, Suresh Langado and Manoj Videowala. In this mob, Manoj Videowala and Kishan Korani were armed with revolvers. **Other persons of the mob were armed with weapons like swords, tridents, spears, iron pipes etc.**

**Page No. 6 Para No.10:**

**Persons of this mob were setting fire to the shops belonging to Muslims situated near the mosque and the persons of this mob were also pelting stones.** When I saw all this, it would be about 9.30 hrs.

**Page No. 6 Para No.11:**

At that time, persons of our *chawl* were standing near the house of Gafurbhai. Shri Mysorewala, P.I. of Naroda was standing near his house. Shri Mysorewala, P.I. of Naroda was also present with his jeep.

**Page No.10-11 para no.17:**

**During this time, one mob had arrived at about 5.00 hrs.**

In this mob, there were Kishan Korani, Manoj Videowala, **Ashok Sindhi** and Suresh Langado. Under the leadership and guidance of all these four accused, house of **Majid Langada was set fire to .... All the persons who were inside this house which was set fire to were burnt alive. I had witnessed all this.**

This witness in his statement dated 4.6.2008 before the SIT has given the name of the accused and has also given the name of the accused in the deposition before the Hon'ble Court. As many years have passed by, this accused has failed in identifying the accused before the Court. This witness has given the evidence against this accused as per the deposition given before the Hon'ble Court.

On 28.2.2002 on the day of Gujarat Bandh Call, at 8.00 am, this accused was present in the mob of Krishnanagar and was shouting slogans and the persons of the mob were armed with deadly weapons and were burning the shops surrounding the mosque and were pelting stones. At that time, Mysorewala, P.I. of Naroda was also present. Thereafter, at about 5.00 pm, a mob had arrived wherein, the accused was present. This accused and four persons from the persons of the mob accompanying him had set fire to the house of Abdul Majid, as a result thereof, six to seven persons of the family of Abdul Majid were burnt alive in this house and this witness has witnessed all this. Thus, this accused became a member of an unlawful assembly and with an object to achieve their common intention and to carry out criminal conspiracy, they set fire to the house of Abdul Majid and thereby by burning alive the family members of Abdul Majid they have committed the culpable offence, which becomes clear from the

deposition of this witness. Thus, there is no reason to disbelieve the deposition of this witness.

**[2] HAIDERALI NAZAFALI MIRZA, WITNESS NO.237, EXH.1669:**

- Has stated in the statement dated 17.4.2002 before the police that one Husenabanu had lifted the mobile of the accused that had fallen from the pocket of the accused at the time of the incident and had given the same to the witness in Shah Alam Camp.

**This accused has played main part in burning the brother of witness Hussenabanu after killing him at the place of the incident and at that time, mobile of the accused had fallen down. Number of the mobile was No. 9825054777. This number is of the accused.**

- Has given deposition before the Hon'ble Court as per the police statement and has also identified the muddamal mobile bearing muddamal receipt no.88/02 exh. 139.

**Page no.3 para no.6:**

Thereafter, I had inquired about these people and had come to know that these people have been shifted to Shah Alam Camp. Thereafter, I had gone to Shah Alam Relief Camp to meet Hussenabanu who was found there. She had told me that on the date of the incident, big mob of Hindus had looted our houses and had set fire to our houses; that **persons of this mob had pulled away her and her brother. By inflicting sword blows to her brother and by tying him with a cot and pouring acid and petrol have burnt her brother. During this time, she had tried to rescue her brother. While she was trying to rescue her brother, mobile of one person had fallen down which she had**

**lifted and** thereafter after running away, she had hidden herself. Thereafter, she was taken to Shah Alam Relief Camp.

**Page no.4 para no.7:**

**After telling me this, she had shown me the mobile. She had given this mobile to me and had requested to do take appropriate action.** I had taken this mobile and thereafter had come to home. I was not knowing how to operate the mobile. On asking my other relatives, I had learnt that this mobile should be shown to a person who may be knowing the work of mobile.

**Page no.4 para no.8:**

Ten days later, I had come to know that one Nadeem Saiyed, who is doing work of marketing of the sim cards of mobiles knows the operation of the mobile. This Nadeembhai was residing in Juhapura. I had contacted him. **After giving this mobile to Nadeembhai, I had told him to inquire about the person to whom this mobile belonged, because, the mobile holder had played part in killing the brother of Hussenabanu.**

**Page no.5 para no.9:**

After starting the phone, Nadeembhai had given the same to me and had told to retain the said phone with me for four to five days and answer the call whenever there is any such call. Upon the call being received in this mobile, request was being made to return the mobile and nothing other was being talked. I was not understanding anything.

**Page no.5 para no.10:**

Two to three days later, I had called Nadeembhai personally and had given back the mobile to him. Nadeembhai had told me

that the **number of this mobile was 9825054777 and that it belonged to some Sindhi person.** I had returned this phone to him.

**Page no.5 para no.11:**

On 12.4.2002, Nadeembhai had told me that let us give this mobile to the office of the Police Commissioner for inquiry.

**Page no.5 para no.12:**

I, Hussenabanu and Nadeembhai had gone to the office of the Police Commissioner along with this phone. **We had handed over this phone to the Police Commissioner.**

**Page no.5 para no.13:**

Thereafter, four to five days later, the police had recorded my statement. **I can identify the mobile instrument** which I and Nadeembhai have handed over in the office of the Police Commissioner.

**Page no.6 para no.14:**

**I am shown the muddamal which is seized in this case under muddamal receipt no. 88/02 at sr. no. 9 of muddamal list exh. 139, which is a mobile phone of Motorola Company and after looking at the said mobile phone, I state that it is the same mobile phone which was given by this Hussenabanu.**

This witness in his statement dated 17.4.2002 has stated that at the time of burning alive Hasanali, brother of witness Hussenabanu at the place of the incident, this mobile of the accused had fallen down there from the pocket of the accused which was lifted by the witness Hussenabanu and Hussenabanu had handed over the said mobile to this witness. This accused has

played the main role in burning alive the brother of witness Husenabanu in cruel manner. The witness has identified this mobile of the accused in the deposition before the Hon'ble Court.

Thus, from the evidence given by the witness, it becomes clear that this mobile belongs to the accused and this witness supports the evidence of witness no. 245 given before the Hon'ble Court.

**[3] NADEEM MOHAMMEDALI SAIYED, WITNESS NO. 245  
EXH.1712:**

In his statement dated 19.4.2002 before the police has stated that witness Haiderali Nazafali had given the phone of the accused and on that mobile there was also call received from Ashok Sindhi. The witness had deposited the said mobile before Shri P.C. Pande, Police Commissioner.

- In his statement before the SIT he has stated that the mobile of the accused was deposited before the Police Commissioner.

[Note: The said mobile was belonging to the accused and while the accused was burning after killing the brother of witness Husenabanu, the said mobile had fallen down from his pocket and witness Husenabanu had lifted the said mobile from the place of the incident and handed over the same to Hyderali and the said Hyderali had handed over the same to this witness and this witness has deposited the same before the Police Commissioner.

- The witness in his deposition has given the name by stating that the said muddamal mobile was belonging to Ashok Sindhi and has identified the same.

Note: Accused Ashok Sindhi has threatened the witness to kill him and in connection with the said case, complaint of which has been lodged with \_\_\_\_\_ police station which is registered as CR No.\_\_\_\_\_.

**Page no.2 para no.4:**

As I am doing marketing business of mobile, on receipt of the mobile I had seen the condition of the mobile. This mobile was in switched off condition. I had started this mobile phone. From this mobile phone, I had dialled my mobile number **so that I may come to know the number of the mobile phone given by Hyderali to me. Number of this mobile was 9825054777.**

**Page no. 3 para no.5:**

Thereafter, I had noted all the saved numbers in the directory of the mobile phone. I had made note of all the received and missed calls recorded in this mobile instrument. Of course, at that time, received calls and missed calls were not being registered separately in this instrument but they were appearing in common list which was also noted by me.

**Page no.3 para no.6:**

I had dictated all these in my statements before the police. I had received this mobile instrument on 18.3.2002 and the same had remained with me till 12.4.2002.

**Page nos.3-4 para no.7:**

**During the period from 18.3.2002 to 12.4.2002, many phone calls were received. I had attended the incoming phones. The caller would ask about Ashokbhai in the phone. Even Ashokbhai had also made a call to me.** After obtaining his telephone number i.e. landline number of his home I have dictated the same in my statement. **During the conversation on mobile phone, Ashokbhai was demanding back the phone.** At the relevant point of time, there was also number of Control Room of the office of the Police Commissioner from which a call was

received. The number of the Control Room from which call was received was landline number being 5630999 and 5630995. One Balwantsinh was talking over the telephone from the number of this office of the Control Room. **This Balwantsinh was also finding Ashok and therefore was making call and I had presumed this phone number to be that of Ashokbhai Sindhi.**

**Page no.4 para no.8:**

**On this number, a call was also received from a slaughter house. From this number also, Ashokbhai was demanding the phone.**

**Page no.4 para no.9:**

At the relevant point of time, situation of Ahmedabad was tense and as I had normal acquaintance with the Police Commissioner of Ahmedabad City I had obtained an appointment for meeting him and on 12.4.2002, I had gone to the office of the Commissioner together with Hyderali along with the phone. At that time, the name of the Police Commissioner was Shri P.C. Pande.

**Page no.5 para no.10:**

**After meeting the Police Commissioner, I had handed over the phone and had told that the said phone seemed to be belonging to Ashok Sindhi.** I had also given a chit to the Police Commissioner wherein, I had noted the telephone numbers received on the telephone of this Ashok Sindhi.

**Page no.5 para no.11:**

When I and Hyderali were present before the Police Commissioner, at that time, Police Commissioner Shri had

summoned Shri Tandon. As Sector-2 was falling under the division of Shri Tandon, Shri Pande had handed over this mobile instrument to Shri Tandon.

**Page no.5 para no.12:**

Thereafter, I had received a call on my phone from A.C.P. Shri Rana, "G" Division wherein, he had told me to meet him in connection with the mobile phone that was handed over by me to the Police Commissioner. Thereafter, I had met Shri Rana and my statement was recorded. My statement was recorded on 16.4.2002.

**Page no.6 para no.13:**

After getting my statement recorded on 16.4.2002, **there was a telephone call received on my mobile on 28.4.2002. This call was from number being 2289 and remaining digits I do not remember at present. Of course, I have dictated the said number at the relevant point of time in my statement. Ashok Sindhi had made this call to me. Ashok Sindhi wanted to meet me, I had not met him.** I had disconnected his call. Thereafter, immediately, I had made a call to the Police Commissioner Shri Pande and had told him that instead of investigation being made in connection with the phone I had handed over to him, the said person Sindhi makes call on my mobile phone.

**Page no.6 para no.14:**

Thereafter, Shri Pande had entrusted the investigation to the Crime Branch and after 2.5.2002, I had dictated my statement before the Crime Branch. Thereafter, on 13.6.2008, SIT had recorded my statement.

**Page no. 7 para no.15:**

**The mobile phone which I had deposited with the Police Commissioner together with sim card was of Motorola company and if the same is shown to me, I can identify the same.**

**Page no.7 para no.16:**

**After opening the sting tied upon the paper which is wrapped upon the Mobile phone at sr. no.9 in the muddamal list at exh. 139, and after removing the said paper, the said instrument is shown to me and after looking at the same, I identify the same to be belonging to Ashok Sindhi as stated above.**

This witness in his statement dated 19.4.2002 before the police has stated that the witness Hyderali Nazafali [witness no. 233] had given the phone of this accused to this witness and this witness had gone to deposit the said mobile phone before Shri Pande Saheb, Police Commissioner, Ahmedabad. Thereafter, in the statement dated 13.6.2008 before the SIT, this witness has narrated the facts of his having deposited the phone in presence of the witness before the Police Commissioner.

This witness was knowing another witness Hyderali. In the incidents dated 28.2.2002, when one person, namely Hasanali was burnt and killed, one lady [Hussenabanu, witness no.\_\_\_\_] was standing there and as phone of a person involved in the incident had fallen down she had lifted the same and she had given the said phone to Hyderali and the said Hyderali had given the said phone to this witness and this witness had deposited the same before the Police Commissioner Shri Pande which phone was

belonging to this accused. Thus, this witness has identified the mobile phone before the Hon'ble Court and from the deposition of this witness, it becomes clear that the said phone belongs to this accused. Thus, the accused took part in the heinous attack of burning alive one person, namely, Hasanali on the date of the incident and by burning him alive, has committed the offence of murder and there is no reason not to believe the same. Thus, from the deposition of this witness, it becomes clear that the mobile phone that had fallen down at the place of the incident was belonging to this very accused and therefore, he is completely involved in this incident.

Witness no. 237 supports the deposition of witness no. 245 and this witness supports the evidence given by witness no.245 in the Hon'ble Court.

This witness in his statement dated 19.4.2002 before the police has stated that the witness Hyderali Nazafali [witness no. 233] had given the phone of this accused to this witness and this witness had gone to deposit the said mobile phone before Shri Pande Saheb, Police Commissioner, Ahmedabad. Thereafter, in the statement dated 13.6.2008 given before the SIT, this witness has narrated the facts of his having deposited the phone in presence of the witness before the Police Commissioner.

This witness was knowing another witness Hyderali. In the incidents dated 28.2.2002, when one person, namely Hasanali was burnt and killed, one lady [Hussenabanu, witness no.\_\_\_\_] was standing there and as phone of a person involved in the incident had fallen down she had lifted the same and she had given the said phone to Hyderali and the said Hyderali had given the said phone to this witness and this witness had deposited the same

before the Police Commissioner Shri Pande which phone was belonging to this accused. Thus, this witness has identified the mobile phone before the Hon'ble Court and from the deposition of this witness, it becomes clear that the said phone belongs to this accused. Thus, the accused took part in heinous attack of burning alive one person, namely, Hasanali on the date of the incident and by burning him alive, has committed the offence of murder and there is no reason not to believe the same. Thus, from the deposition of this witness, it becomes clear that the mobile phone that had fallen down at the place of the incident was belonging to this very accused and therefore, he is completely involved in this incident.

Witness no. 237 supports the deposition of witness no. 245 and this witness supports the evidence given by witness no.245 in the Hon'ble Court.

**NARODA PATIYA CASE**

**Sessions Case No.235/2009**

**With**

**Sessions Case No. 236/09, 241/09, 242/09, 243/09, 245/09, 246/09 and 270/09**

**WRITTEN ARGUMENTS OF THE ADVOCATES FOR THE VICTIM WITNESSES.**

**Advocates**

**R.A.Shaikh (Raju Shaikh)**

**Altafkhan I. Jidran**

**(4) Husenabanu Asgarkhan Pathan, Witness No.135, Exh.879**

This witness herself is an injured witness. This accused was involved in killing the brother of the witness. And the mobile of the accused had fallen down from his pocket. The witness had picked up the said mobile. This witness proves in his deposition before the Court that this accused was involved in killing her brother.

**- Page No. 6,7 Para No.12**

Thereafter, the people of the mob had broken our door open by giving blow with a spade and a scythe to my closed house. At that time, the people amongst the mob had broken in all three doors of my house. Amongst them, one each door of front side and back side and one middle door. Out of them, one door was of ladder. Such three doors were broken. (Note:- At this stage, the witness getting very much emotional has started weeping and gives testimony emotionally. The Court gave solace and offered water to the witness and recorded further testimony.) Then the people of the mob had rushed in our house after breaking the door. They were about four to five persons. One person out of these four to five persons was having a baton of police in his hand. That person had started beating to my brother with the said baton. At that time, I had intervened to rescue my brother and requested him not to beat my brother. But the said person had continued to beat my brother. The said person had worn a pink colored shirt and a reddish brown colored trousers.

**- Page No.7,8 Para No.13**

The people of the mob who had rushed in my house had dragged my brother outside. Then about fifteen to twenty persons of the mob had taken my brother in the courtyard of the house of Jadikhala. The people of the mob were taking away my brother by dragging. I had also pursued them and started telling that 'Do not beat my brother'. I had come to rescue my brother.

**- Page No.8 Para No.14**

**Thereafter the people of this mob had cordoned my brother and gave the first blow of sword on the neck of my brother and gave**

second blow on the hand. All that had taken place before me. One cot was lying in the courtyard of Jadikhala. Then the people of the mob had put the cot upside down and laid my brother on the said upside down cot. (Note:- The witness goes on weeping continuously and she has been given solace by offering potable water.)

**- Page No.8,9 Para No.15**

Then both the legs of my brother were tied with the cot. Thereafter, the people of the mob had poured acid on my brother. One person had provided the said acid from the wall of the S.T. workshop and another person had taken the said acid towards outside. The said acid was poured on my brother. Then, these people had put one cotton mattress on my brother. There, the boy named Abid had received bullet injury and the mattress on which Abid was put and the mattress which was blood stained, the same mattress was placed on my brother. I do not know as to what was brought in the bottle whether kerosene or petrol. But the said was poured on the body of my brother and the people of the mob had set my brother on fire.

**- Page No.9 Para No.16**

At that time, I was there only. At that time, the mobile telephone of the person causing outrage on my brother had fallen down from the pocket. I had gone away taking this mobile and hidden in a latrine. Because, they had tied my brother and set him on fire. Hence, presuming that now they would definitely kill my brother and now my brother would definitely die, I had moved myself.

**- Page No.9,10 Para No.17**

After sometime, the said mob had gone away. Then I had come out. Thereafter, I saw that the dead body of my brother was burning. The name of the owner of the house in whose latrine I had hidden was Javed Bhaiya. A drum filled with water for the use of the house of this Javed Bhaiya was lying there. I had poured five buckets of water from it on the burning dead body of

my brother. Even after these much years, even today the marks of burns injury caused by flames at that time are on my fingers.

**- Page No.11 Para No.21**

After coming to the relief camp, about seven days later, Sultanbhai who belonged to my village Khambhat had met me. **I was having a mobile phone with me which was found on that day** and I could not understand as to what to do with this mobile phone. Therefore, I had narrated the story of the incident of my brother to Sultanbhai. This Sultanbhai is carrying on the business of selling Samosa. I had narrated him the entire story as to how I found the mobile and about the incident of my brother, at that time he had told me that he was going to the place of his business and he would return to see her again in the evening.

**- Page No.12 Para No.22**

He had come to see me again in the evening and he had taken me to the office of advocate Mohsinbhai. At that time, I had kept the mobile with me. I had given it to Mohsinbhai. I had narrated all facts to the advocate Mohsinbhai.

**- Page No.12 Para No.23**

On the next day morning at nine o'clock, Haiderbhai of my village i.e. Khambhat who happens to be my relative had met me with Sultanbhai. He had met me at the gate of Shah-e-Alam camp. **I had narrated the fact of the incident which had taken place on that day at Naroda Patiya to Haiderbhai.** I had told Mohsinbhai to deposit the mobile. This Haiderbhai had told me to take him to Mohsinbhai. Then I had taken him to the advocate Mohsinbhai.

**- Page No.12-13 Para No.24**

**Advocate Mohsinbhai had handed over this mobile to my relative Haiderbhai** and informed to prosecute both the cases i.e. the incident of Naroda Patiya and the mobile being found separately. Thereafter, Haiderbhai

had handed over this mobile to Nadeembhai. **Thereafter, Nadeembhai had deposited this mobile with the Office of the Police Commissioner.**

**- Page No.13 Para No.25**

Thereafter, some days later Nadeembhai had come to see me. At that time, I had come to know that Nadeembhai had deposited this phone with the Police Commissioner. Thereafter, Nadeembhai and Haiderbhai had taken me to the Police Commissioner. **When I had gone to the Office of the Police Commissioner to ascertain as to whether Nadeembhai had deposited the mobile or not, at that time I had narrated the facts of the incident to the Police Commissioner in person. Upon being asked by him to identify the mobile out of the mobiles lying there, I had identified the said mobile.**

**- Page No.13 Para No.26**

**I had identified this mobile** before the Commissioner. Thereafter, Nadeembhai and Haiderbhai had brought me to the Shah-e-Alam camp.

**- Page No.15 Para No.32**

**Thereafter, when I was at Alifnagar, at that time the policeman of Gheekanta had come to call me. He had brought me to Gheekanta. He had told me that I had to go with him to identify the accused. I was told that I had to identify the person whose mobile phone was deposited by me. The Identification Parade was conducted there. I had identified the accused there. The said person was Ashok Sindhi.**

**- Page No.17 Para No.36**

I had identified the person whose mobile had fallen down and who was causing outrage on my brother. Even today, I can identify the said person. I can make an attempt as a long time has elapsed. At present, I am very much suffering from B.P. Hence, I face very much difficulty.

It clearly transpires from the testimony of this witness that the accused Ashok Sindhi was present on the site on the day of incident and he had killed the brother of the witness and then set on fire. It is proved.

At the time of committing murder of the brother of the witness, the mobile of the accused had fallen down from his pocket. This witness had taken away the said mobile and gone away to the camp.

After reaching to the camp, this witness had given the mobile to Mohsinbhai and thereafter after taking back the same from Mohsinbhai, she had handed over to **Haiderali Najafali Mirza (Witness No.237, Exh.1669)** and Haiderali had handed over this mobile to **Nadeem Mohammedali Saiyed (Witness No.245, Exh.1712)** and upon this mobile being checked by Nadeem Saiyed, it was found that it belonged to Ashok Sindhi. Thereafter, after depositing this mobile with the Commissioner Office, legal procedure was followed.

Thereafter, the police had arrested Ashok Sindhi and conducted identification parade before the Executive Magistrate through the witness. This witness has identified the accused Ashok Sindhi in the said identification parade. **(Identification Parade Panchnama –Exh.233 has been produced by the Witness No.34.)**

Witness No.237 Haiderali Najafali Mirza and Witness No.245 Nadeem Mohammedali Saiyed completely support the evidence proved against this accused in the testimony of this witness. And both these Witness Nos.237 and 245 also identify the mobile of the accused. Thus, as the chain, nexus of the evidence being entirely consistent, the evidence against this accused proves that this accused Ashok Sindhi has committed murder of the brother of this witness.

This witness has not identified the accused before the Court. The witness has stated the reason thereof. Accordingly, the witness has stated in Para-36 of her testimony that as a great deal of time has elapsed, she would make an attempt. Now, she has been suffering from B.P. Hence, she faces very much difficulty. Thus, after 9 years of taking place of the incident and on account of problem of B.P., the witness could not identify the accused. The accused can not get the benefit in the evidence proved against the accused.

This witness also could not identify the mobile of the accused. This witness is an illiterate, backward, poor and belongs to out of State. Therefore, she could not identify the muddamal mobile after 9 years of taking place of the incident. But, the connected Witness Nos.237 and 245 being examined in this case have identified the said mobile **in the case of said muddamal.**

**(5) Mohd.Hanif Yusufbhai Shaikh, Witness No.184, Exh.1271**

- The name has been given in the testimony before the Court. But due to elapsing a great deal of time, he could not identify and this witness has given the evidence against the accused as stated below in the testimony before the Hon'ble Court.

**- Page No.2 Para No.4**

The incident had occurred on 28.2.2002, which had occurred after taking place of Godhra incident on dated 27<sup>th</sup>. On the said day, the Bandh Call was given by the Vishwa Hindu Parishad.

**- Page No.2 Para No.5**

On that day at half past nine o'clock in the morning, I was at my home. At that time, the commotion had taken place on the road outside. **On the said day, the mobs had arrived from Krishnanagar and Natraj Hotel** and both the mobs had gathered together.

**- Page No.3 Para No.8**

Naresh Chhara, Haresh Chhara, Sahejad Chhara, Murli Sindhi, Ashok Sindhi Panwala, Suresh Chhara, Bipin Autowala, the son of Bhawani whose name is not remembered were amongst the mobs. I know all of them. **All these persons were instigating the people of the mob and they were making assault on us, the Muslims.**

**- Page No.3 Para No.9**

At that time, the policemen had also fired teargas. Kishan Korani and Manoj Sindhi had snatched away the rifle from the police and made firing, while the remaining persons **whose names were stated by me were armed with weapons like pipes, swords, scythes etc.**

It transpires from the testimony of Witness No.184 that the accused was present amongst the mob which had come from the side of Natraj. He was included in the mob which was armed with weapons. It clearly seems that they had made assault on the mosque and the Muslims. Since a great deal of time has elapsed in taking place of this incident and as the changes have taken place in the physical structure of the accused persons, this witness could not identify him before the Hon'ble Court.

**(6) Mahammad Yunus Abbasbhai Mansuri, Witness No.34 - Exh.233**

This witness was performing duty in Court No.1 as the Executive Magistrate from 9.10.2002 to 31.10.2004. This witness has conducted the identification parade dated 3.10.2002. The identification parade which was conducted by this witness has succeeded. Witness Husenabanu Ajjarkhan Pathan **has identified the accused no.38** therein. Such transpires from the testimony of this witness.

**- Page No.6 Para No.8**

Thereafter, the witness of this case was called upon in the Court Room through my peon. The witness was asked her name and address, which was written. She had stated her name to be Husenabanu W/o Ajjarkhan Gafurkhan Pathan. After noting down the said name, she was given to understand the procedure of identification parade. I had informed witness Husenabanu that if the accused is present amongst the people standing in the queue and if she knows him, then she should take him out from the queue by holding his hand. Thereafter the witness had gone near the persons standing in this queue and taken out one person out of them all. Upon asking the name of this person being taken out outside, he had stated his name as **Ashok Hundaldas Sindhi** whose name was recorded by me. The person being identified by the witness was the accused of this case. After the accused being taken out by the witness, she had stated that about ten to fifteen persons were there with this accused on the day of incident. The mobile phone of this

accused had fallen down at the scene of incident. Therefore, I identify him.

.....

It clearly transpires from the testimony of this witness that Husenabanu had identified the accused as real accused. **The Panchnama of the Identification Parade** has been produced by **Exh.236** in the testimony of this witness.

**Accused No.(39) Harshad alias Mungada Jila Govind Chhara Parmar****(1) Sarfarazkhan Mehboobkhan, Witness No.109, Exh.704**

- The name has been given in the police statement dated 12.5.02.
- The name has been given in the testimony before the Court. He has identified.

**- Page No.2 Para No.3**

The incident had taken place in February-2002. The Bandh Call for the next day was given on the previous day. On the day of incident in the morning, I was at my home. I had come out on the road at nine o'clock in the morning. On that day, the mob of about fifteen to twenty thousand people was there. **The people of the mob were committing arson, involved in beating, setting on fire.** A large number of people were there. I had returned to my house. Thereafter, I had gone towards Gangotri by taking my family. We had gone running towards S.R.P. quarters. We were not offered shelter there.

**- Page No.3 Para No.5**

When I came outside the house, I can identify some people amongst the said mob which was there at that time. **Mugado Chharo, Jai Bhawani Chharo, Sahejad Chharo, Manoj Videowala and Surendra Langda Chhara** were seen **amongst this mob** and I had identified them. **All these five persons were armed with the weapons in their hand.**

This witness has given the name of the accused in his Statement dated 12-5-02 before the police. Moreover, the witness has given the evidence against the accused as per Para 3, 5 of his testimony before the Court.

As stated by the witness, the witness had come out on the road outside the house at 9 o'clock in the morning on the day of incident and had witnessed the mob consisting of about 15 to 20 thousand people. This mob had gone on rampage and they were killing and setting the people on fire. This witness had witnessed the accused with weapon amongst the said mob. Moreover, the witness has identified the accused by name in the testimony

before the Court. Thus, it is clinching evidence of the witness against the accused and there is no reason to disbelieve the same.

**(2) Jalaluddin Ibrahim Shaikh, Witness No.170, Exh.1174**

- In the police statement dated 12.5.02 amongst the riotous mob with weapon (The statement of SIT is not there).
- He has identified by name in the testimony before the Honourable Court.

**- Page No.3 Para No.6**

The mob of about ten to fifteen thousand Hindu people having been arrived from the side of Natraj Hotel **was raising shouts of beat and cut.** The people of this mob had arrived armed with swords, scythes, pipes etc. This mob had arrived near S.T. work shop. **This mob was doing stone throwing.**

**- Page No.3 Para No.7**

I know about six persons amongst the people **witnessed by me amongst the mob.** Bhawanising, Guddu Chharo, **Mungado Chharo**, Hariya Chhara, Suresh Langdo and Bipin Panchal were there amongst this mob.

**- Page No.3 Para No.8**

These six persons **were leading the mob and they were directing this mob.** Only they had brought this mob from Natraj Hotel to S.T. Workshop.

**- Page No.3 Para No.9**

**The people of this mob were committing assault on the houses near Noorani mosque. The people of the mob had set the lorry cabin and houses situated near Noorani mosque on fire and committed an assault.** Some persons amongst us had come to protect Noorani mosque. At that time, this mob had gone towards S.T. Workshop. I was witnessing all these from near the water taps near S.T. Workshop, where now the police chowky is situated.

**- Page No.5 Para No.15**

I had witnessed Hariyo Chharo, **Mungada Chhara** and Suresh Langda **in the mob going towards Noorani mosque.** At that time, I was standing near the tap near S.T. Workshop, then **somebody had fired bullet on me, but the bullet injury was sustained by the person who was standing**

**behind me.** At that time, the firing was going on, hence we all were running towards the Chawl. The person behind me had sustained the bullet injury. Thereafter I had gone to my house.

This witness has given the name of the accused in his police statement dated 12-5-02 and also stated that the accused was there amongst the riotous mob committing criminal act with a weapon. The witness has given ample evidence as mentioned in the testimony before the Hon'ble Court.

This witness has stated in his police statement dated 12-5-02 that he had seen the accused with a weapon. As per the testimony of the witness before the Hon'ble Court, he has given ample evidence and he has identified the accused by name in the testimony before the Hon'ble Court.

It transpires from the testimony of this witness that the mob of fifteen thousand people had arrived from the side of Natraj Hotel. They were armed with weapons. The accused was also there in the said mob and the accused has set Noorani mosque on fire in collusion with other accused persons. Thus, it is established that this accused was the member of unlawful assembly and he was armed with weapon and made assault on the mosque and the Muslims and also set the properties on fire. Such is proved. There is no reason to disbelieve the evidence of the witness against the accused.

This witness has identified the accused by name in the testimony before the Hon'ble Court.

**(3) Samsuddin Shahbuddin Rathod, Witness No.202, Exh.1394**

- The name is there in the police statement dated 13.5.02.
- The name is there in the testimony before the Hon'ble Court – identified.

**- Page No.2 Para No.5**

The incident had taken place on 28.2.02. On that day, at about nine o'clock in the morning, I had gone to have tea on the tea lorry which is situated near Noorani mosque. On that day, there was the police point there near Noorani mosque. I had seen one mob coming from the side of Natraj Hotel towards Noorani mosque. **The people amongst the mob were armed with**

**weapons, they were committing stone pelting and the people of this mob were rushing towards the direction of Noorani mosque. This mob was setting the shops and the houses on fire in our area. I had witnessed it.** At that time, the police were there on the side of Noorani mosque.

**- Page No.3 Para No.6**

I had seen Kishan Korani, Manojbhai, Bipin Auto, Guddu Chhara, Naresh Chhara, Suresh Chhara and **Mungada Chhara amongst the mob seen by me.** Thereafter, one mob had arrived from the side of Krishnanagar.

**- Page No.3 Para No.7**

Another mob had arrived after half an hour. The leadership thereof was taken by Bipin Autowala. Both these mobs had gathered together. **This mob had committed plundering in our entire area. The plundering was also committed in my house.** At that time, at about nine to quarter past nine o'clock in the morning, the police had done firing on the mobs of Muslims, Abidhusen had sustained bullet injury therein. Hence, I had gone away towards my house. I had handed over my two daughters to Meeraben who was residing beside my house after I returned to my house. Two houses are situated between the houses of Meeraben and mine. The wall is situated after her house.

This witness has given the name in his statement dated 13-5-02 before the police. Moreover, this witness has given the evidence against the accused as per the testimony before the Court.

This witness has given the evidence against the accused in the testimony before the Hon'ble Court. The name of the accused has been given in the police statement dated 13-5-02 by stating that the accused was involved in the mob committing serious kind of offence.

The witness has given the evidence against the accused as mentioned in the testimony before the Court.

The witness has witnessed the incident with naked eyes. The witness has clearly indicated in his testimony that the mobs were coming from different places. The witness has witnessed the mob coming armed with

weapons, pelting stones, setting the houses and shops on fire and committing plundering. The witness has indicated that he has seen the accused amongst the mob. The witness has kept hiding to rescue life at the place of incident up to 6 o'clock in the evening and witnessed the incident.

This witness has identified the said accused in the testimony before the Hon'ble Court by mentioning his name stating that the accused was there in the mob committing criminal act.

This witness has identified the accused in the testimony before the Hon'ble Court by name.

**Accused No.(40) Mukesh alias Ratilal Rathod****(1) Jannatbibi Kallubhai, Witness No.142, Exh.961**

- The name is included in the police statement dated 13.4.02.
- The name has not been included in the Statement of SIT dated 28.5.08.
- The name has been given in the testimony before the Hon'ble Court. He has identified.

**- Page No.8 Para No.13**

When I was in a turning between Gopinathnagar and Gangotri Society, at that time I had seen that the clothes of the girls were torn and they were setting on fire. At that time, two mobs had arrived from Parshwanathnagar and from the opposite side. Bhawanisingh, Guddu Chhara, Suresh Chhara, **Son of Bhawanising** and the eldest daughter of Bhawanising were there **in these mobs**. Amongst them, the eldest daughter of Bhawanising was providing petrol and kerosene to the people of the mobs in white carboy. Bhawanising, Guddu Chhara, Suresh, **Son of Bhawanising who is an advocate** and the eldest daughter **were there in the mob** which had come from the opposite side.

**- Page No.8 Para No.14**

**Kherunnisha, Nasimbanu, Sufiyabanu, Nargisbanu and one another lady were there amongst the girls whose clothes were being torn and set on fire.** At that time, it was about four to half past four o'clock in the evening.

This witness has given the name of this accused in the statement dated 13-4-02 before the police and this witness has identified this accused by name in the testimony before the Court and the chief evidence has been given as per testimony before the Hon'ble Court.

On perusal of the testimony of this witness before the Court, it clearly transpires that the accused was present amongst the riotous mob on the day of incident. When this witness was in the turning between Gopinath and Gangotri, at that time the mobs had arrived from the side of

Parshwanathnagar and from opposite side. The accused was there in the said mob. Thus, this accused has played role in committing criminal act by remaining present amongst the mob and by becoming a member of an unlawful assembly. It clearly transpires from the testimony of this witness. Thus, there is no reason to disbelieve the testimony of this witness.

**(2) A.Majid Mohd.Usman Shaikh, Witness No.156, Exh.1072**

- In the police statement dated 8.5.02, the name is there as the son of Bhawani.
- In the police statement dated 15.4.02, the name is there as the son of Bhawani. (Rape on Sufiya, daughter of the witness.)
- The name is there in the Statement of SIT dated 20.5.08. The name is there as Mukesh Vakil. (The rape has been committed on Sufiya, daughter of the witness.)
- In the Statement of SIT dated 13.9.08, the name is there as Bhawani's son Mukesh.
- The name as Bhawani's son has been given in the testimony before the Honourable Court.

**- Page No.7,8 Para No.15**

We all ten persons had left our house on that day at that time. I do not know the exact time. But, then we had gone on the terrace of Gangotri Society. At that time it was the noon time. I had seen from the terrace of this Gangotri that two brothers of Guddu Chhara, Tiniyo and others were present. All these persons were armed with swords, sticks, carboy of kerosene etc. They had made an assault on Aiyub, the son of Allabux. These people had set him on fire in rickshaw near the house of Abeda in the last chawl of our Javannagar and near the wall of S.R.P. quarters. I had personally witnessed it. Out of them, Guddu Chhara was armed with a sword, Guddu's one brother was having a carboy of kerosene in his hand and another brother was having a stick in his hand. Five to six Marathi boys were also there. Tiniyo happens to be son of Kadam.

**- Page No.10 Para No.19**

**I had seen that my wife was burning and the people were dragging my daughter Supriya. Jai Bhawani, his son,** Tiniyo, Suresh Langdo and other two to four persons were involved **in dragging my daughter.** While my daughter was being dragged at that time I had prayed to Allah and raised a slogan Naar-e-Takbir Allah-o-Akbar. At that time, somebody had made an assault on my head from behind. Therefore, I had fallen down there.

**- Page No.11 Para No.20**

Before regaining consciousness, I had seen that my daughter Supriya was being dragged away and my wife Lalbi and Afrinbanu and Sahinbanu, son Mahammadhusen, son Khajahusen and daughter Sufiyabanu were burning there. After regaining consciousness, I had thought as to what would happen to my remaining children and raised shouts in the name of remaining children Chand, Yasin and Mehboob.

**- Page No.11 Para No.21**

At that time, Mehboob, the husband of a lady named Bibibanu had met me in burnt condition. Thereafter, I had heard the voice of my son Yasin calling me as Abba. My son Yasin was in burnt condition. My son Yasin had sat in the tank situated there on account of burning. I had told him not to sit in the water, because his skin may bulge out. I had taken him out from the tank.

**- Page No.14 Para No.27**

I had gone to Civil Hospital taking a chit of Sonia Gandhi. Upon making enquiry through the nurses, I had found Supriya. I had met Supriya. She had narrated me her past (suffered) story. She had narrated me that, "Abba I could not protect myself, I could not protect my modesty." I had told her that I had seen her taking her away, then the assault was also made on me. Therefore, I could not save her and I could not witness as to what happened on you. **Supriya had told me that the rape was committed on her and four to five persons were involved therein.** She had informed me that Guddu Chhara, **Son of Jai Bhawani** and Jai Bhawani **were involved in this**

**rape.** She had further informed that Harijan Manubhai was also involved. Supriya had told me that **Manu had removed her clothes.** I had made an attempt to take Supriya to V.S. Hospital on the very same day. Supriya was also telling to take her away with me. At that time, as the doctor was absent, I could not take her away. Therefore, after making conversation with her, I had returned to V.S. Hospital. I had to go to V.S. Hospital leaving my daughter.

**- Page No.19 Para No.38**

Guddu Chhara, Dalpat Chhara and Jai Bhawani have passed away amongst **the accused seen by me on the day of incident. Today, I would be able to identify before the Honourable Court** Mayaben, two brothers of Guddu, Tiniyo, Manu, Suresh Langdo and **son of Jai Bhawani** and Nilam Marathi who were seen by me on the day of incident.

This witness has given the name as the son of Bhawani or the accused in the Statement dated 8-5-02 and 15-4-02 before the police. And the witness has further stated the fact of rape being committed on his daughter Sufiya in the Statement dated 15-4-02 and also given the name of this accused as Mukesh Vakil and as Bhawani's son Mukesh in the Statement dated 20-5-08 and 13-8-08 before the SIT. Moreover, this witness has also stated the fact of rape being committed on his daughter Sufiyabanu in the Statement of SIT dated 20-5-08. This witness has given the evidence against this accused as stated in the testimony before the Honourable Court. And this witness has given the name of this accused as the son of Bhawani before the Hon'ble Court.

This witness has stated in the testimony before the Court that on 28-2-02 i.e. on the day of Bandh Call a mob of 25 to 30 thousand people had arrived from the side of Kubernagar near the gate of S.T. Workshop and they were raising slogans. The persons of this mob were having the weapons with them. Another mob had arrived from the side of Krishnanagar. At that time it was nine o'clock in the morning. The mob had attacked on the mosque. Thereafter they had attacked on our people, wherein upon firing being made by the police, Hasan Kureshi had received bullet injury on the head and the mob have done to death to one rickshaw driver named Kadir by setting him on fire

after causing injury with sword. Moreover, the mob has also set the person named Aiyub on fire in rickshaw.

This witness further states that when this witness had gone in the turning of Gangotri Gopinath, at that time the daughter of the witness was being dragged away wherein the son of Jai Bhawani i.e. this accused i.e. the accused persons were involved and the daughter of the witness had informed him that they had committed rape on the daughter of the witness.

6 family members of this witness have been done to death by setting on fire alive. Out of them, the P.M. of daughter Sufiyabanu has been produced vide Exh.779 under the testimony of Witness No.121 Dr. Harshad Kantilal Rathod. Moreover, the P.M. of daughter Sahinbanu has been produced vide Exh.863 under the testimony of Witness No.132 Dr. Ajay M. Patel, which are on the record of the Honourable Court. And the P.M. of the son Khwajahusen has been produced vide Exh.623 under the testimony of Witness No.100 Dr. Rakesh M. Bhavsar, which is on the record of the Honourable Court.

Thus, this accused has played active role in rioting by remaining present in the riotous mob and committed criminal acts in collusion with one another with mala fide intention to commit criminal conspiracy by becoming a member of unlawful assembly. And had committed rape on Sufiya, the daughter of this witness and set her on fire alive who had died subsequently during treatment. Thus, it clearly transpires from the testimony of this witness that this accused has made an attempt to kill the daughter of the witness after committing rape on her in collusion with his co-accused. Thus, this accused has committed serious offence of murder after committing rape.

Which transpires from the testimony of this witness. Thus, there appears no reason to disbelieve the testimony of this witness.

**(3) Mohd. Hanif Yusufbhai Shaikh, Witness No.184, Exh.1271**

- The name is not there in the police statement dated 12.5.02.

- In the Statement dated 14.9.08 of the SIT, the name is there as the son of Bhawani.
- The name has been given in the testimony before the Court- identified.

**- Page No.2 Para No.4**

The incident had occurred on 28.2.2002, which had occurred after taking place of Godhra incident on dated 27<sup>th</sup> . On the said day, the Bandh Call was given by the Vishwa Hindu Parishad.

**- Page No.2 Para No.5**

On that day at half past nine o'clock in the morning, I was at my home. At that time, the commotion had taken place on the road outside. On the said day, the mobs had arrived from Krishnanagar and Natraj Hotel and both the mobs had gathered together.

**- Page No.2 Para No.6**

**The people of this mob had assaulted on the mosque.** On that day, there was police point in front of S.T. Workshop. **The people of this mob had also assaulted on the mob of Muslims.**

**- Page No.3 Para No.7**

The people of this mob were armed with pipes, swords and weapons. I have seen Kishan Korani and Manoj Sindhi doing firing in this mob. They were doing firing on the mob of the Muslims.

**- Page No.3 Para No.8**

Naresh Chhara, Haresh Chhara, Sahejad Chhara, Murli Sindhi, Ashok Sindhi Panwala, Suresh Chhara, Bipin Autowala, **son of Bhawani** whose name is not remembered were amongst the mobs. **I know all of them. All these persons were instigating the people of the mob and they were making assault on us, the Muslims.**

**- Page No.3 Para No.9**

At that time, the policemen had also fired teargas. Kishan Korani and Manoj Sindhi had snatched away the rifle from the police and made firing, while the remaining persons whose names were stated by me were armed with weapons like pipes, swords, scythes etc.

This witness has given the name of this accused as the son of Bhawani in the Statement dated 14/9/08 before SIT. This witness has given the evidence against the accused as per the testimony before the Honourable Court. And this witness has identified this accused by name in the testimony before the Court.

On dated 28/2/02, on the day of Bandh Call, the mobs had arrived from the side of Krishnanagar and Natraj Hotel and assaulted on the mosque. The people of these mobs were armed with weapons like pipes, swords. This accused had gathered with other accused in these mobs and led the mob and was instigating and assaulted on the Muslims. Thus, this accused has played active role in committing criminal act in furtherance of fulfilling common purpose by becoming member of unlawful assembly in collusion with other accused persons. All those facts transpire from the testimony of this witness. Thus, there is no reason to disbelieve the testimony of this witness.

**(4) Sharifabibi Iqbalbhai Shaikh, Witness No.203, Exh.1404**

- The name is there in the police statement dated 13.5.02.
- The name is there in the Statement of SIT dated 27.5.08.
- The name is there in the testimony before the Hon'ble Court – Not identified.

**- Page No.5 Para No.10**

I had seen one terrace in Gangotri Society. I had climbed up on the terrace taking my remaining children. I had pressed the mouths of my children after going on the terrace. Because, they were crying. Thereafter, I had hidden in one corner on the terrace taking my children.

**- Page No.5 Para No.11**

When we were hidden on the terrace in this manner, at that time the noises of beat and cut were coming. **At that time, when I saw from the grill of the terrace then I saw that they were beating my son Sharif with swords, hockey, sticks etc. and he was beaten and cause to fall down. Thereafter, kerosene, petrol were poured on Sharif and he was set on fire, which I had seen.** Bhawani, Guddu Chhara, Suresh Langdo, Dalpat, Sehjad Chharo, Tiniya Marathi, Raju Marathi, Kishan Marathi and others were there in **the mob which was beating and setting on fire my son Sharif.** I would tell the names of the remaining persons if I remember now. It has struck to my mind that **the Son of Bhawani was also there in this mob.**

**- Page No.6 Para No.12**

These people had killed my son before my eyes and they had set him on fire as I told. I had seen that the people of this mob were throwing the kids in the lighted fire. I had seen that these people were outraging modesty of young girls.

**- Page No.6 Para No.13**

**I had witnessed that the people of this mob were outraging the modesty of the wife of Naeem by making her naked.** At that time, it was about five to six o'clock in the evening. I was on the said terrace with my remaining children up to 12.00 midnight.

This witness has given the name of this accused in the Statement dated 13/5/02 before the police and in the Statement dated 27/5/08 before the SIT. Moreover, the name of this accused has also been given in the testimony before the Court. But as many years have elapsed of taking place of the incident and as the changes have occurred in the physical structure of the accused persons, she has not succeeded in identifying the accused before the Hon'ble Court. But this witness has given the name of this accused in the Statement of the police and the SIT and in the testimony before the Court. And she has narrated the act and omission committed on the day of incident, which ought not to be overlooked.

On 28/2/02 i.e. on the day of incident, this witness had seen the Noorani Mosque in burning condition from the terrace of the Master and the rickshaw and the cabins were also burning. The mob had arrived in Husennagar. The people of the said mob were armed with weapons. From there, this witness had hidden on the terrace of Gangotri by hiding herself. The witness had seen from the said terrace that her son Sharif was beaten with weapons and then he was set on fire by pouring kerosene and petrol. In this way, this accused was also involved in the mob in beating the son of the witness. The people of this mob had set the son of the witness on fire before her eyes and also seen the small kids being thrown away in the fire. Moreover, this mob had also outraged the modesty of witness Zarina (P.W.No.205). This witness has witnessed the same.

Thus, the accused of this case has played an active role by committing criminal acts on the day of incident by forming unlawful assembly in collusion with other accused persons and by becoming the member thereof with an intention to ruin the muslim people and with an intention to cause damage by plundering their properties and with an intention to kill the muslim people and in furtherance of an intention to outrage the modesty of the girls and they have succeeded in fulfilling their common object. Thus, there is ample evidence against this accused as the person playing role in committing murder of this witness's son Sharif. Moreover, the evidence of outraging the modesty of the girls is also clearly found from the testimony of the witness. Therefore, there is no reason to disbelieve the testimony of this witness.

**(5) Shabana Bundubhai Kureshi, Witness No.209, Exh.1463**

(An injured witness)

- The name is there in the Statement dated 23.5.08 and 14.9.08 of SIT as the son of Bhawani.
- The name was given in the testimony before the Hon'ble Court – identified.

While we were returning, at that time the people of the mobs standing near Gangotri and Gopinath Society were armed with pipes, swords, hockey etc. They had started beating the Muslims left behind us. At that time, we were running towards Gangotri from Tisra Kuva, whereas the people of Gangotri and Gopinath were coming towards us. At that time, the public had started running here and there. At that time, **I had rushed in the turning** situated between Gangotri and Gopinath Society, where **one overhead water tank is there**. At that time, all the persons of our house had got separated. But when we rushed in that turning, at that time I, my mother, my sister Nasim and my brother Raja were together.

**- Page No.7 Para No.13**

**When we rushed in the turning, the mob had surrounded us from all the four directions. I had seen** Suresh Langda, Dalpat's son, **Jai Bhawani's son**, Naresh, Haresh, Manu, two Marathi boys, Jai Bhawani, Dalpat and Guddu Chhara and many other people **in this mob**.

**- Page No.7 Para No.14**

At that time, they all whose names were mentioned by me were in the mob on the road opposite the turning. **The said mob had attacked on one boy named Siddiq by cutting the amulet with dagger. Hence, he had sustained injury on the neck and on cutting the amulet, the dagger had broken and fell down and then the mob started beating this Siddiq with pipe at that time he had made an attempt to defend by putting his hand on the head. I have myself seen all these. Thereafter, some inflammable liquid kerosene was poured on this Siddiq and he was set on fire. In this way, Siddiq had succumbed to the injuries there only.**

**- Page No.8 Para No.15**

After the incident of Siddiq, I had seen that **all the people of the mob whose names were mentioned by me were present there. The people of the mob had dragged away one girl of Husennagar. At that time, they had surrounded my sister Nasim. Then they had given the pipe blow on**

**her head. Then they had set my sister on fire on the said place by pouring kerosene. She had also succumbed to the injuries.**

**- Page No.8 Para No.16**

At that time, my mother had started running by raising shouts on seeing this, then Suresh Langda had caught hold of my mother. Suresh Langda had inflicted Gupti (a pointed weapon concealed in a stick). Thereafter, all these people **whose names were mentioned by me and the people of the mob had set my mother on fire alive. Then my mother had died there only.**

**- Page No.9 Para No.17**

**At that time, as soon as the Muslims who were in the turning were coming out, the people of this mob were setting them on fire after killing them. At that time, the people of the mob had felt that perhaps the beating was started in the turning and all were set on fire together by pouring kerosene.**

**- Page No.9 Para No.18**

At that time, as the fire took place I had jumped and sat on the wall which was situated near the turning. **At that time, the people of the mob had hurled the stone on my leg.** Upon receiving stone injury, I had fallen down on the other side of the wall. At that time, upon seeing all these things, I had got frightened. The people of the mob were uttering very abusive language and they were setting on fire. Therefore I had got frightened. After sitting about two minutes near the wall on the other side of the wall, I had gone away on one terrace of Gangotri Society after passing through the gate.

**- Page No.10 Para No.19**

Other Muslims were also there on the terrace where I had gone. The Muslims were there on the three terraces of Gangotri Society. We were on the terrace till late night.

This witness has given the name of the accused as the son of Bhawani in the Statement dated 23/5/08 before the SIT and also given the name in the testimony before the Court. And this witness has identified the accused before the Court in the testimony before the Hon'ble Court. And this witness has given the evidence in the testimony before the Hon'ble Court.

This witness has given the name of the accused in her Statements dated 23-5-08 and 24-9-08. The mother-sister of the witness have died in this incident.

This witness has been living for many years at the scene of incident. On the day of incident, she was at home only and she had seen the mob with weapons after going outside. This witness was running towards Tisra Kuva to rescue herself. On arriving the mob from there, she had run towards Gangotri and she was surrounded in the turning of water tank between Gangotri and Gopinath where the massacre was committed. The witness has seen the accused amongst the mob near the water tank from this place. This witness has seen the boy named Siddiq having been killed by cutting his throat and she has also seen setting Siddiq on fire. It transpires from the testimony of the witness that this person named Siddiq was set on fire by the accused and the mob after killing him. Thereafter, this witness had seen that the same accused and other accused persons with him were dragging away one girl of Husennagar. Moreover, the witness has seen that the sister of the witness Nasim was set on fire by pouring kerosene on her. The accused and the people of the mob had also set the mother of the witness on fire alive. The accused and the persons with him were catching the Muslims who were coming out in this turning and setting them on fire and the accused and co-accused have set most of the Muslims on fire altogether in this turning by pouring some inflammable liquid. Thus, it is proved from the testimony of this witness that

these accused have played an active role in the incident of mass carnage near the water tank.

This witness has sustained injury on the leg as the stone was hit while jumping on the wall near the water tank on the day of incident. After seeing the entire incident, the witness had gone away on the terrace of Gangotri Society and she had sat till late night to save her life.

As per the say of this witness, she has sustained injury on the leg and the witness has taken treatment in the camp. Hence the testimony of the witness about the incident cannot be denied. She is an eye witness to the incident. Her presence becomes clear at the scene of incident. And no reason arises to deny the facts mentioned in the Examination-in-chief of the witness and the witness has also identified the accused by name in her testimony on oath before the Hon'ble Court.

**(5) Ruksana Bundu Kureshi, Witness No.212, Exh.1507**

- The name has been given in the Statement dated 3.6.08 and 14.9.08 of SIT.
- The name has given in the testimony before the Hon'ble Court – identified.

**- Page No.5 Para No.8**

On coming out from the hall, I had got separated from my brother, sister and mother. I had got separated. The people of our community had gone towards Tisra Kuva. The people amongst us who had gone ahead had returned quite speedily and told that a big mob of the Hindu people was there. They were having weapons in their hands. I had got frightened and raising shouts as Mother, Mother all around. I had asked the people of our community who were returning as to what had happened, thereupon **they had stated that a huge mob of Hindu people had arrived with weapons.**

**- Page No.5 Para No.9**

I had started to run with the people of my community. While running I had seen all of a sudden that Suresh Langdo was giving blow with Gupti (a pointed weapon concealed in a stick) in the stomach of my mother. Naresh, Haresh, Suresh Langdo, Guddu Chhara etc. were **amongst the mob who had beaten my mother**. The daughter of Jai Bhawani was offering water to the people of this mob. Jai Bhawani, **Son of Jai Bhawani**, Dalpat, Son of Dalpat, Chintu were there and one person having grey eyes and curly hair was also there in it. This person was having ironed pipe in his hand.

**- Page No.6 Para No.10**

Other people were also there with the people of this mob. **They were setting the people of our community on fire and beating** and the daughter of Jai Bhawani was providing kerosene and small quilt to the people of this mob for setting on fire.

**- Page No.5 Para No.11**

**At that time, there was brightness and not darkness.** And it would be the time of about half past five to six o'clock. I was weeping and had sat on the terrace of Gangotri after going there. Other people of our community were also there on the terrace of Gangotri. When I was on the terrace, at that time one burnt lady had come on the terrace carrying a small kid in her hand and this kid was also burnt. This lady was seeking help and was telling that those people had killed and set on fire many people of her community.

This witness has given the name of this accused in the Statement dated 3/6/08 and 14/9/08. And also given the name in the testimony before the Court. And identified this accused before the Hon'ble Court. And this witness has given the evidence against the accused in the testimony before the Hon'ble Court.

This witness has given the names of the accused in her Statements dated 3/6/08 and 14/9/08 before the SIT. On the day of incident, the witness was present on the place. She has been living at Javannagar in Lane No.1 since childhood. The witness has witnessed the incident from the terrace of her house. The mobs were seen near Noorani mosque. She had tried to go to the

S.R.P. quarters after getting down. As the S.R.P. did not allow her to enter inside, she had gone to the house of \_\_\_\_\_ and she had gone in one hall from there and had gone towards Tisra Kuva from the hall. A huge mob of Hindu people was there armed with weapons. The witness has seen the accused while running. The said accused was there in the mob which had beaten the mother of the witness. The mob wherein the accused was there has killed the mother and sister of the witness and set them on fire. The witness has witnessed the said incident with naked eyes.

This witness has witnessed the incident with naked eyes. The accused has been identified involved in killing and setting on fire in the incident. And she has identified the accused by name even before the Hon'ble Court. There is no reason to disbelieve the witness.

**Accused No.(41) Manoj alias Manoj Sindhi Renumal Kukrani****(1) Basuddin Maiyuddin Saiyed, Witness No.73, Exh.514**

- In the Statement of the Police and in the Statement of the SIT he was amongst the mob with revolver-sword.
- Name was given – identified.

**- Para No.9 Page No.5**

In a short while, a huge mob was arriving from the side of Kubernagar Patiya Natraj Hotel. This mob was arriving towards Noorani mosque. **This mob was raising slogans. They were raising slogans in the name of Jai Shree Ram. Kishan Korani, Ashok Sindhi, Suresh Langdo and Manoj Videowala were leading this mob. Manoj Videowala and Kishan Korani were armed with revolver in this mob.** Other people of the mob were armed with weapons like swords, trident, spears, ironed pipe etc.

**- Para No.10 Page No.6**

**The people of this mob were setting the shops of the Muslims situated beside the mosque on fire and the people of the mob were also pelting stones.** When I witnessed all these, at that time it would be about half past nine o'clock.

**Para No.11 Page No.6**

At that time, the people of our Chawl were standing near the house of Gafurbhai. The P.I. Shri Mysorewala of Naroda was standing near the house. The P.I. Shri Mysorewala of Naroda was also present there with his jeep.

**- Para No.14 Page No.8**

**Out of the people of the mob, some people were setting the shops on fire, some of them were causing damage to the mosque** and one person standing in the mob had started a tanker stationed near the mosque and caused to enter it inside the gate of this mosque. Thereupon, the gate of the mosque and Milan Hotel situated beside it were broken.

**- Para No.17 Page No.10-11**

**Meanwhile, one mob had arrived at about five o'clock. Kishan Korani, Manoj Videowala, Ashok Sindhi and Suresh Langdo were there in this mob. Under the leadership and guidance of all these four accused the house of Majid Langdo was set on fire** who was living in the last lane of Husennagar. This Majid Langdo has been carrying on business of retail things like Bidi, cigarette in his house. Presuming that since his house is in the last lane, hence nothing would happen, this Majid had locked the house from outside when his wife and children were inside the house. There were about 6-7 persons of his family. All the persons who were inside this house had burnt alive in the fire caused to the house of Majid. I had witnessed all these with naked eyes.

The name of the accused has been given in the Statements of this witness before the police and the SIT. It is mentioned in the Statement before the SIT that the accused was in the mob with revolver and sword and as per the testimony before the Hon'ble Court, the solid evidence has been given against the accused. Moreover, he has been identified by name in the testimony before the Hon'ble Court.

This witness is an eye witness to the incident. As per the say of the witness, he has sustained injury on back as he had fallen down while running to save his life at the time of incident. Moreover, the son of the witness Sahejad had also sustained injury on knee while running to save his life. They have taken the treatment in the camp. This witness is the witness who has escaped from the death-trap. There is no reason to disbelieve the fact mentioned by him in Examination-in-chief.

**(2) Mohd. Salim Mohd. Husen Shaikh, Witness No.104, Exh.668**

- The name is there in the Statement dated 12.9.08 of the SIT.
- He has stated in the Statement dated 29.5.08 of the SIT that firing was made.
- The name has been given in the testimony before the Court and identified.

**- Page No.3 Para No.6**

**Meanwhile, a mob of about fifteen hundred people had arrived from the side of Kubernagar. This mob was led by Kishan Korani, Manoj Videowala and Murli Sindhi.....** This mob was at the distance of about thirty feet from me. While going **I had seen that the people of this mob were armed with weapons.** Amongst them, it was found that Kishan Korani was armed with a sword and Murli Sindhi and **Manoj were having revolver with them.**

**- Page No.5 Para No.9**

**Thereafter, one police jeep had arrived which was stopped near the gate of S.T. Workshop.** Kishan Korani, **Manoj Videowala** and Murli Sindhi had **followed this jeep.** After a short while, one white colored Maruti Fronti had arrived there. I had seen that M.L.A. Mayaben Kodnani was there in the car. After her arrival, **she had talked with Kishan, Murli and Manoj and the police. Mayaben was making this conversation in loud voice. She was telling something by making indication towards our area.**

**- Page No.5 Para No.10**

**All these i.e.** Mayaben, Kishan, Murli, **Manoj** and Policemen had run away towards Natraj Hotel. **The said mob was called back by making indication with hand.** Mayaben had discussed with the mob in loud voice, thereafter she had left from the said place sitting in the car in which she had come.

**- Page No.6 Para No.12**

**I had witnessed that Manoj Videowala had made private firing; thereupon one rickshaw driver named Abid had received bullet injury on penis.** At the same time, I had seen that Murli Sindhi had also made private firing; thereupon Mustaq Razakbhai Kaladiya had sustained bullet injury on the part of shoulder.

This witness has given the name in his Statement dated 12-9-08 before the SIT and the accused has stated the fact of firing having been made by the said accused in the Statement dated 29-5-08. Moreover, the witness has

given the evidence against the accused as mentioned in the testimony given on oath before the Hon'ble Court. There is no reason to disbelieve the same.

The witness has identified the name of the accused by giving his testimony.

On dated 28-2-02 i.e. on the day of the incident when this witness had come near Milan Hotel at that time he had seen that the policemen were making checking in the mosque and in the surrounding shops with Asifkhan. At that time, a mob of fifteen hundred people had arrived from the side of Kubernagar. This accused was present in the said mob and he was having a revolver in his hand, which was seen. The mob had made assault in our area at about nine to half past nine o'clock in the morning. Thereafter, the witness had seen that this accused had made private firing, who was given the treatment. The treatment certificate thereof has been produced at Exh.1976 vide testimony of Witness No.286 Dr. Yogesh A. Gupta which is on the record of the Hon'ble Court. And this witness also states that at the said time a number of people had sustained injuries. Thereafter, upon arriving the police van at the time of night, while we were going sitting therein, at that time the people had broken the glass of this van at Krishnanagar. My niece and her two children were set on fire alive in the said incident. Thus, this accused can be said responsible for the entire incident and it clearly seems that the said accused had formed an unlawful assembly and had become the member thereof and committed criminal act in furtherance of fulfilling his common intention to instigate the mob in collusion with other accused persons. There is no reason to disbelieve the testimony of this witness before the Hon'ble Court.

**(3) Husenbhai Valibhai Kaladiya, Witness No.105, Exh.676**

- The name is there in the Statement dated 28.6.08 of the SIT.
- The name is disclosed in the testimony before the Court, but not identified.

Many people of Naroda Patiya area were amongst this mob.....

**Manoj Sindhi**, Suresh Langdo, Bipin Autowala, Guddu Chharo, Bhawanising and Tiwari were **amongst this mob**.

This witness has given the name of this accused in the Statement dated 28-6-08 before the SIT. And the name is also included in the testimony before the Court. But as a long time has elapsed in taking place of the incident and if the age of the witness may be taken into consideration, then it seems natural that he may face difficulty in identifying the accused on account of physical changes in some persons. On account of this, this witness could not identify this witness before the Hon'ble Court.

On the day of incident, when this witness had come on the road for going to the job, at that time he had seen that the mob had come from the side of Natraj Hotel. The said mob had caused sabotage to the lorry and cabins near the Noorani mosque. Thereafter the firing was made, wherein the nephew of the witness Mustaq Kaladiya had sustained bullet injury. This accused was there in the said mob and he has played an active role in the incident by remaining present in the mob. Such clearly transpires from the testimony of this witness. Thus, there is no reason to disbelieve the testimony of this witness.

**(4) Iqbalhusen Amirmiya Kureshi, Witness No.108, Exh.702**

- The name has been given in the Police Statement dated 12.5.02.
- The name is also there in the Statement dated 12.6.08 of the SIT.
- The name is disclosed in the testimony before the Court.

**- Page No.2 Para No.4**

While I was passing, at that time I had seen that one Pappu Sindhi, **Manojbhai**, Bipinbhai **were amongst the mob**. Thereafter, when I was going, at that time the stone throwing was going on against each other, then I had gone to my house.

This witness has given the name of this accused in the Statement dated 12-5-02 before the police and in the Statement dated 12-6-08 before the SIT. And he has given the evidence against this accused as per Para No.4 of the

testimony before the Court. Moreover, this witness has identified the accused by name in the testimony before the Honourable Court. Moreover, he has given the evidence against the accused vide the testimony before the Hon'ble Court.

On the day of incident, when this witness had returned from job in the morning, at that time he had seen the stone throwing taking place near Patiya circle and seen the accused in the said mob. He had seen the said mob approaching towards Jawannagar. The mother of the witness had sustained the burn injury and the father of the witness had sustained the injury on account of stone throwing in this incident. They were given the treatment in the camp. In the said riots, the household articles of the witness were plundered and the damage was caused. Thus, it clearly seems that this accused has played an active role in committing criminal act involving in the mob. Hence, there is no reason to disbelieve the testimony of this witness.

**(5) Sarfarazkhan Mehboobkhan, Witness No.109, Exh.704**

- The name has been given in the police statement dated 12.5.02.
- The name has been given in the testimony before the Court. He has identified.

**- Page No.2 Para No.3**

The incident had taken place in February-2002. The Bandh Call for the next day was given on the previous day. On the day of incident in the morning, I was at my home. I had come out on the road at nine o'clock in the morning. On that day, the mob of about fifteen to twenty thousand people was there. **The people of the mob were committing arson, involved in beating, setting on fire.** A large number of people were there. I had returned to my house. Thereafter, I had gone towards Gangotri by taking my family. We had gone running towards S.R.P. quarters. We were not offered shelter there.

**- Page No.3 Para No.5**

When I came outside the house, **I can identify some people amongst the said mob which was there at that time.** Mugado Chharo, Jai Bhawani Chharo, Sahejad Chharo, **Manoj Videowala** and Surendra Langda

Chhara were seen **amongst this mob** and I had identified them. All these five persons **were armed with the weapons in their hand.**

This witness has given the name of this accused in the Statement dated 12-5-02 before the police. Moreover, he has identified this accused by name in the testimony before the Court. This witness has given the evidence against the accused in the testimony before the Court.

As stated by the witness, the witness had come out on the road outside the house at 9 o'clock in the morning on the day of incident and had witnessed the mob consisting of about 15 to 20 thousand people. This mob had gone on rampage and they were killing and setting the people on fire. This witness had witnessed the accused with weapon amongst the said mob. Moreover, the witness has identified the accused by name in the testimony before the Court. Thus, it is clinching evidence of the witness against the accused and there is no reason to disbelieve the same.

**(6) Jainul Abedin Mahammad Khwaza Shaikh, Witness No.113, Exh.719**

- The name has not been given in the police statement dated 19.4.02.
- The name has been given in the statement dated 30.5.08 of the SIT.
- The name has been given in the Honourable Court - identified.

**- Page No.4 Para No.8**

Having been frightened, we had gone inside our house. Then the mob had also rushed inside. At that time, it would be about 12.00 noon.

**- Page No.4 Para No.9**

**The people of the mob had started beating and setting on fire everything.**

**- Page No.4 Para No.10**

**I had seen the mob and the people of the mob. The people of the mob were armed with weapons. The people of this mob were having swords, pipes and pistol etc. At that time, the noises of bursting of gas cylinders were raising. I had seen one person in this mob. He was Manoj Videowala. He was uttering the words, "Cut the Miyabhai". The people of**

the mob were approaching towards the Chawl. Then I had gone to my house and thereafter I had gone towards Jawannagar taking my wife and children.

This witness has given the name of this accused in the statement before police dated 19/4/02 and in the statement before the SIT dated 30/5/08. And this witness has given the name of this accused even in the testimony before the Court and identified. This witness has given the evidence against the accused as per the testimony before the Hon'ble Court.

This witness has been living at Naroda Patiya since birth. And on the day of incident, at nine o'clock in the morning, he had gone near S.T. Workshop. The mobs of the Hindu people had gathered there. They had done stone throwing and the death of the person named Abid had taken place in the firing done by the police. And the second bullet injury was sustained by Puru and the third bullet injury was sustained by Mahammad. Hence, they had sustained injury. The people of the mob having been seen by this witness at 12 o'clock were having weapons with them. Amongst them, this accused was there and he was uttering the words, "Cut the Miya". Thereafter, the muslim women, men, children were set on fire in the curve of Gayatri Gangotri at the time of evening. This witness has seen all of them with naked eyes. The witness himself had also sustained the injury. The treatment for the same has been taken in the camp. All such facts transpire from the testimony of the witness. The accused of this case has played an active role in furtherance of pre-planned conspiracy to commit criminal act by forming an unlawful assembly and becoming its member in collusion with other accused persons, which becomes clear looking to this testimony. There is no reason to disbelieve the testimony of the witness of this case.

**(7) Shahnawaz Abbaskhan Pathan, Witness No.145, Exh.999**

- The name has been given in the police statement dated 9.3.02. Amongst the riotous mob.
- He has identified by name in the testimony before the Honourable Court.

There was Gujarat Bandh call on the day when the incident took place. On the day of incident, at a quarter past nine o'clock in the morning, the mob had arrived outside my house. They were breaking the shops. All these had continued till 11 o'clock. Thereafter, the police had made firing. The mobs of our muslim people were there. They had gone inside the lane. Thereafter, the people of the mobs of Hindu community had marched ahead. They had rushed in our chawl. **The mob of the Hindu people had set fire in Hukamsing's chawl and Dilip's chawl and they had plundered the household goods.** The people of the mob had rushed into the chawls.

**- Page No.3 Para No.4**

The mob had come from the side of Natraj Hotel. This mob had arrived from the side of Patiya on the opposite side of S.T. Workshop. This mob was consisting fifteen to twenty thousand people. **The people of the mob had set my house on fire and they had made plundering in my house. The stone throwing and scuffle was going on outside.** Therefore, we had gone away in the inside in Husennagar. We had hidden in Husennagar. Thereafter, the police van had taken us to Shah-e-Alam camp in the night... My father had sustained injury on leg due to stone throwing during incident.

**- Page No.4 Para No.6**

**The mob which had rushed in and in the incident narrated by me, they were causing sabotage to my house and setting it on fire.** Bipin Panchal, **Manoj Sindhi**, Murli Sindhi, Kalu Bhaiya, Suresh Chharo, Haresh Chharo and Naresh Chharo in all seven persons were there **in the said mob.** I knew only these seven persons amongst the mob. I did not know any other person of the mob.

This witness has given the name of this accused in the Statement dated 9-3-02 before the police. He states that he was involved in the riotous mob.

This witness has given the name of the accused in his police statement dated 9-3-02. This witness has given ample evidence as stated in the testimony on oath before the Hon'ble Court. The witness has seen the accused

Murli Sindhi in the mob of Hindu people who had rushed in the chawls and made plundering in the house of the witness and set on fire and he has identified by name in the testimony before the Hon'ble Court. On perusal of the testimony of this witness, ample evidence is available against the accused. There is no reason to disbelieve the same.

**(8) Faridabibi Abdul Kadar Khalifa, Witness No.149, Exh.1028**

- In the police Statement dated 12.5.02.
- The name has been given in the Statement dated 3.6.08 of the SIT.
- The testimony has been given by name before the Honourable Court. The accused is present in the Court.

**- Page No.4 Para No.8**

Some other persons were also present **in the same mob in which Mayaben Kodnani was there**, wherein Kishan Korani, Babu Bajrangi, Murli, **Manoj Videowala**, Ashok Pan Cabinwala, Bipin Panchal, Jai Bhawani, Dalpat Chhara, Son-in-law of Dalpat Chhara Tiniyo Chhara, Sahejad Chhara, Son-in-law of Sahejad Chhara Vijay Chhara, Suresh Langdo, Guddu, Hariyo, Nariyo, Tiniyo Marathi, Subhash Ramesh **were also present**.

**- Page No.5 Para No.11**

Thereafter, **the people of the mob were marching ahead and causing sabotage and setting the houses on fire and beating and killing**. Therefore, I had very much frightened. Then I had gone to the house of my daughter Afsanabanu at Jawannagar. I had come to look after my house twice or thrice from the house of my daughter. Accordingly, when I had come to look after my house at two o'clock in the noon, at that time, I had seen the son of one person named Mullaji who is crippled by both legs in burning condition near his house. On seeing it, I had got frightened and immediately returned back to the house of my daughter Afsanabanu.

**- Page No.7 Para No.14**

At that time, the boy named Aiyub had come near Jawannagar. On seeing the mob near his house, he had got frightened. Therefore, he had jumped from the terrace and therefore he had sustained injuries on his both legs. This Aiyub could not stand up on account of these injuries. **The people of the mob had lifted Aiyub who had fallen down and caused to sit him in rickshaw and then set the rickshaw on fire. They had set Aiyub on fire alive. I had seen the same with my eyes.** At that time, there was also one man in the mob having worn khakhi colored uniform and a helmet.

**- Page No.8 Para No.15**

**The same mob had set the house of Majidbhai having situated in the last lane of Jawannagar on fire,** at that time the family members of this Majidbhai were inside the house. At that time, we had felt that we would not escaped, therefore after getting down in Gangotri Society from the terrace, my children and I had gone to the ground through the field. Other people were also there with me.

This witness has given the name of this accused in the Statement dated 2-5-01 before the police and in the Statement dated 3-6-08 before the SIT. Moreover, this witness has identified this accused by name in the testimony before the Court. This witness has given the evidence as mentioned in the testimony before the Court.

On the day of incident, this witness had come out at about nine to half past nine o'clock in the morning, at that time she had seen the mobs arriving from the side of Natraj and Krishnanagar. The people of the said mob had tied saffron colored strip. At that time, Mayaben had come and this accused was there in the mob with her. Thereafter, the people of the mobs had started sabotage and setting the houses on fire. Two persons had died and three persons had sustained injuries in the firing having taken place in these incidents and the person named Aiyub was set on fire after putting in the rickshaw. Moreover, the witness herself had sustained injury in this incident. The sabotage and plundering was also caused in the house of the witness in the said incident. All such facts transpire from the testimony of this witness.

The accused has set some persons on fire alive and done to death after making conspiracy to put the Muslims to death in collusion with other accused persons after getting united. Thus, there is no reason to disbelieve the testimony of this witness.

**(9) Yakubali Kasamali Saiyed, Witness No.175, Exh.1205**

- The name is there in the Police statement dated 12.5.02.
- The name is there in the Statement dated 25.5.08 of the SIT.
- The name has been given in the testimony before the Court and identified.

**- Page No.5 Para No.13**

**At half past one o'clock in the noon**, I had seen Auto Centrewala Bipin Panchal, Guddu Chhara, Hariya Chhara, **Manoj Videowala** and Suresh Chhara **in the mob**. In the said mob, Bipin Panchal was having a sword in his hand, Bhawanising and **Manoj Videowala had led the mob**. Suresh and Hariya Chhara were having pipes in their hands. **The people of this mob were doing stone throwing, setting the houses on fire. They had brought the carboys of kerosene and they were setting on fire by pouring inflammable liquid.** We had stayed in S.R.P. quarters only till about half past ten o'clock in the night. Thereafter, as the Govt. vehicle came to take away at the said place, my family members and I and all those who were with me on the relevant day in the S.R.P. quarters, they all had gone to the camp from there.

This witness has given the name of this accused in the Statement dated 12-5-08 before the SIT and also identified this accused by name in the testimony before the Court. Moreover, there is clinching evidence against the accused in the testimony before the Hon'ble Court.

It clearly transpires from the testimony of this witness that this accused had led the mob in collusion with other accused persons and the people of the mob were doing stone throwing under the leadership of this accused. They were setting the houses on fire. The mobs had arrived from Krishnanagar and S.T. Workshop on the day of incident. They were armed with

the weapons etc. all facts clearly transpire from the testimony of the witness. Thus, as there is direct evidence against this accused to commit criminal act being involved in the mob, there is no reasonable reason to disbelieve the testimony of this witness.

**(5) Mohd.Hanif Yusufbhai Shaikh, Witness No.184, Exh.1271**

- The name is there in the Police Statement dated 12.5.02.
- The name is there in the Statement of SIT dated 14.9.08.
- The name has been given in the testimony before the Court and identified.

**- Page No.2 Para No.4**

The incident had occurred on 28.2.2002, which had occurred after taking place of Godhra incident on dated 27<sup>th</sup> . On the said day, the Bandh Call was given by the Vishwa Hindu Parishad.

**- Page No.2 Para No.5**

On that day at half past nine o'clock in the morning, I was at my home. At that time, the commotion had taken place on the road outside. On the said day, the mobs had arrived from Krishnanagar and Natraj Hotel and both the mobs had gathered together.

**- Page No.2 Para No.6**

The people of this mob had assaulted on the mosque. On that day, there was police point in front of S.T. Workshop. **The people of this mob had also assaulted on the mob of Muslims.**

**- Page No.3 Para No.7**

The people of this mob were armed with pipes, swords and weapons. **I have seen Kishan Korani and Manoj Sindhi doing firing in this mob. They were doing firing on the mob of the Muslims.**

**- Page No.3 Para No.8**

Naresh Chhara, Haresh Chhara, Sahejad Chhara, Murli Sindhi, Ashok Sindhi Panwala, Suresh Chhara, Bipin Autowala, the son of Bhawani whose name is not remembered were amongst the mobs. I know all of them. All

these persons were instigating the people of the mob and they were making assault on us, the Muslims.

**- Page No.3 Para No.9**

At that time, the policemen had also fired teargas. Kishan Korani and **Manoj Sindhi had snatched away the rifle from the police and made firing**, while the remaining persons whose names were stated by me were armed with weapons like pipes, swords, scythes etc.

**- Page No.4 Para No.10**

**In this way**, in the firing made by Kishan and **Manoj, one boy named Abid had died**. Then we all had hidden in the lane, when the mob of these people had increased. I had gone near the compound wall of S.R.P. quarters inside Jawannagar. When I reached in this way, at that time it was about 12 noon.

This witness has given the name of this accused in the Statement dated 12-5-02 before the police and in the Statement dated 19-5-08 before the SIT and this witness has identified the accused by name in the testimony before the Court. And this witness has given the evidence against this accused in the testimony before the Court.

It transpires from the testimony of this witness that the accused was present in the mob near Noorani mosque and attacked on Noorani mosque. Moreover, it is proved that this accused had instigated the mob. And after the said instigation, the mob had attacked on the Muslims, wherein the accused was present. Thus, besides doing over act in the said incident, the accused has caused to commit attack on the Muslims by making instigation, which is very heinous act. By way of this instigation, the damage/loss has been caused to the life, goods of the Muslims in Naroda Patiya in collusion with the accused, which transpires from the testimony of the witness. The witness has identified the accused by name in the testimony before the Hon'ble Court.

Thus, there is no reason to disbelieve the testimony of the witness.

**(11) Samsuddin Shahbuddin Rathod, Witness No.202, Exh.1394**

- The name is there in the police statement dated 13.5.02.
- The name is there in the testimony before the Hon'ble Court – identified.

**- Page No.2 Para No.5**

The incident had taken place on 28.2.02. On that day, at about nine o'clock in the morning, I had gone to have tea on the tea lorry which is situated near Noorani mosque. On that day, there was the police point there near Noorani mosque. I had seen one mob coming from the side of Natraj Hotel towards Noorani mosque. The people amongst the mob were armed with weapons, they were committing stone pelting and the people of this mob were rushing towards the direction of Noorani mosque. This mob was setting the shops and the houses on fire in our area. I had witnessed it. At that time, the police were there on the side of Noorani mosque.

**- Page No.3 Para No.6**

I had seen Kishan Korani, Manojbhai, Bipin Auto, Guddu Chhara, Naresh Chhara, Suresh Chhara and Mungada Chhara amongst the mob seen by me. Thereafter, one mob had arrived from the side of Krishnanagar.

**- Page No.3 Para No.7**

Another mob had arrived after half an hour. The leadership thereof was taken by Bipin Autowala. Both these mobs had gathered together. This mob had committed plundering in our entire area. The plundering was also committed in my house. At that time, at about nine to quarter past nine o'clock in the morning, the police had made firing on the mobs of Muslims, Abidhusen had sustained bullet injury therein. Hence, I had gone away towards my house. I had handed over my two daughters to Meeraben who was residing beside my house after I returned to my house. Two houses are situated between the houses of Meeraben and mine. The wall is situated after her house.

This witness has given the name of the accused in his statement dated 13-5-02 before the police. Moreover, this witness has identified the

accused by name in the testimony before the Court. This witness has given the evidence against the accused as stated in the testimony before the Court.

This witness has given the evidence against the accused in the testimony before the Hon'ble Court. The name of the accused has been given in the police statement dated 13-5-02 by stating that the accused was involved in the mob committing serious kind of offence.

The witness has given the evidence against the accused as mentioned in the testimony before the Hon'ble Court.

The witness has witnessed the incident with naked eyes. The witness has clearly indicated in his testimony that the mobs were coming from different places. The witness has witnessed the mob coming armed with weapons, pelting stones, setting the houses and shops on fire and committing plundering. The witness has indicated that he has seen the accused amongst the mob. The witness has kept hiding to rescue life at the place of incident up to 6 o'clock in the evening and witnessed the incident.

This witness has identified the said accused in the testimony before the Hon'ble Court by mentioning his name stating that the accused was there in the mob committing criminal act.

This witness has stated that the accused had lead the riotous mob by giving the name of the accused in the Statement dated 12-5-02 before the police and in the Statement dated 12-6-08 before the SIT and has identified the accused in the testimony before the Court by name. And the witness has given clinching evidence against this accused in the testimony before the Court.

This witness had left for his job at nine o'clock in the morning on the day of incident. At that time, after reaching near the S.T. Workshop he had seen that the mob had come from the side of Natraj, Mahajaniyavas and Krishnanagar. The people having worn khakhi colored shorts and saffron colored strips were also included in this mob. The people of this mob were having the weapons like pipes, swords, trident . They were raising shouts as 'Beat and kill the miya'. The cousin brother (son of father's sister) of this witness, Pir Mahammad had received bullet injury in this incident, the

treatment thereof was done. His papers of treatment have been produced at Exh.1990 vide the testimony of Witness No.290 Dr. Dinesh Savjibhai Chandana, which are on the record of the Hon'ble Court. When this witness attempted to lift Pir Mahammad, he had also sustained the bullet injury on the left hand elbow. The said bullet was fired from the mob. This witness had taken the treatment thereof in V.S. Hospital. The papers of the treatment in this regard have been produced at Exh.1991 vide the testimony of Witness No.290 Dr. Dinesh Ravjibhai Chandana, which are on the record of the Hon'ble Court. This witness was present there on the day of incident and at that time, this accused was seen with trident in his hand in the mob from Krishnanagar and he was telling addressing the people of the mob, "cut off, set ablaze, rob the Miya and don't spare them."

Thus, it also transpires that this accused had made pre-planned conspiracy to cut off, set on fire the Muslims and to plunder their household goods remaining present in the mob of the Hindu community and with an intention to fulfill the object to carry out the conspiracy, the said accused had remained present in the mob with trident and committed criminal act against the Muslims. Moreover, this witness has seen this accused with weapon in the mob. And the witness of this case has sustained injury with bullet fired from this mob. Thus, there is no reason to disbelieve the evidence given against this accused in the testimony before the Honourable Court.

**(12) Mohd. Husen Kaiyumbhai Shaikh, Witness No.167, Exh.1163**

- The leadership of the mob has been taken in the police statement dated 12.5.02.
- The leadership of the mob has been taken in the statement dated 12.6.08 of the SIT.
- He has identified by name in the testimony before the Honourable Court.

**- Page No.05 Para No.14**

I had seen Manoj Videowala in the mob which had come from the side of Natraj Hotel on this day, who was uttering as “Cut off, kill Miyabhai and do not spare them.”

This witness had given the name of the accused in the Statement dated 12-5-02 before the police and in the Statement dated 12-6-08 before the SIT and stated that he had taken the leadership in the riotous mob and the witness has identified this accused by name in the testimony before the Court. And the witness has given the clinching evidence against this accused in the testimony before the Court.

This witness had left for his job at nine o'clock in the morning on the day of incident. At that time, after reaching near the S.T. Workshop he had seen that the mob had come from the side of Natraj, Mahajaniyavas and Krishnanagar. The people having worn khakhi colored shorts and saffron colored strips were also included in this mob. The people of this mob were having the weapons like pipes, swords, trident . They were raising shouts as 'Beat and kill the miya'. The cousin brother (son of father's sister) of this witness, Pir Mahammad had received bullet injury in this incident, the treatment thereof was done. His papers of treatment have been produced at Exh.1990 vide the testimony of Witness No.290 Dr. Dinesh Savjibhai Chandana, which are on the record of the Hon'ble Court. When this witness attempted to lift Pir Mahammad, he had also sustained the bullet injury on the left hand elbow. The said bullet was fired from the mob. This witness had taken the treatment thereof in V.S. Hospital. The papers of the treatment in this regard have been produced at Exh.1991 vide the testimony of Witness No.290 Dr. Dinesh Ravjibhai Chandana, which are on the record of the Hon'ble Court. This witness was present there on the day of incident and at that time, this accused was seen with trident in his hand in the mob from Krishnanagar and he was telling addressing the people of the mob, “cut off, set ablaze, rob the Miya and don't spare them.”

Thus, it also transpires that this accused had made pre-planned conspiracy to cut off, set on fire the Muslims and to plunder their household

goods remaining present in the mob of the Hindu community and with an intention to fulfill the object to carry out the conspiracy, the said accused had remained present in the mob with trident and committed criminal act against the Muslims. Moreover, this witness has seen this accused with weapon in the mob. And the witness of this case has sustained injury with bullet fired from this mob. Thus, there is no reason to disbelieve the evidence given against this accused in the testimony before the Honourable Court.

**(13) A.Alim A.Majid Chaudhary, Witness No.174, Exh.1198**

- He has been seen in the riotous mob with trident in the Statement dated 16.6.08 of the SIT.
- He has identified by name in the testimony before the Honourable Court.
- **Page No.3 Para No.7**

Upon hearing this, I and the people of our chawl had come out from the house. We all had gone near Noorani Mosque to see. The commotion was going on there and the stone throwing was going on.

- **Page No.3 Para No.8**

The people of the mob were telling as “Kill the Miya” there. Dalpatsinh, Bhawanising, Guddu, Suresh and Manoj Videowala were ahead in the mob. I had also seen Babubhai Bajrangi in this mob. He was also ahead in the mob. Guddu was armed with sword amongst this mob. Suresh was armed with lance and he was also armed with trident. Manoj was armed with a revolver. This Manoj Videowala was doing firing from the blockage of wall of S.T. Workshop.

- **Page No.4 Para No.9**

The people who were ahead in the mob were calling all the persons of the mob inside and they were telling as “Beat, cut and set the Miya on fire.” I had directly gone to the house of my in-laws at Husennagar from this place. When I was returning to my house taking my mother-in-law and father-in-law, at that time Bhawanising was near Gayatri and Gangotri Society at about half past four to five o'clock in the evening. He had told that hotchpotch has been

prepared for you people, you all go inside the society. But I had not gone there. I had not gone as somebody had told there that much commotion was going on inside. Hence, do not go anybody inside. Hence, I had not gone to the place where Bhawanising had told to go.

- **Page No.6 Para No.11**

When I had gone out, at that time some people were talking in Sindhi language and some people were talking in Chhara language. I know both these languages due to rickshaw driving. When I was standing in such manner that they may not see me, at that time I had heard them talking in their language that, **“Now our time is over, we should collect money going to the house of Mukhi. Now the twelve hours time from eight to eight has been over. Suresh, Dalpat, Bhawanising, Manoj Videowala and others were also there** amongst the persons talking such. I did not know them. But I had heard these much people talking such.

- **Page No.6 Para No.12**

All these people were causing to sound the songs of picture Kabhi Khushi Kabhi Gam after going on the terrace. **Sindhi people were causing to sound the songs of Zulelal. They all were expressing happiness as if all Miya had died.**

This witness has given the name by giving such fact that there was a revolver in the hand of this accused and he had seen the accused making firing in the Statement dated 16-6-08 before the SIT. Moreover, this witness has identified this accused by name in the testimony before the Court. This witness has given the evidence-testimony against the accused in the testimony before the Court.

On the day of incident, when this witness had come near Noorani mosque, at that time the people of the mob were raising slogans of “Beat and kill Miya.” This accused was present with the revolver in the said mob and was making firing. Thereafter, at about half past seven to eight o’clock in the

evening, I had seen this accused making conspiracy with other accused. In the said incident, this witness and his younger son have also sustained injuries. The treatment thereof was taken in the camp. The sabotage and plundering was committed in the house of the witness also. All these facts transpire in the testimony of the witness. Thus, the accused of this case had made pre-planned conspiracy in collusion with other accused to fulfill the conspiracy to attack on the Muslim chawls and carried out the same with an intention to fulfill the same. Thus, as there is ample evidence against this accused, there is no reason to disbelieve the testimony of this witness.

**(14) Mahammadbhai Bachubhai Belim, Witness No.188, Exh.1282**

- The name has been given in the Statement dated 26.5.08 of the SIT.
- He has identified by name in the testimony before the Honourable Court.
- **Page No.3 Para No.8**

**In the morning at the same time, I had also seen one mob coming from the side of Natraj Hotel. The leadership of this mob was taken by the leaders Manoj Videowala, Suresh Langda Chhara and one Sindhi. There are scars of small pox on the face of this Sindhi leader. He is having black complexion and his height is about five and half to six feet. The said mob was also having swords, trident and the carboys filled up with chemical in their hands.**

- **Page No.3 Para No.9**

The mob coming from the side of Krishnanagar had stopped the tanker filled up with kerosene near Noorani Mosque. Moreover, at the same time, one crane was also brought and stopped near Noorani Mosque. The mob coming from Natraj had caused sabotage and attacked on Noorani Mosque. This mob had also beaten the Maulana of Noorani Mosque. Upon seeing this, Yusuf Lightwala had requested the S.R.P. who were sitting on the S.R.P. point there to persuade the said mob. In stead of preventing the mob, the S.R.P. had beaten Yusuf with baton. As the mosque was burning, the boys had gathered near Pandit's chawl.

- **Page No.5 Para No.11**

The mob of the chawl had caused sabotage and started to set on fire. The people of the mob had started to rush in the surrounding chawls of Noorani Mosque, Pandit's chawl and Hukamsing's chawl, Chetandas's chawl, Badarsing's chawl.

- **Page No.6 Para No.14**

Thereafter, by and by the mobs had increased on the portion near the wall of S.T. in Husennagar. **The people of these mobs were beating and killing the people and setting them on fire.** Under this situation, having been frightened, at about five o'clock in the evening, I had gone away from Husennagar and hidden on the terrace of one house of Gangotri Society. Many other Muslims were there. At that time, my family members had got separated from me.

- **Page No.6 Para No.15**

I had seen from the terrace of the house of Gangotri that Jai Bhawani Chharo and Tiwari Conductor were showing the place where we had hidden by making indication to the people of the mob. **The people of this mob had cut the people with swords and set them on fire alive by throwing lighted torch.** I had remained on the said terrace till 12 midnight.

This witness has given the name of this accused as the leader of the mob in the Statement dated 26-5-08 before the SIT and he has identified this accused by name in the testimony before the Honourable Court. This witness has given clinching evidence against this accused as mentioned in the testimony before the Honourable Court.

On the day of incident, this witness had come at the entrance of the chawl, at that time the mob had come from Krishnanagar. The people of the said mob were having weapons in their hands. At that time, the mob had come from Natraj. This accused was also present in the said mob. They were also having weapons in their hands. Moreover, on firing having taken place from the side of mob which had arrived from the side of S.R.P., Abid and Mustaq had sustained bullet injuries and the people of the mob were beating

the people and setting them on fire etc. facts transpire from the testimony of this witness. It is clearly found that this accused has committed criminal acts in the whole area in collusion with other accused. Thus, there is no reason to disbelieve the testimony of this witness.

**(15) Mohd. Imran Imtiyaz Husen Momin, Witness No.189, Exh.1289**

- The name has been given with sword in the riotous mob in the Statement dated 10.6.08 of the SIT.
- He has not identified by name in the testimony before the Hon'ble Court.
- **Page No.3 Para No.7**

**The mobs were there towards Natraj Hotel beside S.T. Workshop. They were raising shouts as "Beat, cut" and they were setting lorries, cabins and shops on fire near Noorani Mosque.** Then they had hurled stones towards us. Then the policemen had made firing on us. At that time, Pirubhai of Priya Talkies had sustained bullet injury. We had lifted Pirubhai and taken him on the verandah of my mother's house. At that time, Mahammadbhai of Priya Talkies, one Mustaqbhai and others had sustained bullet injuries. In all four persons had sustained bullet injuries. Out of them, Abidbhai had sustained bullet injury on the portion of back. Mahammadbhai was also taken on our verandah.

- **Page No.4 Para No.8**

I had seen Suresh and **Manoj Videowala in the mob near Noorani Mosque.** Wherein, Suresh was having a sword in his hand and **Manoj Videowala was having trident and a private weapon in his hand.** All these were pelting stones and were raising shouts of Beat, Cut. Then I had gone to the house of my mother.

This witness has given the name in the Statement dated 13-5-02 before the police and in the Statement dated 10-6-08 before the SIT that he had seen this accused in the riotous mob. And this witness has identified the accused by name in the testimony before the Honourable Court. This witness

has given the evidence against this accused in the testimony before the Hon'ble Court.

On the day of the incident, this witness was present near S.T. Workshop at about nine to half past nine o'clock in the morning, at that time the mob of Hindu people had come from Natraj raising slogans as 'Beat, Cut" and set the lorries and cabins surrounding the Noorani Mosque on fire and hurled stones on us. This accused was present in the said mob. He was having trident in his hand. This witness has witnessed the incident with naked eyes as shown in Examination-in-chief. This accused has played an active role in committing criminal acts by becoming the member of an assembly involved in criminal activity in furtherance of their common object in collusion with other accused. On perusal of the testimony of the witness, all those facts become clear. Thus, this witness was present there at the time of incident and he has witnessed the entire incident with his eyes. Thus, there is no reason to disbelieve the testimony of this witness.

**(16) Salauddin A.Karim Shaikh, Witness No.190, Exh.1295**

- The name has been given in the police statement dated 13.5.02.
- Not in the statement of SIT.
- The name has been given in the testimony before the Hon'ble Court.
- **Page No.7 Para No.15**

I had seen **Manoj Videowala** and Guddu Chhara **in this mob**. I had seen Guddu Chhara in the ground at three o'clock. **I had seen Manoj Videowala in the mob seen when I had sustained injury. Manoj** and Guddu were having **swords** in their hands **at that time and they were doing stone throwing.**

This witness has given the name of this accused in the Statement dated 13-5-02 before the police. And he has also given the name of this accused in the testimony before the Honourable Court.

On the day of incident, when this witness had come near the gate of S.T. in the morning, at that time he had seen that the mob had come from

Natraj. It was doing stone throwing on Noorani Mosque. Thereafter, the mob having arrived from Krishnanagar was also doing stone throwing. At that time, upon firing made by the police, four muslims had sustained bullet injuries. Thereafter, at half past one o'clock in the noon, one mob had arrived from the ground near Javannagar. It was doing stone throwing. This accused was seen with sword in this mob. The witness has sustained injury due to stone throwing in the incident near S.T. Thus, this accused has played an active role in the incident in collusion with other accused by becoming the member of an unlawful assembly in furtherance of their common intention to commit criminal acts. Such clearly transpires in the testimony of this witness. Thus, there is no reason to disbelieve the testimony of this witness.

**(17) Rasidabanu Imtiyazhusen Momin, Witness No.192, Exh.1314**

- The name is given in the Statement dated 10.6.08 of the SIT.
- He has identified by name in the testimony before the Honourable Court.
- Application of exemption for attendance, Exh.1312. There is no dispute with regard to the identity.
- **Page No.5 Para No.9**

The people of the mob having arrived from Krishnanagar **were also doing stone throwing and bottle throwing on us. The people of the mob having arrived from Natraj were also doing stone throwing and bottle throwing on us.** Mayaben Kodnani was there in this mob. **Manoj was there in this mob. As per my knowledge, his name is Manoj Videowala.** Further, Bipin Autowala was also there in the mob of this Natrajwala. Besides this, Santosh Dudhwala was also there in this mob. The shop of this Santosh Dudhwala is situated beside Kamla Welding while going to Kubernagar. Further, Guddu Chhara, Naresh Chhara, Suresh Langdo and the younger brother of Suresh Langdo were also there in the mob of Natrazwala. Mayaben was instigating the public in the mob by saying "Go ahead and beat." At that time, the police had arrived there and done firing and fired teargas on the

Muslims who were standing on the entrance. Thereupon, four to five muslim boys had sustained bullet injuries.

- **Page No.6 Para No.11**

**As the mob slowly started to come inside our chawl**, I had come to my house from the road and taken my children and had gone to the terrace of my house. The entire road is seen from the portion of the terrace of my house. **When I had seen from there, then the people of the mob were involved in beating and killing.** Therefore, I had got down taking my children. Then I had started running and thereafter I had gone on the terrace of Ramjani Pinjara taking my children.

- **Page No.7 Para No.13**

I had seen from the terrace of Ramjanibhai that the first house of the lane where Ramjanibhai is living was set on fire by the people of the mob. The people of this mob were speaking abusive language and were raising shouts. They were raising shouts as "Beat, Cut.". I had seen all these from the back side of the curtain which remained permanently in the house of Ramjanibhai. Then I had gone on the terrace of Ramjanibhai taking my children. When I had seen towards public latrine situated in Javannagar from this terrace, at that time **I had seen that the people of the mob were setting everything on fire. I had witnessed the people of this mob involved in beating and setting on fire. The people of this mob were beating and cutting the Muslims.** I do not remember as to what time it was at that time.

This witness has given the name of this accused in the Statement dated 10-6-08 before the SIT and this witness has identified the accused by name in the testimony before the Court. This witness has given clinching evidence against this accused as stated in the testimony of this witness.

This witness was living on the place of incident for many years and the grocery shop has been situated at the place of incident. This witness was present on the place on the day of incident. She has witnessed the entire incident with naked eyes. She has seen the accused amongst the riotous mob.

As stated in Examination-in-chief, the witness has seen the accused. This witness has seen him from the terrace of Ramjanibhai.

As stated by the witness, the people of the mob in which the accused was there were raising shouts as "Beat, Cut." They were setting the houses on fire and they were involved in beating and killing. It is proved from the testimony of the witness that the accused was included in the mob.

This witness has identified the accused by name in the testimony before the Hon'ble Court.

**(18) Haroon Mohammadbhai Shaikh, Witness No.198, Exh.1363**

- The accused has been witnessed with naked eyes amongst the riotous mob in the Statement dated 28.5.08 and 12.9.08 of the SIT.
- The name has been given in the testimony before the Honourable Court – identified.
- **Page No.3 Para No.6**

The people of the mobs of both sides had tied saffron strip on the forehead. I knew some people amongst these mobs. **I had seen swords, pipes, trident etc. in the hands of some people of the mobs.**

- **Page No.3 Para No.7**

I had seen Mayaben, Babu Bajrangi, Sachin Modi, Ashok Pan Cabinwala, **Manoj Videowala**, Suresh Langdo, Haresh, Guddu and Bipin Autowala **in these mobs**. I had seen all of them on the day of incident at about half past nine o'clock in the morning. They were also ahead in the mob near the gate opposite S.T. Workshop and they were also in the mob near the gate of S.R.P. Though, thereafter both these mobs had gathered together.

- **Page No.4 Para No.8**

**These people and the people of the mob had started setting the surrounding lorries, cabins, cabins, houses etc. on fire and they had attacked on Noorani Mosque.** Some of the people of our muslim community had also gone to persuade these nine persons, but they had not paid heed to it **and they had started to raise slogans as "Beat, Cut" and they had started**

**pelting stones on the people of our community.** In this way, we had gone near Noorani Mosque to persuade these nine persons. We had gone near Noorani Mosque to persuade these nine persons in this way. But they did not pay heed and upon starting stone throwing on us, we had frightened and returned where the police chowky is situated now.

- **Page No.6 Para No.12**

Since this Tiwari, Shahejad, Jai Bhawani and Guddu were living in our area, we had started to go with them believing their story. When we were leaving, at that time the people of the mobs were sitting hiding near the gate of Gopinathnagar and when we got out, all the people of the said mobs had cordoned us. Sachin and Suresh Langdo were there in this hidden mob. At the time of this incide, we had returned for rescue in Gopinathnagar Society and had gone in the curve which is there near the water tank of Gopinathnagar Society. We had gone in the curve thinking such that the mob would pass from opposite side. But the mob had started beating and killing us in this curved portion only. The people of the mob had done beating and killing and set our people on fire.

- **Page No.7 Para No.13**

**In this beating and killing which took place, there were three persons of my family therein. Wherein my mother Mumtajbanu, my wife Gaushiyabanu and my son Akram were there. All the three persons had died in that incident. Moreover, other people of our community had also become the victim of this beating and killing. Wherein my aunty Rabiya, my niece Farhana and amongst the people living around us, Reshma etc. were there.**

This witness has given the name of this accused in the Statements dated 28-5-06 and dated 12-9-08 before the SIT. Moreover, the witness has identified this accused by name in the testimony before the Honourable Court. Moreover, this witness has given the evidence against the accused as stated in the testimony before the Hon'ble Court.

On 28-2-02 i.e. on the day of incident, when this witness had come near police chowky, then he had seen that the mobs had gathered near the gate of S.T. and towards Bipin Auto Centre. They had tied saffron colored strip and they were having the weapons in their hands. The witness had seen the accused with other accused in this mob, at that time it was half past nine o'clock in the morning. The people of these mobs were pelting stones on Noorani Mosque and the houses of muslim chawls and setting them on fire. Four muslims had sustained bullet injuries in the firing having taken place near the gate of S.T. This witness also describes the incident of water tank curve situated near Gangotri Gopinath. The mother of this witness Mumtajbanu, wife Gaushiyabanu and son Akram had died in the incident taken place at curve. The witness had got injured in this incident while saving his son etc. all facts transpire on perusal of the testimony of this witness.

Thus, this accused has played an active role in the incident of water tank curve and other incidents in collusion with other accused in furtherance of their common intention. And it clearly transpires from the testimony of this witness that he may have played chief role in mass carnage having taken place in the said curve. Hence, no reason arises to disbelieve the testimony of this witness.

**(19) A.Razak A.Rehman Saiyed, Witness No.204, Exh.1410**

- The name is there in the police statement dated 13.5.02.
- The name is there in the statement of the SIT dated 22.6.08.
- The name has been given in the testimony before the Court – not identified.
- **Page No.3 Para No.5**

The nimb tree was situated outside the gate of S.T. Workshop. The police point was there on that day. These policemen had gone near the gate of S.T. Workshop situated on the opposite side. The police had done firing from there. Thereafter, **Manojbhai had also done firing taking the rifle.** Kishan Korani had also done firing from the pistol. In this firing, **Abidbhai and the**

**son-in-law of Mehboob Kureshi had sustained bullet injuries. I do not know as to whose bullet was hit to these persons.**

This witness has given the name in the Statement dated 13-5-02 before the police and in the Statement dated 22-6-08 before the SIT and the name of this accused has been given in the testimony before the Court. This witness has given the evidence against the accused in the testimony before the Court.

On the day of incident, at about half past nine o'clock in the morning, this witness had come near the Nimb tree situated beside the S.T. and seen that the mob had arrived from Natraj, which was pelting stones on the chawls. Two muslim persons had received injuries due to the firing done by the police from the police point when the witness was near the Nimb tree. Thereafter, the mob had rushed into the chawls. Thus, this accused has been seen in the mob near the gate of the S.T. while committing criminal act and doing firing on us, the muslims. Thus, this accused has played an active role in commission of criminal act in collusion with other accused in furtherance of their common object to commit criminal acts. Therefore, there is no reason to disbelieve the testimony of this witness from the said facts.

**(20) Mohd.Rafiq A.Karim Shaikh, Witness No.230, Exh.1635**

- He was seen in the riotous mob in the Statement dated 18.6.08 of the SIT. Muslims have been killed by setting them on fire. Near Water tank.
- He has identified by name in the testimony before the Hon'ble Court.
- **Page No.3 Para No.7**

**Manoj Videowala was present in this mob. Manoj Videowala had snatched away the revolver from the policeman and he himself had started firing from the revolver. Due to this firing, Mahammad Abid had sustained bullet injury on the back portion. Pirubhai had sustained bullet injury on the right leg.**

- **Page No.4 Para No.8**

Thereafter, the people of the mob had started to rush in our chawls from the side of Natraj and Kubernagar. **They had done sabotage, beating and killing, plundering after coming in the chawl. They had also committed conflagration in our chawls.** At that time, the scuffle had taken place. Such scuffle had taken place during about four to five o'clock in the noon. At that time, we had frightened very much.

- **Page No.5 Para No.9**

I had also frightened and climbed on one terrace of Gangotri Society or Gopinathnagar taking my two children and my wife. My other two children had gone to the S.R.P. quarters from the morning. In this way, I had gone on one terrace taking my family. I had seen from there that Guddu Chhara and Suresh were taking away 27 to 28 people towards water tank by giving push. It would be about five to six o'clock in the evening at that time.

- **Page No.5 Para No.10**

After taking these persons near the water tank, some inflammable liquid was poured from the upper part of the tank and 27-28 women, men and children who were taken there were set on fire. These 27-28 persons were raising shouts for help. I had witnessed all these. Moreover, I had also heard their voices. But as I myself had frightened very much and I myself had felt such that I would also be killed, hence I had hidden on the terrace in the parapet.

This witness has given the name of the accused in the Statement dated 18-6-08 before the SIT in the manner that this accused had snatched away the police rifle and done firing towards us, the muslims and this witness has also identified the accused by name in the testimony before the Hon'ble Court. And this witness has also given clinching evidence against the accused in the Examination-in-chief before the Hon'ble Court.

When this witness was present at the scene of incident on the day of incident, at that time the mob having arrived from Natraj had set the Noorani Mosque and surrounding shops on fire and then done stone throwing. At that time, this accused had snatched away the revolver from the policeman

and done firing and two muslim persons had sustained bullet injuries. Thereafter, the mobs having arrived from Natraj and Krishnanagar in the evening had committed plundering, beating and killing in the chawls and set the chawls on fire and at that time the incident of water tank curve had taken place. I have witnessed the same with my naked eyes. Thus, this accused in collusion with other accused had formed an unlawful assembly united and he was involved in the mob in furtherance of their common objects. Ample evidence is found for instigation to attack on the muslims and for plundering in the muslim chawls and to destroy totally by setting them on fire. Thus, there is no reason to disbelieve even to this witness. This witness also supports the incident of water tank of other witness.

**(21) Rajabaksh alias Rajesh Nabisha Saiyed, Witness No.233, Exh.1644**

- The name has been given as having seen in the Statement dated 22.6.08 of the SIT.
- He has identified by name in the testimony before the Hon'ble Court.
- **Page No.3 Para No.6**

At that time, the mob was arriving from Kubernagar and Krishnanagar. This mob had reached near Noorani Mosque by pelting stones. They were doing stone throwing there. **The people of the mob had rushed into the Noorani Mosque. The lorries of kerosene of mine and Usmanbhai were lying with kerosene in front of Noorani Mosque, wherein there was fifty liters kerosene in my lorry. The people of the mob had thrown away both the lorries of kerosene in Noorani Mosque and set on fire.**

- **Page No.3 Para No.7**

**Manoj Sindhi Videowala was there in the mob which had thrown away our lorry of kerosene in this way in the mosque.** Moreover, Bipin Panchal was there in this mob. Bipin Panchal and Manoj Sindhi had called upon the people of those mobs. Meanwhile, as the police fired teargas, I had gone to my house.

This witness has given the name of the accused in the Statement dated 22-6-08 before the SIT as he was present in the riotous mob and he has also identified the accused by name in the testimony before the Honourable Court also and he has given clinching evidence by giving evidence against the accused in the testimony before the Honourable Court.

From the testimony of this witness, it clearly transpires that this witness had gone in front of Noorani Mosque at about eight to half past eight o'clock on the day of incident. At that time, the mob had come from Kubernagar and Krishnanagar, which was pelting stones on Noorani Mosque and also set Noorani Mosque on fire. This accused was present in the mob who had thrown kerosene in Noorani Mosque and he has played an active role in heinous act to throw the lorry in the mosque. Thus, as the criminal act committed by this accused being of very grievous nature and clinching evidence is found in the testimony of this witness against him to that regard. Thus, no reason arises to disbelieve the testimony of this witness.

**(22) Mohd.Usman Mahemoodbhai Shaikh, Witness No.258, Exh.1755**

- The accused has been seen that he was leading the riotous mob. The name has been given in the Statement dated 22.6.08 of the SIT.
- He has not identified by name in the testimony before the Hon'ble Court.
- **Page No.3 Para No.7**

The mobs belonged to Hindu people. The people of these mobs were pelting stones on us, the Muslims and throwing burning rags. The police were also there. The police were firing teargas on us. On seeing all these, we had got frightened and had hidden after going in the lane. At that time, the people of the mob **were setting mosque on fire after bringing out kerosene from our lorries. The people of the mob had rushed into the Noorani Mosque.**

- **Page No.4 Para No.8**

**At that time, I had** seen Bipin Panchal in the mob of Krishnanagar. **I had also seen** one boy who was a rickshaw driver and whose

name was **Manojbhai Sindhi in the mob** coming towards Natraj. In this riot, we, the Muslims had got frightened very much. My family members had gone in Jigarhasan's chawl.

- **Page No.4 Para No.9**

Bipinbhai Panchal and **Manoj Sindhi were instigating the people of the mob in this mob**. Then, I had gone in Jigarhasan's chawl with my family to escape from the mob. We were in Jigarhasan's chawl only till night. At about eleven to half past eleven o'clock in the night, two-three persons of our community and myself had come out. At that time, one officer was sitting in front of the gate of S.T. Workshop where the police van was stationary. I had informed the said officer to make an arrangement to cause us to reach to the camp. He had told that it would not be done at that time. It is very late. Therefore, an arrangement shall be done in the morning.

This witness has given the name in the Statement dated 22-6-08 before the SIT in the manner that the said accused was leading the riotous mob and he had seen it and this witness has given the name of this accused in the testimony before the Hon'ble Court. And this accused has given ample evidence against the accused in the testimony before the Hon'ble Court.

On perusal of the testimony of this witness, it clearly transpires that this witness had come near Noorani Mosque at about nine to half past nine o'clock in the morning, then the mobs had come towards Natraj and Krishnanagar. The people of these mobs were pelting stones and throwing burning rags on the Muslims. This accused was seen in the mob towards Krishnanagar. He was leading the mob and instigating the people of the mob. Thus, it clearly transpires from the testimony of this witness that he had played an active role in committing criminal act by instigating the people of the mob in furtherance of their mala fide intention to attack on the Muslims. Thus, there is no reason to disbelieve the testimony of this witness.

The witnesses of this entire incident are mainly illiterate and belonging to other State. It is natural that they may not understand the difference between revolver and rifle. Therefore, **Witness No.72** has stated that

**Manoj Videowala was having revolver with him.** While **Witness No.104** also states that **Manoj was having revolver with him and he had done firing. Abid had sustained bullet injury on penis due to said firing.** One more **Witness No.184** of this case has stated in his deposition that **Manoj Sindhi was seen while doing firing. He was doing firing on the mobs of the Muslims** and the said witness also states further such that Manoj Sindhi had snatched away the rifle from the police and done firing, **wherein, a boy named Abid had succumbed to the injury.**

Further, **Witness No.230** states that **Manoj Videowala had taken the revolver of the policeman and he himself had started firing from this revolver. Mohd.Abid had sustained bullet injury on the back portion** in this firing, Pirubhai had sustained bullet injury on the right leg.

On perusal of the testimony of all the aforesaid four witnesses, one fact becomes clear that this accused **Manoj Sindhi had done firing on the day of incident and the person named Abid had sustained bullet injury therein and on account of said bullet injury, Abid has succumbed to the injury.**

It clearly transpires from the testimony of all the aforesaid four witnesses viz. **Witness No.73, Witness No.104, Witness No.184 and Witness No.230** that the accused Manoj Sindhi has done firing on the day of incident and due to said firing, Abid has died. Thus, direct evidence regarding the murder of Abid is found against the accused.

**Accused No.(42) Hiraji alias Hiro Marwadi alias Sonaji Danaji Meghwan****(Marwadi)****(1) Ishakkhan Sardarkhan Pathan, Witness No.150, Exh.1041**

- In the Police Statement dated 12.5.02.
- The name has been given in the Statement of SIT dated 11.6.08.
- The name has been given in the testimony before the Honourable Court.

**- Page No.6 Para No.14**

One mob of 50-60 people was there near Javannagar Corner, before we reached in this way to S.R.P. quarters and we were given used abusive language against us. **Wherein, Hira Marwadi**, Son of Jai Bhawani, Suresh Chharo and Sahejad were **there on front side**. I myself had seen the same. These four and other persons had abused us and they were uttering as “Cut them, Kill them” and they had also told such that “where are you going, Miya now where will you go, now you are finished, today we will cut you off. All these four persons were having swords in their hands.

**- Page No.8 Para No.18**

**After reaching there, I had seen that** Jai Bhawani, Suresh Chharo, **Hira Marwadi** and Sahejad who **were having weapons in their hands were outraging modesty of sister and mother of one girl named Nagina and they were scattering both of them**. I had run away after seeing that. After running in this way, I had come on the terrace of Gangotri Society. After coming there, I had told my wife that there is no possibility to go out.

This witness has given the name of this accused in the Statement dated 12-5-02 before the police and in the Statement dated 11-6-08 before the SIT. Moreover, he has identified this accused by name in the testimony before the Honourable Court. This witness has given ample evidence against the accused in the testimony before the Honourable Court.

It transpires from the testimony of this witness that the accused was present with other accused near S.R.P. quarters and the accused was abusing the Muslims and uttering as “Kill them, Cut them” and also told such

that “Miya, where are you going now, Miya, where will you go now, you are now finished, today we will cut you off.” They have stated such. The witness has seen the accused with a sword. Thus, ample evidence is found that this accused was armed with weapon and was involved with an unlawful assembly and used abusive language in public, threatened to put to death and involved in beating and killing. The witness has identified the accused by name in the testimony before the Hon’ble Court. Thus, there is no reason to disbelieve the evidence given by the witness against the accused.

**(2) Bashirbhai Usmanbhai, Witness No.183, Exh.1263**

- The name is there in the police statement dated 13.5.02.
- The name has been given in the testimony before the Honourable Court – identified.

**- Page No.2 Para No.4**

The incident had taken place on 28.2.02. On that day, my duty was night duty. I had returned from my duty to my house at about seven o’clock in the morning and went to bed. At about nine o’clock in the morning, the people of our chawl had stated that the mob had come. I had come out and seen that the mob was there. I had seen after coming out on highway. The mob was near Noorani Mosque, Krishnanagar thus on all the four sides. **This mob was pelting stones. They were pelting stones on the people of our community.** As the stone throwing was going on, I had returned to our chawl and I had gone towards Gangotri Society after taking my wife and the children.

**- Page No.2 Para No.5**

Sahejad Chharo, Guddu Chharo, Bhavani and **Hira Marwadi were there in this mob. Hira Marwadi** and Guddu Chharo **were having swords in their hands.**

This witness has given the name of this accused in the Statement dated 13-5-02 before the police. Moreover, he has identified this accused by name in the testimony before the Court. This witness has given ample evidence against the accused in the testimony before the Hon’ble Court.

It transpires from the testimony of this witness that on the day of incident, when this witness had seen after coming on highway, then the mob had arrived from Krishnanagar and it was involved in stone throwing. This accused was seen with naked eyes in this mob. The loss/damage has been caused by the said mob by causing sabotage in the house of this witness and committing plundering. Thus, there is no reason to disbelieve the testimony of this witness.

**Accused No.(43) Haresh Parshuram Rohra****(1) Vinubhai Khemabhai Dalvadiya (Complainant) (V.K.Solanki) Witness  
No.262, Exh.1770**

- The name has been given in the complaint (F.I.R.) dated 28.2.02 – He was shown as leader of the mob.
- The identity has been explained in the Statement dated 26..02.
- The name has been given in the testimony before the Honourable Court - identified.

**- Page No.5 Para No.8**

Meanwhile, the then Deputy Commissioner of Police Shri P.B.Gondiya Saheb and A.C.P. of 'G' Division Shri M.T.Rana Saheb and Senior P.I. of Naroda Police Station Shri K.K.Mysorewala had also arrived on that place. At that time, **a number of mobs of the people from all places** such as Krishnanagar, Saijpur Fadeli, Kubernagar, Chharanagar **had come near Noorani Mosque and Husennagar Chhapra and gathered together.**

**- Page No.5-6 Para No.9**

At that time, **active workers of V.H.P. and B.J.P.** Kishan Korani, P.J.Rajpur, **Haresh Rohera**, Babu Bajrangi and Raju Chaumal, were there **in the mob as the leaders. They were instigating the mobs by leading the mobs and in a short while they were involved in sabotage to the shops, houses and Noorani Mosque of Muslim community by making target and setting them on fire and committing plundering.**

**As I told earlier, all the five persons were instigating the people of the mobs by raising shouts as 'Kill them, cut them'. Hence, the warning was given to the mobs to disperse by making repeated announcements through loud speaker of our jeep. In spite of having given such warning, the people of the mobs had become uncontrollable and continued to set the shops, houses and Noorani Mosque on fire and the people of these mobs were also involved in plundering at all these places.**

This witness has shown the name of the accused in F.I.R. as leading the mob at the time of entire incident and he has given the evidence against the accused in the testimony before the Hon'ble Court.

This witness has shown the name of the accused as leading the mob right from the beginning i.e. from the first day of the incident and stated accordingly in F.I.R. also.

It clearly transpires from the testimony before the Hon'ble Court that the witness has seen the accused in the mob leading the mob near Noorani Mosque and near Husennagar Chhapra. Other accused were also there with him. This witness has witnessed the entire incident from Noorani Mosque while doing patrolling by remaining present on duty. Such is clearly found from the testimony of this witness. Thus, the witness is an eye witness. This witness has seen the accused with his naked eyes involved in leading the mob and instigating the mob and in breaking and setting the shops, houses of the Muslims and Noorani Mosque and in committing plundering by making target.

Thus, according to the testimony of the witness, the accused was present amongst the mob near Noorani Mosque and was instigating the mob. Hence, the will power of the mob had increased and the mob had become much violent and thereafter the accused had caused sabotage in Noorani Mosque by making target and set the houses and shops on fire and done plundering. Such is clearly proved. No reason is found to disbelieve the same.

This witness has identified the accused by name in the testimony of the Hon'ble Court.

**Accused No.(44) Bipinbhai alias Bipin Autobhai Umedrai Panchal**

**(1) Basuddin Maiyuddin Saiyed, Witness No.73, Exh.514**

- Name is given but not identified.
- The name is there in the Statement of SIT.
- The name is there in the police statement. The sword and revolver were in the hands.

On that day at about eight o'clock in the morning, **one huge mob of the Hindu people was arriving from Krishnanagar.** On hearing the voices of this mob, I had come on the National Highway. After coming out, I had stood near Jai Ambe Pan Stall. Munnabhai of our chawl was also present with me. This mob of Hindu people was coming from Krishnanagar to Noorani Mosque. **Bipin Panchal,** Guddu Chhara and his two real brothers **had led this mob.** The people of this Hindu mob were armed with weapons like swords, tridents, spears, revolver and ironed pipes.

This witness has given the name of the accused as this accused was in the mob with swords and revolver in the Statement before the police dated \_\_\_\_\_ likewise in the Statement before the SIT dated \_\_\_\_\_. Moreover, the name of this accused has also been given in the testimony before the Honourable Court. And this witness has given ample evidence against this accused in the testimony before the Hon'ble Court.

From the testimony of this witness, it clearly transpires such that on the day of incident at about 8 o'clock in the morning, the mob of Hindu people had arrived from Krishnanagar. This accused was leading the said mob. The people of this mob had weapons with them. This accused has played an active role in the incident in collusion with other accused as a part of criminal conspiracy in furtherance of their common object. This witness could not identify this accused before the Honourable Court as many years have elapsed for taking place of incident and due to changes in the physical structure of the accused. It is natural. But the witness has given the name of this accused in the testimony before the Hon'ble Court and has given ample evidence. No reason arises to disbelieve the same.

**(2) Salim Roshanali Shaikh, Witness No.37, Exh.256**

- The names of the accused persons are there in the Statement of the SIT with weapons.
- There is the fact that the accused had killed his son, cousin Sharif and set them on fire.

- The name was given in the testimony before the Court and identified the accused.

**- Page No.5 Para No.8**

Guddu Chharo, Suresh Langdo who is also Chharo, one man named Darbar **Bipin Autowala**, Pintu and Pintu's father Dalpat had **led this mob**. As stated by me amongst the mob, Guddu Chhara was having a sword in his hand, Suresh Langdo was having a scythe, Darbar was having a scythe, **Bipin Autowala was having a pipe in his hand**, Pintu and Dalpat were also having pipes in their hands. Since I have been living at Naroda Patiya for the last ten years, I know the persons whose names are given by me.

**- Page No.7 Para No.12**

At that time, a huge mob of the Hindu People had arrived near the gate of Javannagar Gangotri Society..... The mob had increased at that time. It was about six to half past six o'clock in the evening. And when the police had fired teargas, at that time **my son Siddiq had separated from me**. While I was getting down from the terrace at that time **I had seen that** 6 persons who are narrated by me above wherein Guddu, Suresh, Darbar, **Bipin Autowala**, Pintu, Dalpat etc. were there **had dragged my son Siddiq in this mob i.e. in the mob of Hindu people**.

**Guddu** had given pipe blow to **my son Siddiq** on the head **from behind near the water tank of Gopinath Society**, Darbar had given a scythe blow to Siddiq in stomach and caused him to fall down and **Bipin and other three persons had dragged him and set him on fire after pouring kerosene, throwing mattress etc. and pouring inflammable liquid. I had witnesses the same. My son Siddiq had died. At that time, on seeing the way they were beating my son, I had screamed, at that time somebody from the mob had told that here it is Miyo. Amongst the mob, as somebody said that Catch, Catch here it is Miyo; I had run away towards Gangotri Society and hidden myself.**

**- Page No.8 Para No.13**

**In the incident having taken place near water tank, my cousin brother (maternal uncle's son) Sharif was there. He was also killed by this mob the way they had killed my son Siddiq.** At that time, it was about half past six to a quarter to seven in the evening.

This witness has given the name of the accused as the accused was seen with weapon in the Statement before the SIT. And the fact of having set the son of the witness and his nephew Sharif on fire has been stated in this Statement. Moreover, this witness has identified the accused by name in the testimony before the Honourable Court. This witness has given ample evidence against this accused in the testimony before the Hon'ble Court.

It clearly transpires from the testimony of this witness before the Hon'ble Court that on the day of incident, the mob of Hindu people had arrived from Natraj Hotel at about nine o'clock in the morning and attacked on Noorani Mosque and caused damage to the mosque. At that time, the witness was standing near the corner of S.T. The people wearing Khakhi sorts, saffron strips, white banian were amongst the people of this mob. They were armed with lethal weapons and inflammable liquids were also there. This accused was there in this mob with another accused having pipe in the hand. This mob had caused sabotage in the houses of our chawls and caused damage. Thereafter, the son Siddiq had separated in the evening. Then, when the witness had seen then this accused had dragged him in collusion with another accused near water tank curve and given pipe blow on the head and caused him to fall down and set him of fire alive and this accused and other accused were also there in doing so. Likewise, this accused had also done to death to my nephew Sharif in collusion with other accused near water tank. This fact clearly transpires. Thus, this accused has committed criminal act by committing the offence of homicide in collusion with other accused united in furtherance of their common intention and with an intention to fulfill their intention to kill the Muslims by forming an unlawful assembly and after becoming the member thereof. Such clearly transpires from the testimony of this witness. There is no reason to disbelieve the same.

**(3) Amina Abbasbhai Belim, Witness No.52, Exh.425**

- The name is there in the Statement of SIT dated 30.5.08.
- The name is there in the testimony before the Court – Not identified.

**- Page No.11 Para No.22**

I had gone in Masjid's chawl which is situated on Dhanurdhari Mata road. I had stood on the road there. **I had witnessed Bipinbhai while doing firing. The Garage** of this Bipinbhai is situated **on National Highway** on Dhanurdhari Mata road on front side. This **Bipinbhai was doing firing from the terrace of the garage. He was on the terrace.**

This witness has given the name of this accused in the Statement before the SIT. Moreover, the name of this accused has been given in the testimony before the Hon'ble Court. This witness has given clinching evidence against this accused in the testimony before the Hon'ble Court.

It clearly transpires from the testimony of this witness before the Hon'ble Court that this witness had come outside wearing khakhi uniform at about nine o'clock in the morning on the day of incident. At that time, he had seen that there were mobs. They were having the weapons. The people of the mob had worn saffron strips, they were raising slogans. They had done stone throwing on Noorani Mosque, done sabotage. Thereafter, this witness had stood near Masjid's chawl situated near Dhanurdhari Mata temple. At that time, this accused was seen while doing firing and he was doing firing from the terrace of his garage. Thus, this witness has witnessed this accused at the scene of incident with naked eyes while doing firing and while causing terror. This accused has done firing with an intention to kill the Muslims. Thus, this accused has played an active role in committing criminal act on the day of incident. It clearly transpires from the testimony of this witness.

**(4) Husenbhai Valibhai Kaladiya, Witness No.105, Exh.676**

- The name is there in the Statement dated 28.6.08 of the SIT.

- The name is disclosed in the testimony before the Court, but not identified.

**- Page No.6 Para No.10**

**Many people** of Naroda Patiya area **were amongst this mob.....**  
Manoj Sindhi, Suresh Langdo, **Bipin Autowala**, Guddu Chharo, Bhawanising and Tiwari were **amongst this mob.**

This witness has given the name of this accused in the Statement dated 28-6-08 before the SIT. Moreover, this witness has also given the name of this accused in the testimony before the Court. Moreover, this witness has given ample evidence against this accused in the testimony before the Hon'ble Court.

From the testimony of this witness, it transpires that this witness has seen the incident with naked eyes and he has identified some people of Naroda Patiya area. It is stated that the persons who were beating and killing and setting the Muslims on fire alive were included in the said mob. The name of the accused has been given. It is also found that this accused was also involved in the mob committing criminal act. Thus, there is no reason to disbelieve the testimony of this witness.

**(5) Mahammad Kalubhai Khalifa, Witness No.107, Exh.698**

- The name is there in the Statement of the SIT dated 31.5.08. He was with revolver.
- The name is disclosed in the testimony before the Court – identified.

**- Page No.3 Para No.7**

**The riotous mob which I narrated earlier included** Bhawani, Dalpat Chharo, **Bipin Autowala**, P.M.Shah, who is an employee of the S.T. and Gohel Jamadar, wherein Bhawani was having a pipe with him. Dalpat was having a sword with him, **Bipin Autowala was having a revolver with him.** Gohel Jamadar and P.M.Shah were providing the people of the mob with Diesel and Kerosene and they were raising shouts as, “Beat, Cut.” I had seen all of them.

**- Page No.4 Para No.11**

According to my knowledge, Dalpat Chharo and Jai Bhawani have expired. At present, Bipin Autowala is alive. I can identify him. I can identify P.M.Shah also.

This witness has stated in the Statement dated 31-5-08 before the SIT that this witness was in the mob with a revolver. Moreover, the accused has been identified by name in the testimony before the Honourable Court. This witness has given ample evidence against the accused in the testimony before the Hon'ble Court.

From the testimony of this witness before the Hon'ble Court, it clearly transpires such that the mobs of Hindu people had assembled on the day of incident at about ten o'clock and they were pelting stones. This accused was also involved with other accused in this mob. This accused was having revolver with him. Thus, this accused was present in the mob with revolver, it proves that he had come with an intention to kill the Muslims and he has played an active role in committing criminal act in collusion with other accused. Thus, there is no reason to disbelieve the testimony of this witness.

**(6) Iqbalhusen Amirmiya Kureshi, Witness No.108, Exh.702**

- The name has been given in the Police Statement dated 12.5.02.
- The name is also there in the Statement dated 12.6.08 of the SIT.
- The name is disclosed in the testimony before the Court, but identified.

**- Page No.2 Para No.4**

While I was passing, at that time I had seen that one Pappu Sindhi, Manojbhai, **Bipinbhai were amongst the mob.** Thereafter, when I was going, at that time the stone throwing was going on against each other, then I had gone to my house.

This witness has given the name of this accused in the Statement dated 12-5-02 before the police and in the Statement dated 12-6-08 before the SIT. Moreover, this witness has identified the accused by name in the

testimony before the Court. Moreover, he has given an ample evidence against the accused in the testimony before the Hon'ble Court.

On the day of incident, when this witness had returned from job in the morning, at that time he had seen the stone throwing taking place near Patiya circle and seen the accused in the said mob. He had seen the said mob approaching towards Jawannagar. The mother of the witness had sustained the burn injury and the father of the witness had sustained the injury on account of stone throwing in this incident. They were given the treatment in the camp. In the said riots, the household articles of the witness have been plundered and the damage has been caused. Thus, it clearly seems that this accused has played an active role in committing criminal act involving in the mob. Hence, there is no reason to disbelieve the testimony of this witness.

**(7) Ibrahim Chhotubhai Shaikh, Witness No.115, Exh.747**

- The name is there in the Police Statement dated 13.4.02.
- The name is there in the Statement dated 18.6.08 of the SIT.
- The name is given in the testimony before the Court - identified.

**- Page No.2 Para No.3**

The incident had taken place on 28.2.2002. I was at my home at about half past nine to ten o'clock in the morning....I had come on the road beside S.T. Workshop to see the same. When I saw there, the mob of the Hindu people had gathered. This mob had gathered near Noorani Mosque. **The people of this mob were doing sabotage near the mosque and inside the mosque and they were raising shouts as beat and cut.**

**- Page No.2 Para No.4**

**The leaders of this mob were Bipin Autowala, Murli Sindhi, Guddu Chhara. These three persons were instigating the mob of the Hindu people and were raising shouts as beat and cut. . . . .** I had heard the noises of the firing at my house. The mob had rushed in our chawl. They were setting the shops situated on the road near my house on fire.

This witness has given the name of this accused in the Statement dated 13-4-02 before the police and in the Statement dated 18-6-08 before the SIT. Moreover, he has identified the accused by name in the testimony before the Court. And this witness has given ample evidence against the accused in the testimony before the Hon'ble Court.

This witness had gone on the road at 9:00 – 10:00 o'clock in the morning as stated in the testimony before the Hon'ble Court. He had seen them doing sabotage to the mosque and raising shouts as "Beat, Cut". This accused had led this mob along with other accused and he was raising shouts as beat-cut by instigating the mob. This witness has seen the entire incident by the side of S.T. Workshop and thereafter the mobs had rushed in the chawls and set the shops on fire. Thus, the said accused has played an active role in the said incident. He has made success the criminal conspiracy in collusion with other accused by taking leadership of the mob. As a result thereof, about 98 muslims have been killed in the said incident. The rape has been committed on the ladies. The houses and the shops have been set on fire. Had this accused not extended co-operation to the mob by leading the mob, then such a huge casualties may not have taken place. Thus, looking to the testimony of this witness, there seems serious evidence against the accused. This witness has identified the accused by name before the Hon'ble Court.

Thus, there is no reason to disbelieve the Examination-in-chief of this witness.

**(8) Basirkhan Nannekhan Mansuri, Witness No.136, Exh.898**

- Injured witness.
- The name is there in the police statement dated 18.3.02.
- The name is there in the statement dated 27.3.08 of the SIT.
- The name has been given in the testimony before the Honourable Court – identified.

First of all, the mobs of Hindu people had plundered in the shops near Noorani Mosque and then set them on fire. Thereafter, they had come towards our locality and rushed into Husennagar. At that time, we were very much frightened. My husband had come and taken me away. He had taken me away towards Javannagar Gangotri Society on the back side. We had stayed at Javannagar. The S.R.P. were not allowing us to go inside there too.

**- Page No.8 Para No.17**

I had seen Sahejad Chhara, **Bipin Autowala** and Guddu Chhara in the mob near S.T. Workshop. **They were leading the mob.**

This witness has given the name in the Statement dated 18-3-02 before the police and in the Statement dated 27-5-08 before the SIT. Moreover, the accused has been identified by name in the testimony before the Court. And clinching evidence has been given against the accused in the testimony before the Hon'ble Court.

This witness is an eye witness to the incident. He has received a bullet injury on the part of shoulder on the day of incident.

From the testimony of this witness, it transpires that the accused was involved in committing plundering of the properties of the Muslims and in setting them on fire near Noorani Mosque. And it is proved that he had committed plundering and caused damage to the properties in collusion with co-accused and taking the leadership of the mob. The witness has seen the accused committing criminal act with naked eyes.

The witness has identified him by name in the testimony before the Hon'ble Court.

**(9) Jannatbibi Kallubhai Shaikh, Witness No.142, Exh.961**

- The name is included in the police statement dated 13.4.02.
- The name is included in the Statement of SIT dated 28.5.08.
- The name has been given in the testimony before the Court - identified.

**- Page No.4 Para No.8**

Thereafter, at about eleven to a quarter to eleven o'clock in the morning, Bhawanising had stated in our chawl that, "Give me broad-mouthed (cooking) vessel, I would prepare Kadhi and Khichdi for you." I had told him that, "we are facing risk of our life, then you are talking about broad-mouthed (cooking) vessel, from where should we bring broad-mouthed (cooking) vessel for you. Then, Bhawanising had told such that, "You eat Kadhi and Khichdi and then go to sleep." Then, Bhawanising had gone away uttering abusive language as You have to die only, you have not to rescue.

**- Page No.5 Para No.9**

While going, he had made indication, hence the **mob had arrived**. Suresh Chharo, Guddu Chharo, Sahejad Chharo and **Bipin Panchal were there in this mob**, wherein Suresh, Guddu and Sahejad were having swords with them **and Guddu was telling Bipin by raising shout that, "Bipin fire bullet". This Bipin was having a pistol in his hand. These four persons were ahead in the mob.**

This witness has given the name of the accused in the Statement dated 13-4-02 before the police and in the Statement dated 28-5-08 before the SIT. Moreover, she has identified the accused by name in the testimony before the Court and clinching evidence has been given by the witness against this accused in the testimony before the Hon'ble Court.

From the testimony of the witness, it transpires that the mob which was called by Bhawanising by making indication, in the said mob this witness had come with a sword and this witness has witnessed the accused with weapon in the mob committing criminal act. The witness has also stated such that the accused was ahead of all in the mob. Thus, it is proved that the accused was leading the mob. The mob under his leadership has committed the act to commit beating and cutting and to cause damage to the properties. Thus, ample evidence is found against the accused.

The witness has identified the accused by name in the testimony before the Hon'ble Court. Thus, there is no reason to disbelieve this witness.

**(10) Dildar Umrao Saiyed, Witness No.143, Exh.975**

- The name is not there in the police statement.
- The name is there in the Statement of SIT dated 14.9.08.
- The name has been given in the testimony before the Court – identified.

**- Page No.4 Para No.7**

Thereafter, ten minutes later **one white colored Maruti car** had arrived there and stopped near the jeep. **Mayaben Kodnani, who is our M.L.A. had got down from this Maruti.** She had worn a white colored sari and tied a saffron colored strip on her head. **Thereafter, Bipin Panchal had got down from this Maruti,** Murli Sindhi had got down, Guddu Chharo had also got down from it. The mob had followed this Maruti car. This mob would be consisting of about twenty thousand people. The door of this car was opened and the swords were taken out from it. The said swords were distributed. **At that time, Bipin Panchal had seen me and he had run after me. He had told me, 'Go away Sala, otherwise I would cut you off.'** At that time, I had gone into the house of Maratha. One old aged man and old aged woman were there in the house of this Maratha. The people of the mob had attempted to start my vehicle. They could not start my vehicle.

**- Page No.4 Para No.8**

They had given push to this vehicle and broken the wall of Javannagar. Then they had set the vehicle on fire. I was seeing all these from the house of Marathi. Thereafter, I had left by the side of compound wall of S.R.P. and after jumping over the compound wall, I had gone to my house. After reaching to my house, I had seen that the noise of bursting of gas cylinders was heard. The houses of our muslim community were set on fire. At that time, it would be about two o'clock in the noon.

**- Page No.7 Para No.12**

At that time, when I attempted to run away, somebody had given a sword blow on my right leg, hence my leg was bruised. At that time, I had sat on the step of staircase situated there nearby. **Due to fear, Aiyub had jumped from the terrace in this incident and he had sustained fracture on his**

**both legs. Datania, Bipin, Murli and Guddu had lifted this Aiyub and put him in the rickshaw which was lying there and set Aiyub on fire along with rickshaw. At the time of said incident, I was near the staircase.**

This witness has given the name of this accused in the Statement dated 4-5-02 before the police and in the Statement dated 14-9-08 before the SIT. Moreover, he has identified the accused by name in the testimony before the Court and ample evidence has been given by the witness against this accused in the testimony before the Hon'ble Court.

This witness has been living in Naroda Patiya area for many years.

This witness has also given the name of the said accused amongst the leaders who had come with Mayaben Kodnani in the testimony before the Hon'ble Court and the mobs had followed them and the mobs would be consisting of 20000 people and the accused with him had distributed the swords to the mobs. The mobs have committed massacre with the said swords. Thereafter, when this witness had seen the mobs at 5:30 o'clock in the evening, at that time also he had seen the accused in the mob and the accused was having a sword with him in the mob and as the witness tried to run away, somebody had given a sword blow on his leg. At the same time, the witness had also further seen that the boy named Aiyub had jumped from the terrace. This accused along with Dataniya, this accused, Guddu who are the accused of this case had put him in the rickshaw and set Aiyub on fire. Thus, the accused has committed cold blooded murder of Aiyub. The witness has witnessed this incident with naked eyes. On perusal of the testimony of the said witness, besides murder, the accused instigated the mob, distributed the swords to the mob, boosted the morale of the mob and succeeded to finalize the entire conspiracy. It transpires that the accused has played an active role by leading the mob.

The said witness has identified the accused by name before the Hon'ble Court by giving aforesaid evidence. Thus, there is no reason to disbelieve this witness.

**(11) Sarfaraz Abbaskhan Pathan, Witness No.144, Exh.998**

- The name has been given in the police statement dated 9.3.02.
- The name has been given in the Honourable Court.

**- Page No.2 Para No.4**

On the day of Gujarat Bandh i.e. on dated 28<sup>th</sup>, myself and my family members were at home only. At that time, at about ten to eleven o'clock in the morning, the mob of the people had come at Husennagar. This mob was consisting of about ten to twenty thousand people. This mob had started stone throwing and started bursting the gas cylinders. This mob had entered our house and set on fire and my scooter was also set on fire. My scooter was lying on the road in front of my house.

**- Page No.3 Para No.6**

Kalu Bhaiya, Suresh Chhara, Guddu Chharo and **Bipinbhai Panchal** were in the **mob which had set on fire in our house and caused damage entering into our house in the chawl**. Other persons were also there in the mob, whom I knew.

This witness has given the name of this accused in the Statement dated 9-3-02 before the police. Moreover, he has identified the accused by name in the testimony before the Court and ample evidence has been given against the accused in the testimony before the Hon'ble Court.

From the testimony of this witness before the Court, it transpires that the said accused was present in the mob which had arrived at Husennagar at about 10:00 – 11:00 o'clock in the morning and he has set the house and scooter of the witness on fire in collusion with other accused and the accused has played an active role in this mob. Such transpires from the testimony of this witness.

The witness has identified this accused by name in the testimony before the Hon'ble Court.

**(12) Shahnawaz Abbaskhan Pathan, Witness No.145, Exh.999**

- The name has been given in the police statement dated 9.3.02. Amongst the riotous mob.
- He has identified by name in the testimony before the Honourable Court.

**- Page No.2 Para No.3**

There was Gujarat Bandh call on the day when the incident took place. On the day of incident, at a quarter past nine o'clock in the morning, the mob had arrived outside my house. They were breaking the shops. All these had continued till 11 o'clock. Thereafter, the police had made firing. The mobs of our muslim people were there. They had gone inside the lane. Thereafter, the people of the mobs of Hindu community had marched ahead. They had rushed in our chawl. The mob of the Hindu people had set fire in Hukamsing's chawl and Dilip's chawl and they had plundered the household goods. The people of the mob had rushed into the chawls.

**- Page No.3 Para No.4**

The mob had come from the side of Natraj Hotel. This mob had arrived from the side of Patiya on the opposite side of S.T. Workshop. This mob was consisting fifteen to twenty thousand people. The people of the mob had set my house on fire and they had made plundering in my house. The stone throwing and scuffle was going on outside. Therefore, we had gone away in the inside in Husennagar. We had hidden in Husennagar. Thereafter, the police van had taken us to Shah-e-Alam camp in the night... My father had sustained injury on leg due to stone throwing during incident.

**- Page No.4 Para No.6**

**The mob which had rushed in and in the incident narrated by me, they were causing sabotage to my house and setting it on fire. Bipin Panchal, Manoj Sindhi, Murli Sindhi, Kalu Bhaiya, Suresh Chharo, Haresh Chharo and Naresh Chharo in all seven persons were there in the said mob.** I knew only these seven persons amongst the mob. I did not know any other person of the mob.

This witness has stated in the Statement dated 9-3-02 before the police that the accused was present in the riotous mob. Moreover, he has

identified the accused by name in the testimony before the Court. And he has given ample evidence against the accused in the testimony before the Court.

From the testimony of this witness before the Hon'ble Court, it transpires that this accused was involved in the mob which had come outside the house of this witness. The witness has identified this accused in the mob. The accused was breaking the shops involving in the mob and thereafter the accused had rushed into the chawls with the mob and the houses were set on fire and the house of the witness was also set on fire and the household articles were plundered. Accordingly, the evidence is found against the accused.

This witness has identified the accused by name in the testimony before the Hon'ble Court.

**(13) Faridabibi Abdul Kadar Khalifa, Witness No.149, Exh.1028**

- In the police Statement dated 12.5.02.
- The name has been given in the Statement dated 3.6.08 of the SIT.
- The testimony has been given by name before the Honourable Court. The accused is present in the Court.

**- Page No.4 Para No.8**

Some other persons were also present in the same mob in which Mayaben Kodnani was there, wherein Kishan Korani, Babu Bajrangi, Murli, Manoj Videowala, Ashok Pan Stallwala, Bipin Panchal, Jai Bhawani, Dalpat Chhara, Son-in-law of Dalpat Chhara Tiniyo Chhara, Sahejad Chhara, Son-in-law of Sahejad Chhara Vijay Chhara, Suresh Langdo, Guddu, Hariyo, Nariyo, Tiniyo Marathi, Subhash Ramesh were also present.

**- Page No.5 Para No.11**

Thereafter, the people of the mob were marching ahead and causing sabotage and setting the houses on fire and beating and killing. Therefore, I had very much frightened. Then I had gone to the house of my daughter Afsanabanu at Jawannagar. I had come to look after my house twice or thrice from the house of my daughter. Accordingly, when I had come to look after my house at two o'clock in the noon, at that time, I had seen the son of

one person named Mullaji who is crippled by both legs in burning condition near his house. On seeing it, I had got frightened and immediately returned to the house of my daughter Afsanabanu.

**- Page No.7 Para No.14**

At that time, the boy named Aiyub had come near Jawannagar. On seeing the mob near his house, he had got frightened. Therefore, he had jumped from the terrace and therefore he had sustained injuries on his both legs. This Aiyub could not stand up on account of these injuries. The people of the mob had lifted Aiyub who had fallen down and caused to sit him in rickshaw and then set the rickshaw on fire. They had set Aiyub on fire alive. I had seen the same with my eyes. At that time, there was also one man in the mob having worn khakhi colored uniform and a helmet.

**- Page No.8 Para No.15**

The same mob had set the house of Majidbhai having situated in the last lane of Jawannagar on fire, at that time the family members of this Majidbhai were inside the house. At that time, we had felt that we would not escaped, therefore after getting down in Gangotri Society from the terrace, my children and I had gone to the ground through the field. Other people were also there with me.

This witness has given the name of this accused in the Statement dated 12-5-02 before the police and in the Statement dated 3-6-08 before the SIT. Moreover, this witness has identified this accused by name in the testimony before the Court and he has given ample evidence against the accused in the testimony before the Hon'ble Court.

On the day of incident, this witness had come out at about nine to half past nine o'clock in the morning, at that time he had seen the mobs arriving from the side of Natraj and Krishnanagar. The people of the said mob had tied saffron colored strip. At that time, Mayaben had come and this accused was there in the mob with her. Thereafter, the people of the mobs had started sabotage and setting the houses on fire. Two persons had died and three persons had sustained injuries in the firing having taken place in these

incidents and the person named Aiyub was set on fire after putting in the rickshaw. Moreover, the witness herself had sustained injury in this incident. The sabotage and plundering was also caused in the house of the witness in the said incident. All such facts transpire from the testimony of this witness. The accused has set some persons on fire alive and done to death after making conspiracy to put the Muslims to death in collusion with other accused persons after getting united. Thus, there is no reason to disbelieve the testimony of this witness.

**(14) Mohd.Shafi Allabaksh Mansuri, Witness No.157, Exh.1108**

- The name is there in the Statement dated 13.4.02 before the police. He was amongst the mob.
- The name has been given in the Statement dated 2.6.08 of the SIT.
- He has identified by name in the testimony before the Honourable Court.
- Application for exemption from attendance, 1107, there is no dispute with regard to the identity.

**- Page No.3-4 Para No.7**

After coming out, I had seen that a huge mob was there near Noorani Mosque. Another mob was also coming from Krishnanagar. While one mob was also coming from Natraj Hotel. I had witnessed the mobs coming from Natraj and Krishnanagar. The stone throwing was continued by the mobs in Noorani Mosque and they were doing sabotage there. The mob of Noorani Mosque which I state was such that the people had stood in the scattered group up to S.T. Workshop. I had seen that the people of the mobs of Natraj and Krishnanagar were having the weapons in their hands. The weapons which were with the mob included swords, scythes, rods, pipes etc. Some persons of this mob had tied red and saffron strips on the forehead and neck.

**- Page No.4 Para No.8**

**Bipin Autowala was amongst this mob.** Kirpalsing was there behind the police who was in the mob near the gate of Workshop situated in front of Noorani Mosque. Guddu Chharo and Suresh Langdo were also there in

the mob towards Noorani Mosque. The sabotage was going on near Noorani Mosque. Meanwhile, the Muslim people had started to assemble at Chetandas's Chawl which is situated on the opposite side of Noorani Mosque.

This witness has given the name of this accused in the Statement dated 13-4-02 before the police and in the Statement dated 2-6-08 before the SIT. Moreover, the name of this accused has been given in the testimony before the Court and ample evidence against the accused has been given in the testimony before the Hon'ble Court.

From the testimony of this witness before the Court, it clearly transpires that the witness had come to the place where at present the police chowky is situated at about nine to half past nine o'clock in the morning on the day of incident and he had seen that there was a mob near Noorani Mosque and the mob was coming from Krishnanagar and Natraj. This mob was armed with weapons like swords, scythes, rods etc. The accused was present along with other accused in this mob and they were doing sabotage near Noorani Mosque and they were doing stone throwing on the Muslims. At that time, the police had also done firing on the Muslims in the company of them. At that time, both the P.I. of Naroda Police Station were present. Abid, Khalid, Piru and Kaladiya had sustained bullet injuries in the said firing. Thus, as this witness had got frightened, he was loitering in the lanes upto about four to half past four o'clock in the evening and he was exhausted and had sat near the compound wall of S.R.P. At that time, one mob had come from Uday Gas Agency which had come along with the weapons. This accused was also present along with other accused in the said mob. Thus, the accused of this case has played an active role in committing criminal act by forming an unlawful assembly with an intention to fulfill the common intention of doing criminal conspiracy on the day of incident at different places of the incident in collusion with other accused. It is found clearly. Thus, there is no reason to disbelieve the testimony of the witness.

When the testimony of this witness was recorded in the Hon'ble Court, at that time this accused was absent and his application for exemption

for attendance was given through his advocate stating such that there is no dispute with regard to the identity, which was granted by the Hon'ble Court. The said application has been given Exh.1107.

**(15) Jubedabanu Mohd.Idrish Belim, Witness No.169, Exh.1169**

- He was in the riotous mob in the Police Statement dated 12.5.02.
- He was in the riotous mob in the Statement dated 23.5.08 of the SIT.
- The name has been given in the testimony before the Honourable Court.

**- Page No.7 Para No.19**

**I could identify four persons in this riotous mob. They were standing in the mob with lethal weapons. I had seen and identified Bipin, Guddu, Suresh Langdo and Bhawanising in this mob.**

This witness has stated such that this accused was present in the mob in the Statement dated 12-5-02 before the police and in the Statement dated 23-5-08 before the SIT. Moreover, the name of the accused has been given in the testimony before the Court and the evidence against the accused has been given in the testimony before the Hon'ble Court.

From the testimony of this witness before the Hon'ble Court, it transpires that on the day of incident, the witness had come to the place where at present the police chowky is situated at about nine to half past nine o'clock in the morning and he had seen that the people of the mob were raising shouts, they were armed with weapons and they had attacked and they had started breaking the lorry, stall, houses. This witness had sustained injury on the leg with pipe on the day of incident and her daughter had sustained injury with stick. Moreover, the brother and sister-in-law of the witness had also sustained injuries. This accused was seen with weapon with other accused in the incident of the day of incident. Thus, it is clearly found that this accused has played an active role in committing criminal act on the day of incident in collusion with other accused after getting united with an intention to cause damage to the houses and other properties of the Muslims and rushed on the Muslims with the mob with an intention to kill the Muslims in furtherance of

their common object. Thus, there is no reason to disbelieve the testimony of the witness.

**(2) Mahammad Jalaluddin Ibrahim Shaikh, Witness No.170, Exh.1174**

- The name is there in the police statement dated 12.5.02
- The statement of SIT is not there.
- He has identified by name in the testimony before the Honourable Court.

**- Page No.3 Para No.7**

I know about six persons amongst the people **witnessed by me amongst the mob**. Bhawanising, Guddu Chharo, Mungado Chharo, Hariya Chhara, Suresh Langdo **and Bipin Panchal were there** amongst this mob.

**- Page No.3 Para No.8**

**These six persons were leading the mob and they were directing this mob. Only they had brought this mob from Natraj Hotel to S.T. Workshop.**

**- Page No.3 Para No.9**

The people of this mob were committing assault on the houses near Noorani mosque. The people of the mob had set the lorry stall and houses situated near Noorani mosque on fire and committed an assault. Some persons amongst us had come to protect Noorani mosque. At that time, this mob had gone towards S.T. Workshop. I was witnessing all these from near the water taps near S.T. Workshop, where now the police chowky is situated.

**- Page No.5 Para No.15**

I had witnessed Hariyo Chharo, Mungada Chhara and Suresh Langda in the mob going towards Noorani mosque. **At that time, I was standing near the tap near S.T. Workshop, then somebody had fired bullet on me, but the bullet injury was sustained by the person who was standing behind me. At that time, the firing was going on,** hence we all were running towards the Chawl. The person behind me had sustained the bullet injury. Thereafter I had gone to my house.

This witness has given the name of the accused in his police statement dated 2-5-02 and he has identified the accused by name in the testimony before the Hon'ble Court and he has given ample evidence against the accused in the testimony before the Hon'ble Court.

It transpires from the testimony of this witness that the mob of fifteen thousand people had arrived from the side of Natraj Hotel. They were armed with weapons. The accused was also there in the said mob and the accused has set Noorani mosque on fire in collusion with other accused persons. Thus, it is established that this accused was the member of an unlawful assembly and he was armed with weapon and made assault on the mosque and the Muslims and also set the properties on fire. Such is proved. There is no reason to disbelieve the evidence of the witness against the accused.

**(17) Yakubali Kasamali Saiyed, Witness No.175, Exh.1205**

- The name is there in the Police Statement dated 12.5.02.
- The name is there in the Statement of the SIT dated 25.5.08.
- The name has been given in the testimony before the Court – identified.

**- Page No.5 Para No.13**

I had seen **Bipin Panchal of Auto Centre**, Guddu Chhara, Hariya Chhara, Manoj Videowala and Suresh Chhara **amongst the mob at half past one o'clock in the noon. Amongst this mob, Bipin Panchal was having a sword in this hand**, Bhawanising and Manoj Videowala had led the mob. Suresh and Hariya Chhara were having pipes in their hands. The people of this mob were doing stone throwing, setting the houses on fire. They had brought the carboys of kerosene and they were setting them on fire by pouring inflammable liquid. We had stayed upto about half past ten o'clock in the night in the S.R.P. quarters only. Then as the Govt. vehicle had arrived to take away us, I and my family members and all those who were with me on the relevant day in S.R.P. quarters had gone to the camp from there.

This witness has given the name of this accused in the Statement dated 12-5-02 before the police and in the Statement dated 21-5-08 before the SIT. Moreover, he has identified the accused by name in the testimony before the Court and he has given ample evidence against the accused in the testimony before the Hon'ble Court.

From the testimony of this witness, it transpires that the accused had led the mob in collusion with other accused and the accused was having a sword in his hand and the accused had led the mob and set the houses and shops on fire. Thus, ample evidence is found against this accused. There is no reason to disbelieve the same.

**(18) Mohd. Hanif Yusufbhai Shaikh, Witness No.184, Exh.1271**

- The name is there in the police statement dated 12.5.02.
- The name is there In the Statement dated 14.9.08 of the SIT.
- The name has been given in the testimony before the Court- identified.

**- Page No.2 Para No.4**

**The incident had occurred on 28.2.2002, which had occurred after taking place of Godhra incident on dated 27<sup>th</sup>. On the said day, the Bandh Call was given by the Vishwa Hindu Parishad.**

**- Page No.2 Para No.5**

On that day at half past nine o'clock in the morning, I was at my home. At that time, the commotion had taken place on the road outside. On the said day, the mobs had arrived from Krishnanagar and Natraj Hotel and both the mobs had gathered together.

**- Page No.2 Para No.6**

The people of this mob had assaulted on the mosque. On that day, there was police point in front of S.T. Workshop. The people of this mob had also assaulted on the mob of Muslims.

**- Page No.3 Para No.7**

The people of this mob were armed with pipes, swords and weapons. I have seen Kishan Korani and Manoj Sindhi doing firing in this mob. They were doing firing on the mob of the Muslims.

**- Page No.3 Para No.8**

**Naresh Chhara**, Haresh Chhara, Sahejad Chhara, Murli Sindhi, Ashok Sindhi Panwala, Suresh Chhara, **Bipin Autowala**, son of Bhawani whose name is not remembered were amongst the mobs. I know all of them. **All these persons were instigating the people of the mob and they were making assault on us, the Muslims.**

**- Page No.3 Para No.9**

At that time, the policemen had also fired teargas. Kishan Korani and Manoj Sindhi had snatched away the rifle from the police and made firing, while the remaining persons whose names were stated by me were armed with weapons like pipes, swords, scythes etc.

This witness has given the name of this accused in the Statement dated 12-5-02 before the police and in the Statement dated 14-9-08 before SIT. Moreover, the name of the accused has been identified in the testimony before the Court and he has given ample evidence against the accused in the testimony before the Court.

From the testimony of this witness, it transpires such that the accused was present in the mob near Noorani Mosque and assaulted on Noorani Mosque and this accused had instigated the mob. Such is proved. And after said instigation, the mob had assaulted on the Muslims, wherein the accused was present. Thus, besides doing over act in the said incident, the accused has caused the attack done on the Muslims by instigating the mob, which is very heinous act. The accused has caused damage/loss to the life, goods of the Muslims at Naroda Patiya in the company of other accused by this instigation, which transpires from the testimony of the witness. The witness has identified the accused by name in the testimony before the Hon'ble Court.

Thus, there is no reason to disbelieve the testimony of the witness.

**(19) Taherabanu Mahammadkasam Abdulla Shaikh, Witness No.186,  
Exh.1277**

- The name is given amongst the riotous mob in the police statement dated 12.5.02.
- The Statement has not been recorded by the SIT.
- The name has been given in the testimony before the Court- identified.

**- Page No.2-3 Para No.6**

It was Thursday on the day of incident. On that day, myself and my two sons had gone to our work. After getting up in the morning and taking tea, we had gone to our work. **After we all the three persons had gone to the work, we had come to know that there was a Bandh Call.** Therefore, we had returned. At that time, we had seen the mobs coming from Krishnanagr and Natraj.

**- Page No.3 Para No.7**

**Bipinbhai was the leader of one mob of these mobs** and Sahejad was the leader of another mob. Upon seeing all these, we had frightened very much. On the day of incident, the people of the mob had set our rickshaw and many other things on fire. They were setting on fire near the mosque. We had frightened very much, therefore we had gone towards our house. But, on account of riot, we could not enter in the house and we had stood near S.R.P. quarters till seven o'clock in the evening.

This witness has given the name of this accused in the riotous mob in the Statement dated 12-5-02 before the police and she has identified the accused by name in the testimony before the Hon'ble Court and she has given ample evidence against the accused in the testimony before the Hon'ble Court.

From the testimony of this witness before the Hon'ble Court, it clearly transpires that on the day of incident, this witness had gone to her work. Upon coming to know about the Bandh Call there, she was returning to home. At that time, she had seen the mobs coming on the road from Natraj and

Krishnanagar. This accused was leading the said mob. The said mob had set the rickshaw and other properties of this witness on fire. Thus, it is clearly found that the accused of this case had committed an offence by playing an active role in committing criminal acts to cause damage by setting the rickshaw and other properties of the witness on fire in collusion with other accused. Thus, there is no reason to disbelieve the testimony of this witness.

**(20) Mahammadbhai Bachubhai Belim, Witness No.188, Exh.1282**

- The name has been given in the Statement dated 26.5.08 of the SIT. He was leading the mob.
- He has identified by name in the testimony before the Honourable Court.
- **Page No.3 Para No.7**

**I had seen that one mob was coming from Krishnanagar. The said mob was armed with swords, tridents and the carboys filled up with chemical. Bipinbhai Autowala had led the said mob.**

- **Page No.3 Para No.8**

In the morning at the same time, I had also seen one mob coming from the side of Natraj Hotel. The leadership of this mob was taken by the leaders Manoj Videowala, Suresh Langda Chhara and one Sindhi. There are scars of small pox on the face of this Sindhi leader. He is having black complexion and his height is about five and a half to six feet. The said mob was also having swords, trident and the carboys filled up with chemical in their hands.

- **Page No.3 Para No.9**

**The mob coming from the side of Krishnanagar had stopped the tanker filled up with kerosene near Noorani Mosque. Moreover, at the same time, one crane was also brought and stopped near Noorani Mosque. The mob coming from Natraj had caused sabotage and attacked on Noorani Mosque. This mob had also beaten the Maulana of Noorani Mosque. Upon seeing this, Yusuf Lightwala had requested the S.R.P. who were sitting on the S.R.P. point there to persuade the said mob. In stead of preventing**

**the mob, the S.R.P. had beaten Yusuf with baton. As the mosque was burning, the boys had gathered near Pandit's chawl.**

- **Page No.5 Para No.11**

**The mob of the chawl had caused sabotage and started to set on fire. The people of the mob had started to rush in the surrounding chawls of Noorani Mosque, Pandit's chawl and Hukamsing's chawl, Chetandas's chawl, Badarsing's chawl.**

- **Page No.6 Para No.14**

**Thereafter, by and by the mobs had increased on the portion near the wall of S.T. in Husennagar. The people of these mobs were beating and killing the people and setting them on fire.** Under this situation, having been frightened, at about five o'clock in the evening, I had gone away from Husennagar and hidden on the terrace of one house of Gangotri Society. Many other Muslims were there. At that time, my family members had got separated from me.

- **Page No.6 Para No.15**

I had seen from the terrace of the house of Gangotri that Jai Bhawani Chharo and Tiwari Conductor were showing the place where we had hidden by making indication to the people of the mob. The people of this mob had cut the people with swords and set them on fire alive by throwing lighted torch. I had remained on the said terrace till 12 midnight.

This witness has stated that this accused was leading the riotous mob in the Statement dated 26-5-08 before the SIT and he has identified this accused by name in the testimony before the Honourable Court. This witness has given ample evidence against this accused in the testimony before the Honourable Court.

From the testimony of this witness before the Hon'ble Court, it transpires that on the day of incident, this witness had seen from the entrance of the chawl, at that time the mob had come from Krishnanagar. The people of the said mob were having weapons in their hands. This accused was leading the said mob. The people of this mob had brought one truck filled up with

kerosene and also brought one crane under the leadership of this accused with an intention to set on fire and they had started sabotage. Thereafter, the people of the mob were beating and killing the people and setting them on fire towards Husennagar. Thus, the accused of this case has played an active role in committing criminal act on the day of incident by forming an unlawful assembly getting united in collusion with other accused in furtherance of their common intention to cause damage to Noorani Mosque and to the muslim areas and to kill the Muslims. Thus, there is no reason to disbelieve the testimony of this witness.

**(21) Rasidabanu Imtiyazhusen Momin, Witness No.192, Exh.1314**

- The name is given in the Statement dated 10.6.08 of the SIT.
- He has identified by name in the testimony before the Honourable Court.
- **Page No.5-6 Para No.9**

**The people of the mob having arrived from Krishnanagar were doing stone throwing and bottle throwing on us.** The people of the mob having arrived from Natraj were also doing stone throwing and bottle throwing on us. Mayaben Kodnani was there in this mob. Manoj was there in this mob. As per my knowledge, his name is Manoj Videowala. **Further, Bipin Autowala was also there in the mob of this Natrajwala.** Besides this, Santosh Dudhwala was also there in this mob. The shop of this Santosh Dudhwala is situated beside Kamla Welding while going to Kubernagar. Further, Guddu Chhara, Naresh Chhara, Suresh Langdo and the younger brother of Suresh Langdo were also there in the mob of Natrajwala. Mayaben was instigating the public in the mob by saying "Go ahead and beat." At that time, the police had arrived there and done firing and fired teargas on the Muslims who were standing on the entrance. Thereupon, four to five muslim boys had sustained bullet injuries.

- **Page No.6 Para No.11**

As the mob slowly started to come inside our chawl, I had come to my house from the road and taken my children and had gone to the terrace of

my house. The entire road is seen from the portion of the terrace of my house. When I had seen from there, then the people of the mob were involved in beating and killing. Therefore, I had got down taking my children. Then I had started running and thereafter I had gone on the terrace of Ramjani Pinjara taking my children.

- **Page No.7 Para No.13**

I had seen from the terrace of Ramjanibhai that the first house of the lane where Ramjanibhai is living was set on fire by the people of the mob. The people of this mob were speaking abusive language and were raising shouts. They were raising shouts as "Beat, Cut.". I had seen all these from the back side of the curtain which remained permanently in the house of Ramjanibhai. Then I had gone on the terrace of Ramjanibhai taking my children. When I had seen towards public latrine situated in Javannagar from this terrace, at that time I had seen that the people of the mob were setting everything on fire. I had witnessed the people of this mob involved in beating and setting on fire. The people of this mob were beating and cutting the Muslims. I do not remember as to what time it was at that time.

This witness has given the name of this accused in the Statement dated 10-6-08 before the SIT and this witness has identified the accused by name in the testimony before the Hon'ble Court. Moreover, this witness has given clinching evidence against this accused in the testimony before the Honourable Court.

This witness was living on the place of incident for many years and the grocery shop has been situated at the place of incident. This witness was present on the place on the day of incident. She has witnessed the entire incident with naked eyes. She has seen the accused amongst the riotous mob. As stated in Examination-in-chief, the witness has seen the accused. This witness has seen him from the terrace of Ramjanibhai.

As stated by the witness, the people of the mob in which the accused was there were raising shouts as "Beat, Cut." They were setting the

houses on fire and they were involved in beating and killing. It is proved from the testimony of the witness that the accused was included in the mob.

This witness has identified the accused by name in the testimony before the Hon'ble Court.

**(22) Ibrahimbhai Hasanbhai Shaikh, Witness No.193, Exh.1325**

- He has identified by name in the testimony before the Hon'ble Court.

- **Page No.4 Para No.5**

At that time around eleven to half past eleven o'clock in the morning, I had seen that **the public had started to come from Krishnanagar. At that time, I had seen Bipin Autowala going towards Krishnanagar from his garage. Thereafter, more people had come from Krishnanagar. Thereafter, the police jeep had also arrived. The people who had arrived from Krishnanagar had done firing and fired shells on us. Thereafter, the firing was done and shells were fired on us from the police jeep. Bipin Autowala would have told, therefore the public had come from Krishnanagar and the police jeep had followed them.**

- **Page No.4 Para No.6**

Thereafter, the gas cylinders which were brought from Uday Gas Agency, Krishnanagar were taken by the men of the public and they were thrown on the road on the inner side on the chawl of the Muslims.

This witness has given the statements before the police and the SIT and he has given the name of the accused in the statement before the Court.

From the testimony of this witness, it transpires that on the day of incident, the accused had gone from his garage towards Krishnanagar. Thereafter, the firing had taken place from Krishnanagar. Thereafter the mob from Krishnanagar had brought the gas cylinders from Uday Gas Agency and thrown them away in the chawls of the Muslims. Thus, it clearly found that this accused had played an active role by committing criminal act by throwing away the gas cylinders in furtherance of their purpose to set the houses of the

chawls of the Muslims on fire in the company of the mob. Thus, there is no reason to disbelieve the testimony of this witness.

**(23) Haroon Mohammadbhai Shaikh, Witness No.198, Exh.1363**

- The name has been given in the Statements dated 28.5.08 and 12.9.08 of the SIT.

- He has identified by name in the testimony before the Honourable Court.

- **Page No.3 Para No.6**

The people of the mobs of both sides had tied saffron strips on the foreheads. **I knew some people** amongst these mobs. **I had seen swords, pipes, trident etc. in the hands of some people of the mobs.**

- **Page No.3 Para No.7**

I had seen Mayaben, Babu Bajrangi, Sachin Modi, Ashok Pan Stallwala, Manoj Videowala, Suresh Langdo, Haresh, Guddu and **Bipin Autowala** in these mobs. I had seen all of them on the day of incident at about half past nine o'clock in the morning. They were also ahead in the mob near the gate opposite S.T. Workshop and they were also in the mob near the gate of S.R.P. Though, thereafter both these mobs had gathered together.

- **Page No.4 Para No.8**

**These people** and the people of the mob **had started setting** the surrounding **lorries, stalls, cabins, houses etc. on fire and they had attacked on Noorani Mosque. Some of the people of our muslim community had also gone to persuade these nine persons, but they had not paid heed to it and they had started to raise slogans as "Beat, Cut" and they had started pelting stones on the people of our community. In this way, we had gone near Noorani Mosque to persuade these nine persons. But they did not pay heed and upon starting stone throwing on us, we had frightened and returned where the police chowky is situated now.**

- **Page No.6 Para No.12**

Since this Tiwari, Shahejad, Jai Bhawani and Guddu were living in our area, we had started to go with them believing their story. When we were leaving, at that time the people of the mobs were sitting hiding near the gate of Gopinathnagar and **when we got out, all the people of the said mobs had cordoned us.** Sachin and Suresh Langdo were there in this hidden mob. At the time of this incident, we had returned for rescue in Gopinathnagar Society and had gone in the curve which is there near the water tank of Gopinathnagar Society. We had gone in the curve thinking such that the mob would pass from opposite side. But the mob had started beating and killing us in this curved portion only. The people of the mob had done beating and killing and set our people on fire.

- **Page No.7 Para No.13**

**In this beating and killing which took place, there were three persons of my family therein. Wherein my mother Mumtajbanu, my wife Gaushiyabanu and my son Akram were there. All the three persons had died in that incident. Moreover, other people of our community had also become the victim of this beating and killing. Wherein my aunty Rabiya, my niece Farhana and amongst the people living around us, Reshma etc. were there.**

- **Page No.7 Para No.15**

I had seen five persons **in the mob having involved in this beating and killing.** Amongst them, Tiwari was there who was having a sword in his hand, Jai Bhawani was there who was having a sword in his hand. Now I remember that Jai Bhawani was having a stick in his hand. Guddu was there who was having a sword in his hand. Suresh Langdo was there who was having a scythe in his hand. Sachin alias Modi was also there who was having a pipe in his hand.

- **Page No.8 Para No.16**

When the scuffle was going on in this way, I had intervened to save my son Akram, at that time I had sustained blow with scythe in the right hand and I had sustained burns injury under right eye. I had sustained the injuries

in this way. Escaping myself from all of them, I had gone to Gangotri Society and hidden there. When I had sat there for some time, I had come to know that other people of our Muslim community were also sitting there. At that time it was the time of Maghrib i.e. sunset time.

This witness has given the name of this accused in the Statements dated 28-5-06 and dated 12-9-08 before the SIT. Moreover, the witness has identified this accused by name in the testimony before the Honourable Court. Moreover, this witness has given the evidence against the accused as stated in the testimony before the Hon'ble Court.

On 28-2-02 i.e. on the day of incident, when this witness had come near police chowky, then he had seen that the mobs had gathered near the gate of S.T. and towards Bipin Auto Centre. They had tied saffron colored strips and they were having the weapons in their hands. The witness had seen the accused with other accused in this mob, at that time it was half past nine o'clock in the morning. The people of these mobs were pelting stones on Noorani Mosque and the houses of Muslim chawls and setting them on fire. Four Muslims had sustained bullet injuries in the firing having taken place near the gate of S.T. This witness also describes the incident of water tank curve situated near Gangotri Gopinath. The mother of this witness Mumtajbanu, wife Gaushiyabanu and son Akram had died in the incident taken place at curve. The witness had got injured in this incident while saving his son etc. all facts transpire on perusal of the testimony of this witness.

Thus, this accused has played an active role in the incident of water tank curve and other incidents in collusion with other accused in furtherance of their common intention. And it clearly transpires from the testimony of this witness that he may have played chief role in mass carnage having taken place in the said curve. Hence, no reason arises to disbelieve the testimony of this witness.

**(24) Shaukat Nabibhai Mansuri, Witness No.200, Exh.1381**

- The name is there in the police statement dated 13.5.02.

- He has seen him leading the mob with pistol in the hand in the Statement of the SIT dated 22.3.08.
- He has identified by name in the testimony before the Hon'ble Court.

- **Page No.3 Para No.6**

After my customer Gopalbhai left with his vehicle from my garage, stone pelting had occurred upon Noorani mosque. This stone pelting was being done by the persons of Vishwa Hindu Parishad and Bajrang Dal. **The persons of this mob were raising shouts of "Beat, Cut". The persons of this mob by causing attack over the mosque had burnt the mosque.**

- **Page No.3 Para No.7**

**Among the persons of this mob,** there were **Bipin Panchal** and Babu Vanzara. **Bipin Panchal was armed with revolver at that time** and **Babu Vanzara was armed with sword.** At that time, mob of Krishnanagar had arrived at the Cross Roads in front of the mosque. This mob was pelting stones upon the mosque and had started sabotage and burning the vehicles standing there.

This witness has given the name of the accused in the statement dated 13-5-02 before the police and in the statement dated 22-3-08 before the SIT he has stated that the accused armed with sword was present in the riotous mob in leading the mob. Moreover, he has identified by name in the testimony before the Honourable Court. In the incident, this witness has also sustained the injury. He has given ample evidence against the accused in the testimony before the Hon'ble Court.

This witness has given the name in the statement dated 7-6-02 before the police and he has stated in the statement dated

12-7-08 before the SIT that he was present in the riotous mob with revolver.

From the testimony of this witness given before the Hon'ble Court, it clearly transpires that on 28.2.2002 there was call of Bandh and on the day of the incident, the witness was present at his garage situated near S.T. Workshop and at that time, he had seen the mobs assembled there. In this mob, this accused armed with sword was present and the persons of the mob had started sabotage and burning. On account of the stone pelting by the mob, this witness had sustained injury which was got treated and certificate of the said treatment has been produced vide Exh.327 in the deposition of Witness No. 42 Dr. Himmatbhai F. Patel before the Hon'ble Court which is on the record of the Hon'ble Court. Thus, this witness was present at the place on the date of the incident and he has also sustained injury there and he has witnessed this accused in the mob armed with sword committing criminal act and therefore, there is no reason to disbelieve the testimony of this witness.

This witness could not identify this accused before the Hon'ble Court and the reason thereof is that many years have passed by and it is probable that change may have taken place in the size and physique of the accused and therefore, could not identify him in the testimony before the Hon'ble Court. However, it is required to be noted that this witness had identified this accused before the Executive Magistrate during the identification parade and the panchnama of the said identification parade is on the record of the Hon'ble Court at Exh. 240.

Thus, there is no reason to disbelieve the deposition of this witness.

- The name is there in the police statement dated 13.5.02.
- The name is there in the testimony before the Hon'ble Court – identified.

**- Page No.2 Para No.5**

**The incident had taken place on 28.2.02.** On that day, at about nine o'clock in the morning, I had gone to have tea on the tea lorry which is situated near Noorani mosque. On that day, there was the police point there near Noorani mosque. I had seen one mob coming from the side of Natraj Hotel towards Noorani mosque. The people amongst the mob were armed with weapons, they were committing stone pelting and the people of this mob were rushing towards the direction of Noorani mosque. This mob was setting the shops and the houses on fire in our area. I had witnessed it. At that time, the police were there on the side of Noorani mosque.

**- Page No.3 Para No.6**

I had seen Kishan Korani, Manojbhai, **Bipin Auto**, Guddu Chhara, Naresh Chhara, Suresh Chhara and Mungada Chhara **amongst the mob seen by me**. Thereafter, one mob had arrived from the side of Krishnanagar.

**- Page No.3 Para No.7**

**Another mob had arrived after half an hour. The leadership thereof was taken by Bipin Autowala.** Both these mobs had gathered together. This mob had committed plundering in our entire area. The plundering was also committed in my house. At that time, at about nine to quarter past nine o'clock in the morning, the police had done firing on the mobs of Muslims, Abidhusen had sustained bullet injury therein. Hence, I had gone away towards my house. I had handed over my two daughters to Meeraben who was residing beside my house after I returned to my house. Two houses are situated between the houses of Meeraben and mine. The wall is situated after her house.

This witness has given the name of the accused in his statement dated 13-5-02 before the police. He has identified by name in the testimony

before the Court. And ample evidence against the accused has been included in the testimony before the Hon'ble Court.

The witness has witnessed the incident with naked eyes. He was present on the day of incident at the scene of offence. The witness has clearly indicated in the testimony that the mobs of the Hindu people were coming from different directions. This witness had led the mob and he had provided encouragement to the mob to commit criminal act. Further, the witness has stated that the mob was armed with the weapons. They were pelting stones. They were setting the shops, houses of the Muslims on fire and committing plundering. Thus, this accused has caused damage/loss to the houses, shops of the Muslims by playing an active role in the incident in furtherance of their intention to commit criminal act in collusion with other accused. Such clearly transpires from the testimony of this witness.

Thus, there is no reason to disbelieve the testimony of this witness.

**(26) Hasifkhan Achchhankhan Pathan, Witness No.213,  
Exh.1522**

- He was leading the riotous mob with revolver and sword in the hand in the Statement dated 2.6.08 of the SIT.
- He has identified by name in the testimony before the Hon'ble Court.
- **Page No.4 Para no.8**

Within a few minutes thereafter, the persons of the mob had started coming from Natraj Hotel to Noorani mosque. Apart from this, mobs had also started coming from Krishnanagar to Noorani mosque. Ahead of the said mobs, there were policemen. Most of the policemen who were with me in the morning were ahead of these mobs. The mobs had started sabotaging the lorries and the *gallas* situated near Noorani mosque. The mobs which came from Krishnanagar had started setting the chawls and houses situated on the road on fire. On account of this, some

people of our Muslim community had assembled on the entrance of the chawls.

- **Page No.4 Para No.9**

I had seen the police in the mob and had also seen several accused. **In this mob, I had seen Bipinbhai Panchal, Mukesh @ Guddu Chharo, Babubhai Vanzara, Suresh Langado, Navin Chhagan Chhara.** As stated by me above, all of them were **leading the mob** and were armed with weapons. Among them, **Bipin Panchal was armed with sword and revolver,** Guddu was armed with sword, Suresh Langada was armed with pipe, Navin Chhara was having gas cylinder. The weapons as stated above were with them.

- **Page No.5 Para No.10**

**Bipin Panchal by raising violent shrieks and shouts was calling the persons of the mob. By standing on the road, he was calling the persons of the mob towards Noorani mosque.** Rest of the accused were sabotaging whatever came in their hands and they were sabotaging the lorries and the stalls etc. Navin Chharo, by bringing gas cylinder and after opening its pin and wrapping a cloth and by burning the gas cylinder was throwing the same over Noorani mosque and the houses of the Muslims.

- **Page No.5 Para No.11**

At that time, the Muslims by raising shouts for saving the mosque were drawing the attention of the police and at that time, the police had resorted to firing over the Muslims and had fired teargas shells. At that time, Abid, Piru, Khalid etc. were hit by the bullets. At that time, I had gone on the roof of Atikkhan, situated leaving five to six shops from Noorani mosque and from there I was watching all the incidents.

This witness in the statement dated 2-6-08 before the SIT stated that the accused armed with revolver and sword was

leading the riotous mob. Moreover, this witness has identified the accused by name in the testimony before the Hon'ble Court. And he has given ample evidence against the accused in the testimony before the Hon'ble Court.

From the deposition of this witness, it becomes crystal clear that the mob of Hindus had burnt the lorries and cabins of the Muslims in Krishnanagar on 27-2-02. On 28.2.2002, there was Bandh call. On that day, Shri Mysorewala, P.I. and Shri Gohel, Second P.I. of Naroda Police Station together with their staff had gone in the Muslims areas and chawls as well as mosques by taking this witness and there is no reason not to believe that as per well-planned conspiracy, these policemen had obtained the information that whether these Muslims have any weapons or not, because, after the checking, the police had arrived on the road outside and thereafter, the heinous incident occurred which is on the record of the Hon'ble Court and which is proved by the testimony of this witness before the Hon'ble Court and perusal of the testimony makes it clear that the Hindu mob had full cooperation of the police and with the cooperation of the police such huge planned conspiracy was got made successful and there is no reason to disbelieve the same.

This accused was present amongst the mobs assembled near Noorani mosque and he had caused sabotage to the lorries and cabins by remaining with the mob and the houses of the chawls were sabotaged and then set on fire and this accused had led these mobs and at that time he was armed with a sword and this witness has witnessed this accused with naked eyes while committing criminal act, committing sabotage, involved in beating and killing remaining with the mob. At that time, as the Muslims raised shouts to the police for help, the police had resorted to fire on the Muslims, wherein three muslims had sustained bullet

injuries. The witness had witnessed all those incidents from the roof of Atikkhan situated near Noorani mosque. Thus, as it is clearly transpired from the testimony of this witness that he had seen this accused committing criminal act in furtherance of their common intention by becoming the member of an unlawful assembly having remained present with revolver in the Hindu mob, no reason arises to disbelieve his testimony.

**(27) Juber Khan Ismail Khan Pathan, Witness No. 227, Exh.1614**

- He had seen amongst the riotous mob in the statement dated 26.5.08 before the SIT.
- He has identified by name in the testimony before the Hon'ble Court.

- **Page No.3 Para No.6**

**At that time, I had seen Bipin Panchal in the mob towards Krishnanagar. This Bipin Panchal was armed with sword.** Guddu Chhara was also there in this very mob. In this mob, there was Babu Garagewala. Guddu Chhara and Babu Garagewala, both were armed with iron pipes. **This mob of Krishnanagar was raising shouts and was causing sabotage and were burning tyres in the middle of the road.**

- **Page No.4 Para No.10**

While I was taking away the people of our community in this way, at that time I had seen that the people of Hindu community were pelting stones on Noorani mosque and they were throwing burning rags. At that time, the policemen had fired teargas on the people of our community. The police had not extended any help to us. While the police had fired teargas, at that time **the people of the mob were uttering such, Bandiyao you are not going to be escaped,** you tell Jai Shree Ram. At that

time, the scuffle had taken place to save the life. **At that time, the people of the mob were raising shouts as "Beat, Cut."**

- **Page No.5 Para No.11**

The people of the mob were stopping the traffic on the road. They were setting the vehicles and rickshaw on fire and were causing sabotage. By that time, I was at Noorani mosque. Thereafter, I had gone towards Husennagar after crossing the road. Husennagar is situated beside the S.T. Workshop.

This witness in his statement dated 26-5-08 before the police has stated that he had seen this accused in the riotous mob and he has identified by name in the testimony before the Hon'ble Court. Moreover, he has given ample evidence against the accused in the testimony before the Hon'ble Court.

On perusal of the testimony of this witness, it transpires that this witness had come to take tea at Milan Hotel situated near Noorani mosque at 9:00 o'clock in the morning on the day of incident. At that time, he had seen that the mobs from Natraj Hotel and Krishnanagar had arrived and this accused was present with sword in the mob that had come from Krishnanagar and causing sabotage in collusion with other accused. The people of these mobs were pelting stones on Noorani mosque, throwing burning rags and the people of the mob were setting the vehicles and rickshaw on fire to stop the traffic. Thus, this accused in collusion with other accused also became member of an unlawful assembly and with an object of achieving common intention, by aiding one another committed assault on Noorani mosque and on the houses of the Muslims, which transpires from the testimony of this witness. Therefore, there is no reason to disbelieve the testimony of this witness.

- The name has been given as having seen in the Statement dated 22.6.08 of the SIT.
- He has identified by name in the testimony before the Hon'ble Court.

- **Page No.3 Para No.6**

At that time, the mob was arriving from Kubernagar and **Krishnanagar. This mob had reached near Noorani Mosque by pelting stones. They were doing stone throwing there. The people of the mob had rushed into the Noorani Mosque. The lorries of kerosene of mine** and Usmanbhai were lying with kerosene in front of Noorani Mosque, wherein there was fifty liters kerosene in my lorry. The people of the mob had thrown away both the lorries of kerosene in Noorani Mosque and set on fire.

- **Page No.3 Para No.7**

Manoj Sindhi Videowala was there **in the mob which had thrown away our lorry of kerosene in this way in the mosque.** Moreover, **Bipin Panchal was there** in this mob. **Bipin Panchal** and Manoj Sindhi **had called upon the people of those mobs.** Meanwhile, as the police fired teargas, I had gone to my house.

This witness has stated in the Statement dated 22-6-08 before the SIT that as he was present in the riotous mob and he has given the name in the testimony before the Honourable Court.

From the testimony of this witness before the Hon'ble Court, it transpires that this witness had come in front of Noorani Mosque at about eight to half past eight o'clock on the day of incident and had seen that the mobs had come from Kubernagar and Krishnanagar, and this mob had thrown away the lorry of kerosene of the witness and one Usmanbhai in Noorani mosque and then set on fire. This accused had become helpful in committing this act by remaining present in the mob having committed this act. Thus, this accused in collusion with other accused have aided one another in spreading terror in this area by forming an unlawful assembly and become its member

and in the commission of criminal acts. It clearly transpires from the testimony of the witness. Thus, there is no reason to disbelieve the testimony of this witness.

**(29) Mohd.Yunus Basir Ahmed, Witness No.234, Exh.1652**

- The name has been given as the accused was instigating the mob in the statement dated 04.6..08 before the SIT.
- He has identified by name in the testimony before the Hon'ble Court.
- **Page No.5 Para No.10**

**When I was returning towards the entrance of my chawl and when I was standing near Bipin Auto Centre, at that time I had witnessed Bipin Panchal amongst the people of the mob near his garage. This Bipin Panchal was telling the people of this mob such that, the Muslims have no weapons. You people rush into the chawls from the side of Uday Gas Agency and start to beat and cut. Not a single person should be spared. Upon telling such, the people of the mob had started to rush into the chawls.**

- **Page No.6 Para No.11**

**At that time, I had returned to the entrance of the chawl. I had seen that one tanker was set on fire and the said tanker was sent towards Noorani mosque from Bipin Auto. This burning tanker was sent towards Noorani mosque. This burning tanker had stopped in a pit on the out side road of Noorani mosque. This tanker was entrapped. At that time, the stone throwing and firing was going on. Apart from this, teargas was also going on. At that time, the people were running here and there for their own rescue. My brother had not met me thereafter.**

- **Page No.6 Para No.12**

The people of this mob had rushed into our entire area. At that time, it would be about eleven to half past eleven o'clock. At that time, I had stood with the Muslims who were standing there.

This witness has stated such in the statement dated 4-6-08 before the SIT that this accused was seen instigating the mob. And also identified the accused by name in the testimony before the Hon'ble Court and he has given ample evidence against the accused.

Looking to the testimony of this witness before the Hon'ble Court, it clearly transpires that on the day of incident this witness had come out in front of Noorani mosque at about nine o'clock in the morning. He had seen there that there were mobs towards Natraj and Krishnanagar. The people of these mobs were causing sabotage in Noorani mosque and in the shops surrounding it and they were pelting stones. When this witness was standing near Bipin Auto, at that time he had seen this accused and he was telling the people of the mob that the Muslims have no weapons, Start beating and cutting, not a single person should be spared. By telling such, this accused was instigating the people of the mob to kill the Muslims and he had also succeeded in it. Thus, had this accused not committed such act, then the lives of many Muslims would be saved. The father of this witness Bashir Ahmed had sustained injury in this incident. He was given treatment. His injury certificate has been produced in the Hon'ble Court at Exh.334 vide Prosecution Witness No.43. Thus, there is ample evidence against this accused in the testimony of this witness and there is no reason to disbelieve the testimony of this witness.

**(30) Naeemuddin Sharifuddin Shaikh, Witness No.235, Exh.1654**

- The name has been given as seen in the mob in the statement dated 28.8.08 before the SIT.
- He has not identified by name in the testimony before the Hon'ble Court.
- **Page No.3 Para No.6**

After taking these people to the S.R.P. quarters, I had come on the road towards Noorani mosque. At that time, **I had seen a huge mob of the public towards Krishnanagar.** I had seen four persons whom I knew amongst the mob. **Bipin Panchal**, Rameshbhai Chhara, Guddu Chhara and one Laliya Chhara were there **in this mob.** This mob was pelting stones and causing plundering. I had seen that the said mob was going towards my house Imambibi's chawl. Standing on the opposite side, I had seen that **this mob was causing sabotage and plundering in my house.**

This witness has stated in the statement dated 22-8-08 before the SIT that the accused was present in the mob and he has also given ample evidence by giving the name of the accused in the testimony before the Hon'ble Court.

From the testimony of this witness, it transpires that on the day of incident, this witness had seen at half past nine o'clock in the morning that the mob had gathered towards Krishnanagar. This accused was present along with other accused and the people of this mob had pelted stones, caused plundering and committed plundering in the house of the witness. This witness has identified this accused by name before the Hon'ble Court. But he has committed mistake by identifying accused no.17 in personal identification. The reason behind it is such that the accused whom the witness identified and this accused both possessed physical similarity. Therefore, it is clearly found that he may have identified wrong accused. Thus, there is no reason to disbelieve the testimony of this witness.

**(31) Siddiquebhai Alabaksh Mansuri, Witness No. 236,  
Exh.1662**

- In the statement dated 26.5.08 given before the SIT he has mentioned as the leaders with Mayaben Kodnani.

- He has identified as the leaders with Mayaben Kodnani in the testimony before the Honourable Court.

- **Page No. 4, 5 Para No.10**

At that time, at about 11.00 am, Mayaben Kodnani had arrived with white Maruti Fronty and a Trax Jeep had followed it at the gate of S.T. Workshop. After taking both the said vehicles from Krishnanagar, the same were parked near S.T. Workshop. The same were parked facing the gate of the S.T. Workshop. Mayaben had alighted from this Maruti car. After alighting, by making sign, she had called the mob at the gate of S.T.Workshop. At that time, about one hundred leaders had arrived which included P.A. of Mayaben. Mayaben had talked with them and thereafter, instructed her P.A. by making sign.

- **Page No.5 Para No.11**

At that time, P.A. of Mayaben had taken out weapons from the Trax Jeep. Among these, from some far distance, there seemed to be some weapons like swords, spears, tridents, revolvers. On the instructions of Mayaben, P.A. of Mayaben had given the same to all the leaders of the mob. Thereafter, car of Mayaben and the said jeep had started going towards Krishnanagar and had turned in the lane of Uday Gas Service. After the departure of Mayaben, persons of the said mob, which included her P.A. also had thrown the gas cylinders in the Noorani mosque and had caused sabotage and had thrust the whole tanker of kerosene inside the Noorani mosque.

- **Page No.6 Para No.12**

Thereafter, the persons of the mob had set the shops on fire situated surrounding the Noorani mosque. Thereafter, the whole mob had rushed inside the road leading to Jawannagar and Hussennagar. This mob had burnt the houses situated in Jawannagar and Hussennagar and had burnt alive the men,

women and children which I had seen, meaning thereby, I had seen the facts till the mobs had rushed in Jawannagar and Hussennagar.

- **Page No.8 Para No.19**

I do not know the name of the P.A. of Mayaben, but I know him by appearance. I know the leaders of the mob by appearance. I do not know their names. Even today, I would identify all of them. I would identify them after going closer where the accused have sat.

- **Page No.10 Para No.20**

The accused who are identified by me by name one by one after approaching where the accused have sat, they are the P.A. of Mayaben and Mayaben respectively.

Besides this, the person about whom I have narrated earlier, they were the leaders of the mob. Those whom I have identified included accused No. 24, 20, 17, 2 and **44 respectively**. After this incident, an intimidation was given to me. This Sahejad is not present in the Honourable Court here when I approached where the accused have sat, but I know him.

This witness has stated such in the statement dated 26-5-08 before the SIT that this accused was present as a leader with Mayaben and also identified the accused by name in the testimony before the Hon'ble Court and he has given ample evidence against the accused in the testimony before the Hon'ble Court.

From the testimony of this witness, it transpires that the accused was one of the seven leaders who had come with Mayaben Kodnani and he had also discussed with Mayaben and thereafter he had taken out weapons from the Trax vehicle which had arrived with Mayaben and given the same to this accused and other leaders. Thus, this accused was armed with weapon and thereafter the sabotage was caused in Noorani mosque and set on

fire and set the shops, houses on fire. Women, men and children were burnt alive. It is found that the accused was involved in the entire incident.

Thus, on perusal of the testimony of this witness, the fact is proved from the testimony of this witness that the accused has assaulted on the mosque, set the houses of the Muslims in Husennagar on fire and the women, men and children have been burnt alive. And this witness has identified the accused by name before the Hon'ble Court. Thus, there is no reason to disbelieve the testimony of this witness.

**(32) Sabbirali Niwasali Ansari, Witness No. 243, Exh.1694**

- He has stated in the statement dated 4.6.08 before the SIT that he has seen the accused armed with weapon in the mob.
- He has not identified by name in the testimony before the Hon'ble Court.

- **Page No.4 Para No.9**

In this mob, I had seen Suresh Langada, Jai Bhawani and Guddu Chhara. Apart from this, **another mob had arrived from Krishnanagar. I had seen Bipin Panchal in this mob. At that time, Bipin was armed with something like revolver. Police was also there along with the mob. This mob from Krishnanagar had arrived towards Noorani mosque. Persons of the mob had caused stone-pelting. They had caused stone-pelting upon the Muslims.**

- **Page No.7 Para No.17**

**Thereafter, whom I identified is Bipin Panchal.**

- **Page No.8 Note**

The complexion of accused No.44 and 17 is almost similar. The difference is only in the colour of their skin.

This witness has stated in the statement dated 4-6-08 before the SIT such that he had seen the accused armed with revolver in the mob and he has also given the name in the testimony before the Honourble Court and he has given ample evidence against the accused and the witness has committed the mistake by identifying the accused no.17 at the time of identification parade of the accused in the testimony before the Court. The reason behind it was such that the complexion of both this accused and the accused no.17 is very much similar. The similar kind of mistake has been committed by earlier Witness No.234 Naeemuddin Sharifuddin Saiyed. Hence, it is reasonable to believe that this accused and the accused no.17 possess very much similarity and therefore it is reasonable that the mistake may be committed in identifying them. Therefore, the said fact may be considered.

From the testimony of this witness before the Court, it transpires that this witness had seen the mob at Krishnanagar at nine o'clock at night on the previous day of the incident. Thereafter, on the day of incident he had come near Noorani mosque and seen that the mobs had gathered from Natraj Hotel and they were causing plundering and sabotage in the shops. The people of this mob were armed with sticks, swords, scythes etc. The mob had also arrived from Krishnanagar. This accused was seen with revolver amongst the mob with other accused. Thus, this accused have committed criminal acts in collusion with other accused by forming an unlawful assembly and by becoming its member and by planning criminal conspiracy and by causing sabotage and plundering and burning, which becomes clear. Thus, there is no reason to disbelieve the testimony of this witness.

**(33) Saiyed Salauddin Sarfuddin, Witness No. 249, Exh.1725**

- The name has been given in the statement dated 21.5.08 before the SIT.

- He has not identified by name in the testimony before the Hon'ble Court.

- **Page No.3 Para No.6**

We had gathered at about nine to half past nine o'clock. We all had gathered on the road near Pandit's chawl. Out of the persons gathered, ten to fifteen persons had gone near Bipinbhai Auto Showroom. **We had persuaded Bipin Auto Centrewala such that here there are poor people, nobody is interested in quarrel and riot. Bipinbhai had replied that, You go, nothing would happen here.**

- **Page No.4 Para No.8**

**After we returned after having conversation with Bipinbhai, the mob had set the S.T.D. booth situated in front of Bipinbhai Auto Centre on fire. I was also there amongst those ten to fifteen persons who had gone to have conversation with Bipinbhai Auto Centrewala. When we had gone to Bipinbhai,** at that time Babubhai Vanzara was also there. This Babubhai Vanzara is doing the work of foreman of four wheeler.

This witness has given the name of the accused in the statement dated 21-5-08 before the SIT and he has identified him by name in the testimony before the Honourable Court. And he has given ample evidence against the accused.

From the testimony of this witness, it clearly transpires that this witness had gathered near Pandit's chawl at about nine to half past nine o'clock in the morning on the day of incident. Thereafter, while returning to the chawl, he had seen the mob causing sabotage. During the said riot, the daughter of witness

Navazunnisa had sustained injury with glass bottle. The treatment thereof was taken in the camp. Thus, it is found that this accused has committed criminal acts in collusion with other accused. Thus, there is no reason to disbelieve the testimony of this witness.

**(34) Mohd.Usman Mahemoodbhai Shaikh, Witness No.258, Exh.1755**

- The accused has been seen that he was leading the riotous mob. The name has been given in the Statement dated 22.6.08 of the SIT.
- He has identified the accused by name in the testimony before the Hon'ble Court.

- **Page No.3 Para No.7**

The mobs belonged to Hindu people. The people of these mobs were pelting stones on us, the Muslims and throwing burning rags. The police were also there. The police were firing teargas on us. On seeing all these, we had got frightened and had hidden after going in the lane. At that time, the people of the mob were setting mosque on fire after bringing out kerosene from our lorries. The people of the mob had rushed into the Noorani Mosque.

- **Page No.4 Para No.8**

**At that time, I had seen Bipin Panchal in the mob of Krishnanagar.** I had also seen one boy who was a rickshaw driver and whose name was Manojbhai Sindhi in the mob coming towards Natraj. In this riot, we, the Muslims had got frightened very much. My family members had gone in Jigarhasan's chawl.

- **Page No.4 Para No.9**

**Bipinbhai Panchal** and Manoj Sindhi **were instigating the people of the mob in this mob.** Then, I had gone in Jigarhasan's chawl with my family to escape from the mob. We were in Jigarhasan's chawl only till night. At about eleven to half past eleven o'clock in the night, two-three persons of our community and myself had come out. At that time, one officer was sitting in front of the gate of S.T. Workshop where the police van was stationary. I had

informed the said Officer to make an arrangement to cause us to reach to the camp. He had told that it would not be done at that time. It is very late. Therefore, an arrangement shall be done in the morning.

This witness has given the name in the Statement dated 22-6-08 before the SIT in the manner that the said accused was leading the riotous mob and he had seen it and this witness has identified this accused by name in the testimony before the Hon'ble Court. And clinching evidence has also been included against him.

On perusal of the testimony of this witness, it clearly transpires that this witness had come near Noorani Mosque at about nine to half past nine o'clock in the morning, then he had seen the mobs towards Natraj and Krishnanagar. The people of these mobs were pelting stones and throwing burning rags on the Muslims. This accused was seen in the mob towards Krishnanagar. He was leading the mob and instigating the people of the mob. Thus, it clearly transpires from the testimony of this witness that this accused had played an active role in committing criminal act by instigating the people of the mob in furtherance of their mala fide intention to attack on the Muslims. Thus, there is no reason to disbelieve the testimony of this witness.

**(35) Rasulbi Azmuddin Shaikh, Witness No.260, Exh.1762**

- The name is there in the statement dated 21.5.08 before the SIT (present in the mob.)

- The name is given in the testimony before the Hon'ble Court - identified.

- **Page No.3 Para No.5**

**In the stone-pelting caused by this mob, I was hit with stone.** Taufik, son of my daughter was also hit with stone in the leg during this incident. Thus, as we sustained injuries on account of the stone-pelting, we, means I and my children had gone in the house of bakerywala situated leaving two chawls from my house and had hidden there. There were also Muslims who had

saved us. We were sitting on the house of bakerywala, the house was shut from below.

- **Page No. 4 Para No.6**

**From this house of Bakerywala, I had seen that** the mob was coming. The mob had rushed into our chawls. **In this mob, there was Bipinbhai who was leading the mob.** There was also one another person, namely Sureshbhai. There were also Guddu Chharo and Bhawani in this mob, who have died. **Persons of the mob were burning everything.** By burning tyres, they were throwing the same over our roofs. My house was also burnt by the persons of the mob. While hiding myself, I had gone to extinguish the fire of my house, but could not extinguish. However, everything of my house was burnt.

- **Page No.4 Para No.7**

**My house was burnt by the mob wherein there was Bipinbhai.** I had come to save my house and after returning and going on the roof of Bakeryiwala had sat there to save my life.

This witness has given the name of the accused in the statement dated 21-5-08 before the SIT and she has identified this accused by name in the testimony before the Court and she has given ample evidence against the accused in the testimony before the Court.

Looking to the testimony of this witness before the Hon'ble Court, it clearly transpires that on the day of incident, this witness had come to the public tap which is situated at the gate of S.T. Workshop at eight o'clock in the morning. Then she had seen that the cabins were burning towards Krishnanagar. The mobs had come on the road from Krishnanagar and Patiya and in the stone throwing this witness had sustained injury on the head, daughter Mehmuda had sustained injury on forehead as the stone was hit and Taufiq, the son of Mehmuda had sustained injury on leg. This witness had gone to the house of Bakerywala. She had seen from the terrace of the house

that the mob had rushed into the chawl. This accused was leading the mob. It is clearly found that the accused has committed all criminal acts as mentioned in the testimony in collusion with other accused by forming an unlawful assembly and by taking leadership of the mob. Thus, there is no reason to disbelieve the testimony of this witness.

**(36) Dilipbhai Khengarji Chauhan, Witness No.210, Exh.1493**

- **Recovery Panch (Panchnama of recovery of sword)**

- The name is given in the testimony before the Court - identified.

- **Page No.3 Para No.5**

The accused of this case has shown the weapon (sword) being used in this offence in the presence of this witness before the police and the accused has shown as per the detail of the panchnama in the presence of this Panch witness. The police has seized the same in the presence of this witness. Therefore, the police have seized the weapon (sword) being used in the offence from this accused in the presence of the panchas. Out of them, this witness was one panch. The police have seized the weapon being used by this accused in the presence of this witness. **The said panchnama of recovery of sword** has been produced in the Hon'ble Court vide **Exh.1494**. There is no reason to disbelieve the same.

**Accused No.(45) Ashokbhai Uttamchand Korani (Sindhi)****(1) Faridabibi A.Kadar Rasulbhai Khalifa, Witness No.149, Exh.1028**

- In the police Statement dated 12.5.02.
- The name has been given in the Statement dated 3.6.08 of the SIT.
- She has identified by name before the Honourable the Supreme Court.
- **Page No.4 Para No.8**

**Some other persons were also present in the same mob in which Mayaben Kodnani was there, wherein** Kishan Korani, Babu Bajrangi, Murli, Manoj Videowala, **Ashok Pan Stallwala**, Bipin Panchal, Jai Bhawani, Dalpat Chhara, Son-in-law of Dalpat Chhara Tiniyo Chhara, Sahejad Chhara, Son-in-law of Sahejad Chhara Vijay Chhara, Suresh Langdo, Guddu, Hariyo, Nariyo, Tiniyo Marathi, Subhash Ramesh **were also present.**

- **Page No.5 Para No.11**

**Thereafter, the people of the mob were marching ahead and causing sabotage and setting the houses on fire and beating and killing. Therefore, I had very much frightened.** Then I had gone to the house of my daughter Afsanabanu at Jawannagar. I had gone to the house of my daughter Afsanabanu at Jawannagar after locking my house. I had come to look after my house twice or thrice from the house of my daughter. Accordingly, when I had come to look after my house at two o'clock in the noon, at that time, I had seen the son of one person named Mullaji who is crippled by both legs in burning condition near his house. On seeing it, I had got frightened and immediately returned to the house of my daughter Afsanabanu.

- **Page No.7 Para No.14**

**At that time, the boy named Aiyub had come near Jawannagar. On seeing the mob near his house, he had got frightened. Therefore, he had jumped from the terrace and therefore he had sustained injuries on his both legs. This Aiyub could not stand up on account of these injuries.**

**The people of the mob had lifted Aiyub who had fallen down and caused to sit him in rickshaw and then set the rickshaw on fire. They had set Aiyub on fire alive.** I had seen the same with my eyes. At that time, there was also one man in the mob having worn khakhi colored uniform and a helmet.

**- Page No.8 Para No.15**

**The same mob had set the house of Majidbhai having situated in the last lane of Jawannagar on fire, at that time the family members of this Majidbhai were inside the house.** At that time, we had felt that we would not escaped, therefore after getting down in Gangotri Society from the terrace, my children and I had gone to the ground through the field. Other people were also there with me.

This witness has given the name of this accused in the Statement dated 12-5-02 before the police and in the Statement dated 3-6-08 before the SIT. Moreover, this witness has identified this accused by name in the testimony before the Hon'ble Court and he has also given ample evidence against the accused.

This witness has given the name of the accused in the statement before the Court and she has made the involvement of the accused fixed by giving ample evidence against the accused as stated in the testimony before the Hon'ble Court.

From the testimony of this witness, it clearly transpires that on the day of incident, Babu Bajrangi was with Mayaben Kodnani and he was present on the scene of incident on the day of incident with other accused. The witness has given the name of the accused and she has seen him with naked eyes. And the mob in which the accused was there, the said mob was marching ahead and the mob was involved in beating and killing the people and setting the houses on fire. It transpires that the accused was included in the said mob and the mob in which the accused was there had set the son of one person named Mullaji on fire near his house. This witness has seen the same with her naked eyes. Thus, this accused was involved in the mob who had killed the son of Mullaji. Such is found from the testimony of this witness.

Thus, from the testimony of this witness, it clearly transpires that the accused was present on site on the day of incident and he had committed beating and killing getting united with other accused by remaining in the mob in which Mayaben Kodnani was there and set the houses of the Muslims on fire. Such clearly transpires. Therefore, there is no reason to disbelieve the witness.

This witness has identified the accused by name in the testimony before the Hon'ble Court.

**(2) Haroon Mohammadbhai Shaikh, Witness No.198, Exh.1363**

- The name has been given in the Statements dated 28.5.08 and 12.9.08 of the SIT.
- He has identified by name in the testimony before the Honourable Court.
- **Page No.3 Para No.6**

The people of the mobs of both sides had tied saffron strips on the foreheads. **I knew some people** amongst these mobs. **I had seen swords, pipes, trident etc. in the hands of some people of the mobs.**

- **Page No.3 Para No.7**

**I had seen Mayaben, Babu Bajrangi, Sachin Modi, Ashok Pan Stallwala, Manoj Videowala, Suresh Langdo, Hareh, Guddu and Bipin Autowala** in these mobs. I had **seen** all of them on the day of incident at about half past nine o'clock in the morning. They **were also ahead in the mob** near the gate opposite S.T. Workshop and they were also in the mob near the gate of S.R.P. Though, thereafter both these mobs had gathered together.

- **Page No.4 Para No.8**

**These people** and the people of the mob **had started setting** the surrounding **lorries, cabins, houses etc. on fire and they had attacked on Noorani Mosque. Some of the people of our muslim community had also gone to persuade these nine persons, but they had not paid heed to it and they had started to raise slogans as "Beat, Cut" and they had started pelting stones on the people of our community. In this way, we had gone**

**near Noorani Mosque to persuade these nine persons. But they did not pay heed and upon starting stone throwing on us, we had frightened and returned where the police chowky is situated now.**

- **Page No.6 Para No.12**

Since this Tiwari, Shahejad, Jai Bhawani and Guddu were living in our area, we had started to go with them believing their story. When we were leaving, at that time the people of the mobs were sitting hiding near the gate of Gopinathnagar and **when we got out, all the people of the said mobs had cordoned us.** Sachin and Suresh Langdo were there in this hidden mob. At the time of this incident, we had returned for rescue in Gopinathnagar Society and had gone in the curve which is there near the water tank of Gopinathnagar Society. We had gone in the curve thinking such that the mob would pass from opposite side. But **the mob had started beating and killing us in this curved portion only. The people of the mob had done beating and killing and set our people on fire.**

- **Page No.7 Para No.13**

**In this beating and killing which took place, there were three persons of my family therein. Wherein my mother Mumtajbanu, my wife Gaushiyanu and my son Akram were there. All the three persons had died in that incident. Moreover, other people of our community had also become the victim of this beating and killing. Wherein my aunty Rabiya, my niece Farhana and amongst the people living around us, Reshma etc. were there.**

This witness has given the name of this accused in the Statements dated 28-5-08 and dated 12-9-08 before the SIT. Moreover, the witness has identified this accused by name in the testimony before the Honourable Court. Moreover, this witness has given ample evidence against the accused.

On 28-2-02 i.e. on the day of incident, when this witness had come near police chowky, then he had seen that the mobs had gathered near the gate of S.T. and towards Bipin Auto Centre. They had tied saffron colored strips and they were having the weapons in their hands. The witness had seen the

accused with other accused in this mob, at that time it was half past nine o'clock in the morning. The people of these mobs were pelting stones on Noorani Mosque and the houses of Muslim chawls and setting them on fire. Four Muslims had sustained bullet injuries in the firing having taken place near the gate of S.T. This witness also describes the incident of water tank curve situated near Gangotri Gopinath. The mother of this witness Mumtajbanu, wife Gaushiyabanu and son Akram had died in the incident taken place at curve. The witness had got injured in this incident while saving his son etc. all facts transpire on perusal of the testimony of this witness.

Thus, this accused has played an active role in the incident of water tank curve and other incidents in collusion with other accused in furtherance of their common intention. And it clearly transpires from the testimony of this witness that he may have played chief role in mass carnage having taken place in the said curve. Hence, no reason arises to disbelieve the testimony of this witness.

**Accused No.(46) Vijay Takhubhai Parmar**

**(1) Faridabibi A.Kadar Shaikh, Witness No.149, Exh.1028**

- In the police Statement dated 12.5.02.
- The name has been given in the Statement dated 3.6.08 of the SIT.
- She has identified by name before the Honourable Court. **(Exemption application for the accused, Exh.1026. No dispute with regard to the identity.)**
- **Page No.4 Para No.8**

**Some other persons were also present in the same mob in which Mayaben Kodnani was there**, wherein Kishan Korani, Babu Bajrangi, Murli, Manoj Videowala, Ashok Pan Stallwala, Bipin Panchal, Jai Bhawani, Dalpat Chhara, Son-in-law of Dalpat Chhara Tiniyo Chhara, Sahejad Chhara, Son-in-law of Sahejad Chhara **Vijay Chhara**, Suresh Langdo, Guddu, Hariyo, Nariyo, Tiniyo Marathi, Subhash Ramesh were also present.

- **Page No.5 Para No.11**

**Thereafter, the people of the mob were marching ahead and causing sabotage** and setting the houses on fire **and beating and killing. Therefore, I had very much frightened.** Then I had gone to the house of my daughter Afsanabanu at Jawannagar. I had gone to the house of my daughter Afsanabanu at Jawannagar after locking my house. I had come to look after my house twice or thrice from the house of my daughter. Accordingly, when I had come to look after my house at two o'clock in the noon, at that time, I had seen the son of one person named Mullaji who is crippled by both legs in burning condition near his house. On seeing it, I had got frightened and immediately returned to the house of my daughter Afsanabanu.

- **Page No.7 Para No.14**

**At that time, the boy named Aiyub had come near Jawannagar. On seeing the mob near his house, he had got frightened. Therefore, he had jumped from the terrace and therefore he had sustained injuries on his both legs. This Aiyub could not stand up on account of these injuries. The people of the mob had lifted Aiyub who had fallen down and caused to sit him in rickshaw and then set the rickshaw on fire. They had set Aiyub on fire alive.** I had seen the same with my eyes. At that time, there was also one man in the mob having worn khakhi colored uniform and a helmet.

- **Page No.8 Para No.15**

**The same mob had set the house of Majidbhai having situated in the last lane of Jawannagar on fire, at that time the family members of this Majidbhai were inside the house. At that time, we had felt that we would not escaped,** therefore after getting down in Gangotri Society from the terrace, my children and I had gone to the ground through the field. Other people were also there with me.

This witness has given the name of this accused in the Statement dated 12-5-02 before the police and in the Statement dated 3-6-08 before the SIT. Moreover, this witness has given the name of this accused in the

testimony before the Hon'ble Court also. And the day on which the testimony of this witness was going on before the Hon'ble Court, the advocate for this accused has given the application in the Hon'ble Court stating that there is no dispute for the accused, which is on the record of the Hon'ble Court vide Exh.1026. And in this way, the identity of the accused is proved and she has given ample evidence against the accused in the testimony of the witness before the Hon'ble Court.

On the day of incident, this witness had come out at about nine to half past nine o'clock in the morning, at that time she had seen the mobs arriving from the side of Natraj and Krishnanagar. The people of the said mob had tied saffron colored strip. At that time, Mayaben had come and this accused was there in the mob with her. Thereafter, the people of the mobs had started sabotage and setting the houses on fire. Two persons had died and three persons had sustained injuries in the firing having taken place in these incidents and the person named Aiyub was set on fire after putting in the rickshaw. Moreover, the witness herself had sustained injury in this incident. The sabotage and plundering was also caused in the house of the witness in the said incident. All such facts transpire from the testimony of this witness. The accused has set some persons on fire alive and done to death after making conspiracy to put the Muslims to death in collusion with other accused persons after getting united. Thus, there is no reason to disbelieve the testimony of this witness.

**Accused No. (47) Ramesh Keshavlal Didawala (Chhara)****(1) Naeemuddin Sharifuddin Saiyed, Witness No.235, Exh.1654**

- The name has been given as seen in the mob in the statement dated 28.8.08 before the SIT.
- He has identified by name in the testimony before the Hon'ble Court.
- **Page No.3 Para No.6**

After taking these people to the S.R.P. quarters, I had come on the road towards Noorani mosque. At that time, **I had seen a huge mob of the public towards Krishnanagar. I had seen four persons whom I knew amongst the mob.** Bipin Panchal, **Rameshbhai Chhara**, Guddu Chhara and one Laliya Chhara were there in this mob. **This mob was pelting stones and causing plundering. I had seen that the said mob was going towards my house Imambibi's chawl. Standing on the opposite side, I had seen that this mob was causing sabotage and plundering in my house.**

This witness has stated in the statement dated 22-8-08 before the SIT that the accused was present in the riotous mob and he has identified the accused by name in the testimony before the Honourable Court and he has also given ample evidence against the accused in the testimony before the Hon'ble Court.

On the day of incident, this witness had seen at half past nine o'clock in the morning after coming out that there was a mob towards Krishnanagar. This accused was present along with other accused in the said mob and the people of this mob had pelted stones, caused plundering the properties. Thus, it clearly transpires from the testimony of this witness that this accused had got united with other accused and formed an unlawful assembly and became the member of it and committed criminal act in furtherance of their common object. There is no reason to disbelieve the same.

**Accused No. (48) Kishanbhai Shankerbhai Mahadik****(Kishan Manek)****(1) Sharifabibi Iqbalbhai Badarbhai Shaikh, Witness No.203, Exh.1404**

- The name is there in the police statement dated 13.5.02.
- The name is there in the Statement of SIT dated 27.5.08.
- The name is there in the testimony before the Hon'ble Court – Not identified.

**- Page No.5 Para No.10**

**I had seen one terrace in Gangotri Society. I had climbed up on the terrace taking my remaining children. I had pressed the mouths of my children after going on the terrace. Because, they were crying. Thereafter, I had hidden in one corner on the terrace taking my children.**

**- Page No.5 Para No.11**

**When we were hidden on the terrace in this manner, at that time the noises of beat and cut were coming. At that time, when I saw from the grill of the terrace then I saw that they were beating my son Sharif with swords, hockey, sticks etc. and he was beaten and cause to fall down. Thereafter, after pouring kerosene, petrol on Sharif and he was set on fire, which I had seen. Bhawani, Guddu Chhara, Suresh Langdo, Dalpat, Sehjad Chharo, Tiniya Marathi, Raju Marathi, **Kishan Marathi** and others were there in **the mob which was beating and setting on fire my son Sharif.** I would tell the names of the remaining persons if I remember now. It has struck to my mind that the Son of Bhawani was also there in this mob.**

**- Page No.6 Para No.12**

**These people had killed my son before my eyes and they had set him on fire as I told. I had seen that the people of this mob were throwing the kids in the lighted fire. I had seen that these people were outraging modesty of young girls.**

**- Page No.6 Para No.13**

**I had witnessed that the people of this mob were outraging the modesty of the wife of Naeem by making her nude. At that time, it was about five to six o'clock in the evening. I was on the said terrace with my remaining children up to twelve midnight.**

This witness has given the name of this accused in the Statement dated 13/5/02 before the police and in the Statement dated 27/5/08 before the SIT. Moreover, the name of this accused has also been given in the testimony before the Court. But as many years have elapsed of taking place of the incident and as the changes have occurred in the physical structure of the accused persons, she has not succeeded in identifying the accused before the Hon'ble Court. But this witness has given the name of this accused in the Statement of the police and the SIT and in the testimony before the Court. And she has narrated the act and omission committed on the day of incident, which ought not to be overlooked.

On 28/2/02 i.e. on the day of incident, this witness had seen the Noorani Mosque in burning condition from the terrace of the Master and the rickshaw and the cabins were also burning. The mob had arrived in Husennagar. The people of the said mob were armed with weapons. From there, this witness had hidden on the terrace of Gangotri by hiding herself. The witness had seen from the said terrace that her son Sharif was beaten with weapons and then he was set on fire by pouring kerosene and petrol. In this way, this accused was also involved in the mob in beating the son of the witness. The people of this mob had set the son of the witness on fire before her eyes and also seen the small kids being thrown away in the fire. Moreover, this mob had also outraged the modesty of witness Zarina (P.W.No.205). This witness has witnessed the same.

Thus, the accused of this case has played an active role by committing criminal acts on the day of incident by forming unlawful assembly in collusion with other accused persons and by becoming the member thereof with an intention to ruin the muslim people and with an intention to cause

damage by plundering their properties and with an intention to kill the muslim people and in furtherance of an intention to outrage the modesty of the girls and they have succeeded in fulfilling their common object. Thus, there is ample evidence against this accused as the person playing role in committing murder of this witness's son Sharif. Moreover, the evidence of outraging the modesty of the girls is also clearly found from the testimony of the witness. Therefore, there is no reason to disbelieve the testimony of this witness.

**Accused No. (49) Ranchhodbhai Manilal Parmar****(1) Pankaj Pradhyumanbhai Bhatt, Witness No.273, Exh.1812**

This witness was performing duty as Administrative Officer at Central Workshop, Naroda. Moreover, technical staff and administrative staff perform their duties in this Central Workshop. This witness has identified this accused by name in the testimony before the Hon'ble Court and has given the evidences as follows.

**- Page No.8 Para No.13**

Now, I am shown the muster of February-2002 of Soap Manufacturing Group-4, Mark-1813/3. I have brought with me the original muster of this department for the month of February-2002, which is produced in this case by Mark-1813/3. Looking to this register, on 28-2-02, R.M.Parmar is present on the job Artisan-B, wherein 'P' has been put against his name. **The full name of this R.M.Parmar is Ranchhodbhai M. Parmar.** This original register is the register being maintained in our office routine. The facts written therein are true..... The certified copy of Mark-1813/3 is given Exh.1816.

**- Page No.9 Para No.14**

I know the employees of our S.T. Shri P.M.Shah, S.J.Darji and **R.M.Parmar.** I can identify all the three if they are present in the Honourable Court. I identify all the three accused from here only they are the same, who are sitting on the last bench. Though, the beard has increased on the face of Shri Subhash Darji, hence it is difficulty to identify him. But I could identify him.

From the deposition of this witness, it clearly transpires that on the day of incident, this accused was present on the job. And since this witness has been performing the duty as Administrative Officer, he knows this accused very well. And this witness has also identified this accused in the deposition before the Hon'ble Court also. A number of witnesses of this case have stated

in the depositions before the Hon'ble Court that the stone throwing was going on from inside the S.T. Workshop and the burning rags of oil and the iron pieces were being thrown on the chawls of the Muslims. It is clearly found that this accused had committed criminal acts in collusion with other accused by forming an unlawful assembly for the purpose of setting the chawls of the Muslims on fire and to cause damage, This witness is an independent witness. Thus, there is no reason to disbelieve the deposition of this witness.

**Accused No. (51) Navin Chhaganbhai Bhagekar**

**(1) Hasifkhan Achchhankhan Pathan, Witness No.213, Exh.1522**

- He was present in the riotous mob with pipe in the Statement dated 2.6.08 of the SIT.
- The name is there in the Statement dated 14.9.08 of the SIT.
- **He has identified by name in the testimony before the Hon'ble Court.**

- **Page No.4 Para no.8**

Within a few minutes thereafter, the persons of the mob had started coming from Natraj Hotel to Noorani mosque. Apart from this, mobs had also started coming from Krishnanagar to Noorani mosque. Ahead of the said mobs, there were policemen. Most of the policemen who were with me in the morning were ahead of these mobs. **The mobs had started sabotaging the lorries and the cabins situated near Noorani mosque.** The mobs which came from Krishnanagar had started **setting the** chawls and **houses** situated on the road **on fire.** On account of this, some people of our Muslim community had assembled on the entrance of the chawls.

- **Page No.4 Para No.9**

I had seen the police **in the mob** and **had also seen several accused.** In this mob, **I had seen Bipinbhai Panchal, Mukesh @ Guddu Chharo, Babubhai Vanzara, Suresh Langado, Navin Chhagan Chhara. As stated by me above, all of them were leading the mob and were armed with weapons.** Among them, Bipin Panchal was armed with sword and revolver, Guddu was armed with sword, Suresh Langada was armed with pipe, Navin

Chhara was having gas cylinder. The weapons as stated above were with them.

- **Page No.5 Para No.10**

Bipin Panchal was calling the persons of the mob by raising violent shrieks and shouts. By standing on the road, he was calling the persons of the mob towards Noorani mosque. Rest of the accused were sabotaging whatever came in their hands and they were sabotaging the lorries and the cabins etc. **Navin Chharo, by bringing gas cylinder and after opening its pin and wrapping a cloth and by burning the gas cylinder was throwing the same over Noorani mosque and the houses of the Muslims.**

- **Page No.5 Para No.11**

**At that time, the Muslims were drawing the attention of the police by raising shouts for saving the mosque.** At that time, the police had resorted to firing over the Muslims and had fired teargas shells. At that time, Abid, Piru, Khalid etc. were hit by the bullets. At that time, I had gone on the roof of Atikkhan, situated leaving five to six shops from Noorani mosque and from there I **was watching all the incidents.**

This witness in the statement dated 2-6-08 before the SIT stated that the accused was leading the mob with gas cylinder. Moreover, this witness has identified the accused by name in the testimony before the Hon'ble Court. And he has also given ample evidence against the accused.

From the deposition of this witness, it clearly transpires that the mob of Hindus had burnt the lorries and cabins of the Muslims in Krishnanagar on 27-2-02. On 28.2.2002, there was Bandh call. On that day, Shri Mysorewala, P.I. and Shri Gohil, Second P.I. of Naroda Police Station together with their staff had gone in the Muslims areas and chawls as well as mosques by

taking this witness and there is no reason not to believe that as per well-planned conspiracy, these policemen had obtained the information that whether these Muslims have any weapons or not, because, after the checking, the police had arrived on the road outside and thereafter, the heinous incident occurred which is on the record of the Hon'ble Court and which is proved by the testimony of this witness before the Hon'ble Court and perusal of the testimony makes it clear that the Hindu mob had full cooperation of the police and with the cooperation of the police such huge planned conspiracy was got made successful and there is no reason to disbelieve the same.

This accused was present amongst the mobs assembled near Noorani mosque and he had caused sabotage to the lorries and cabins by remaining with the mob and the houses of the chawls were sabotaged and then set on fire and this accused had led these mobs and at that time he was with gas cylinders in the mob and this witness has witnessed this accused with naked eyes while committing criminal act, committing sabotage, involved in beating and killing remaining with the mob. At that time, as the Muslims raised shouts to the police for help, the police had resorted to fire on the Muslims, wherein three muslims had sustained bullet injuries. The witness had witnessed all those incidents from the roof of Atikkhan situated near Noorani mosque. Thus, as it clearly transpires from the testimony of this witness that he had seen this accused committing criminal act in furtherance of their common intention by becoming the member of an unlawful assembly having remained present with gas cylinder in the Hindu mob, no reason arises to disbelieve his testimony.

**Accused No. (51) Sachin Nagindas Modi****(1) Haroon Mohammadbhai Shaikh, Witness No.198, Exh.1363**

- He has witnessed the accused with naked eyes in the riotous mob in the Statements dated 28.5.08 and 12.9.08 of the SIT.

- The name has been given in the testimony before the Honourable Court - identified.

- **Page No.3 Para No.6**

The people of the mobs of both sides had tied saffron strips on the foreheads. **I knew some people** amongst these mobs. I had seen swords, pipes, tridents etc. in the hands of some people of the mobs.

- **Page No.3 Para No.7**

I had seen Mayaben, Babu Bajrangi, **Sachin Modi**, Ashok Pan Stallwala, Manoj Videowala, Suresh Langdo, Haresh, Guddu and Bipin Autowala **in these mobs**. I had seen all of them on the day of incident at about half past nine o'clock in the morning. They were **also ahead in the mob** near the gate opposite S.T. Workshop and they were also in the mob near the gate of S.R.P. Though, thereafter both these mobs had gathered together.

- **Page No.4 Para No.8**

**These people** and the people of the mob **had started setting** the surrounding **lorries, stalls, cabins, houses etc. on fire and they had attacked on Noorani Mosque. Some of the people of our muslim community had also gone to persuade these nine persons, but they had not paid heed to it and they had started to raise slogans as "Beat, Cut" and they had started pelting stones on the people of our community. In this way, we had gone near Noorani Mosque to persuade these nine persons. But they did not pay heed and upon starting stone throwing on us, we had frightened and returned where the police chowky is situated now.**

- **Page No.5 Para No.11**

In this way, we had remained in Gopinathnagar Society up to about four o'clock in the evening. When we were sitting at this place, at that time Tiwari, Shahejad, Jai Bhawani and Guddu had come to us where we 15-20 Muslims were sitting and told us that, You, go away to the S.R.P. quarter from the back side road. At that time, we, women, men, children all were together.

- **Page No.6 Para No.12**

Since this Tiwari, Shahejad, Jai Bhawani and Guddu were living in our area, we had started to go with them believing their story. When we were leaving, at that time the people of the mobs were sitting hiding near the gate of Gopinathnagar and when we got out, **all the people of the said mobs had cordoned us. Sachin and Suresh Langdo were there in this hidden mob. At the time of this incident, we had returned for rescue in Gopinathnagar Society and had gone in the curve which is there near the water tank of Gopinathnagar Society. We had gone in the curve thinking such that the mob would pass from opposite side. But the mob had started beating and killing us in this curved portion only. The people of the mob had done beating and killing and set our people on fire.**

- **Page No.7 Para No.13**

**In this beating and killing which took place, there were three persons of my family therein. Wherein my mother Mumtajbanu, my wife Gaushiyabanu and my son Akram were there. All the three persons had died in that incident.** Moreover, other people of our community had also become the victim of this beating and killing. Wherein, **my aunty Rabiya, my niece Farhana and amongst the people living around us, Reshma etc. were there.**

- **Page No.7 Para No.15**

**I had seen five persons in the mob having involved in this beating and killing.** Amongst them, Tiwari was there who was having a sword in his hand, Jai Bhawani was there who was having a sword in his hand. Now I

remember that Jai Bhawani was having a stick in his hand. Guddu was there who was having a sword in his hand. Suresh Langdo was there who was having a scythe in his hand. **Sachin alias Modi was also there who was having a pipe in his hand.**

- **Page No.8 Para No.16**

When the scuffle was going on in this way, I had intervened to save my son Akram, at that time I had sustained blow with scythe in the right hand and I had sustained burns injury under right eye. I had sustained the injuries in this way. Escaping myself from all of them, I had gone in Gangotri Society and hidden there. When I had sat there for some time, I had come to know that other people of our Muslim community were also sitting there. At that time it was the time of Maghrib i.e. sunset time.

- **Page No.8 Para No.18**

When we had started to leave, at that time we had seen that Babu Bajrangi was standing taking the mob in the ground near Tisra kuva. We had frightened and stood there only. At that time, the people of the mob had started beating and killing. The people of this mob had killed four persons of our community before my eyes at this place. Amongst all of us, I had frightened and again gone away to Gopinath Society. Then, I had hidden in Gopinath Society.

This witness has given the name of this accused in the Statements dated 28-5-08 and dated 12-9-08 before the SIT. Moreover, the witness has identified this accused by name in the testimony before the Honourable Court as he was with the pipe and he has given the clinching and ample evidence against the accused.

On 28-2-02 i.e. on the day of incident, when this witness had come near police chowky, then he had seen that the mobs had gathered near the gate of S.T. and towards Bipin Auto Centre. They had tied saffron colored strips and they were having the weapons in their hands. The witness had seen the accused with other accused in this mob, at that time it was half past nine

o'clock in the morning. The people of these mobs were pelting stones on Noorani Mosque and the houses of Muslim chawls and setting them on fire. Four Muslims had sustained bullet injuries in the firing having taken place near the gate of S.T. This witness also describes the incident of water tank curve situated near Gangotri Gopinath. The mother of this witness Mumtajbanu, wife Gaushiyabanu and son Akram had died in the incident taken place at curve. The witness had got injured in this incident while saving his son etc. all facts transpire on perusal of the testimony of this witness.

Thus, this accused has played an active role in the incident of water tank curve and other incidents in collusion with other accused in furtherance of their common intention. And it clearly transpires from the testimony of this witness that he may have played chief role in mass carnage having taken place in the said curve. Hence, no reason arises to disbelieve the testimony of this witness.

**(2) Salim Rahimbhai Shaikh, Witness No.217, Exh.1562**

- He was standing with a baton (*danda*) in the riotous mob in the statement dated 20.6.08 before the SIT.
- He has given the name in the deposition before the Hon'ble Court and has identified.
- **Application of exemption from attendance Exh.1561. No dispute with regard to the identity.**
- He supports the deposition of Witness 218.
- **Page No.3 Para No.4**

Thereafter, mob of Hindus armed with weapons had arrived from Tisra Kuva at about 5.00 to 6.00 pm. They were armed with pipes, swords etc. At that time, S.R.P. personnel had fired teargas shell and thereafter, a commotion had taken place there. Thereafter, I had gone on the roof of one house of Gangotri Society and had sat there. Other Muslims were also sitting there.

- **Page No. 3 Para No.5**

After about one and a half hour to two hours after I had gone on the roof, my brother Rasid had arrived on the roof. Before I went on the roof, in the first mob, Tiwari Conductor, Bhavani and others were standing below armed with batons. Thereafter, I had gone on the roof. There Rasid had met me. Head and both the hands of Rasid were burnt. Thereafter, my brother Sabir had arrived.

- **Page No.4 Para No.7**

**My brother Rasid had informed me that Sachin had set my mother on fire in the mob. He had also told such that this Sachin had given pipe blow to my mother and killed her by setting her on fire after pouring petrol in the open space situated near the water tank situated between Gangotri Gopinath Society.** I myself have not witnessed this incident, but I had come to know about this incident as my brother Rasid had told me and informed me.

This witness has given the name of this accused in his Statement dated 20-6-08 before the SIT and has also identified by giving the name of this accused in the testimony before the Court and has given ample evidence against the accused. On the day of the testimony, this accused was absent in the Hon'ble Court. Therefore, the advocate on his behalf had given an application for exemption stating that there is no dispute with regard to identity, which is on the record of the Court vide Exh.1561. In this way, the identity of the accused is proved.

From the testimony of this witness, it transpires that on the day of incident, as the situation was tense, the witness had come back from the job and as the riot was going on, we had hidden in Gangotri Society to save our lives. Thereafter, the mob of the Hindu people had arrived with lethal weapons from Tisra

Kuva at about 5:00 to 6:00 o'clock in the evening. The brother of the witness had stated that this accused had set the mother on fire in the mob. Thus, she was given pipe blow and set on fire by pouring petrol in the open space near the water tank situated between Gopinath Gangotri in the mob.

Thus, it is clearly transpired that this accused has played an active role in committing criminal act in collusion with other accused and this accused was present in the said mob. Thus, there is no reason to disbelieve the evidence of the witness against the accused.

**(3) A.Rasid Rahimbhai Shaikh, Witness No.218, Exh.1564**

- He has seen the accused with blood stained hockey amongst the riotous mob in the Statement dated 3.7.08 and 25.9.08 before the SIT.
- He has given the name in the deposition before the Hon'ble Court and has identified.
- **Application of exemption from attendance Exh.1561. No dispute with regard to the identity.**
- He supports the deposition of Witness 217.

- **Page No.3 Para No.6**

While running towards Tisra Kuva during the period about five to six o'clock in the evening, the mob of Hindu people had also arrived from there. Therefore, I had come near Gangotri and Gopinath Society. **When I attempted to hide in the place situated near the water tank, at that time the riotous mob of the Hindu people had arrived from S.T. Workshop, wherein Sachin was also there. Sachin was having a blood stained hockey in his hand.** During commotion, the person of our house had got separated. I and my mother were together. The mobs of

the Hindu people had come from both the sides. I, my mother and other Muslims were being cordoned by the people of the mob near water tank. At that time, kerosene and inflammable substances were thrown from over the water tank and from the roofs of the adjoining shops over us and we were being set on fire by pouring such substances. The mobs of Hindu people were giving us blows with the weapons like swords, pipe etc. with them.

- **Page No.4 Para No.7**

**At that time, Sachin had given pipe blows which was in his hand to my mother, which I had seen. Other persons of the mob had also beaten my mother. Then, my mother was set on fire by pouring kerosene, petrol over my mother. At that time, as the my head was set on fire by pouring kerosene on my head, the hand of my mother was separated from my hand and as I started scratching in my head, I had received burns injuries on my both hands.**

- **Page No.5 Para No.8**

**My mother had died on the spot on this scene of incident,** as I got an opportunity, then I had gone towards Gangotri Society and had gone on one terrace. At that place, my brother Salim and Sabir had met me. **Here I had narrated all the facts as to how my mother had died to my brother Salim. I had stayed on this terrace till the police van arrived at mid night. Thereafter, we had gone to Shah-e-Alam in the police van.**

- **Page No.5 Para No.10**

**I know Sachin Modi. I can identify Sachin even today.** I can identify the accused after going where the accused have sat.

This witness has given the name in his Statements dated 3-7-08 and 25-9-08 before the SIT as having seen the accused with blood stained hockey in the mob. Moreover, he has

identified the accused by name in the testimony before the Hon'ble Court. As the accused was not present at the time of testimony of the witness, the advocate on behalf of the accused has produced the application for exemption on behalf of the accused stating that there was no dispute with regard to the identity, which is on the record of the Court vide Exh.1561. In this way, the identity of the accused is proved.

On the day of incident, when this witness had gone out, he had seen that the mobs of Hindu people were there near S.T. Workshop. At that time, the police had resorted firing towards the Muslims, wherein the person named Mustaq has sustained bullet injury and we were running and hiding to save our lives whole day. Thereafter, the mob of Hindu people had arrived from Tisra kuva at about five to six o'clock in the evening, hence the witness had hidden in the place situated near water tank. At that time, the mob from the S.T. Workshop had arrived. The witness had stated that the accused was present therein with blood stained hockey. At that time, the Muslims were being surrounded near the water tank and the mob of Hindu people were beating by making use of swords, pipes, inflammable substances. At that time, this accused Sachin had given pipe blow which was in his hand to the mother of the witness and then set her on fire after pouring petrol, kerosene on her. At that time, the head of the witness was also set on fire by pouring kerosene, the hand of my mother was separated from my hand and as the witness attempted to extinguish the fire on his head, both his hands were burnt. This fact of the death was stated by the witness to his brother Witness No.217. Thus, it transpires that the accused of this case has played an active role in collusion with other accused in burning his mother alive after beating her cruelly and pouring

inflammable substance before the eyes of the witness. There is no reason to disbelieve the testimony of this witness.

**Accused No.(53) Vilash @ Viliyo Prakashbhai Sonar**

**(1) Shabana Bundubhai Kureshi, Witness No.209, Exh.1463**

- The name is there in the Statement dated 23.5.08 and 14.9.08 of the SIT.
- **The name was given in the testimony before the Hon'ble Court – identified.**

**- Page No.6 Para No.12**

While we were returning, at that time the people of the mobs standing near Gangotri and Gopinath Society were armed with pipes, swords, hockey etc. They had started beating the Muslims left behind us. At that time, we were running towards Gangotri from Tisra Kuva, whereas the people of Gangotri and Gopinath were coming towards us. At that time, the public had started running here and there. At that time, I had rushed in the turning situated between Gangotri and Gopinath Society, where one overhead water tank is there. At that time, all the persons of our house had got separated. But when we rushed in that turning, at that time I, my mother, my sister Nasim and my brother Raja were together.

**- Page No.7 Para No.13**

**When we rushed in the turning, the mob had surrounded us from all the four directions.** I had seen Suresh Langda, Dalpat's son, Jai Bhawani's son, Naresh, Haresh, Manu, two Marathi boys, Jai Bhawani, Dalpat and Guddu Chhara and many other people in this mob.

**- Page No.7 Para No.14**

At that time, they all whose names were mentioned by me were in the mob on the road opposite the turning. The said mob had attacked on one boy named Siddiq by cutting the amulet with dagger. Hence, he had sustained injury on the neck and on cutting the amulet, the dagger had broken and fell down and then the mob started beating this Siddiq with pipe at that time he

had made an attempt to defend by putting his hand on the head. I have myself seen all these. Thereafter, some inflammable liquid kerosene was poured on this Siddiq and he was set on fire. In this way, Siddiq had succumbed to the injuries there only.

**- Page No.8 Para No.15**

After the incident of Siddiq, I had seen that all the people of the mob whose names were mentioned by me were present there. The people of the mob had dragged away one girl of Husennagar. At that time, they had surrounded my sister Nasim. Then they had given the pipe blow on her head. Then they had set my sister on fire on the said place by pouring kerosene. She had also succumbed to the injuries.

**- Page No.8 Para No.16**

At that time, my mother had started running by raising shouts on seeing this, then Suresh Langda had caught hold of my mother. Suresh Langda had inflicted Gupti (a pointed weapon concealed in a stick). Thereafter, all these people whose names were mentioned by me and the people of the mob had set my mother on fire alive. Then my mother had died there only.

**- Page No.9 Para No.17**

At that time, as soon as the Muslims who were in the turning were coming out, the people of this mob were setting them on fire after killing them. At that time, the people of the mob had felt that perhaps the beating was started in the turning and all were set on fire together by pouring kerosene.

**- Page No.9 Para No.18**

At that time, as the fire took place I had jumped and sat on the wall which was situated near the turning. At that time, the people of the mob had hurled the stone on my leg. Upon receiving stone injury, I had fallen down on the other side of the wall. At that time, upon seeing all these things, I had got frightened. The people of the mob were uttering very abusive language and they were setting on fire. Therefore I had got frightened. After sitting about two

minutes near the wall on the other side of the wall, I had gone away on one terrace of Gangotri Society after passing through the gate.

**- Page No.10 Para No.19**

Other Muslims were also there on the terrace where I had gone. The Muslims were there on the three terraces of Gangotri Society. We were on the terrace till late night.

This witness has given the name of the accused in the Statement before the police and the SIT. And from the deposition of this witness, it clearly transpires that this witness has been living for many years at the scene of incident. On the day of incident, she was at home only and she had seen the mob with weapons after going outside. This witness was running towards Tisra Kuva to rescue herself. On arriving the mob from there, she had run towards Gangotri and she was surrounded in the turning of water tank between Gangotri and Gopinath where the massacre was committed. The witness has seen the accused amongst the mob near the water tank from this place. This witness has seen the boy named Siddiq having been killed by cutting his throat and she has also seen setting Siddiq on fire. It transpires from the testimony of the witness that this person named Siddiq was set on fire by the accused and the mob after killing him. Thereafter, this witness had seen that the same accused and other accused persons with him were dragging away one girl of Husennagar. Moreover, the witness has seen that the sister of the witness Nasim was set on fire by pouring kerosene on her. The accused and the people of the mob had also set the mother of the witness on fire alive. The accused and the persons with him were catching the Muslims who were coming out in this turning and setting them on fire and the accused and co-accused have set most of the Muslims on fire altogether in this turning by pouring some inflammable liquid. Thus, it is proved from the testimony of this witness that these accused have played an active role in the incident of mass carnage near the water tank.

This witness has sustained injury on the leg as the stone was hit while jumping on the wall near the water tank on the day of incident. After seeing the entire incident, the witness had gone away on the terrace of Gangotri Society and she had sat till late night to save her life.

As per the say of this witness, she has sustained injury on the leg in the incident and the witness has taken treatment in the camp. Hence the testimony of the witness about the incident cannot be denied. She is an eye witness to the incident. Her presence becomes clear at the scene of incident. And no reason arises to deny the facts mentioned in the Examination-in-chief of the witness and the witness has also identified the accused by name in her testimony on oath before the Hon'ble Court.

**(2) Laxman Keshavlal Parghi, Witness No.36, Exh.242**

This witness was performing his duties as Executive Magistrate in Ahmedabad city two and a half years prior to recording of his deposition. He had got the identification parade conducted of **Accused No.53** in his presence on 10.11.2008 and the witness, Shabana Bandubhai Kureshi, has identified Accuse No.53 as the real accused. Such transpires from the deposition of this witness.

- **Page No.8 Para No.13 Sub-para No.3**

..... The panchnama of this identification parade was the panchnama of identification parade of accused named Vilas Prakashbhai Sonar and Praful Prakashbhai Sonar. The witness who identified the accused in this case was Shabana Bandubhai Kureshi. The witness has identified the **accused Vilas Prakashbhai Sonar** before me telling such that the said fellow was pelting stones amongst the mobs. I was looking from the terrace. This incident has taken place in the noon. Therefore, I know this fellow.

From the deposition of this witness, it clearly transpires that Shabana Bandubhai Kureshi had identified the accused as the real accused.

The **Panchnama** of the identification parade has been produced vide **Exh.246** in the deposition of this witness.

In this case, **Witness No.209** Shabana Bundubhai Kureshi has identified the accused by name in the deposition before the Hon'ble Court.

**Accused No.(54) Nilam Manohar Chaubal (Marathi)****(1) A.Majid Mohd.Usman Shaikh, Witness No.156, Exh.1072**

- In the police statement dated 8.5.02, the name is given.
- In the statement dated 13.9.08 of the SIT, the name is there.
- **He has identified the accused by name in the deposition before the Honourable Court.**

**- Page No.19 Para No.37**

**Besides this, the S.I.T. personnel had called upon me in the Court to identify the accused. They had called upon me in the Gheekantha Court. I had identified Nilam Marathi there whom I had seen amongst the mob on the day of incident and then also seen in the Honourable Court.**

**- Page No.19 Para No.38**

Guddu Chhara, Dalpat Chhara and Jai Bhawani have passed away amongst **the accused seen by me on the day of incident. Today, I would be able to identify before the Honourable Court** Mayaben, two brothers of Guddu, Tiniyo, Manu, Suresh Langdo and son of Jai Bhawani and **Nilam Marathi** who were seen by me on the day of incident.

This witness has given the name of the accused in the Statement dated 8-5-02 before the police and in the Statement dated 13-9-08 before the SIT. Moreover, the witness has given the clinching evidence against the accused in the deposition before the Hon'ble Court.

Looking to the deposition of the witness, it transpires that on the day of incident, the witness was present at the scene of incident. In this incident, the people of the mob had dragged away Supriya, the daughter of the witness and they had committed brutal rape upon her and sprinkled inflammable liquid over her, thereupon the daughter of the witness had got injured, who had died during treatment. This witness has lost his wife, son, daughters etc. who have been put to death alive.

As per the say of the witness, he had gone on the terrace of Gangotri to save his life at about 12 noon. He had seen from it that this accused was present with a sword in his hand along with other accused and they had attacked on the person named Aiyub and he was put in the rickshaw and set on fire alive, which has been witnessed by the witness with naked eyes. The witness has stated that these accused were involved in the commission of this bestial act.

The witness has also given such evidence before the Court that the persons of the mob were also dragging away the loving daughter of the witness. In the said mob, this accused was also involved.

Thus, this accused has committed criminal acts at different places in furtherance of their common intention by forming an unlawful assembly in collusion with other accused. And the witness has seen the accused with naked eyes at the scene of incident on the day of incident.

The witness has also identified the accused as real accused even in the identification parade being conducted before the Hon'ble Executive Magistrate. Moreover, he has also identified this accused by name in the deposition before the Hon'ble Court.

Thus, as there is clinching evidence of the witness against the accused, there is no reason to disbelieve the same.

**Accused No.(55) Dinesh @ Tiniyo Govindbhai Barge (Marathi)****(1) Basuddin Maiyuddin Saiyed, Witness No.73, Exh.514**

- In the Statement dated 4.6.08 of the SIT, the name is there as Tiniya Marathi, son of S.R.P.
- The name is not there in the police statement.
- **In the deposition also, the name was given as Tiniya Marathi, son of S.R.P.**
- Not identified.

**- Page No.11-12, Para No.19**

**About fifteen to twenty persons** who had remained in the godown earlier and those who could not climb near the wall of S.R.P. such people **had sat near the wall. Tiniyo Marathi, the son of S.R.P. had driven away all of them. All these persons who had run away had not come back again. They were killed and thrown into one dry well.**

The name of the accused has been given in the Statement dated 4-6-08 of this witness before the SIT. Therein, the name has been given as Tiniyo Marathi, son of S.R.P. and in the deposition before the Hon'ble Court also, the name has been given accordingly.

This witness is an eye witness to the incident. As per the say of the witness, the witness was running to save his life from the mob of Hindu people and he had fallen down and the witness had sustained injury on back. Moreover, the son of the witness, Ahesan has also sustained injury on knee. The witness has taken the treatment in the relief camp. This is the witness who has escaped from the death-trap. There is no reason to disbelieve the fact mentioned by the witness before the Hon'ble Court.

**(2) Dildar Umrao Saiyed, Witness No.143, Exh.975**

- The name is not there in the police statement.

- In the Statement of SIT dated 14.9.08 the name of Tiniyo, son of Govind has been given.
- The name has been given in the deposition testimony before the Court – identified.

**- Page No.6 Para No.10**

At about half past five o'clock in the evening, when I was in the S.R.P. Court, at that time **three mobs had arrived** from the field and Gangotri. **I had seen these mobs.** I had seen Guddu Chharo, Murli Sindhi, Govind means Govind's son Tiniyo amongst these mobs. Wherein **Guddu, Murli and Tiniya were armed with the swords.** The persons of these mobs were armed with the weapons like tridents, sticks, scythes, pipes.

**- Page No.7 Para No.12**

At that time, when I attempted to run away, somebody had given a sword blow on my right leg, hence my leg was bruised. At that time, I had sat on the step of staircase situated there nearby. **Due to fear, Aiyub had jumped from the terrace in this incident and he had sustained fracture on his both legs. Datania, Bipin, Murli and Guddu had lifted this Aiyub and put him in the rickshaw which was lying there and set Aiyub on fire along with rickshaw. At the time of said incident, I was near the staircase.**

This witness has given the name of this accused in the Statement dated 14-6-08 before the SIT as Govind's son Tiniya. Moreover, he has identified the accused by name in the testimony before the Hon'ble Court and ample evidence has been given by the witness against this accused in the testimony before the Court.

This witness has also given the name of the said accused amongst the leaders who had come with Mayaben Kodnani in the testimony before the Hon'ble Court and the mobs had followed them and the mobs would be consisting of 20000 people and the accused with him had distributed the swords to the mobs. The mobs have committed massacre with the said swords. Thereafter, when this witness had seen the mobs at 5:30 o'clock in the evening,

at that time also he had seen the accused in the mob and the accused was having a sword with him in the mob and as the witness tried to run away, somebody had given a sword blow on his leg. At the same time, the witness had also further seen that the boy named Aiyub had jumped from the terrace. This accused along with Dataniya, this accused, Guddu who are the accused of this case had put him in the rickshaw and set Aiyub on fire. Thus, the accused has committed cold blooded murder of Aiyub. The witness has witnessed this incident with naked eyes. On perusal of the testimony of the said witness, besides murder, the accused instigated the mob, distributed the swords to the mob, boosted the morale of the mob and succeeded to finalize the entire conspiracy. It transpires that the accused has played an active role by leading the mob.

The said witness has identified the accused by name before the Hon'ble Court by giving aforesaid evidence. Thus, there is no reason to disbelieve this witness.

**(3) A.Majid Mohd.Usman Shaikh, Witness No.156, Exh.1072**

- In the police statement dated 5.9.02 and 8.5.02, the name is given.
- In the Statement dated 13.9.08 of the SIT, the name has been given.
- **In the Statement of SIT dated 20.5.08, the explanation has been made that the Tiniya Barange is the same person as Tiniya Marathi.**
- **Identified by name in the testimony before the Honourable Court.**

- **Page No.7 Para No.13**

Thereafter, during the said firing, one boy named Abid had sustained bullet injury near his penis. He had also fallen down there only. Thereafter, we had moved backward. Thereafter, one rickshaw driver was injured with sword near the latrines situated in the lane of the chawl and he was set on fire there only. Thereafter, I had gone in my house.

- **Page No.7,8 Para No.15**

We all ten persons had left our house on that day at that time. I do not know the exact time. But, then we had gone on the terrace of Gangotri Society. At that time it was the noon time. **I had seen from the terrace of this Gangotri that** two brothers of Guddu Chhara, **Tiniyo** and **others were present. All these persons were armed with swords,** sticks, carboy of kerosene etc. **They had made an assault on Aiyub, the son of Allabux. These people had set him on fire in rickshaw** near the house of Abeda in the last chawl of **our Javannagar** and near the wall of S.R.P. quarters. **I had personally witnessed it.** Out of them, Guddu Chhara was armed with a sword, Guddu's one brother was having a carboy of kerosene in his hand and another brother was having a stick in his hand. Five to six Marathi boys were also there. **Tiniyo** happens to be the son of Kadam.

**- Page No.10 Para No.19**

**I had seen that my wife was burning and the people were dragging my daughter Supriya.** Jai Bhawani, his son, **Tiniyo**, Suresh Langdo and other two to **four persons were involved in dragging my daughter.** While my daughter was being dragged at that time I had prayed to Allah and raised a slogan Naar-e-Takbir Allah-o-Akbar. At that time, somebody had made an assault on my head from behind. Therefore, I had fallen down there.

**- Page No.11 Para No.20**

**Before regaining consciousness, I had seen that my daughter Supriya was being dragged away and my wife Lalbi and Afrinbanu and Sahinbanu, son Mahammadhusen, son Khajahusen and daughter Sufiyabanu were burning there.** After regaining consciousness, I had thought as to what would happen to my remaining children and raised shouts in the name of remaining children Chand, Yasin and Mehboob.

**- Page No.11 Para No.21**

**At that time, Mehboob, the husband of a lady named Bibibanu had met me in burnt condition. Thereafter, I had heard the voice of my son Yasin calling me as Abba. My son Yasin was in burnt condition. My**

**son Yasin had sat in the tank situated there on account of burning. I had told him not to sit in the water, because his skin may bulge out. I had taken him out from the tank.**

**- Page No.14 Para No.27**

I had gone to Civil Hospital taking a chit of Sonia Gandhi. Upon making enquiry through the nurses, **I had found Supriya. I had met Supriya. She had narrated me her past (suffered) story. She had narrated me that, "Abba I could not protect myself, I could not protect my modesty." I had told her that I had seen her taking her away, then the assault was also made on me. Therefore, I could not save her and I could not witness as to what happened on you. Supriya had told me that the rape was committed on her and four to five persons were involved therein. She had informed me that Guddu Chhara, Son of Jai Bhawani and Jai Bhawani were involved in this rape.** She had further informed that Harijan Manubhai was also involved. Supriya had told me that Manu had removed her clothes. I had made an attempt to take Supriya to V.S. Hospital on the very same day. Supriya was also telling to take her away with me. At that time, as the doctor was absent, I could not take her away. Therefore, after making conversation with her, I had returned to V.S. Hospital. I had to go to V.S. Hospital leaving my daughter.

This witness has given the name of the accused in the Statement dated 5-9-02 and 8-5-02 before the police and in the Statement dated 13-9-08 before the SIT. And in the Statement dated 20-5-08 before the SIT, the explanation has been made that the name of this accused is Tiniyo Barange is the same as Tiniya Marathi. Moreover, in the deposition also, the name of this accused has been given.

Looking to the deposition of the witness, it transpires that on the day of incident, the witness was present at the scene of incident. In this incident, the people of the mob had dragged away Supriya, the daughter of the witness and they had committed brutal rape upon her and sprinkled

inflammable liquid over her, thereupon the daughter of the witness had got injured, who had died during treatment. This witness has lost his wife, son, daughters etc. who have been put to death alive.

As per the say of the witness, he had gone on the terrace of Gangotri to save his life at about 12 noon. He had seen from it that this accused was present with a sword in his hand along with other accused and they had attacked on the person named Aiyub and he was put in the rickshaw and set on fire alive, which has been witnessed by the witness with naked eyes. The witness has stated that these accused were involved in the commission of this bestial act.

The witness has also given such evidence before the Court that the persons of the mob were also dragging away the loving daughter of the witness. In the said mob, this accused was also involved.

Thus, this accused has committed criminal acts at different places in furtherance of their common intention by forming an unlawful assembly in collusion with other accused. And the witness has seen the accused with naked eyes at the scene of incident on the day of incident.

The witness has also identified the accused as real accused even in the identification parade being conducted before the Hon'ble Executive Magistrate. Moreover, he has also identified this accused by name in the deposition before the Hon'ble Court.

Thus, as there is clinching evidence of the witness against the accused, there is no reason to disbelieve the same.

**(4) Sharifabibi Iqbalbhai Badarbhai Shaikh, Witness No.203, Exh.1404**

- The name is there in the police statement dated 13.5.02.
- The name is there in the Statement of SIT dated 27.5.08.
- **The name is there in the testimony before the Hon'ble Court – identified.**

I had seen one terrace in Gangotri Society. I had climbed up on the terrace taking my remaining children. I had pressed the mouths of my children after going on the terrace. Because, they were crying. Thereafter, I had hidden in one corner on the terrace taking my children.

**- Page No.5 Para No.11**

**When we were hidden on the terrace in this manner, at that time the noises of beat and cut were coming. At that time, when I saw from the grill of the terrace then I saw that they were beating my son Sharif with swords, hockey, sticks etc. and he was beaten and cause to fall down. Thereafter, after pouring kerosene, petrol on Sharif and he was set on fire, which I had seen.** Bhawani, Guddu Chhara, Suresh Langdo, Dalpat, Sehjad Chharo, **Tiniya Marathi**, Raju Marathi, Kishan Marathi and others were there in the mob which was beating and setting on fire my son Sharif. I would tell the names of the remaining persons if I remember now. It has struck to my mind that the Son of Bhawani was also there in this mob.

**- Page No.6 Para No.12**

**These people had killed my son before my eyes and they had set him on fire as I told. I had seen that the people of this mob were throwing the kids in the lighted fire. I had seen that these people were outraging modesty of young girls.**

**- Page No.6 Para No.13**

**I had witnessed that the people of this mob were outraging the modesty of the wife of Naeem by making her nude. At that time, it was about five to six o'clock in the evening. I was on the said terrace with my remaining children up to twelve midnight.**

This witness has given the name of this accused in the Statement dated 13/5/02 before the police and in the Statement dated 27/5/08 before the SIT. Moreover, the name of this accused has also been given in the testimony before the Court and has given ample evidence against the accused.

Moreover, in the deposition of the witness before the Hon'ble Court also, cogent evidence has been given against this accused.

Looking to the deposition of this witness, he gives direct evidence that this accused had killed the son of the witness, Sharif and then set on fire by sprinkling petrol, kerosene. This witness has witnessed the incident that the accused had killed the son of the witness and set him on fire from the terrace of Gangotri Society through ventilator (frame) with his naked eyes. There is no reason to disbelieve this witness.

Further, the witness has also witnessed the kids being thrown away in the fire and outraging the modesty of the girls. Moreover, this witness has seen the accused while outraging the modesty of Zarinabanu, wife of the witness Naeemuddin by making her nude.

Direct evidences were found against this accused regarding the murder and rape. There is no reason to disbelieve the same.

**(5) Rafikanbanu Rahemanbhai Saiyed, Witness No.137, Exh.915**

This witness has given the name of this accused in her deposition before the Hon'ble Court. And she has identified before the Court. Moreover, in her deposition before the Hon'ble Court, she has given the evidence against the accused as mentioned under. This witness has sustained injury in this incident. Thus, this witness is an injured witness.

- **Page No.3 Para No.6**

There was a huge mob near Tisra Kuva. **In the said mob, some was armed with gupti, some was armed with sword and some had carboys of kerosene.** By showing the news of Godhra carnage to us, they were beating and would also drive away from there. Being scared, we had arrived in Gopinath Society.

- **Page No.4 Para No. 7**

As Bhavani made a sign, Suresh, Guddu, Sahejad and **Tiniya** as well as the persons of the mob had beaten us. **Guddu**

**Chhara had inflicted *gupti* to me on the groin portion.** We had demanded water from Bhavani and at that time, Bhavani had given the glass filled with petrol to my son. As my son felt effect of the petrol in the neck, I had inserted finger and had caused vomiting of petrol to my son.

- **Page No.5 Para No.10**

**Rukshana and Zarina were burnt and killed on that day by Guddu, Suresh, Bhavani and Tiniya.**

- **Page No.6 Para No.12**

**I had taken the treatment at Shah-e-Alam camp in connection with the injuries sustained by me. 28 stitches had to be taken on my groin portion.** The incident of Zarina, Rukshana and Samshad had taken place at about six to half past six o'clock.

From the deposition of this witness, it becomes clear that on the date of the incident, while this witness was running to save her life towards Tisra Kuva, as mob arrived from the opposite side, she had run towards Gangotri and at that time, the accused persons had beaten them and by throwing Samshad, son of this witness alive in the fire had burnt him before the eyes of the witness. In this incident, Samshad, son of the witness; daughter Rukshana and Zarina have died and daughter Afsana was also burnt, as a result thereof, she had sustained too much burns. Thus, this accused has played direct part in killing the daughters of this witness, namely, Rukshana and Zarina by burning them. This witness has seen her own two daughters and a son burning alive and has also seen daughter Afsana crying in injured condition. Thus, family members as aforesaid of this witness have died in this heinous incident. This witness has identified this **accused no. 55, Tiniya** before the Hon'ble Court, there is no reason to disbelieve the deposition of this witness.

**(6) Faridabibi Abdul Kadar Rasulbhai Khalifa, Witness No.149, Exh.1028**

- The testimony has been given by name before the Honourable Court and the following evidence has been given against the accused.

- **Page No.4 Para No.8**

Some other persons were also present **in the same mob in which Mayaben Kodnani was there**, wherein Kishan Korani, Babu Bajrangi, Murli, Manoj Videowala, Ashok Pan Cabinwala, Bipin Panchal, Jai Bhawani, Dalpat Chhara, Son-in-law of Dalpat Chhara Tiniyo Chhara, Sahejad Chhara, Son-in-law of Sahejad Chhara Vijay Chhara, Suresh Langdo, Guddu, Hariyo, Nariyo, **Tiniyo Marathi, Subhash Ramesh were also present.**

- **Page No.5 Para No.11**

Thereafter, **the people of the mob were marching ahead and causing sabotage and setting the houses on fire and beating and killing.** Therefore, I had very much frightened. Then I had gone to the house of my daughter Afsanabanu at Jawannagar. I had come to look after my house twice or thrice from the house of my daughter. Accordingly, when I had come to look after my house at two o'clock in the noon, at that time, I had seen the son of one person named Mullaji who is crippled by both legs in burning condition near his house. On seeing it, I had got frightened and immediately returned back to the house of my daughter Afsanabanu.

- **Page No.7 Para No.14**

**At that time, the boy named Aiyub had come near Jawannagar. On seeing the mob near his house, he had got frightened. Therefore, he had jumped from the terrace and therefore he had sustained injuries on his both legs. This Aiyub could not stand up on account of these injuries. The people of the mob had lifted Aiyub who had fallen down and caused to sit him in rickshaw and then set the rickshaw on fire. They had set Aiyub**

**on fire alive. I had seen the same with my eyes.** At that time, there was also one man in the mob having worn khakhi colored uniform and a helmet.

This witness has given the name of this accused in the deposition before the Court and she has given ample evidence against the accused in the deposition before the Hon'ble Court.

On the day of incident, this witness had come out at about nine to half past nine o'clock in the morning, at that time she had seen the mobs arriving from the side of Natraj and Krishnanagar. The people of the said mob had tied saffron colored strip. At that time, Mayaben had come and this accused was there in the mob with her. Thereafter, the people of the mobs had started sabotage and setting the houses on fire. Two persons had died and three persons had sustained injuries in the firing having taken place in these incidents and the person named Aiyub was set on fire after putting in the rickshaw. Moreover, the witness herself had sustained injury in this incident. The sabotage and plundering was also caused in the house of the witness in the said incident. All such facts transpire from the testimony of this witness. The accused has set some persons on fire alive and done to death after making conspiracy to put the Muslims to death in collusion with other accused persons after getting united. Thus, there is no reason to disbelieve the testimony of this witness.

**Accused No.(56) Gitaben Ratilal @ Jai Bhawani Rathod****(1) Isratjahan Parvezhusen, Witness No.177, Exh.1218**

- The name is not in the police statement.
- In the Statement of SIT, it is stated that two girls were there.
- **The name has been given in the deposition before the Court and has identified.**

- **Page No.5 Para No.10**

At about 2.00 to 2.30 pm, **the mob while indulging in sabotage, burning and looting had rushed in our chawls. I had seen from the above that the mob had rushed in our chawls.** In this mob, in the front were Sahejad Chhara, Ganpat Chhara and **two other Chhara ladies. Two Chhara ladies were looting.** Sahejad Chhara had lit matchstick to the first house of our chawl, which is the house of Jahedaapa. After setting fire by Sahejad, people of the mob were taking rounds in our chawls. Persons of the mob had returned and had knocked the door of the room wherein we were hidden. There, Sahejad had shouted loudly that whatever males were there inside may come outside. We were scared very much inside. My sound had stopped. Other Muslim ladies had given reply to Sahejad Chhara that there were only ladies and children. At that time, Sahejad Chhara had told them to give the children. At that time, the ladies inside had besought that what wrong they have done against them and that what they would do by taking their children. At that time, Sahejad had told that they would take away these children on the road and would burn them alive. All the ladies who were inside the room had calmed down because of fear and all had started crying.

- **Page No. 6 Para No.11**

Persons of the mob had stayed there for some time and while going had told that today you would not survive and even if survived by chance, then go to Pakistan.

This witness has stated in the Statement dated 23-5-08 before the SIT that there were two girls and she has identified this accused by name in the deposition before the Hon'ble Court and has given ample evidence against the accused before the Hon'ble Court.

From the deposition of this witness, it is clearly transpired that the accused was in the front of the mob at 2.00 to 2.30 pm which was indulging in the criminal act and it clearly appears that he has played active role in looting and burning the properties of the Muslims by rushing in their chawls.

Moreover, this accused has witnessed with her eyes this accused lighting matchstick to the house of one lady, namely Jaheda and had knocked the door where the witness had hidden and had told everybody to come outside and had told that they would take away the children on the road and would burn them alive. Thus, sufficient evidence is forthcoming against this accused.

This witness has given the name of the accused before the Court and has also identified him.

**(2) Noorbanu Jakirhusen Saiyed, Witness No. 219, Exh. 1568**

- In the Statement dated 3.6.08 before the SIT, the accused was present amongst the crowd who had set the Muslims on fire by pouring kerosene in quilt.
- In the deposition before the Hon'ble Court she has given the name and identified.

While I was the house of Pinjara, at that time as my son Javed was not there, I was very much frightened. Therefore, I had come out from the house of Pinjara. Bhawani had met me outside. I had told this Bhawanibhai that what is going on, you do something and upon hearing my story, Bhawanibhai had told me that he had telephonically informed the police and everything will be alright. Thereupon, I had told Bhawanibhai that the police themselves resort to the firing, then what would the police do. At that time, Bhawani had told me that don't worry, you will be served with Kadhi, Khichdi. At that time, the younger daughter of Bhawanibhai had said as, when anybody dies in your community, then you prepare Kadhi, Khichdi, isn't it? So, I had asked her as to why she was telling such. Then, they both had gone away. I had started to search my son Javed.

- **Page No.9 Para No.17**

When I saw from beneath the Pan Cabin, many mobs were arriving and the people of our community were running helter skelter. I had seen the mob standing near the house of Jaibhavani. I had seen that Noori, Jadikhala and son of her son, namely, grandson of Jadikhala was with them and all of them were near the house of Jaibhavani. At that time, I had seen that they were near the house of Jaibhavani and **Jaibhavani and his daughter were driving all of them outside and were telling that if the mob came, it will add to the difficulties. They had removed all outside and thereafter, they had called the mob. They had called the mob on the back side of their house. Jaibhavani and his younger daughter had given quilts mixed with kerosene to the mob. They were giving the quilts by pouring the kerosene upon the same. Moreover, several persons had also kerosene with them.**

- **Page No.9 Para No.18**

Guddu was there **in the mob** and there were also other people. They, **by using the quilts mixed with kerosene** had burnt Jadikhala, Noori and the grandson of Jadikhala. In this act of burning, Jaibhavani and **his younger daughter were involved**. I was looking all this from beneath the said cabin [*galla*]. Persons of the mob by catching many persons alive were burning them. After looking all this, I had lost senses, i.e. I was scared very much.

- **Page No. 12 Para No.26**

The mob was at the place where my maternal aunt Jadikhala, her grandson and Noori were being burnt. One boy, namely, Suresh was also present in the said mob. I do not know the full name of Suresh. But, **daughter of Jaibhavani** had called **Suresh** by speaking his name and had talked with him and therefore, I had come to know that his name was Suresh. I also know this Suresh. Suresh was involved in burning all of these persons. I would also identify Suresh who is sitting among the accused persons.

This witness has given the name of the accused in the Statement dated 3-6-08 before the SIT as this accused was burning the Muslims by pouring kerosene in the quilt. And she has identified the accused by name in the deposition before the Hon'ble Court and has given the ample evidence against the accused in the deposition before the Court.

On the day of incident, when this witness went to bring vegetable near S.T. Workshop in the morning, at that time she had seen the people having worn Khakhi sorts and white banian with weapons. The mob was setting the mosque and the houses of the chawls by causing sabotage. The witness had gone to Javannagar by hiding herself in search of her son. While returning from there, as a huge public was there in the house of Pinjara, she had hidden

beneath the pan stall. Upon seeing from there, she had seen this accused along with other accused. This accused in collusion with other accused was causing the Muslims to come out and this accused was becoming helpful to set the Muslims on fire with the quilts mixed with kerosene and by doing such, he has played an active role directly in the criminal act. By using this quilt mixed with kerosene, the persons of the mob had set Jadikhala and her grandson and one Noori on fire. The accused was included in the mob with her father. Thus, this accused has done to death by setting Muslims along with three muslims on fire in collusion with other accused with an intention to set ablaze the Muslims with terrible intention. In spite of this accused being a lady, she had played an active role in committing brutal act. And all those facts transpire from the deposition of this witness. Thus there is no reason to disbelieve the testimony of this witness.

**(3 Rafikanbanu Rahemanbhai Saiyed, Witness No.137, Exh.915**

This witness has given the name of this accused in her deposition before the Hon'ble Court. And she has identified before the Court. Moreover, in her deposition before the Hon'ble Court, she has given the evidence against the accused as mentioned under. This witness has sustained injury in this incident. Thus, this witness is an injured witness.

- **Page No.3 Para No.6**

There was a huge mob near Tisra Kuva. **In the said mob, some was armed with *gupti*, some was armed with sword and some had carboys of kerosene.** By showing the news of Godhra carnage to us, they were beating and would also drive away from there. Being scared, we had arrived in Gopinath Society.

- **Page No.4 Para No. 9**

Rukshana, Zarina, Afsana thus all the three daughters were with me. **My daughter Afsana was set on fire by the daughters of Bhawani viz. Ramila and Gita.** My daughter Afsana was survived, while my son Samshad and daughters Rukshana and Zarina in all three persons haveied in this incident. My all the three children had breathed their last before my eyes. **Ramila and Gita had put the quilts mixed with petrol and diesel on the portion of waist of my daughter Afsana and set her on fire.**

- **Page No.5 Para No.10**

**Rukshana and Zarina were burnt and killed on that day by Guddu, Suresh, Bhavani and Tiniya.**

- **Page No.6 Para No.12**

**I had taken the treatment at Shah-e-Alam camp in connection with the injuries sustained by me. 28 stitches had to be taken on my groin portion.** The incident of Zarina, Rukshana and Samshad had taken place at about six to half past six o'clock.

From the deposition of this witness, it clearly transpires that on the day of incident, while this witness was running to save her life towards Tisra Kuva, as mob arrived from the opposite side, she had run towards Gangotri and at that time, the accused persons had beaten them and by throwing Samshad, son of this witness alive in the fire had burnt him before the eyes of the witness. In this incident, Samshad, son of the witness; daughter Rukshana and Zarina have died and daughter Afsana was also burnt, as a result thereof, she had sustained too much burns. Thus, this accused has played direct part in killing the daughters of this witness, namely, Rukshana and Zarina by burning them. This witness has seen her own two daughters and a son burning alive and has also seen daughter Afsana crying in injured

condition. Thus, family members as aforesaid of this witness have died in this heinous incident. This witness has identified this **accused no. 56, named Gita. The exemption application of Gitaben is on the record vide Exh.914.** Thus, there is no reason to disbelieve the deposition of this witness.

This witness is an eye witness. Her three children have breathed their last before her eyes. The witness herself is injured. From the deposition of this witness, it is clearly found that the accused of this case has burnt her three children before her eyes. Thus, from the deposition of this witness, direct evidence is forthcoming to kill the three issues. Thus, there is no reason to disbelieve this witness.

**(1) Mahammad Kalubhai Khalifa, Witness No.107, Exh.698**

- The name is there in the Statement of the SIT dated 31.5.08. He was supplying petrol, diesel from the S.T. Workshop.
- The name has been given in the testimony before the Court – not identified.
- **Page No.3 Para No.7**

**The riotous mob which I narrated earlier included** Bhawani, Dalpat Chharo, Bipin Autowala, **P.M.Shah, who is an employee of the S.T.** and Gohel Jamadar, wherein Bhawani was having a pipe with him. Dalpat was having a sword with him, Bipin Autowala was having a revolver with him. Gohel Jamadar and **P.M.Shah were providing the people of the mob with Diesel and Kerosene and they were raising shouts as, “Beat, Cut.” I had seen all of them.**

This witness has stated the name of the accused in the Statement dated 31-5-08 before the SIT that this witness was supplying petrol, diesel from the S.T. Workshop. Moreover, he has identified the accused by name in the deposition before the Honourable Court. And has given ample evidence against the accused before the Hon’ble Court.

From the testimony of this witness before the Hon’ble Court, it clearly transpires such that the mobs of Hindu people had assembled on the day of incident at about ten o’clock and they were pelting stones. The accused was present in the mob. This accused was supplying diesel and kerosene to the persons of the mob and he has played an active role by remaining present directly in the commission of offence by supplying the persons of the mob with an intention to set ablaze the property and goods of the Muslims and committed criminal acts. Thus, there is no reason to disbelieve the testimony of this witness.

**(2) Iqbalhusen Samirmiya Kureshi, Witness No.108, Exh.702**

- The name has been given in the Statement dated 12.6.08 of the SIT, but he states that he has not identified.

- The name is given in testimony before the Court. But not identified.

This witness has given the name of this accused in the Statement dated 12-6-08 before the SIT. And he has given the name in the deposition before the Court, but not identified.

On the day of incident, when this witness had returned from job in the morning, at that time he had seen the stone throwing taking place near Patiya circle and seen the accused in the said mob. He had seen the said mob approaching towards Jawannagar. The mother of the witness had sustained the burn injury and the father of the witness had sustained the injury on account of stone throwing in this incident. They were given the treatment in the camp. In the said riots, the household articles of the witness were plundered and the damage was caused. Thus, it clearly seems that this accused has played an active role in committing criminal act involving in the mob. Hence, there is no reason to disbelieve the testimony of this witness.

**(3) Pankaj Pradhyumanbhai Bhatt, Witness No.273, Exh.1812**

This witness was performing duty as Administrative Officer at Central Workshop, Naroda. Moreover, technical staff and administrative staff perform their duties in this Central Workshop. This witness has identified this accused by name in the testimony before the Hon'ble Court and has given the evidences as follows.

- **Page No.5 Para No.11**

I produce the certified copy of the register of the employees of the account branch of our office for the month of February-2002 vide Mark-1813/1. This is certified copy of Mark-1813/1. The original thereof is in my hand. Looking to the same, I state that on 28-2-02, **Shri P.M.Shah** was present on the job on his duty at Naroda S.T. Workshop. **I identify his signature dated 28-2-02.** This original register is the register being maintained in our

office routine. The facts written in this register are true..... This original register and certified copy of Mark-1813/1 is given Exh.1814.

- **Page No.9 Para No.14**

I know the employees of our S.T. **Shri P.M.Shah**, S.J.Darji and R.M.Parmar. I can identify all the three if they are present in the Honourable Court. I identify all the three accused from here only they are the same, who are sitting on the last bench. Though, the beard has increased on the face of Shri Subhash Darji, hence it is difficult to identify him. But I could manage to identify him.

From the deposition of this witness, it clearly transpires that on the day of incident, this accused was present on the job. And since this witness has been performing the duty as Administrative Officer, he knows this accused very well. And this witness has also identified this accused in the deposition before the Hon'ble Court also. A number of witnesses of this case have stated in the depositions before the Hon'ble Court that the stone throwing was going on from inside the S.T. Workshop and the burning rags of oil and the iron pieces were being thrown on the chawls of the Muslims. It is clearly found that this accused had committed criminal acts in collusion with other accused by forming an unlawful assembly for the purpose of setting the chawls of the Muslims on fire and to cause damage, this witness is an independent witness. Thus, there is no reason to disbelieve the deposition of this witness.

**Accused No. (58) Santoshkumar Kodumal Mulchandani****(1) Mohd. Salim Mohd. Husen Shaikh, Witness No.104, Exh.668**

- Not in the police statement.
- The name is there in the Statement dated 12.9.08 of the SIT.
- He is present in the mob with revolver in the Statement dated 29.5.08 of the SIT.
- **The name has been given in the testimony before the Court and identified.**

**- Para No.29 Page No.13-14**

Besides this, I have also identified one more person who had remained present in the mob at the relevant time..... **This person was also in the crowd on the day of incident. The witness has identified Accused No.58 Santoshkumar Kothumal.**

This witness has described this accused in the deposition before the Honourable Court as he was present amongst the crowd. He does not know his name. But he has identified this accused in the deposition before the Hon'ble Court. Hence, this witness has given cogent evidence against the accused.

It transpires from the deposition of this witness that this witness had seen this accused being present amongst the persons of the mob on the day of incident and he has played an active role in committing criminal acts in collusion with other accused by remaining with the crowd. Thus, there is no reason to disbelieve the deposition of this witness.

**(2) Rasidabanu Imtiyazhusen Momin, Witness No.192, Exh.1314**

- The name is given in the Statement dated 24.9.08 of the SIT.
- He has identified by name in the testimony before the Honourable Court.

- **Page No.5 Para No.9**

**The people of the mob having arrived from Krishnanagar** were also doing stone throwing and bottle throwing on us. The people of the mob having arrived from Natraj were also sdoing stone throwing and bottle throwing on us. Mayaben Kodnani was there in this mob. Manoj was there in this mob. As per my knowledge, his name is Manoj Videowala. Further, Bipin Autowala was also there in the mob of this Natrajwala. Besides this, **Santosh Dudhwala** was also there in this mob. **The shop of this Santosh Dudhwala is situated beside Kamla Welding while going to Kubernagar.** Further, Guddu Chhara, Naresh Chhara, Suresh Langdo and the younger brother of Suresh Langdo were also there in the mob of Natrazwala. Mayaben was instigating the public in the mob by saying “Go ahead and beat.” At that time, the police had arrived there and done firing and fired teargas on the Muslims who were standing on the entrance. Thereupon, four to five muslim boys had sustained bullet injuries.

- **Page No.6 Para No.11**

As the mob slowly started to come inside our chawl, I had come to my house from the road and taken my children and had gone to the terrace of my house. The entire road is seen from the portion of the terrace of my house. When I had seen from there, **then the people of the mob were involved in beating and killing.** Therefore, I had got down taking my children. Then I had started running and thereafter I had gone on the terrace of Ramjani Pinjara taking my children.

- **Page No.7 Para No.13**

I had seen from the terrace of Ramjanibhai that the first house of the lane where Ramjanibhai is living was set on fire by the people of the mob. **The people of this mob were speaking abusive language and were raising shouts. They were raising shouts as “Beat, Cut.”** I had seen all these from

the back side of the curtain which remained permanently in the house of Ramjanibhai. Then I had gone on the terrace of Ramjanibhai taking my children. When I had seen towards public latrine situated in Javannagar from this terrace, at that time I had seen that the people of the mob were setting everything on fire. I had witnessed the people of this mob involved in beating and setting on fire. The people of this mob were beating and cutting the Muslims. I do not remember as to what time it was at that time.

This witness has given the name of this accused in the Statement dated 24-9-08 before the SIT and this witness has identified the accused by name in the testimony before the Court and has given ample evidence against the accused.

This witness was living on the place of incident for many years and the grocery shop has been situated at the place of incident. This witness was present on the place on the day of incident. She has witnessed the entire incident with naked eyes. She has seen the accused amongst the riotous mob. As stated in Examination-in-chief, the witness has seen the accused. This witness has seen him from the terrace of Ramjanibhai.

As stated by the witness, the people of the mob in which the accused was there were raising shouts as "Beat, Cut." They were setting the houses on fire and they were involved in beating and killing. It is proved from the testimony of the witness that the accused was included in the mob.

This witness has identified the accused by name in the testimony before the Hon'ble Court.

**Accused No.(59) Subhashchandra @ Darji Jagannath Darji****(In jail)****(1) Pankaj Pradhyumanbhai Bhatt, Witness No.273, Exh.1812**

This witness was performing duty as Administrative Officer at Central Workshop, Naroda. Moreover, technical staff and administrative staff perform their duties in this Central Workshop. This witness has identified this accused by name in the testimony before the Hon'ble Court and has given the evidences as follows.

**- Page No.6 Para No.12**

Accordingly, the muster is maintained of our other branch Disposal Branch. I have brought our original muster for the month of February-2002 here. Moreover, I have also produced the certified copy thereof in this case vide Mark-1813/2.

In the year 2002, one **Shri S.J.Darji** was working on the post of Artisan-B in our Disposal Branch. The entry regarding his attendance showing presence to the effect that he was present on job in February-2002 has been made in this register by the concerned Head of the Department. In our office, 'P' is written when the employee is present for the technical staff only. That way, this S.J.Darji was present on 28-2-02. 'P' has been written on that day against it. **The real name of this S.J.Darji is Subhash Darji.** This original register is the register being maintained in our office routine. The facts written therein are true..... The certified copy of Mark-1813/2 is given Exh.1815.

**- Page No.9 Para No.14**

I know the employees of our S.T. Shri P.M.Shah, **S.J.Darji** and R.M.Parmar. I can identify all the three if they are present in the Honourable Court. I identify all the three accused from here only they are the same, who are sitting on the last bench. Though, the beard has increased on the face of

**Shri Subhash Darji**, hence it is difficult to identify him. But I could manage to identify him.

From the deposition of this witness, it clearly transpires that on the day of incident, this accused was present on the job. And since this witness has been performing the duty as Administrative Officer, he knows this accused very well. And this witness has also identified this accused in the deposition before the Hon'ble Court also. A number of witnesses of this case have stated in the depositions before the Hon'ble Court that the stone throwing was going on from inside the S.T. Workshop and the burning rags of oil and the iron pieces were being thrown on the chawls of the Muslims. It is clearly found that this accused had committed criminal acts in collusion with other accused by forming an unlawful assembly for the purpose of setting the chawls of the Muslims on fire and to cause damage, This witness is an independent witness. Thus, there is no reason to disbelieve the deposition of this witness.

**Accused No.(60) Pintu Dalpatbhai Jadeja (Chhara)****(1) Salim Roshanali Shaikh, Witness No.37, Exh.256**

- The names of the accused are there in the Statement of the SIT with weapons.
- **It is in the Statement of the SIT that the accused had killed his son and cousin Sharif and then set on fire.**
- **Name was given in the deposition before the Court and identified accused no.22.**

**- Page No.5 Para No.8**

Guddu Chharo, Suresh Langdo who is also Chharo, one man named Darbar **Bipin Autowala**, Pintu and Pintu's father Dalpat had **led this mob**. As stated by me amongst the mob, Guddu Chhara was having a sword in his hand, Suresh Langdo was having a scythe, Darbar was having a scythe, **Bipin Autowala was having a pipe in his hand**, Pintu and Dalpat were also having pipes in their hands. Since I have been living at Naroda Patiya for the last ten years, I know the persons whose names are given by me.

**- Page No.7 Para No.12**

At that time, a huge mob of the Hindu People had arrived near the gate of Javannagar Gangotri Society..... The mob had increased at that time. It was about six to half past six o'clock in the evening. And when the police had fired teargas, at that time **my son Siddiq had separated from me**. While I was getting down from the terrace at that time **I had seen that** 6 persons who are narrated by me above wherein Guddu, Suresh, Darbar, **Bipin Autowala**, Pintu, Dalpat etc. were there **had dragged my son Siddiq in this mob i.e. in the mob of Hindu people**.

**Guddu** had given pipe blow to **my son Siddiq** on the head **from behind near the water tank of Gopinath Society**, Darbar had given a scythe blow to Siddiq in stomach and caused him to fall down and **Bipin and other three persons had dragged him and set him on fire after pouring kerosene,**

**throwing mattress etc. and pouring inflammable liquid. I had witnesses the same. My son Siddiq had died. At that time, on seeing the way they were beating my son, I had screamed, at that time somebody from the mob had told that here it is Miyo. Amongst the mob, as somebody said that Catch, Catch here it is Miyo; I had run away towards Gangotri Society and hidden myself.**

**- Page No.8 Para No.13**

**In the incident having taken place near water tank, my cousin brother (maternal uncle's son) Sharif was there. He was also killed by this mob the way they had killed my son Siddiq.** At that time, it was about half past six to a quarter to seven in the evening.

This witness has given the name of the accused as the accused was seen with weapon in the Statement before the SIT. And the fact of having set the son of the witness and his nephew Sharif on fire has been stated in this Statement. Moreover, this witness has identified the accused by name in the testimony before the Honourable Court. This witness has given ample evidence against this accused in the testimony before the Hon'ble Court.

It clearly transpires from the testimony of this witness before the Hon'ble Court that on the day of incident, the mob of Hindu people had arrived from Natraj Hotel at about nine o'clock in the morning and attacked on Noorani Mosque and caused damage to the mosque. At that time, the witness was standing near the corner of S.T. The people wearing Khakhi sorts, saffron strips, white banian were amongst the people of this mob. They were armed with lethal weapons and inflammable liquids were also there. This accused was there in this mob with another accused having pipe in the hand. This mob had caused sabotage in the houses of our chawls and caused damage. Thereafter, the son Siddiq had separated in the evening. Then, when the witnessed had seen then this accused had dragged him in collusion with another accused near water tank curve and given pipe blow on the head and caused him to fall down and set him of fire alive and this accused and other accused were also there in doing so. Likewise, this accused had also done to death to my nephew

Sharif in collusion with other accused near water tank. This fact clearly transpires. Thus, this accused has committed criminal act by committing the offence of homicide in collusion with other accused united in furtherance of their common intention and with an intention to fulfill their intention to kill the Muslims by forming an unlawful assembly and after becoming the member thereof. Such clearly transpires from the testimony of this witness. There is no reason to disbelieve the same.

**(1) Basuddin Maiyuddin Saiyed, Witness No.73, Exh.514**

- In the Statement of the Police and in the Statement of the SIT he was amongst the mob with revolver-sword.
- Name was given – identified.

**- Para No.9 Page No.5**

In a short while, a huge mob was arriving from the side of Kubernagar Patiya Natraj Hotel. This mob was arriving towards Noorani mosque. **This mob was raising slogans. They were raising slogans in the name of Jai Shree Ram.** Kishan Korani, Ashok Sindhi, Suresh Langdo and **Manoj Videowala were leading this mob. Manoj Videowala** and Kishan Korani **were armed with revolver in this mob.** Other people of the mob were armed with weapons like swords, trident, spears, ironed pipe etc.

**- Para No.10 Page No.6**

**The people of this mob were setting the shops of the Muslims situated beside the mosque on fire and the people of the mob were also pelting stones.** When I witnessed all these, at that time it would be about half past nine o'clock.

**Para No.11 Page No.6**

At that time, the people of our Chawl were standing near the house of Gafurbhai. The P.I. Shri Mysorewala of Naroda was standing near the house. The P.I. Shri Mysorewala of Naroda was also present there with his jeep.

**- Para No.14 Page No.8**

**Out of the people of the mob, some people were setting the shops on fire, some of them were causing damage to the mosque** and one person standing in the mob had started a tanker stationed near the mosque and caused to enter it inside the gate of this mosque. Thereupon, the gate of the mosque and Milan Hotel situated beside it were broken.

**- Para No.17 Page No.10-11**

**Meanwhile, one mob had arrived at about five o'clock. Kishan Korani, Manoj Videowala, Ashok Sindhi and Suresh Langdo were there in this mob. Under the leadership and guidance of all these four accused the house of Majid Langda was set on fire** who was living in the last lane of Husennagar. This Majid Langdo has been carrying on business of retail things like Bidi, cigarette in his house. Presuming that since his house is in the last lane, hence nothing would happen, this Majid had locked the house from outside when his wife and children were inside the house. There were about 6-7 persons of his family. All the persons who were inside this house had burnt alive in the fire caused to the house of Majid. I had witnessed all these with naked eyes.

The name of the accused has been given in the Statements of this witness before the police and the SIT. It is mentioned in the Statement before the SIT that the accused was in the mob with revolver and sword and as per the testimony before the Hon'ble Court, the solid evidence has been given against the accused. Moreover, he has been identified by name in the testimony before the Hon'ble Court.

This witness is an eye witness to the incident. As per the say of the witness, he has sustained injury on back as he had fallen down while running to save his life at the time of incident. Moreover, the son of the witness Sahejad had also sustained injury on knee while running to save his life. They have taken the treatment in the camp. This witness is the witness who has escaped from the death-trap. There is no reason to disbelieve the fact mentioned by him in Examination-in-chief.

**(5) Shabana Bundubhai Kureshi, Witness No.209, Exh.1463**

(An injured witness)

- The name is there in the Statement dated 23.5.08 and 14.9.08 of SIT as the son of Bhawani.
- The name was given in the testimony before the Hon'ble Court – identified.

**- Page No.6 Para No.12**

While we were returning, at that time the people of the mobs standing near Gangotri and Gopinath Society were armed with pipes, swords, hockey etc. They had started beating the Muslims left behind us. At that time, we were running towards Gangotri from Tisra Kuva, whereas the people of Gangotri and Gopinath were coming towards us. At that time, the public had started running here and there. At that time, **I had rushed in the turning** situated between Gangotri and Gopinath Society, where **one overhead water tank is there**. At that time, all the persons of our house had got separated. But when we rushed in that turning, at that time I, my mother, my sister Nasim and my brother Raja were together.

**- Page No.7 Para No.13**

**When we rushed in the turning, the mob had surrounded us from all the four directions. I had seen** Suresh Langda, Dalpat's son, **Jai Bhawani's son**, Naresh, Haresh, Manu, two Marathi boys, Jai Bhawani, Dalpat and Guddu Chhara and many other people **in this mob**.

**- Page No.7 Para No.14**

At that time, they all whose names were mentioned by me were in the mob on the road opposite the turning. **The said mob had attacked on one boy named Siddiq by cutting the amulet with dagger. Hence, he had sustained injury on the neck and on cutting the amulet, the dagger had broken and fell down and then the mob started beating this Siddiq with pipe at that time he had made an attempt to defend by putting his hand on the head. I have myself seen all these. Thereafter, some inflammable**

**liquid kerosene was poured on this Siddiq and he was set on fire. In this way, Siddiq had succumbed to the injuries there only.**

**- Page No.8 Para No.15**

After the incident of Siddiq, I had seen that **all the people of the mob whose names were mentioned by me were present there. The people of the mob had dragged away one girl of Husennagar. At that time, they had surrounded my sister Nasim. Then they had given the pipe blow on her head. Then they had set my sister on fire on the said place by pouring kerosene. She had also succumbed to the injuries.**

**- Page No.8 Para No.16**

At that time, my mother had started running by raising shouts on seeing this, then Suresh Langda had caught hold of my mother. Suresh Langda had inflicted Gupti (a pointed weapon concealed in a stick). Thereafter, all these people **whose names were mentioned by me and the people of the mob had set my mother on fire alive. Then my mother had died there only.**

**- Page No.9 Para No.17**

**At that time, as soon as the Muslims who were in the turning were coming out, the people of this mob were setting them on fire after killing them. At that time, the people of the mob had felt that perhaps the beating was started in the turning and all were set on fire together by pouring kerosene.**

**- Page No.9 Para No.18**

At that time, as the fire took place I had jumped and sat on the wall which was situated near the turning. **At that time, the people of the mob had hurled the stone on my leg.** Upon receiving stone injury, I had fallen down on the other side of the wall. At that time, upon seeing all these things, I had got frightened. The people of the mob were uttering very abusive language and they were setting on fire. Therefore I had got frightened. After

sitting about two minutes near the wall on the other side of the wall, I had gone away on one terrace of Gangotri Society after passing through the gate.

**- Page No.10 Para No.19**

Other Muslims were also there on the terrace where I had gone. The Muslims were there on the three terraces of Gangotri Society. We were on the terrace till late night.

This witness has given the name of the accused as the son of Bhawani in the Statement dated 23/5/08 before the SIT and also given the name in the testimony before the Court. And this witness has identified the accused before the Court in the testimony before the Hon'ble Court. And this witness has given the evidence in the testimony before the Hon'ble Court.

This witness has given the name of the accused in her Statements dated 23-5-08 and 24-9-08. The mother-sister of the witness have died in this incident.

This witness has been living for many years at the scene of incident. On the day of incident, she was at home only and she had seen the mob with weapons after going outside. This witness was running towards Tisra Kuva to rescue herself. On arriving the mob from there, she had run towards Gangotri and she was surrounded in the turning of water tank between Gangotri and Gopinath where the massacre was committed. The witness has seen the accused amongst the mob near the water tank from this place. This witness has seen the boy named Siddiq having been killed by cutting his throat and she has also seen setting Siddiq on fire. It transpires from the testimony of the witness that this person named Siddiq was set on fire by the accused and the mob after killing him. Thereafter, this witness had seen that the same accused and other accused persons with him were dragging away one girl of Husennagar. Moreover, the witness has seen that the sister of the witness Nasim was set on fire by pouring kerosene on her. The accused and the people of the mob had also set the mother of the witness on fire alive. The accused

and the persons with him were catching the Muslims who were coming out in this turning and setting them on fire and the accused and co-accused have set most of the Muslims on fire altogether in this turning by pouring some inflammable liquid. Thus, it is proved from the testimony of this witness that these accused have played an active role in the incident of mass carnage near the water tank.

This witness has sustained injury on the leg as the stone was hit while jumping on the wall near the water tank on the day of incident. After seeing the entire incident, the witness had gone away on the terrace of Gangotri Society and she had sat till late night to save her life.

As per the say of this witness, she has sustained injury on the leg and the witness has taken treatment in the camp. Hence the testimony of the witness about the incident cannot be denied. She is an eye witness to the incident. Her presence becomes clear at the scene of incident. And no reason arises to deny the facts mentioned in the Examination-in-chief of the witness and the witness has also identified the accused by name in her testimony on oath before the Hon'ble Court.

**(5) Ruksana Bundu Kureshi, Witness No.212, Exh.1507**

- The name has been given in the Statement dated 3.6.08 and 14.9.08 of SIT.
- The name has given in the testimony before the Hon'ble Court – identified.

**- Page No.5 Para No.8**

On coming out from the hall, I had got separated from my brother, sister and mother. I had got separated. The people of our community had gone towards Tisra Kuva. The people amongst us who had gone ahead had returned quite speedily and told that a big mob of the Hindu people was there. They were having weapons in their hands. I had got frightened and raising shouts as Mother, Mother all around. I had asked the people of our community

who were returning as to what had happened, thereupon **they had stated that a huge mob of Hindu people had arrived with weapons.**

**- Page No.5 Para No.9**

I had started to run with the people of my community. While running I had seen all of a sudden that Suresh Langdo was giving blow with Gupti (a pointed weapon concealed in a stick) in the stomach of my mother. Naresh, Haresh, Suresh Langdo, Guddu Chhara etc. were **amongst the mob who had beaten my mother.** The daughter of Jai Bhawani was offering water to the people of this mob. Jai Bhawani, **Son of Jai Bhawani**, Dalpat, Son of Dalpat, Chintu were there and one person having grey eyes and curly hair was also there in it. This person was having ironed pipe in his hand.

**- Page No.6 Para No.10**

Other people were also there with the people of this mob. **They were setting the people of our community on fire and beating** and the daughter of Jai Bhawani was providing kerosene and small quilt to the people of this mob for setting on fire.

**- Page No.5 Para No.11**

**At that time, there was brightness and not darkness.** And it would be the time of about half past five to six o'clock. I was weeping and had sat on the terrace of Gangotri after going there. Other people of our community were also there on the terrace of Gangotri. When I was on the terrace, at that time one burnt lady had come on the terrace carrying a small kid in her hand and this kid was also burnt. This lady was seeking help and was telling that those people had killed and set on fire many people of her community.

This witness has given the name of this accused in the Statement dated 3/6/08 and 14/9/08. And also given the name in the testimony before the Court. And identified this accused before the Hon'ble Court. And this witness has given the evidence against the accused in the testimony before the Hon'ble Court.

This witness has given the names of the accused in her Statements dated 3/6/08 and 14/9/08 before the SIT. On the day of incident, the witness

was present on the place. She has been living at Javannagar in Lane No.1 since childhood. The witness has witnessed the incident from the terrace of her house. The mobs were seen near Noorani mosque. She had tried to go to the S.R.P. quarters after getting down. As the S.R.P. did not allow her to enter inside, she had gone to the house of \_\_\_\_\_ and she had gone in one hall from there and had gone towards Tisra Kuva from the hall. A huge mob of Hindu people was there armed with weapons. The witness has seen the accused while running. The said accused was there in the mob which had beaten the mother of the witness. The mob wherein the accused was there has killed the mother and sister of the witness and set them on fire. The witness has witnessed the said incident with naked eyes.

This witness has witnessed the incident with naked eyes. The accused has been identified involved in killing and setting on fire in the incident. And she has identified the accused by name even before the Hon'ble Court. There is no reason to disbelieve the witness.

**Accused No.(61) Ramilaben Ratilal @ Jai Bhawani Somabhai Rathod****(1) Jannatbibi Kallubhai, Witness No.142, Exh.961**

- The name is included in the police statement dated 13.4.02.
- The name has not been included in the Statement of SIT dated 28.5.08.
- The name has been given in the testimony before the Hon'ble Court. He has identified.

**- Page No.8 Para No.13**

When I was in a turning between Gopinathnagar and Gangotri Society, at that time I had seen that the clothes of the girls were torn and they were setting on fire. At that time, two mobs had arrived from Parshwanathnagar and from the opposite side. Bhawanisingh, Guddu Chhara, Suresh Chhara, **Son of Bhawanising** and the eldest daughter of Bhawanising were there **in these mobs**. Amongst them, the eldest daughter of Bhawanising was providing petrol and kerosene to the people of the mobs in white carboy. Bhawanising, Guddu Chhara, Suresh, **Son of Bhawanising who is an advocate** and the eldest daughter **were there in the mob** which had come from the opposite side.

**- Page No.8 Para No.14**

**Kherunnisha, Nasimbanu, Sufiyabanu, Nargisbanu and one another lady were there amongst the girls whose clothes were being torn and set on fire.** At that time, it was about four to half past four o'clock in the evening.

This witness has given the name of this accused in the statement dated 13-4-02 before the police and this witness has identified this accused by name in the testimony before the Court and the chief evidence has been given as per testimony before the Hon'ble Court.

On perusal of the testimony of this witness before the Court, it clearly transpires that the accused was present amongst the riotous mob on the day of incident. When this witness was in the turning between Gopinath and Gangotri, at that time the mobs had arrived from the side of

Parshwanathnagar and from opposite side. The accused was there in the said mob. Thus, this accused has played role in committing criminal act by remaining present amongst the mob and by becoming a member of an unlawful assembly. It clearly transpires from the testimony of this witness. Thus, there is no reason to disbelieve the testimony of this witness.

**(2) Isratjahan Parvezhusen, Witness No.177, Exh.1218**

- The name is not in the police statement.
- In the Statement of SIT, it is stated that two girls were there.
- **The name has been given in the deposition before the Court and has identified.**

- **Page No.5 Para No.10**

At about 2.00 to 2.30 pm, **the mob while indulging in sabotage, burning and looting had rushed in our chawls. I had seen from the above that the mob had rushed in our chawls.** In this mob, in the front were Sahejad Chhara, Ganpat Chhara and **two other Chhara ladies. Two Chhara ladies were looting.** Sahejad Chhara had lit matchstick to the first house of our chawl, which is the house of Jahedaapa. After setting fire by Sahejad, people of the mob were taking rounds in our chawls. Persons of the mob had returned and had knocked the door of the room wherein we were hidden. There, Sahejad had shouted loudly that whatever males were there inside may come outside. We were scared very much inside. My sound had stopped. Other Muslim ladies had given reply to Sahejad Chhara that there were only ladies and children. At that time, Sahejad Chhara had told them to give the children. At that time, the ladies inside had besought that what wrong they have done against them and that what they would do by taking their children. At that time, Sahejad had told that they would take away these children on the road and would burn

them alive. All the ladies who were inside the room had calmed down because of fear and all had started crying.

- **Page No. 6 Para No.11**

Persons of the mob had stayed there for some time and while going had told that today you would not survive and even if survived by chance, then go to Pakistan.

This witness has stated in the Statement dated 23-5-08 before the SIT that there were two girls and she has identified this accused by name in the deposition before the Hon'ble Court and has given ample evidence against the accused before the Hon'ble Court.

From the deposition of this witness, it is clearly transpired that the accused was in the front of the mob at 2.00 to 2.30 pm which was indulging in the criminal act and it clearly appears that he has played active role in looting and burning the properties of the Muslims by rushing in their chawls.

Moreover, this accused has witnessed with her eyes this accused lighting matchstick to the house of one lady, namely Jaheda and had knocked the door where the witness had hidden and had told everybody to come outside and had told that they would take away the children on the road and would burn them alive. Thus, sufficient evidence is forthcoming against this accused.

This witness has given the name of the accused before the Court and has also identified him.

**(3) Ruksana Bundu Kureshi, Witness No.212, Exh.1507**

- The name has been given in the Statement dated 3.6.08 and 14.9.08 of SIT.
- The name has given in the testimony before the Hon'ble Court – identified.

**- Page No.5 Para No.8**

On coming out from the hall, I had got separated from my brother, sister and mother. I had got separated. The people of our community had gone towards Tisra Kuva. The people amongst us who had gone ahead had returned quite speedily and told that a big mob of the Hindu people was there. They were having weapons in their hands. I had got frightened and raising shouts as Mother, Mother all around. I had asked the people of our community who were returning as to what had happened, thereupon **they had stated that a huge mob of Hindu people had arrived with weapons.**

**- Page No.5 Para No.9**

I had started to run with the people of my community. While running I had seen all of a sudden that Suresh Langdo was giving blow with Gupti (a pointed weapon concealed in a stick) in the stomach of my mother. Naresh, Haresh, Suresh Langdo, Guddu Chhara etc. were **amongst the mob who had beaten my mother.** The daughter of Jai Bhawani was offering water to the people of this mob. Jai Bhawani, **Son of Jai Bhawani**, Dalpat, Son of Dalpat, Chintu were there and one person having grey eyes and curly hair was also there in it. This person was having ironed pipe in his hand.

**- Page No.6 Para No.10**

Other people were also there with the people of this mob. **They were setting the people of our community on fire and beating** and the daughter of Jai Bhawani was providing kerosene and small quilt to the people of this mob for setting on fire.

**- Page No.5 Para No.11**

**At that time, there was brightness and not darkness.** And it would be the time of about half past five to six o'clock. I was weeping and had sat on the terrace of Gangotri after going there. Other people of our community were also there on the terrace of Gangotri. When I was on the terrace, at that time one burnt lady had come on the terrace carrying a small kid in her hand and this kid was also burnt. This lady was seeking help and was telling that those people had killed and set on fire many people of her community.

This witness has given the name of this accused in the Statement dated 3/6/08 and 14/9/08. And also given the name in the testimony before the Court. And identified this accused before the Hon'ble Court. And this witness has given the evidence against the accused in the testimony before the Hon'ble Court.

This witness has given the names of the accused in her Statements dated 3/6/08 and 14/9/08 before the SIT. On the day of incident, the witness was present on the place. She has been living at Javannagar in Lane No.1 since childhood. The witness has witnessed the incident from the terrace of her house. The mobs were seen near Noorani mosque. She had tried to go to the S.R.P. quarters after getting down. As the S.R.P. did not allow her to enter inside, she had gone to the house of \_\_\_\_\_ and she had gone in one hall from there and had gone towards Tisra Kuva from the hall. A huge mob of Hindu people was there armed with weapons. The witness has seen the accused while running. The said accused was there in the mob which had beaten the mother of the witness. The mob wherein the accused was there has killed the mother and sister of the witness and set them on fire. The witness has witnessed the said incident with naked eyes.

This witness has witnessed the incident with naked eyes. The accused has been identified involved in killing and setting on fire in the incident. And she has identified the accused by name even before the Hon'ble Court. There is no reason to disbelieve the witness.

**(4) Rafikanbanu Rahemanbhai Saiyed, Witness No.137, Exh.915**

This witness has given the name of this accused in her deposition before the Hon'ble Court. And she has identified before the Court. Moreover, in her deposition before the Hon'ble Court, she has given the evidence against the accused as mentioned under. This witness has sustained injury in this incident. Thus, this witness is an injured witness.

- **Page No.3 Para No.6**

There was a huge mob near Tisra Kuva. **In the said mob, some was armed with *gupti*, some was armed with sword and some had carboys of kerosene.** By showing the news of Godhra carnage to us, they were beating and would also drive away from there. Being scared, we had arrived in Gopinath Society.

- **Page No.4 Para No. 7**

As Bhavani made a sign, Suresh, Guddu, Sahejad and **Tiniya** as well as the persons of the mob had beaten us. **Guddu Chhara had inflicted *gupti* to me on the groin portion.** We had demanded water from Bhavani and at that time, Bhavani had given the glass filled with petrol to my son. As my son felt effect of the petrol in the neck, I had inserted finger and had caused vomiting of petrol to my son.

- **Page No.5 Para No.10**

**Rukshana and Zarina were burnt and killed on that day by Guddu, Suresh, Bhavani and Tiniya.**

- **Page No.6 Para No.12**

**I had taken the treatment at Shah-e-Alam camp in connection with the injuries sustained by me. 28 stitches had to be taken on my groin portion.** The incident of Zarina, Rukshana and Samshad had taken place at about six to half past six o'clock.

From the deposition of this witness, it becomes clear that on the date of the incident, while this witness was running to save her life towards Tisra Kuva, as mob arrived from the opposite side, she had run towards Gangotri and at that time, the accused persons had beaten them and by throwing Samshad, son of this witness alive in the fire had burnt him before the eyes of the witness. In this incident, Samshad, son of the witness; daughter

Rukshana and Zarina have died and daughter Afsana was also burnt, as a result thereof, she had sustained too much burns. Thus, this accused has played direct part in killing the daughters of this witness, namely, Rukshana and Zarina by burning them. This witness has seen her own two daughters and a son burning alive and has also seen daughter Afsana crying in injured condition. Thus, family members as aforesaid of this witness have died in this heinous incident. This witness has identified this **accused no. 55, Tiniya** before the Hon'ble Court, there is no reason to disbelieve the deposition of this witness.

**Accused No.(62) Kirpalsinh Jungbahadur Sinh****(1) Amina Abbasbhai Belim, Witness No.52, Exh.425**

- The name is there in the Statement of SIT dated 30.5.08.
- The name is there in the testimony before the Court – Not identified.

**- Page No.11 Para No.22**

I had gone in Masjid's chawl which is situated on Dhanurdhari Mata road. I had stood on the road there. **I had witnessed Bipinbhai while doing firing. The Garage** of this Bipinbhai is situated **on National Highway** on Dhanurdhari Mata road on front side. This **Bipinbhai was doing firing from the terrace of the garage. He was on the terrace.**

This witness has given the name of this accused in the Statement before the SIT. Moreover, the name of this accused has been given in the testimony before the Hon'ble Court. This witness has given clinching evidence against this accused in the testimony before the Hon'ble Court.

It clearly transpires from the testimony of this witness before the Hon'ble Court that this witness had come outside wearing khakhi uniform at about nine o'clock in the morning on the day of incident. At that time, he had seen that there were mobs. They were having the weapons. The people of the mob had worn saffron strips, they were raising slogans. They had done stone throwing on Noorani Mosque, done sabotage. Thereafter, this witness had stood near Masjid's chawl situated near Dhanurdhari Mata temple. At that time, this accused was seen while doing firing and he was doing firing from the terrace of his garage. Thus, this witness has witnessed this accused at the scene of incident with naked eyes while doing firing and while causing terror. This accused has done firing with an intention to kill the Muslims. Thus, this accused has played an active role in committing criminal act on the day of incident. It clearly transpires from the testimony of this witness.

**(2) Mohd.Shafi Allabaksh Mansuri, Witness No.157, Exh.1108**

- The name is there in the Statement dated 13.4.02 before the police. He was amongst the mob.
- The name has been given in the Statement dated 2.6.08 of the SIT.
- He has identified by name in the testimony before the Honourable Court.
- Application for exemption from attendance, 1107, there is no dispute with regard to the identity.

**- Page No.3-4 Para No.7**

After coming out, I had seen that a huge mob was there near Noorani Mosque. Another mob was also coming from Krishnanagar. While one mob was also coming from Natraj Hotel. I had witnessed the mobs coming from Natraj and Krishnanagar. The stone throwing was continued by the mobs in Noorani Mosque and they were doing sabotage there. The mob of Noorani Mosque which I state was such that the people had stood in the scattered group up to S.T. Workshop. I had seen that the people of the mobs of Natraj and Krishnanagar were having the weapons in their hands. The weapons which were with the mob included swords, scythes, rods, pipes etc. Some persons of this mob had tied red and saffron strips on the forehead and neck.

**- Page No.4 Para No.8**

**Bipin Autowala was amongst this mob.** Kirpalsing was there behind the police who was in the mob near the gate of Workshop situated in front of Noorani Mosque. Guddu Chharo and Suresh Langdo were also there in the mob towards Noorani Mosque. The sabotage was going on near Noorani Mosque. Meanwhile, the Muslim people had started to assemble at Chetandas's Chawl which is situated on the opposite side of Noorani Mosque.

This witness has given the name of this accused in the Statement dated 13-4-02 before the police and in the Statement dated 2-6-08 before the SIT. Moreover, the name of this accused has been given in the testimony before the Court and ample evidence against the accused has been given in the testimony before the Hon'ble Court.

From the testimony of this witness before the Court, it clearly transpires that the witness had come to the place where at present the police

chowky is situated at about nine to half past nine o'clock in the morning on the day of incident and he had seen that there was a mob near Noorani Mosque and the mob was coming from Krishnanagar and Natraj. This mob was armed with weapons like swords, scythes, rods etc. The accused was present along with other accused in this mob and they were doing sabotage near Noorani Mosque and they were doing stone throwing on the Muslims. At that time, the police had also done firing on the Muslims in the company of them. At that time, both the P.I. of Naroda Police Station were present. Abid, Khalid, Piru and Kaladiya had sustained bullet injuries in the said firing. Thus, as this witness had got frightened, he was loitering in the lanes upto about four to half past four o'clock in the evening and he was exhausted and had sat near the compound wall of S.R.P. At that time, one mob had come from Uday Gas Agency which had come along with the weapons. This accused was also present along with other accused in the said mob. Thus, the accused of this case has played an active role in committing criminal act by forming an unlawful assembly with an intention to fulfill the common intention of doing criminal conspiracy on the day of incident at different places of the incident in collusion with other accused. It is found clearly. Thus, there is no reason to disbelieve the testimony of the witness.

When the testimony of this witness was recorded in the Hon'ble Court, at that time this accused was absent and his application for exemption for attendance was given through his advocate stating such that there is no dispute with regard to the identity, which was granted by the Hon'ble Court. The said application has been given Exh.1107.

**(3) Siddiquebhai Alabaksh Mansuri, Witness No. 236,  
Exh.1662**

- In the statement dated 26.5.08 given before the SIT he has mentioned as the leaders with Mayaben Kodnani.
- He has identified as the leaders with Mayaben Kodnani in the testimony before the Honourable Court.

- **Page No. 4, 5 Para No.10**

At that time, at about 11.00 am, Mayaben Kodnani had arrived with white Maruti Fronty and a Trax Jeep had followed it at the gate of S.T. Workshop. After taking both the said vehicles from Krishnanagar, the same were parked near S.T. Workshop. The same were parked facing the gate of the S.T. Workshop. Mayaben had alighted from this Maruti car. After alighting, by making sign, she had called the mob at the gate of S.T.Workshop. At that time, about one hundred leaders had arrived which included P.A. of Mayaben. Mayaben had talked with them and thereafter, instructed her P.A. by making sign.

- **Page No.5 Para No.11**

At that time, P.A. of Mayaben had taken out weapons from the Trax Jeep. Among these, from some far distance, there seemed to be some weapons like swords, spears, tridents, revolvers. On the instructions of Mayaben, P.A. of Mayaben had given the same to all the leaders of the mob. Thereafter, car of Mayaben and the said jeep had started going towards Krishnanagar and had turned in the lane of Uday Gas Service. After the departure of Mayaben, persons of the said mob, which included her P.A. also had thrown the gas cylinders in the Noorani mosque and had caused sabotage and had thrust the whole tanker of kerosene inside the Noorani mosque.

- **Page No.6 Para No.12**

Thereafter, the persons of the mob had set the shops on fire situated surrounding the Noorani mosque. Thereafter, the whole mob had rushed inside the road leading to Jawannagar and Hussennagar. This mob had burnt the houses situated in Jawannagar and Hussennagar and had burnt alive the men, women and children which I had seen, meaning thereby, I had

seen the facts till the mobs had rushed in Jawannagar and Hussennagar.

- **Page No.8 Para No.19**

I do not know the name of the P.A. of Mayaben, but I know him by appearance. I know the leaders of the mob by appearance. I do not know their names. Even today, I would identify all of them. I would identify them after going closer where the accused have sat.

- **Page No.10 Para No.20**

The accused who are identified by me by name one by one after approaching where the accused have sat, they are the P.A. of Mayaben and Mayaben respectively.

Besides this, the person about whom I have narrated earlier, they were the leaders of the mob. Those whom I have identified included accused No. 24, 20, 17, 2 and **44 respectively**. After this incident, an intimidation was given to me. This Sahejad is not present in the Honourable Court here when I approached where the accused have sat, but I know him.

This witness has stated such in the statement dated 26-5-08 before the SIT that this accused was present as a leader with Mayaben and also identified the accused by name in the testimony before the Hon'ble Court and he has given ample evidence against the accused in the testimony before the Hon'ble Court.

From the testimony of this witness, it transpires that the accused was one of the seven leaders who had come with Mayaben Kodnani and he had also discussed with Mayaben and thereafter he had taken out weapons from the Trax vehicle which had arrived with Mayaben and given the same to this accused and other leaders. Thus, this accused was armed with weapon and thereafter the sabotage was caused in Noorani mosque and set on fire and set the shops, houses on fire. Women, men and children

were burnt alive. It is found that the accused was involved in the entire incident.

Thus, on perusal of the testimony of this witness, the fact is proved from the testimony of this witness that the accused has assaulted on the mosque, set the houses of the Muslims in Husennagar on fire and the women, men and children have been burnt alive. And this witness has identified the accused by name before the Hon'ble Court. Thus, there is no reason to disbelieve the testimony of this witness.

**MEDICAL EVIDENCES**

The medical evidence has been taken in this case, wherein the Post Mortem Notes prepared by the Medical Officers by deposition before the Honourable Court are proved by the following Exhibits.

In this case the post mortem forms and the causes of the death and the certificate of the reply have also been produced. Moreover, the inquest panchnama of many dead bodies have also been produced in the Honourable Court.

Thus, by this entire medical evidence, the prosecution has specifically proved that the deaths of all these human beings have taken place for unnatural cause. And that way the material evidence is proved pertaining to Section 302 of I.P.C.

The medical evidences and the P.M. Notes of the deceased persons have been produced in the Hon'ble Court in this case. Moreover, the receipts of funeral rites have also been produced in the Hon'ble Court. And the list of the missing persons is also as stated below.

It is to be stated to the Hon'ble Court in this case that there are such important decisions also wherein it is specifically mentioned that when the eye witnesses and medical evidence may be there, then the evidence of eye witnesses shall be more important and admissible in stead of medical evidence.

**MEDICAL EVIDENCES**

**The list of medical evidences and P.M. in respect of the deceased persons in the said case is as under.**

No.	Exe. P.M	Name of Death person	Age	Reason of Death	Doctor of P.M	Ex. Of deposit ion of doctor
1	348	Hajrabanu @ Zadikhala Abdul Rahim Saiyed		Injured on head & Death by Shock	43	332
2	389	Sarif Iqbalbhai Shaikh (PW- 37 Nephew)		Body are burnt & then Death	46	388
3	393	Aabidali Hamidali pathan		Reason of Burnt	47	392
4	400	Unknown persons deadbody		In shock of burning the person died	48	399
5	404	Hasanali Mohabali Mirza		In shock of burning the person died	49	403
6	411	Moh. Asif Sabbirbhai		In shock of burning the person died	50	410
7	421	Hamid Raja Moh. Maruf		Due to burning	51	420
8	578	Sofiyabanu Mehmudbhai Shaikh	19	Reason of burning	95	577
9	579	Abedabibi Sarmuddin Shaikh	40	In shock of burning the person died	96	577
10	582	Reshma salambhai Kureshi	30	In shock of burning the person died	96	581
11	583	Shahidabanu Ibrahim Shaikh	23	In shock of burning the person died	96	581
12	584	Jubedabanu Shabir Ahmed Shaikh	22	In shock of burning the person died	96	581
13	585	Zarinabanu Bundubhai Kureshi	35	Injured by weapons	96	581
14	597	Samir Salambhai Kureshi	10	In shock of burning the person died	97	596
15	601	Siddiq Salambhai Shaikh	25	In shock of burning the person died	98	600
16	60h	Mehraj Salambhai Shaikh	7	In shock of burning the person died	98	600
17	603	Asif Sarmuddin Shaikh	12	In shock of burning the person died	98	600
18	604	Shabnambanu Moh. Khursid Shaikh		In shock of burning the person died	98	600
19	605	Un known person dead body	35	In shock of burning the person died	98	600
20	617	A.Wahab A.karim Shaikh	20	In shock of burning the person died	99	616
21	618	Abdula Abdul gain Shaikh	32	In shock of burning the person died	99	616
22	619	Nasimbanu Bundubhai Kureshi	12	In shock of burning the person died	99	616
23	623	Khawaza Hussain Majid Shaikh	7	In shock of burning the person died	100	622
24	626	Shabir Ahmed Khurshid Ahmed Shaikh			100	622

25	624	Moh. Ayub Alabex Shaikh	30	In shock of burning the person died	100	622
26	625	Farhan Ayubbhai Kureshi	35	In shock of burning the person died	100	622
27	633	Kherunisha Moh. Maruf Abdul Rauf	15	Death caused by head injury	101	632
28	634	Bilkishbanu Moh. Maruf A.rauf	32	Death caused by head injury	101	632
29	638	Salambhai Abdul Kureshi	30	Death caused by head injury	102	637
30	639	Shahzaha Sarmuddin Shaikh	25	In shock of burning the person died	102	637
31	642	Sohel Ahmed Ayubbhai	5	In shock of burning the person died	102	637
32	643	Zarinabanu Rehmanbhai saiyeed	12	In shock of burning the person died	102	637
33	657	Kausarbanu Khalid NoorMoh. Shaikh	25	In shock of burning the person died	103	656
34	658	Hussain Moh. Masak Kureshi	20	In shock of burning the person died	103	656
35	659	Gosiyabanu Mo.Harun shaikh	25	In shock of burning the person died	103	656
36	760	Shakina Babubhai Bhatti	22	In shock of burning the person died	118	759
37	762	Shakina Mehbubhai	12	Person death by burning & other complication	119	761
38	763	Mehbub Khurshidbhai Shaikh	30	Person death by burning & other complication	119	761
39	774	Hanifakhatun Abdul wahab Shaikh	45	In shock of burning the person died	120	773
40	775	Akram Moh. Harun Shaikh	2	In shock of burning the person died	120	773
41	776	Fatimabibi Ganibhai		In shock of burning the person died	120	773
42	777	Shaminabanu Shabir Ahmed Shaikh	7	In shock of burning the person died	120	773
43	779	Supriya Abdul majid Shaikh	35	Death caused by poison in blood	121	778
44	782	Mk÷e{kçkkLkwt	35	In shock of burning the person died	122	781
45	787	Moh. Yunus Moh. Razak Ansari	30	Death caused by head injury	123	786
46	788	Noorjaha Moh. Hussain Shaikh	25	In shock of burning the person died	123	786
47	789	Mohsin Mebla hussain Shaikh	7	In shock of burning the person died	123	786
48	795	Ismailbhai sarmuddin Shaikh	40	In shock of burning the person died	124	794
49	796	Noorjaha kabirali Shaikh	30	In shock of burning the person died	124	794
50	797	Sarmuddin Moh. Munaver Shaikh	30	In shock of burning the person died	124	794
51	799	Moh. Hussain Abdul Kadar Kureshi	22	In shock of burning the person died	125	798
52	800	Irfan Inayat saiyeed	8	In shock of burning the person died	125	798
53	801	Salman Inayat Saiyeed	5	In shock of burning the person died	125	798
54	804	Un known persons dead body	14	In shock of burning the person died	126	802
55	807	Mebub Abdul Majid	22	In shock of burning the	126	802

		Shaikh		person died		
56	813	Rajak Babubhai Bhattay	13	Person death by burning & other complication	127	812
57	815	Subhan Jainul Abedin Shaikh	1	In shock of burning the person died	128	814
58	816	Abdul Kadir Abdul Rashid Shaikh	40	In shock of burning the person died	128	814
59	818	Kudratbibi Khurshidbhai	45	In shock of burning the person died	128	814
60	819	Sarmuddin Khalid Noormoh. Shaikh	25	Death caused by poison in blood	128	814
61	821	Sufiyabegam Abdul Ahad	25	In shock of burning the person died	129	820
62	822	Moh. Shahrukh Zakirhussain Shaikh	5	In shock of burning the person died	129	820
63	825	Firoz Ahmed Ayub Shaikh		In shock of burning the person died	129	820
64	862	Muskan Jainul Abedin Shaikh	5	In shock of burning the person died	132	861
65	863	Shahinbanu Abdul Majid Shaikh	4	In shock of burning the person died	132	861
66	866	Lalabibi Abdul Majid Shaikh	35	Injury on Head	132	861
67	1942	Adamali Mohammedbhai	40 to 50	In shock of burning the person died	285	1941
68	1943	Gulnazbanu Ayumiya Malek	10	In shock of burning the person died	122	781
69	1945	Vasim Abdul Ajijbhai Shaikh	10	In shock of burning the person died	h8Åk	1941
70	1946	Salim Abdul Ajij Shaikh	5 to 7	In shock of burning the person died	285	1941
71	1947	Niloferbanu Ibrahimbhai Mansuri	5	In shock of burning the person died	285	1941
72	1949	Imran Salimbhai	10	In shock of burning the person died	285	1941
72	1951	Nadim shabbirbhai Shaikh	10	In shock of burning the person died	285	1941
74	1952	Mayuddin Hasanbhai Saiyed	18	In shock of burning the person died	285	1941
75	1953	Shamsad Rehmanbhai Saiyed	10	In shock of burning the person died	285	1941
76	1954	Rukshana Rehmanbhai Saiyed	10	In shock of burning the person died	285	1941
77	1961	Rafiq sarmuddin Shaikh	2	In shock of burning the person died	285	1941
78	1962	Noorjaha Ismailbhai	40	In shock of burning the person died	285	1941
79	1963	Saliyabibi Jainulaabedin Shaikh	26	In shock of burning the person died	285	1941
80	1964	Moh. Hussain A.majid Shaikh	15	In shock of burning the person died	285	1941
81	1968	Moh.Hussain A.majid Shaikh			101	632
	<b>Exh. Of Funeral ceremony</b>	<b><u>On basis of receipt of funeral ceremony</u></b>				
82	2352	Aafrinbanu A.majid Shaikh				
83	2353	Zarkisbibi Abdulgani Ibrahimbhai				
84	2354	Aafrinbanu Meblahussain Shaikh				
85	2355	Mehub B. Mebla hussain				

86	2356	Jainebbi Khalid Noor Mohammed Shaikh
87	2357	Rabiyabibi rahimbhai Shaikh
88	2358	Mumtazbanu Mohammedbhai Qureshi
89	2359	Kalimuddin Ahmedbhai qureshi
90	2360	Ismailbhai Poojabhai mansuri
91	2382	Abdul Kadar Abdul Rashid Anori
92	2361	Reshmabanu Iqbal Ahmed Shaikh
93	Miss place on offence place	Babubhai Abdul rasul Bhatti
94	Miss place on offence place	Madinabibi babubhai bhatty
95	Miss place on offence place	Moh. Shaqil Abdul Alim chaudhary

**Injured persons Name & Exh. to certificate**

witness	Witness name	Certificate	Detail of injury	Doctor witness
165	Pirmohammad Alabex	1990	Injury by fire	134 & 290
167	Mohammad Hussain kaiyumbhai Shaikh	1991	Injury by fire	290
154	Ahmed @ Badshah Hussain Shaikh	285	Injured of inflammable & chemical & scratch by Bullets	39
255	Mohammad Khalid Saiyedali Saiyed	1979	Injury by fire	287
200	Sokatbhai Nabibhai Mansuri	327	Deeply injury of Stone pelting	42
106	Farzana W\O Ayubkhan Kalekhan (DD)	366	Injury by burning Reason : thrown Kerosin	44
153	Kulsambanu Ibrahimbhai Shaikh	878	Injury by wood stick	134
205	Zarinabanu Naimuddin Shaikh	544	Injury by burning & weapons	132
151	Raziyabanu W\O Ayub Shaikh	283	Injury by burning Reason : thrown Kerosin	39
	Soeb Moh. Ayub Shaikh (20 day's Child)	279	Injury by burning	39

160	Afsana Rehmanbhai Saiyed	342	Injury by burning Reason : thrown Kerosin	43
164	Yasin usmanbhai Mansuri	374	Injury by burning & also Thrown Acid & Kerosin	44
251	Sufiyabanu Inayat Saiyed (DD) (Husband Inayat A. Rehman Saiyed)	346	Injury by burning Reason : thrown Kerosin	43
163	Usmanbhai Valibhai Mansuri (DD)	372	Injury by burning & attack by wood stick	44
214	Saberabanu A. Aajij(DD)	370	Injury by burning & burning by Kerosin & petrol	44
161	Shahjaha Kabir Ahmed	376	Injury by burning	44
158	Naimuddin Ibrahim Shaikh	362	Injury by burning & stone pelting	44
159	Shabbir Ahmed Munir Ahmed Shaikh	344	Injury by petrol & Kerosin	43
76	Ahmed hussain Moh. Hussain (father Moh. Hussain Munirbhai)	277	Chemical thrown on body head injury by stone	39
155	Shenaj Munaver Shaikh	281	Injury by burning	39
207	Basir Ahmed Dhobi	334	Injured by hard substance	43
65	Sabana Abdul Rahim (Husband A.Rahim)	336	Injury by burning	43
191	Kamarraza Moh.maruf (father Moh. Maruf)	339		43
191	Ayesha Moh. Maruf (father Moh. Maruf)	340	Injury & burning by Kerosin	43
206	Jaitunbibi Aslammiya	364	Injury by stick	44
106	Reshma Ayubkhan	368	Injury by stick	44
57	Babul mehbubhai	507		71
171	Mustak Rajak	1976	Injury by bullets	286
191	Moh. Maruf @ Valiulla	1965	Injury by thrown Kerosin	44 (285)
181	Shahrukh Shabbir (mother Afsara Begam Kabir ali	1966		44 (285)

	Shaikh			
156	Yasin A.majid (father A.majid Moh. Usman	504		71
	A.majid Saiyed	1987		289
154	Ahmedbadshah	1065		286

Thus, in this case the depositions of the eye witnesses and the witnesses who sustained injury in the incident were recorded before the Honourable Court, wherein it is specifically proved from their evidences that the present accused and the absconding accused and the deceased accused etc. had made pre-planned conspiracy with an intention to take revenge of the incident having taken place at Godhra and caused damage/loss to the muslim chawlas and religious places and the properties of the muslims situated in Naroda Patiya area and caused plundering and caused destruction. And all the accused persons had got united and formed an unlawful assembly and they were armed with lethal weapons like swords, scythes, ironed pipes, sticks, stones, inflammable substances, carboys filled with liquid like kerosene, petrol and the weapon like revolver and attacked on the muslim chawls and religious places of Naroda Patiya area and thereby caused physical injuries to innumerable muslims of Naroda Patiya and killed them. All these facts clearly transpire from the depositions of the witnesses, there is no reason to disbelieve the same.

**EVIDENCES FOR THE PROSECUTION AGAINST THE ACCUSED**  
**EXCEPT THIS**

- (1) Panchnama of scene of offence, Recovery panchnama of different things/articles.
- (2) F.S.L. Reports and Medical evidences.
- (3) Videography of the scene of offence and the photographs being produced.
- (4) Arguments and all documentary evidences being produced for the prosecution regarding P.M. notes of the dead bodies and we adopt the arguments to that regard.

**COMPENSATION UNDER SECTION 357 OF CR.PRO.CODE.**

On the day of incident, the accused of this case have heavily indulged in riots, fire, plundering, rape and burning little kids by throwing them alive in the fire and they have caused a great deal of damage/loss to the lives and properties of the muslim families living in muslim chawls of Naroda Patiya. They have become victim of the oppression committed by the accused of this case upon them. And these poor people have lost all their properties on account of criminal acts of the accused. Under these circumstances, it is in the interest of justice that the Hon'ble Court may inflict huge fine and sentence upon the said accused persons and may award sufficient compensation to the affected persons under section 357 of the Criminal Procedure Code. Some families, the residents of muslim chawls of Naroda Patiya area could not go to their houses again till today on account of oppression committed by the said accused in the year 2002. Unfortunately, the Government have also not taken any steps till today for their rehabilitation. Under these circumstances, since it is in the interest of justice to award the affected residents of muslim chawls residing in Naroda Patiya area appropriate compensation under section 357 of Cr.P.C. in this case, it is requested to pass appropriate order to award appropriate compensation to the affected persons in the interest of justice in this case. During this communal riot, the witnesses who have suffered serious kind of damage/loss of lives or properties, the said affected persons have stated the facts of the damage caused to them in their depositions before the Hon'ble Court.