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Qasab was not at CST on 26/11, say lawyers

Mumbai Mirror Bureau ★★★★★

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Posted On Saturday, December 04, 2010 at 02:04:07 AM

Ajmal Qasab's lawyers Amin Solkar, Farhana Shah and Santosh Deshpande told the Bombay High Court that their client was not present at the Chhatrapati Shivaji Railway Terminus when it was attacked on November 26, 2008.



"We do not deny the incident, we also do not dispute that two terrorists had fired at people... all that we say is that Qasab was not at CST at the relevant time," they told justice Ranjana Desai and justice R V More who are hearing arguments on confirmation of death sentence awarded to Qasab."

Qasab did not appear on the screen put up in the court for the video conference link to enable him hear the proceedings. Solkar urged the judges to visit the terror spots personally to get a first hand impression of the topography in order to appreciate the evidence adduced by the prosecution against Qasab.

Ajmal Qasab at CST on the night of November 26, 2008

The judges said they were inclined to visit the spots and would fix up a day next week for this purpose. A decision on this matter would be taken soon, the bench said.

sebastian dsouza

Earlier, senior sessions judge M L Tahaliyani, who had awarded death sentence to Qasab, had also visited the terror spots before the trial. Solkar pointed out contradictions in the testimony of witnesses and said police constable Bharat Bhosale, who was injured in the shoot-out at CST, had disclosed that a hand grenade was thrown by terrorists first and then after 10 minutes they fired at people.

However, other witnesses were silent on this aspect. Solkar argued. Only one witness had said

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that there was an explosion at CST before the terrorists fired. Other witnesses have said they heard two explosions and not one, Qasab's lawyer said.

Solkar argued that constable Bhosale said he had seen Qasab reloading his rifle at CST but did not say anything to identify him. He also did not describe Qasab in his statement to police although he identified Qasab in the court as the gunman who had fired at people. "I had forgot to describe Qasab in statement to police," Bhosale had told the court. Moreover, Bhonsale was not shown Qasab's weapon in the trial court, Solkar submit-ted.

Most of the witnesses have given a general description of Qasab as "butka" (a person of short height) and his partner Abu Ismael as "lambu" (a tall person). Such identification was not relevant and should be dis-carded, Solkar argued.

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Vijay Patrick Williams, pram_53@yahoo.co.in Dated : Saturday, December 04, 2010 12:33 PM

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