

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL WRIT PETITION NO. OF 2010  
DIST. MUMBAI

Shri. Radhakant Yadav ...Petitioner  
VERSUS  
The Union of India  
& Ors. ...Respondents

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**SYNOPSIS**

<b>DATE</b>	<b>PARTICULARS</b>
29.10.2008	Bomb blast took place in Malegaon town of Nashik District, Maharashtra, killing six persons and injuring more than 100.
Sept to Nov 2008	Anti Terrorist Squad (ATS), Maharashtra headed by Hemant Karkare started investigation of the case, arrested many important accused persons like Sadhvi Pragya Singh Thakur, Lt. col. Purohit and Mahant Dayanand Pandey.  From the interrogation of the accused and from the information contained in the lap-tops recovered from Lt. Col.

Purohit and Dayanand Pandey, it was disclosed that a right wing radical Hindu organization "Abhinav Bharat" had been conspiring to overthrow the constitutionally established present Government, to scrap therefore present constitution and to establish a "Hindu Rashtra" with its separate constitution and separate flag and that they had been seeking help of foreign powers to achieve their objective.

In the investigation, the names of many political and religious leaders conniving at this conspiracy and also names of industrialists, builders etc. who donated for this devilish cause were revealed and Hemant Karkare was about to arrest some of them.

The conspirator of "Abhinav Bharat" the right wing political and religious leaders and their sympathisers and supported in the I.B. had been thinking of many alternative methods to get rid of Hemant Karkare who was not ready to budge from his principled stand.

19.11.2008

The I.B. received an absolutely specific information through RAW that a ship of LeT terrorists had left Karachi to attack Mumbai.

21.10.2008

The I.B. also received numbers of 35 mobile phones which the LeT terrorists were likely to use during their journey and operation.

But apparently, the I.B. did not pass on this absolutely specific and highly sensitive information to Mumbai police to whom it reached the Western Naval Command which had the capability to destroy the LeT's ship within minutes. (But later development indicates that they passed it on to the right wing native terrorists of "Abhinav Bharat").

So far as mobile phones are concerned the I.B. later confessed that it forgot to keep them under surveillance till the midnight of 26/11. (But here also, the later developments almost confirmed that they kept the phones under observation but used the phone so received for dubious purpose, as logically proved by Mr. S.M. Mushrif in his book "Who Killed Karkare?")

26.11.2008

The LeT terrorists struck Mumbai, they wreaked havoc at Hotel Taj, Leopold Restaurant, Hotel Oberoi, Hotel Trident and Nariman House, killed and injured many people and also kept some

persons, mostly foreigners, as hostages.

A parallel operation was planned and executed by the native right wing terrorist of "Abhinav Bharat", with the connivance and active help of the communal elements in the I.B. Perfectly coinciding with the LeT's attack, they started their operation in CST, Cama Hospital and Rangabhavan Lane area, killed and injured many people and finally achieved their main objective of eliminating Hemant Karkare.

The I.B. with the help of crime branch Mumbai, stage-managed on 'encounter' at Girgaum Chowpatty by sending their "special terrorists" from the the "stock", the I.B. generally had and created an impression that one of the 'terrorist' was killed, one was injured and caught alive and that they belonged to the group of LeT terrorists that attacked the hotels.

27.11.2008

Within hours of the attack, the previous chief of ATS, K.P. Raghuvanshi who happened to be on very friendly terms with Lt. Col. Purohit, the main conspirators of the "Abhinav Bharat" anti national plot,

was "temporarily" appointed as the head of the ATS, which was then investigating the Malegaon blast case of 2008 of which Purohit was the main accused and hence whose role in Karkare's killing was seriously suspected.

Nov to 2008 to  
Feb 2009

The I.B., the crime branch Mumbai and the ATS, headed by K.P. Raghuwanshi, cooked up a story that the two "terrorists" who were killed/injured in the 'encounter' at chowpatty were responsible for the mayhem at CST, Cama Hospital and Rangabhavan Lane and for the killing of Hemant Karkare and that they belonged to the group of terrorists who wreaked havoc in Taj, Oberoi hotels and in Nariman house. The I.B. and the investigation agencies hid or destroyed the real evidence and manipulated and fabricated evidence including the confessional statement of the accused No. 1, Ajmal Kasab, to suite their theory.

26.2.2009

The crime branch, Mumbai completed the investigation and filed the charge-sheet in the Court.

Oct. 2009

Mr. S.M. Mushrif, former Inspector General of Police, Maharashtra, published a book, entitled "Who Killed

Karkare?"-The Real Face of Terrorism in India," in which, among other things, he has dealt with the Mumbai terror attack, the killing of Karkare and its back ground and has logically proved on the basis of the charge sheet of the Mumbai terror attack case of 26/11, the charge-sheet of the Nanded blast case of 2006, the charge-sheet of the Malegaon blast case of 2008, on, on the basis of the news-reports published in the reputed news-papers and on the basis of the part of the control room W/L communication which was in therefore public domain, that the theory of the I.B. and the crime branch Mumbai, is wrong, that the group at CST-Cama Hospital-Rangbhava Lane part of the attack was different from the group of LeT terrorists in the Taj-Oberoi-Nariman House section and that Karkare was killed by the native terrorist of "Abhinav Bharat" with the active help of the I.B for his exposing the anti-national terror plot.

29.04.2010

The petitioner was convinced about the theory put forth by Mr.S.M.Mushrif in his book and filed a Writ Petition in Public Interest in the Supreme Court, under Article 32 of the Constitution of India [Writ Petition

(Civil)No. 187 of 2010] seeking on independent inquiry into the matter by a committee constituted under the Commission of Inquiries Act 1952.

12.05.2010

The Writ Petition was heard and was dismissed as withdrawn. The Hon'ble Supreme Court however pleased to permit this petition to move the High Court under Article 226 of the Constitution.

06.05.2010

During the pendency of this Writ Petition in the Supreme Court the decision of the Mumbai terror attack case of 26-11-2008, was pronounced by the Ld. Additional Session Judge, Greater Mumbai, in which the accused No.1 was held guilty on almost all the charges.

The petitioner carefully went through the 1588 pages judgment of the Ld. Additional Sessions Judge, Mumbai and found that most of the points mentioned by Mr. Mushrif in his book have not only been vindicated but also reinforced and many new acts have come to light during the course of the hearing, which are as given below.

- 1) The conversation between the eight LeT terrorist in the Taj, Oberoi and



Nariman House and their handlers in Pakistan had been recorded for ten hours ; but there was no mention of the names of the two alleged terrorist in the CST-Cama Hospital - Rangbhavan Lane Section Of the attack once during the conversation.

- 2) All the five Nokia mobiles having been given to the LeT terrorist by their handlers were recovered from Taj,Oberoi,and Nariman House;but no phone was recovered from the Cst, Cama Hospital, Rangbhavan Lane or Girgaun Chawpatty.
- 3) From the recorded conversation in appears that the objective of the LeT terrorist was to hold some people especially foreigners as hostages.If that was so,whom could they have kept hostages at CST?.
- 4) The DNA test done on the basis of the jackets of the accused recovered from boat "Kuber" cannot be accepted ;as the Court itself has disbelieved the recovery of the dead body from the same boat on the ground that the police had an opportunity to enter the boat before the recovery panchanama was drawn .

- 5) From the description given in the judgement as to how the recording of conversation initiated, it is abundantly clear that some officers in the I.B knew the numbers of mobile phones being used by the terrorist, but they misused the information so obtained for facilitating synchronisation of the attack of the native right wing terrorist with the attack of the LeT terrorist; and that they told the Mumbai Police to record the conversation only after Hemant Karkare was killed.
- 6) A very crude and overt attempt was made by the prosecution to hide the identity of the persons killed in the taxi-blest at Vile Parley and Wadi Bandar as they were from among the "Abhinav Bharat" terrorist involved in the CST, Cama Hospital, Rangbhavan Lane part of the attack, who apparently committed suicide to avoid identification.
- 7) Many bizarre facts have come to light in the judgement; e.g. Additional C.P. Sadanand Date and the two terrorists in the Cama Hospital came face to face; but did not fire at one another; three mobiles were found in the rixin bag on the terrace of the Cama Hospital some of the ballistic experts report

were not consistent with the prosecution theory and so on.

- 8) From the perusal of the judgment it is seen that extremely important and authentic sources of information such as the internal prob report of the Home Ministry into the intelligence lapse on the part of the I.B, the C.Ds of W/C communication of the Mumbai Police control room, Pradhan committee report, the transcript of the lap-tops of been remotely touched and intentionally kept under wraps for the fear that the real facts would be revealed.
- 9) Similarly vital pieces of evidence such as the two mobile phones falled down from the terrorist at the C.S.T, the mobile phone of the Hemant Karkare the evidence of the most important eye witness Anita Uddaiyya, etc.. have not been taken into consideration at all in the investigation.
- 10) On the other hand, the pieces of evidence hardly having any evidential value such as the photographs of accused No.1, the Ds of CCTV recoodings at the CST and Times of India building, the retracted

confessional statement of accepted No.1 have been heavily relied upon.

- 11) Some other important points mentioned by Mr.Mushrif in his book have not been inquired in to at all.

- Hence the petition seeking the reinvestigation of the under the direct supervision of this Ho'ble Court by a team of professionally competent and politically and communally impartially police officers or to direct the Central Bureau of Investigation or National Investigation Agency.

- Hence this Criminal Writ Petition.

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\_\_Submissions to be made

The investigation of the circumstances surrounding the death of Hemant Karkare have not been investigated properly and the reinvestigation of his death is required to be done on the lines detailed in para 21 of the petition.

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Acts and Rules to referred to

- 1) Constitution of India.
- 2) Code of Criminal Procedure.

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Authorities to be cited

Nil at present.

Advocate for Petitioner

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL WRIT PETITION NO.                      OF 2010  
DISTRICT : MUMBAI

In the matter of Article 226 of  
the Constitution of India.

AND

In the matter of the Code of  
Criminal Procedure.

Shri. Radhakant Yadav,  
S/o. Late Sudhist Narayan Yadav,  
Age : 77 yrs., Occ : Social Worker,  
R/o. 101, Kautilya Nagar, Vidhayak Colony,  
Patna – 14, Bihar ... Petitioner

Versus

- 1) The Union of India  
Through its Home Secretary,  
Department of Home,  
North Block, New Delhi – 110 001

- 2) The State of Maharashtra  
Through its Secretary,  
Department of Home,  
Mantralaya, Mumbai – 400 032

- 3) The Commissioner of Police,  
D.N.Road, Opp.Crawford Market,  
Mumbai – 400 001

- 4) Mr. S.M. Mushrif

Age : Adult,  
Former I.G. of Police of Maharashtra,  
101, Amit Anand Modern College Road,  
Pune – 411 005 ... Respondents

TO,  
THE HONOURABLE THE CHIEF JUSTICE  
AND OTHER HON'BLE JUDGES AT THE  
HIGH COURT OF JUDICATURE AT BOMBAY

THE HUMBLE PETITION OF  
THE PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHEWETH;

1. The Petitioner is a citizen of India and is resident of Patna. The Petitioner is a Political worker and Social activist. The Petitioner had been a member of Bihar Legislative Assembly for three terms. The Petitioner had opposed the emergency and was kept in jail during the emergency for a period of 19 months. The Petitioner has been member of Socialist Party since 1955. The Petitioner is currently running a non-government organization called 'Saptakranti Vahini' and is also a founder member of 'Ram Manohar Lohia Vichar Manch'. The Petitioner has been closely following the issues affecting the Nation.
2. The Respondent No.1 is the Union of India which controls the Research and Analysis Wing (RAW) and the Intelligence Bureau (I.B.) of the Government of India. The Respondent No.2 is the State of Maharashtra and the Respondent No.3 is the Commissioner of Police of Mumbai. The Respondent No.4 is a Former I.G. of Police

of Maharashtra who has authored a book titled as " Who killed Karkare?-The real face of terrorism in India."

3. The petitioner has been closely following the sudden spurt in bomb explosions through out India in recent years and other terror related incidents such as the Mumbai terror-attack. After doing a detailed analysis of the pre and post events of Mumbai terror-attack of 26.11.2008 the Petitioner has come to the conclusion that on 26.11.2008 there were two distinct conspiracies simultaneously in operation. First conspiracy was the attack on Taj Hotel, Trident Hotel, Nariman House and Leopold Hotel which was conceived and executed by the inimical forces based in Pakistan. The second conspiracy, which has not been probed, was the one to kill an upright officer Mr. Hemant Karkare, the then A.T.S. Chief, which was simultaneously in execution at C.S.T., Cama Hospital and Rang Bhavan lane and there are reasons to suspect that this was conceived and executed by internal right wing forces whose stated objective is to throw out the Constitutionally Government and in its place to install a Hindu Rashtra headed by a king with a separate constitution and separate flag. The brutal murder of late Hemant Karkare is because he was investigating Malegaon blast case and he had exposed the said nefarious designs.
4. The Petitioner states that, about the events of 26/11 various Police Stations recorded about 12 F.I.R.s and were subsequently transferred to the D.C.B.C.I.D. The D.C.B.C.I.D. of Mumbai registered 12 F.I.R.s namely C.R.Nos. 1) 182/8( D.B.Marg P.Stn.C.R.No.305/08, 2)



186/8( Yellow Gate P.Stn.C.R.No.52/08, 3) 187/8( Azad Maidan P.Stn.C.R.No.245/08, 4) 182/8( Azad Maidan P.Stn.C.R.No.246/08, 5) 191/8( Marine Drive P.Stn.C.R.No.231/08, 6) 192/8( Marine Drive P.Stn.C.R.No.230/08, 7) 193/8( Colaba P.Stn.C.R.No.240/08, 8) 194/8( Colaba P.Stn.C.R.No.242/08, 9) 197/8( Colaba P.Stn.C.R.No.241/08, 10) 198/8( Vile Parle P.Stn.C.R.No.464/08, 11) 200/8( Byculla P.Stn.C.R.No.318/08, 12) 213/8( A.T.S. C.R. No. 20/08 & C.S.T. Rly. P.Stn.C.R.No.155/08.

5. The D.C.B.C.I.D. after investigation submitted a Chargesheet in the Sessions Court, Greater Mumbai and the above referred Ajmal Kasab, a Pakistani and two other Indians stood their trial in Sessions Case No.175 of 2009. The Learned Additional Sessions Judge convicted the accused and death sentence was awarded to Ajmal Kasab. The Petitioner craves leave to produce and rely upon the copy of the Judgment dated 06.05.2010.
6. The Petitioner says that, after doing detailed analysis of the pre and post events of 26.11.2008 and the contents of the aforesaid Judgment of the Sessions Court as well as the contents of the book 'Who Killed Karkare?' by Respondent No.4 and also the charge-sheet filed in Malegaon blast case he has come to conclusion that, a proper impartial and detailed investigation into the circumstances leading to the death of Late Hemant Karkare and other Police officers at Cama Hospital and Rangabhavan Lane has not been carried out. The

conclusion has been arrived at in the circumstances narrated hereinafter.

7. The Respondent No.4, Mr. S.M. Mushrif, a former Inspector General of Police, in his book, "Who Killed Karkare? – The Real Face of Terrorism in India" has, on the basis of the news-items published in leading national news-papers, as well as on the basis of the charge-sheets filed in the courts, in respect of Mumbai terror attack case of 26/11, Nanded blast case of 2006 and in the Malegaon blast case of 2008 and on the basis of the parts of the wireless communication, in respect of Mumbai terror-attack case telecast by some T.V. news-channels and also those reproduced by Smt. Vineeta Kamte, the widow of the slain Additional Commissioner of Police, Mumbai city, in her book, "To The Last Bullet", has brought out the following facts. (The references and page numbers are taken from the third edition of Mr. S. M. Mushrif's book). Hereto annexed and marked **Exh. A Colly** are copies of the relevant pages of the Book by the Respondent No. 4.
8. Late Hemant Karkare, the then Chief of Anti Terrorist Squad, Maharashtra, had been very honestly and transparently investigating into the Malegaon blast case of 2008. He had arrested, the main conspirators like Lt. Col. Prasad Purohit, Mahant Dayanand Pandey, Sadhvi Pragyasingh Thakur and others. From the narco analysis test conducted on Lt. Col. Purohit and from the contents of the lap-tops recovered from him and Dayanand Pandey, it had transpired that a right wing radical Hindu organization "Abhinav Bharat" had been conspiring to

overthrow the constitutionally established Govt. and the present democratic system and to establish in its place a "Hindu Rashtra" with its separate constitution and separate flag and that they were seeking help of foreign powers like Nepal and Israel to achieve their objective. (Page No. 266 to 268).

9. In the thorough and professional investigation of the Malegaon case by Hemant Karkare, the names of many prominent political and religious leaders conniving at the conspiracy and also the names of industrialist, builders, diamond merchants etc. who donated for this devilish cause, had been revealed and Karkare was only inches away from arresting some of them (page no. 173 to 184).
10. At about this time, the Intelligence Bureau (I.B.), the country's premier intelligence agency, received a very specific and definite information about the Lashkar-e-Tayyeba's (LeT's) plan to attack Mumbai. On 18<sup>th</sup> Nov. 2008, the U.S. intelligence agency informed the Research and Analysis Wing (RAW), the India's external intelligence agency, that a ship of the LeT, carrying some terrorists had set sail from Karachi to attack Mumbai. The U.S. agency also provided the longitudes and latitudes of the ship, which were 30-34, placing the ship at about 20 to 30 nautical miles south of Karachi. The RAW passed on this absolutely specific information to the I.B. which deals with internal security and asked it to take necessary action. While passing on this information the RAW also furnished to the I.B. numbers of 35 mobile phones, which were planted on the LeT

operatives, through its (RAW's) sources and requested to keep them under surveillance, as the terrorists were likely to make use of them. (Later, it was found that the terrorists actually used three of these 35 mobiles).

11. But surprisingly, the I.B. did not pass on this highly sensitive and absolutely specific information to the Mumbai police, to whom it mattered most and did not ensure that the same was conveyed by the Naval Intelligence Directorate to the Western Naval Command, the arm wing of the Indian Navy and through whose jurisdiction the terrorists' ship was to pass. However for the sake of records the I.B. gave this information to the Coastal Guard knowing that its jurisdiction and resources were very limited and to the Directorate of Naval Intelligence. But that its intentions were not honest was clear from the fact that it did not extend necessary cooperation to the Coastal Guard and did not update the information inspite of repeated requests from the officers of the Coastal guard. Similarly, it appears that the information was deliberately blocked at the Directorate of Naval Intelligence with the help of the officers in the Directorate sympathetic to the right wing conspirators, and was not passed on either to the Naval Chief or to the Western Naval Command which had the capability to locate and destroy the ship in no time. (page no. 186 to 191).
12. So far as the 35 mobile phones, the numbers of which had been furnished by the RAW, were concerned, the I.B. later admitted that it forgot to keep them under observation till Karkare was killed. However, Mr. Mushrif,

on the basis of later developments, has logically inferred in the book that the I.B. kept the telephones under observation, but used the information so received for dubious purpose (point no. 7 and 8 on page no. 189 of chapter VI and point no. 5 on page no. 332 of the Annexure A of the book)

13. The Mumbai terror-attack of 26 November, 2008, had two distinct parts- 1) The attack on Taj, Oberoi, Trident, Leopold and Nariman House along the sea-shore and 2) the attack at Chhatrapati Shivaji Terminus (CST), Cama Hospital and Rangabhavan Lane in the heart of the city. Mr. Mushrif in his book has logically proved that these two attacks were different in all respects. He has pointed out as many as eleven points to show i) that the terrorists in the CST-Cama-Rangabhavan section were not from among the group of LeT terrorists who had landed at Badhwar Park, Cuffe Parade, Mumbai and wreaked havoc in Taj, Leopold, Oberoi, Trident and Nariman House and (ii) that the CST-Cama Hospital-Rangabhavan Lane attack was a premeditated act planned and executed by the native right wing terror group, with the sole objective of eliminating Hemant Karkare (page no. 186 to 233). In this connection, the following points logically argued and prima facie proved by Mr. Mushrif in his book merit serious consideration ;
14. The terrorists at Taj, Oberoi, Trident and Nariman house received as many as 284 calls from their handlers in Pakistan through VOIP (Voice Over Internet Protocol) technology but not a single call was received by the two terrorists who were in the CST-Cama-Rangabhavan section. (page no. 196)

15. In the brush, the two terrorists had with the railway police at the CST, a mobile phone of one of the terrorists had fallen down. It was revealed in the inquiry that the terrorists had made contacts through this mobile phone. One more mobile phone was later found at the CST. Both the mobiles were later traced to persons from Satara district of Maharashtra. (page no. 194 and 195)
16. Out of the total number of 38 CCTV cameras installed at CST station, 16 cameras only in the main line section of the CST, where the carnage took place, were shut off on the day of the incident (page no. 191 to 193). Similarly, the street-lights in the lane by the side of T.O.I. building covering the rear gate of Cama hospital & SB II office were also shut off (page no. 235 and 236).
17. The terrorists at the Cama Hospital spoke fluent Marathi with the employees of the hospital. This fact was also verified by the Principal Secretary, Medical Education, Mr. Bhushan Gagrani, (a senior I.A.S. officer) (page no. 196 to 198).
18. One Anita Rajendra Uddaiya, a resident of Mahatma Phule Nagar, Badhwar Park, Cuffe Parade, Mumbai, had clearly seen the terrorists who alighted from a rubberized dinghy at Badhwar Park and later, she unequivocally identified their bodies in the hospital. But surprisingly she has not been cited as a witness in the case. She, however, alleged that she was taken to U.S. for recording her statement. Though the Mumbai police and the F.B.I. denied her allegation, from the circumstances it appears that she was taken to the U.S. to pressurize her to identify some "terrorists" whom she had not seen; but apparently she did not budge. (page no. 207 to 213)

19. Hemant Karkare was called at a *pre decided* place near J.J. flyover, by the side of the CST; from there he was sent in a lane by the side of the Times of India building; as he and other officers were chalking out a strategy near the rear gate of Cama Hospital in the lane, they were enticed towards SB II office by opening fire there and as soon as they reached near SB II office in a Qualis vehicle a message was managed to be flashed that the terrorists had been sighted near Metro Cinema, a place close to SB II office. As Karkare and others headed for Metro Cinema by taking a shortest route which was only through Rangabhavan lane, they were ambushed and killed at about 00.03 hrs. (page no. 199 to 202)
20. The control room had received messages that two terrorists had killed Police Inspector Dhurgude at 11.45 p.m. in the Rangabhvan lane, at the corner of St. Xavier's college, had injured Maruti Phad, the driver of Bhushan Gagrani, Principal Secretary, Medical Education, in the same lane and had been moving in the lane since 15 minutes before the major incident of ambushing and killing Hemant Karkare and others. This information must have been received by the officer in charge of the main gate of Cama Hospital through the Control Room; but surprisingly no force was sent in the lane, even though 150 strong force was available at the front gate of Cama Hospital which was only a few paces away from the Rangabhavan lane. (point V on page no. 238 to 241).
21. From the abovesaid facts and circumstances, the following logical conclusions are inescapable.

A) As ATS Chief, Maharashtra, Hemant Karkare had exposed the dangerous anti national terror-plot of the right wing terrorist group 'Abhinav Bharat' to overthrow the constitutionally established Govt. and to establish in its place a "Hindu Rashtra", and had disclosed names of many political & religious leaders involved in this conspiracy and also of the names of some industrialists, builders, diamond merchants and others who had donated liberally for this devilish cause, and was about to arrest some of them, 'Abhinav Bharat' with the active connivance of their sympathizers in the I.B. planned and executed a parallel operation coinciding with the LeT's real terror attack on some hotels in Mumbai, the specific information of which had been received by the I.B. in advance and treacherously eliminated Hemant Karkare, in that operation.

B) This logic is further vindicated by the subsequent conduct of the I.B. Though investigation of offences is not the core duty of the I.B. it virtually took over the investigation of Mumbai terror-attack case and using Crime Branch, Mumbai as a mere puppet, scripted a false story of the CST-Cama-Rangabhavan lane part of the attack and while the whole country had been watching on T.Vs with bated breath, the 60-hour-long fight between the N.S.G. Commandos and the terrorists in Taj, Oberoi & Trident hotels and the Nariman House, the I.B., the Crime Branch Mumbai and the ATS, Maharashtra busied themselves in fabricating and manipulating false evidence to fit in the false story of showing that all the attacks were



part of one conspiracy executed by LeT (chapter no. VI and VII). The tennis ball size or in some cases foot-ball size holes in the investigation and glaring contradictions therein pointed out by Mr. Mushrif in his book and also exposed during the trial of the Mumbai attack case confirmed this logical conclusion beyond reasonable doubt.

C) The malafide intention of the Govt. and the I.B. is also apparent from the fact that within hours of the killing of Hemant Karkare and even before his mortal remains were consigned to flames, the Maharashtra Govt, apparently at the instance of the I.B., "temporarily" appointed (and later confirmed) Addl. D.G. K.P. Raghuvanshi as the ATS Chief, knowing fully well that the relations between him and the main conspirator of the radical group's anti-national plot Lt. Col. Prasad Purohit had been very cordial, so much so, that Raghuvanshi had invited Purohit for imparting training to ATS officers in 2005 when he was ATS Chief earlier and also for investigating a case of huge haul of explosives and arms in Aurangabad in 2006 (page no. 261 to 264).

22. Had the I.B. passed on the highly sensitive and absolutely specific information received by it to the Mumbai police and the Western Naval Command, the LeT's ship could never have reached the Mumbai shores. The Western Naval Command would have drowned it in no time in the high sea or would have assisted the Mumbai police in capturing the terrorists alive with all the arms, ammunition, explosives and other material they had, if the Mumbai police so desired. But it appears

that the radical right wing elements ensconced in the I.B. allowed the LeT terrorists to reach Mumbai so that the native right wing terrorists of 'Abhinav Bharat' could synchronize their operation with that of Pakistan's LeT terrorists and eliminate Hemant Karkare, thereby creating an impression that he was killed in the LeT's terror attack. Thus, by using the material mostly in the public domain Mr. S.M. Mushrif has prima-facie proved that the CTS-Cama Hospital-Rangbhavan Lane part of the attack was totally different from the Taj-Oberoi-Trident-Nariman House part of the attack and has thus made out a perfect case for the reinvestigation of the Mumbai terror – attack case.

23. This petitioner read the book by the Respondent No.4 and after getting thoroughly convinced the theory put forth by him, filed a Writ Petition (civil) No.187 of 2010 in public interest in the Supreme Court of India under Article 32 of the Constitution of India. The same was heard on 12-05-2010 and was dismissed as withdrawn. But the Hon'ble Supreme Court was pleased to permit this petitioner to move the High Court under Article 226 of the Constitution and remarked, "If any such remedy is availed, the matter shall be considered on its own merits uninfluenced by the dismissal of this petition". Hereto annexed and marked as **Exh-B** is a copy of the Order dated 12.05.2010 passed in Writ Petition (civil) No.187 of 2010.
24. The Petitioner says that, however, during the pendency of the above mentioned Writ Petition in the Supreme Court, the decision of the Mumbai terror-attack case of 26-11-2008 (Sessions case no. 175 of 2009) was

pronounced by the Id. Addl. Sessions Judge, Greater Mumbai on 06-05-2010. The Petitioner obtained a copy thereof and went through the 1588 pages judgment of the Id. Addl. Sessions Judge, very carefully and found that most of the points and circumstances mentioned by Mr. Mushrif in his book have not only been vindicated but also reinforced and many new facts have come to light during the course of hearing of the case. Some such important points disclosed in the judgment are given below :

**A) The two alleged terrorists in CST-Cama-Rangabhavan**

**Lane are not from LeT terrorists.**

To prove his point that the two alleged terrorists in CST-Cama Hospital-Rangabhavan Lane area were not from among the group of the LeT terrorist who had landed at Badhwar Park, Mumbai and wreaked havoc in Taj-Oberoi-Nariman house area, Mr. Mushrif, quoting the charge-sheet of the Mumbai attack case has mentioned in his book that during the course of the attack the LeT terrorists spoke to their handlers in Pakistan on mobile phones using VOIP service as many as 284 times; but those in the CST-Cama-Rangabhavan section did not speak even once (page no. 196 of the book). This fact has been more than vindicated by some of the findings in the judgement, as described below.

**a) No mention of names of two accused in recorded Conversations:**

It is seen from the judgment that the conversation between the accused at Hotel Oberoi, Hotel Taj and Nariman House, on the one hand and their co-conspirators on the other

was recorded by the Mumbai Police from 01.04 hrs to 10.27 hrs on 27-11-08; that conversation between the accused and media persons was also recorded and that the compact discs containing the conversation and their transcripts were produced in the court (page 99, 100, 735 & 736 of the judgement). In this connection the following observations in the judgement assumes utmost importance.

“The prosecution, therefore, alleges that co-conspirators / handlers were situated somewhere in Pakistan and were in touch with the deceased accused no. 2 to 9”. (page 1361 of the judgement)

“Names of deceased accused no. 2 to 9 have been figured in the talks recorded by the investigating officers and produced in the Court”. (page no. 1363 of the judgement)

“In brief, what can be seen from record of telephonic conversation at Nariman House, Taj and Oberoi is that the deceased accused no. 2 to 10 [it appears that instead of 9, the number has been typed, as the total number of deceased accused were only nine] had been receiving instructions from their co-conspirators” (page 1386)

It is clear from the above observations that names of the terrorists in Hotel Taj, Hotel Oberoi and Nariman House (i.e. deceased accused no. 2 to 9) repeatedly figured in the course of 10 hours long recorded conversation but the names of two alleged terrorists in the CST-Cama-Rangabhavan Lane area (i.e. accused no. 1, Ajmal Kasab and deceased accused no. 1, Abu Ismail), did not appear even once during the course of

this 10 hours long conversation of other accused & their handlers in Pakistan.

**b) Nokia Phones :**

So far as the recovery of the mobile phones from the terrorists is concerned, the following portions in the judgement are very important. .... "For the purpose of communication between the attackers and handlers, they had decided to use mobile phones and for that purpose five Nokia 1200 model phones were acquired by the conspirators. The said five Nokia phones were shipped from Dong Guan factory located in China. They were shipped in the names of two dealers in Pakistan. The IMEI numbers of the said phones were ....." (page no. 11 & 12 of the judgement) .... "What is important to be noted here is that these five phones have been found in possession of the deceased accused. .... Two Nokia mobiles (Art 701 Colly) were recovered from Nariman House, one (Art 668) was recovered from Hotel Taj and two (Art 786 & 670) were recovered from the 18<sup>th</sup> floor of Hotel Oberoi. I (the Id. Judge) have personally checked the IMEI numbers of above stated mobile phones". (page no. 1355 & 1356 of the judgement)

The above findings of the Court confirm the fact that no phone was recovered from CST or Cama Hospital or Rangabhavan Lane or Girgaum Chowpatty, thus vindicating the fact that the two alleged accused in that area were different.

**c) Keeping Hostages – a part of conspiracy :**

So far as the plan of the accused to keep hostages at the places assigned to each pair of terrorists in concerned, the findings of the court in the judgement are as given below.

“I have gone through talk no. 1 (i.e. the conversation of deceased accused no. 2 & 3 who were in the Nariman House). It appears from the said talk that the accused had been talking to somebody who was trying to get Israeli hostages released”. (page 1384 of the judgement) ..... “It can further be seen from the transcription of talk no. 7 that certain instructions were being issued to the deceased accused no. 2 and 3 to keep Israeli persons as hostages at Nariman House and place demands before the Government,” (page 1380) ..... “It can be gathered from this part (talk no. 18) that the deceased Norma and others were kept hostages in Nariman House” (page 1385).

“It (the conversation of the terrorists at Hotel Taj) shows that the deceased accused no. 4, 5, 8 & 9 were in touch with their conspirators even when PW 184 Mr. K.R. Ramamoorthy, PW 188 Mr. Adil Irani, Mr. Sanjay Jadhav and other two were in their custody and were kept hostages in one of the rooms at Hotel Taj” (page 1391 & 1392).

“It can be seen from talk no. 11, that deceased Abdul Rehman (deceased accused no. 6) was with the deceased accused no. 7 in Hotel Oberoi..... They were constantly receiving instruction from their co-conspirators .....” (page 1387 & 1388)

“It appears from the whole scheme that the destinations of each pair were fixed and they were to keep hostages at the places assigned to them” (page 1528)

The court appears to have come to the conclusion that the plan of the terrorists, was to keep hostages at the places of their respective destinations. If that was the case, to whom the two alleged terrorists could have kept hostages at the CST? This indicates that the CST did not fit in the scheme of things and that the two alleged terrorists in that area were altogether different.

**d) DNA test :**

There has also been an attempt by the prosecution to connect these two accused with the real LeT terrorists by means of the DNA test; but in that also it has failed. The relevant parts of the judgement are reproduced below:

“It is the case of the prosecution that ..... DNA of accused no. 1 tallied with the DNA of sweat found on one of the jackets” (page 1027). The Id. Judge has given a positive finding in this regard. His observations are :

“It appears from the evidence of PW 163 – Shrikant Lade that DNA profile of only six accused matched some of the articles found on boat “Kuber”. Accused no. 1 Ajmal Kasab and deceased accused no.1 Abu Ismail are included in the said six accused”. (page 1032)

But in the later part of the judgement the court has disbelieved the recovery of a dead body from boat “Kuber” on the ground that the police had an opportunity to enter the boat before the recovery Panchnama was drawn. The relevant part of the judgement is as given below.

" ..... The prosecution has not excluded the possibility of anybody else visiting the boat or entering the boat before PW 42 (P.S.I. Chandrakant Jadhav), alongwith Panch witness and accused no. 1 entered the said boat ..... As such the possibility of somebody entering the boat cannot be ruled out and further possibility of preparing statement of the accused no. 1 in Panchnama (Ext. 136) on the basis of what was seen on the boat cannot be ruled out. .... In the absence of such evidence, I find it highly risky to come to the conclusion that the statement under Panchnama had led to the recovery of dead body of deceased Amarchand Solanki .....” (page no. 1225 to 1228)

If this is the view of the Id. Judge in respect of the recovery of the dead body from boat “Kuber”, the same principle should apply to the recovery of all other articles from the same boat. As such the possibility of the jackets having the sweat of accused no. 1 (Ajmal Kasab) & the deceased accused no. 1 (Abu Ismail) having been planted before the seizure Panchnama was drawn cannot be ruled out and hence the DNA test report based on the sweat of the jacket so recovered cannot be accepted.

**B) The I.B.’s dubious role confirmed:**

The Petitioner says that, the following parts in the Judgment of the Sessions Court confirm the dubious role played by the I.B. in this case as alleged by Respondent No.4 in his Book. (page no. 186 to 191 of the book).

“Prosecution has examined PW 242 Nivrutti Kadam, Police Inspector, Mumbai, who had recorded telephonic conversation allegedly between conspirators (wanted



accused) on one hand and deceased accused nos. 2 to 9 on the other" ..... "He stated that around midnight, he received information from 'secret source' that terrorists had been using mobile phone no. 9910719424. He, therefore, found it necessary to intercept the said telephone number" (page no. 735 & 736 of the judgement)

In this connection the crucial questions that crop up are, which was the "secret source" that informed P.I. Kadam that the terrorists had been using a 'particular' phone number? How did that source get to know that number? When did it get to know? And how did it know that the terrorists had been using it? The prosecution has not satisfactorily clarified these points. But the answers to these queries are found in Mr. S.M. Mushrif's book, "Who Killed Karkare?" He has pointed out, that the I.B. had received the mobile phone numbers being used by the LeT on 21<sup>st</sup> Nov. 2008; but surprisingly I.B. did not monitor these numbers. .... It was only after the terrorists struck at their target in Mumbai and after Anti-Terrorist squad Chief Hemant Karkare & two other officers had been shot dead that I.B. swung into action ..... (page no. 189 of the book). Then Mr.Mushrif has raised some logical questions such as 'Why didn't the I.B., known for keeping several telephone numbers under surveillance, even on the basis of unconfirmed information or slightest suspicion monitor 35 mobile phones numbers of which had been received from an authentic source?. OR 'Was it that they monitored these numbers but use the information received for some dubious purpose?' (Page No.190 of the Book)

The prosecution has unsuccessfully tried to cover-up the deliberate omission committed by the I.B. with malafide intention by trying to argue that the co-conspirators / handlers at the time of giving Nokia phones fitted with SIM cards of Indian Company to the terrorists had told them that they would start functioning only after entering Indian waters and that they were instructed to start mobiles only after reaching Mumbai. (page no. 40, 41, 101, 1071, 1361, 1362 etc. of the judgement) This argument is ridiculous, to say the least. Why would the SIM cards not function till the terrorists reach Mumbai waters when the VOIP service was available to them? Why should the handlers instruct the terrorists to use them only after reaching Mumbai, when it was easier & cheaper means of communication than the satellite phone which the terrorists were supposed to be using during the journey? Is it the I.B.'s case that they kept them under surveillance and found that there was no communication during the journey? Even presuming, the probability of which is very remote, that the terrorists started the mobiles only after reaching Mumbai, why did the I.B. waited for about 4 hours from 8.30 p.m. on 26/11 when the terrorists landed on Indian shores till past midnight i.e. till Karkare was killed? The prosecution has not given any satisfactory clarification to these queries, thereby reaffirming the theory put forth by Mr. Mushrif that the I.B. did keep the phone numbers received by them under observation, but misused the information so obtained for getting the CST-Cama Hospital, Rangbhavan Lane, part of the attack by native "Abhinav Bharat"- terrorists

synchronised with the Taj-Oberoi-Nariman part of the attack by LeT terrorists.

**C) Attempt to hide the identify of the persons killed in taxi blasts.**

The Petitioner says that, there was an attempt to hide the identity of the persons killed in the taxi blasts. The two blasts in taxis at Vile Parley and Vadi Bandar Road, Mazgaon on the day of the Mumbai terror attack killing and injuring some persons were comparatively very minor incidents and hence could have been dismissed as some mischief on the part of terrorists. But the desperate attempt like sending the pieces of flesh and bones for DNA analysis on the part of the prosecution to prove the exact number of persons killed, and to get the identity of the bodies broken into pieces established by their relatives makes one ponder over the suspicion expressed by Mr. Mushrif in his book (page 229 to 231) under sub title "the guilty conscience of the Crime Branch Mumbai and the I.B. – The mystery of taxi blasts at Vile Parley and Wadi Bandar" that the I.B. and police had been keen to hide the identity of the real persons killed in the two blasts. The Petitioner says that, the arguments advanced by the prosecution in regard to taxi blasts do not appeal to any sound logic.

The histrionics done & the efforts taken by the I.B. through the police in these two cases speaks of its guilty conscience and deepens the suspicion raised by Mr. S.M. Mushrif in his book that the terrorists who wreaked havoc at CST, Cama Hospital & Rangabhavan lane belonged to the native right wing Hindu communal group; that they were six (and not two) in number, that they belonged to the suicide

squad of the terror group; that out of them the duo at the CST who had run towards the Masjid Bandar side blew themselves off in a taxi on Wadi Bandar Road and so far as Vile Parley taxi-blast is concerned either the duo in the Rangabhavan lane or the third group blew themselves off as per the direction of their masters so that their identity would not be disclosed; and now the masters (the leaders of Abhinav Bharat and the I.B.) have been pressurizing the prosecution to somehow hide the identity of the deceased in these two cases lest their whole game-plan would be exposed (page nos. 229 to 231 of "Who Killed Karkare?")

**D) Important and authentic sources of information kept under wraps:**

**1) The report of the internal probe :**

In the internal probe into the alleged intelligence lapse in respect of Mumbai terror attack of 26/11, the I.B. was indicted not only for dereliction of duty but for willfully keeping the Mumbai police and the Western Naval Command in dark about the LeT's impending terror attack though it had received the definite information of it well in advance, and also for not keeping the 35 mobile phones, the numbers of which had been furnished to it by the RAW, till the midnight of 26/11 i.e. till Hemant Karkare was killed (thus raising doubt that it kept them under observation but used the information so obtained for dubious purpose) (page no. 186 to 191 of Mr. S.M. Mushrif's book "Who Killed Karkare?"). The finding of this internal probe should have formed the basis of the investigation into the 26/11 Mumbai terror-attack case. But neither the investigation agency nor the prosecution even remotely referred to this report.

## **2) The Wireless Communication Record of the Control Room :**

In the investigation of any important case having bearing on law & order or security, the Control Room records such as the wireless communication and the log books, are considered to be the most authentic source of information and the most important piece of evidence. But in the investigation of this case, far from using it liberally for making the case fool-proof and water-tight, all-out efforts were made to keep it under wraps, ostensibly for security reasons, but in reality, to hide the dubious role played jointly by the casteist elements in the I.B. & the native right wing terror-group 'Abhinav Bharat' in eliminating Hemant Karkare for his having exposed the native right wing terrorism .

If the wireless communication of the Control Room, especially of the first four hours of the attack is disclosed, the cock and bull story of the I.B. and the police concerning the CST-Cama Hospital-Rangabhavan Lane part of the attack would be smashed to pieces. It would be known that there were six terrorists at CST, Cama Hospital and Rangabhavan lane, two at each place almost at the same time; that they were different from the LeT terrorists who had come from Pakistan; that a 150 strong force was present at the front gate of Cama Hospital when two terrorists were firing in the Hospital & two others were moving in Rangabhavan Lane; that the terrorists in a Skoda were altogether different, who had been specially sent there for encounter, out of whom one was to be kept alive to tell the 'story', but as both of them were killed, the I.B. had to make a last minute arrangement for the third live terrorist (Ajmal Kasab)

and so on (page no. 219 to 224 of "Who Killed Karkare?"). It is for this reason that instead of using the wireless communication of the Control Room for the purpose of investigation as an authentic source of information, it is sought to be suppressed as much as possible. (page no. 231 & 232 of "Who Killed Karkare?" under the sub-title "An offence under the Official Secrets Act".)

### **The Court also kept in the dark**

It appears from the judgement of the Mumbai terror attack case that even the Court was kept in the dark in this regard, as, while commenting on the failure of the police to nab or kill the terrorists who had been trapped on the terrace of Cama Hospital, the judge has remarked "It was unfortunate that the additional police help did not come in time and in the result two police officers lost their lives and others were seriously injured on the sixth floor." (page no. 1529 of judgement). Similarly, the Court has held only Sr. P.I. Thorawade of Azad Maidan Police station and his staff, who were present on Mahapalika Road opposite Cama Hospital, responsible for not taking action against the two terrorists when they came out of Cama Hospital and entered Rangabhavan Lane (Badruddin Tayyabji Road) and for not chasing them when they hijacked the Qualis vehicle and went towards Metro junction. (page no. 429 to 438 & 1530 of the judgement). From these observations of the Id. Judge it is apparent that he was also kept in the dark about the movement of forces as reflected in the wireless of the Control Room. \_Had he called for the same, he would have known that a large

number of forces with vehicles were present at the front gate of Cama Hospital at the relevant time. The Times of India, Mumbai, in its edition dated 29-11-2009, quoting extensively from the police record had reported that a large number of forces had reached the front gate of Cama Hospital from 10.29 p.m. to 11.11 p.m. on 26/11 and some more forces thereafter. But the officer in charge of the forces neither rushed them inside Cama Hospital nor sent them in Rangabhavan Lane (page no. 238 to 241 of "Who Killed Karkare"). If the Control Room record is made available and further investigation done on its basis a lot of such bizarre facts would come to light.

**3) Pradhan Committee report :**

A two member Pradhan Committee was set up to probe into the Mumbai terror attack of 26/11, especially into the role of the police and the intelligence agencies therein. Its report would have provided valuable clues and guide lines in the investigation of the case. But it is seen from the judgement that it was not made available to the investigation agency. Like the Control room record, this report is also being sought to be hidden by the I.B. from the public and the court, as it presumably contains critical remarks on serious lapses on the part of the I.B. and on the material contradictions between the police story of the CST-Cama Hospital-Rangabhavan Lane part of the attack and the facts revealed in the wireless communication of the Control room. The I.B. and the Crime Branch, Mumbai are so sensitive about the report, that when the Bombay High Court in a PIL, directed the Govt. to furnish to it (the High Court) a

copy of the report in a sealed cover, the Govt. (apparently at the instance of the I.B.) promptly approached the Supreme Court and obtained a stay in a couple of days. Similarly following the public outcry the Govt. of Maharashtra agreed to table it on in the State-Assembly but in the end it tabled only an abridged version of the report and not the entire report, the reason given, as usual, being national security. But this appears to be a lame excuse. This committee comprised of two highly experienced ex-bureaucrats; Mr. Pradhan was the Chief Secretary of Maharashtra, the Secretary Home Affairs of the Govt. of India and the Governor of a state and Mr. V. Balkrishnan was in RAW occupying high position for a considerably long time. Who could be better qualified to know what is in the national interest and what is not? Therefore, the reason, being given for not making the entire report public, that some part of the report is not in the interest of the nation, appears to be an eye-wash; the fact is that it is not in the interest of the I.B. which has jeopardized the national security for its narrow sectarian ends.

**4) The transcript of the lap-tops of the Lt. Col Purohit and Mahant Dayanand Pandey**

Since beginning many leaders and secular organization had been pointing fingers at right wing terrorist group "Abhinav Bharat" for the killing of Hemant Karkare and not without reason. Therefore, the investigation agency ought to have considered that angle too, during the course of investigation. The two lap-tops seized from Lt. Col. Purohit and Mahant Dayanand Pandey would have come handy for them providing both the motive for



hemant Karkare's murder and the reason why a particular modue operandi was adopted for that.

The transcript of the lap-tops enclosed alongwith the charge sheet of the Malegaon bomb blast case 2008, contained not only the details of the dangerous anti-national plot of "Abhinav Bharat" to over throw, the present Government to scrap the constitution and to establish "Hindu Rashtra", with the help of foreign powers but also contained the methodology of eliminating persons coming in the way of the "Aryavart Hindu Rashtra" as prescribed by Lt. Col Purohit in one of the meetings. (page No. 266 to 268 of "Who Killed Karkare?").

In view of the above mentioned facts the transcript of lap-tops should have formed an important part of Mumbai terror-attack investigation. But unfortunately, for reason known to itself, the investigation agency has not considered this vital piece of evidence and thus ignored the most important other angle of the case.

**5) C.C.T.V. Cameras at the CST :**

There is something seriously fishy about the whole matter concerning the CCTV Cameras at the CST. Initially i.e. during the first two days of the incident, it was reported that the CCTVs have captured the entire shoot-out and the clear footage of the incident were available with the authorities. But after about two weeks reports started tricking in that out of the total number of 38 cameras installed at the CST 16 cameras in he main line section where the shoot out had taken place were not working on that day. And so far as the CCTVs in

other parts of CST i.e. the suburban section & the foot over bridge were concerned, there was no talk at all. (page no. 191 to 193 of "Who Killed Karkare?")

However, it appears from the judgement that there were only 21 CCTV cameras in the CST, 15 in the main line section and six in Suburban section and that the 15 in the main-line section were not working on the day of the incident. The C.D. of the recording of the 6 cameras in the suburban section were produced in the Court. But it has no evidential value at all, as the DVRs which had recorded the visuals captured by cameras were not sealed & preserved and that the C.Ds were seized by the police after a lapse of 10 days. But inspite of such serious short comings the Court has erroneously accepted it as an important piece of evidence.

The whole issue smacks of operation cover-up. The CCTVs are an extremely important piece of evidence. But the prosecution, apparently at the instance of the I.B., has not brought the real evidence on record. Hence the matter concerning the CCTVs needs to be investigated all over again by trying to retrieve its original recordings.

**E) Vital pieces of evidence not considered/  
investigated in depth**

**1) The two mobile phones fallen down from the terrorists at the CST:**

It was reported in some news-papers that the SIM cards of the two mobile phones fallen down from the terrorists at the CST were traced to Satara district of Maharashtra, that the preliminary inquiry revealed that the terrorists

had made contacts through one of the mobile; that a team of the ATS headed by I.G. Dilip Srirao detained one Ashok Gore and interrogated a well known person of Satara town and that further inquiry was being done. (page no. 194 and 195 of "Who Killed Karkare?")

It is reliably learnt that there was a lot of truth in the above reports. Had the matter been inquired into thoroughly on the basis of the call-records of the mobile phones, the whole conspiracy would have been uncovered. But it appears that the matter has been hushed up, and has not been investigated, as there is no mention of these two mobile phones anywhere in the judgement.

**2) The mobile phone of Hemant Karkare :**

The mobile phone / phones of Hemant Karkare was / were an extremely important piece of evidence, as going by the deposition of his wireless operator, Nitin Mathan, Karkare, had received information about the attack and instructions to report to a particular place apparently on his mobile phone. Moreover, some of the photographs of Karkare in action near the CST appeared in various news-papers and periodicals indicate that he had been continuously receiving information / instructions. Therefore, the call-records of his mobile phone/phones could have provided valuable information to the investigators. But it appears from the Judgement that no inquiry, whatsoever, has been made in respect of Karkare's mobile phones. This is a very serious omission which could be rectified only by doing a fresh investigation into the case.

**3) Most important eye-witness :**

Anita Udaiyya was one of the most or perhaps the most important witness so far as the identification of the terrorists landed at Badhwar Park, Cuffe Parade was concerned. However, she has not been examined either as a prosecution witness or as a Court witness.

**4) The Origin of AK 47 rifles**

No attempt has been made to trace the origin of AK 47 rifles (7.62 mm short rifles), as was done in case of Nokia mobile phones. As these rifles are manufactured in Czechoslovakia and are sold only to the Government of the countries, it was much easier to get the details. By simply communicating the identification numbers of the rifles, the information such as the names of the dealers, their nationality and the countries to which the rifles have been sold could have been obtained. This can be done even now to preempt the charge of manipulation of evidence.

**5) The part of the recorded conversation concerning the co-conspirators intimating the terrorists about the killing of ATS Chief.**

In connection with the conversation in which the co-conspiracy in Pakistan informing the terrorists about the killing of ATS Chief, the Ld. Judge has observed,

“ . . . . . The conversation between the accused and their co-conspirators would show that the recording had begun at about 1.00 a.m. on 27.11.2008 and it ended at about 10.20 a.m. on 27.11.2008. That the accused in Taj were intimated by their co-conspirators that the ATS Chief had been killed. . . . . It

appears that the co-conspirators were watching television continuously and had been instructing the accused on the basis of news available on Indian T.V. channels.” (page No. 1391 of the judgement).

The part of the recorded conversation in which the co-conspirators in Pakistan informed the terrorists in Taj that ATS Chief had been killed assumes importance in view of the fact that this part was likely to contain many important pieces of information such as whether the terrorists who killed the ATS Chief belonged to their group or not; and if not who they were and what was the discussion among them on this issue. Had the whole conversation in this part been considered and discussed in the judgement, it would have settled once and for all the most controversial point whether the two terrorists who killed Hemant Karkare in Rangbhavan Lane belonged to the group of LeT or were different. But unfortunately this does not seem to have been done.

#### **F) Heavy reliance on evidence having no evidential value**

The Petitioner further says that, the Learned Judge has erred in accepting some pieces of evidence which hardly had any evidential value and has relied heavily on them; e.g.

##### **The C.D. of CCTV recording at the CST :**

The C.D. of the DVR (Data Visual Recording) which recorded the visuals captured by six CCTV cameras in the suburban section of the CST has lost its evidential value as i). According to P.I. Khiratkar of RPF (PW 66) who prepared the CD, the visuals recorded for the DVRs

had not been preserved by sealing the DVRs on the same day ii) the C.Ds were handed over to the investigating officer on 06-12-2008 i.e. after ten days of the incident (page no. 328 to 332 and 944 of the judgement), and iii) P.I. Khiratkar stated that he copied the visuals on the C.D of Moser Baer brand, but the C.D. produced in the court was of Sony make, thus creating a reasonable suspicion that the original visuals had been tampered with and doctored and the C.Ds were prepared to suite the prosecution theory. But the Ld. Judge accepted this evidence without subjecting them to any scrutiny including the technical scrutiny.

**The C.D. of CCTV recording at the Times of India building:**

The C.D. of the hard disc of the computer which recorded the visuals captured by six CCTV cameras installed outside the Times of India building have similarly has no evidential value; as

- i) the hard disc on which the visuals captured by the CCTVs had been saved were not sealed on the same day
- ii) the C.D. was prepared by Mr. Sriniketan Joshi, (the General Manager, Information Technology, T.O.I.) in the presence of the police. (page no. 361 to 366)
- iii) The C.D. was seized by the police on 10-12-2008 i.e. after a lapse of 14 days. (page no. 459 & 460)

Inspite of the above mentioned short-comings, raising serious doubts about the authenticity and genuiness of the C.D., the same has been accepted without subjecting it to any scruitiny including the technical scrutiny.

**The photographs in CST & on the foot-over-bridge:**

The much publicized photograph of Ajmal Kasab at the CST, claimed to have been clicked by the photographer of the Times of India publication Mr. Sebastian D'Souza was published in "Mumbai Mirror" on 27-11-2008, i.e. only the next day of the incident; but the same photograph was published in Marathi daily "Pudhari", Mumbai on 28-11-2008, ascribing it to the CCTV camera. Similarly, Ajmal Kasab's another photograph crossing the foot-over-bridge across D.N. Road was published in the Times of India publications' Marathi daily "Maharashtra Times" on 27-11-2008 itself claiming it to be the exclusive one taken by its photographer Sriram Vernekar; but the same photograph was published on the same day in its rival publication's marathi daily "Lokmat" without ascribing it to anybody. These facts led to the suspicion that the photographs had been taken by the police late in the night by producing Ajmal Kasab at the CST from among the "reserve stock of terrorists" of the I.B., after both the terrorists (instead of one as planned), sent earlier in Skoda car from the I.B's "stock" had been killed in the "encounter" at the Girgaum Chowpatty, and that these photographs were distributed to some important press reporters (page no. 205 to 207 and 221 to 224 of "Who Killed Karkare?") If taken in conjuncture with other evidence, the suspicion expressed in the book appears quite logical. But unfortunately, the Id. Judge has accepted both the photographs without hesitation.

**Confession of accused no. 1 Ajmal Kasab :**

The confession statement of accused no.1, suffers from the following serious infirmities.

- 1) It had been recorded without the accused having had applied for the same (page no. 1056 of the judgement);
- 2) It contained facts already known to the police through various sources e.g. i) LeT's organizational set-up, its ideology, its places of training camp etc. were known through the I.B. as collecting such intelligence is I.B.'s core duty, ii) the names of the terrorist, their locations and plans were known through the conversation which was recorded by the Police, and iii) the details of the articles some real and some planted, on boat "Kuber", were known from the recovery Panchnama.
- 3) An important part of the confession concerning the handing over of the maps of places of attack by the handlers to terrorists, which formed vital link joining the chain of events had been dismissed by the trial judge itself as false and fabricated, thus rendering the whole narration inadmissible as concocted (page no. 1429, 1529 to 1531 of the judgement) and
- 4) It contained factual errors as regard the date of starting of the terrorists' journey from Karachi.
- 5) The accused had retracted the confessional statement on the ground that it was given under police pressure which appears quite and logical.

But inspite of such serious short comings/ discrepancies it had been relied upon heavily by the court as seen from the following part of the judgement.

"The whole case pertaining to deaths at Hotel Taj, Oberoi, Nariman House, Leopold and Mazgaon is mainly based on the confession of the accused no. 1 and other



evidence such as .....” (page no. 1259 & 1260 of the judgement).

An example of how such weak evidence was accepted to prove some vital facts in the case is given below;

**The two accused crossing the foot over-bridge --- held proved without evidence.**

The prosecution has also failed to prove beyond reasonable doubt that the alleged two terrorists at the CST crossed the foot over-bridge and went into the I.O.I. building lane (Badruddin Tayyalji Lane). In this connection the following parts in the judgement assume importance.

a) P.W. 58 Mammath Nardele, a Police constable of CST railway police station, who was on duty at the foot over bridge at platform No. 1, alongwith home guards Lokhande and Jaiswal, has showing alibi avoided to tell whether he saw the two alleged accused crossing the foot over bridge (page No. 319 to 321 of the judgement).

b) There is no mention in the judgement as to whether the two home guards viz. Lokhande and Jaiswal, who were also on duty on the foot over bridge and hence were the most important witnesses in this connection have been examined or not and if examined what they have stated .

c) Another important witness is P.W. 68 Kirankumar Bhosale of RPF who alongwith P.I. Sandeep Khiratkar and P.I. Kshirsagar of RPF fired from the G.M. porch on the D.N. Road, at the two terrorists when they tried to escape through the sub-way and

forced them to return to the suburban station. Thereafter he alongwith ASI Suryanshi chased them upto platform No. 1 of the suburban station. But he has not stated that the duo crossed the foot over bridge nor is there any mention in the judgement of any of the officers accompanying this witness having stated so. (page No. 325 to 328 of the judgement).

d) The only witness who has stated that the accused crossed the foot over bridge is the photographer of Marathi daily "Maharashtra Times", sriram Vernekar who claimed to have taken the photographs of the accused persons crossing the foot over bridge. But the authenticity of this photograph is seriously doubted on two counts, i) the "exclusive", photograph of the surviving accused Ajmal Kasab which appeared in "Maharashtra Times" only the next day i.e. 27.11.2008, appeared on the same day in its rival publication "Lokmat", and ii) though he has claimed to have taken 2-3 photographs of the accused persons, crossing the foot over bridge he has not produced a single photograph showing the other accused who was later killed. It is suspected that both the "terrorist" specially produced by the I.B. for the "encounter" at Chowpatty had been killed, the third "terrorist" Ajmal Kasab, who had also been in the custody of the I.B. was brought on the CST after midnight his photographs were taken by the police with the help of some police friendly press photographers and distributed to selected media persons. Thus, both the photograph of Sriram Vernekar and his statement have lost evidential value.

e) The other evidence adduced by the prosecution in this connection was the visuals recorded by the CCTV cameras installed on the Times of India building. But as discussed in

part . . . . . of para No. . . . . it has no evidential value at all.

As against this, the theory put forth by Mr. S.M. Mushrif in his book that the duo at the CST, after being forced to return to the station by the RPF Officers, jumped in the gap between the platform No. 3 and the train and ran along the track towards Masjid Bandar (page No. 218 of "Who Killed Karkare?") and eventually blew themselves off in a taxi on Wadi Bandar Road, fearing their identification (page No. 229 to 231 of "Who Killed Karkare?") appears more logical and more convincing.

### **G) Bizarre facts revealed in the judgement**

Moreover, the petitioner has come across many bizarre facts in the judgement:

#### **Suspected Mutual understanding between**

**Mr.Sadanand Date and terrorists :** Addl. C.P. Sadanand Date sent all the police officers and men who were with him on the 6<sup>th</sup> floor of Cama Hospital to lower floors and himself remained alone on the 6<sup>th</sup> floor when the terrorists were on the staircase between the terrace and 6<sup>th</sup> floor. However, the two accused escaped from under his nose; he saw them going. Neither he fired at them nor they fired at him. (page no. 53, 54, 399 to 405, 1180 & 1181 of the judgement). Mr.Date cannot take the plea that he had been injured, as the nature of injuries suffered by him had been very minor as seen from the Table No. 6 of the injured persons (page no. 880 of the judgement). This fact coupled with the reports confirmed by a senior IAS officer that the terrorists in Cama

Hospital spoke fluent Marathi gives credence to Mr. Mushrif's theory that the terrorists in the hospital were native right wing terrorists (page no. 196 to 198 of "Who Killed Karkare?"). This incident also gives rise to a natural suspicion whether some senior police officers had also been sympathetic to these native terrorists.

**Three mobiles in rexin bag on Cama Hospital**

**Terrace :** After the terrorists had left the terrace of Cama Hospital, the police recovered a rexin bag containing three mobile phones. It is stated that the phones were returned to the witnesses (page no. 452 of the judgement). However there is no mention of the numbers of mobile phones, or of the names of the witnesses to whom they were returned or as to how they happened to be on the terrace and more importantly how all three mobiles were in one rexin bag.

**Accused firing with AK 47 and police hitting him with lathis:**

While accused No. 1, Ajmal Kasab was firing at Police Officers with AK 47 rifle, the policeman were assaulting him with lathis (sticks). (page No. 479, 480, 493, 1084 of the judgement); thus giving rise to the suspicion that the story of 'encounter' at chowpatty and catching alive of a terrorist is false and fabricated.

**Some shocking reports of the ballistic experts:**

- a) Four emptees (Ext 15A to 15D) which had been seized from the Chowpatty after the encounter were found to have been fired from the rifle other than the one seized at

the chowpatty (page 953 of the judgement). This report also puts a big question mark on the genuinness of the encounter as suspected by Mr. Mushrif in his book (page No. 219 to 224 of "Who Killed Karkare?")

- b) There are few emptees which have been opined as fired from the weapons of the accused, but the places from which they had been recovered are not known. (page 964 of the judgement), which means, they were recovered without panchnama.
- c) Some of the *emptees found at places other than the places visited by the two accused* were opined to have been fired from the rifle seized at Chowpatty from the two accused (page 1000 of the judgement), which proves that the rifles had been used by others before thrusting them on the "stock" terrorists produced in the 'Skoda'.

These Ballistic experts' reports are so bizarre as to render all the seizures of emptees of bullets in CST-Cama Hospital-Rangabhavan lane section and at the Girgaum Chowpatty null & void. It also shows the absolute honesty on the part of some of the Ballistic experts, who unmindful of the suspected manipulation by the investigation agency and undeterred to the extraneous pressure that might have been exerted on them stuck to the truth.

No definite opinion about bullets retrieved from Karkare's body.

The best example of some of these ballistic experts' honesty is manifested in the opinion give by them in respect of the bullets retrieved from Hemant Karkare's body. The relevant portion of the judgement in this connection is as give below:

"The bullets retried from the dead body (of Karkare) were sent to the ballistic experts. The comparison did not lead to any conclusion whether the bullets tallied with the test fired bullets from the weapons held by the accused No. 1 Ajmal Kasab or the deceased accused No. 1 Abu Ismail (page No. 920 of the judgement).

#### **H) Trial badly vitiated by removing of defence advocate at crucial stage**

Moreover, the trial has been badly vitiated by the unceremonious removal of the defence advocate Mr. Abbas kazmi by the Id. Judge at the crucial stage of the trial on the ground that he had been insistent on the examination of some of the formal character witness whose testimony, according to him (Mr. Kazmi) was important & which went to the root of some incidents. The Id. Judge has erred in removing him on this ground as in case of formal character witnesses, though their nature depends from case to case, it is not the discretion of the court to decide whether a particular witness is a formal character witness or not. It is mandatory on the trial court to call the depodent if the party so desires (Supreme Court case reported at 2001 Cri. L.J. 4656: State of Punjab Vs. Naibdeen which has been quoted in the judgement itself).

Similarly it is unfair to remove the accused advocate without the approval of the accused concerned even though the advocate has been appointed by he Court.

Thus, the removal of the defence advocate at the end of the trial without valid reason has vitiated the whole trial very badly.

**I) Some other important issues mentioned by  
Mr. Mushrif in his book not  
investigated at all**

Apart from the vital pieces of evidence as mentioned in part (D), some more important issues raised by Mr. Mushrif in his book "Who Killed Karkare?" viz. i) the terrorists in Cama Hospital speaking fluent Marathi (page 196 to 198); ii) A fisher woman, Anita Uddaiyya's confrontation with the terrorists & her being allegedly taken to U.S. (page 207 to 213) iii) the presence of a senior police officer in SB II office at the time of Rangabhavan lane incident. iv) the highly suspicious behaviour of the officer in charge of the main gate of the Cama Hospital. (page 240) v) the mysterious movement of the Peter D.B. Marg (the vehicle of the Sr. P.I. D.B. Marg, P.S.) from immediately prior to the carnage in Rangabhavan lane to the so called encounter at Girgaum Chowpatty (page 201) have not been inquired into at all by the investigation agency.

From the facts mentioned above, it is abundantly clear that so far as the investigation of the CST-Cama Hospital-Rangabhavan Lane part of the attack is concerned, the investigation agency i.e. the crime branch, Mumbai did not bring on record many important sources of information as pointed out in part-D of para No. 17, did not at all inquire into many vital aspects which would go to the root of the

case as pointed out in part-E of para 17, formed a false story by fabricating and manipulating evidence and thus by adopting a policy of *suppressio veri and suggestio falsi*, misguided the public and the court.

25. Apparently, the investigation agency was dictated and guided, all along, by the I.B. which had been frantically trying to hide certain facts, mainly the intentional and extremely serious omission on its part to save the right wing radical terrorist group "Abhinav Bharat" at the cost of jeopardizing the national security and its secret understanding with that terror group. The I.B. might have misled the crime branch officers either by using their oft repeated terminologies like "cover operation", "secret operation", "anti-terrorist operation", "national security", "P.M.O's instructions" and so on, or by pressurising some officers by using their past unsavoury service-records or by promising to some others plump postings in future. However, notwithstanding the I.B's frantic efforts to hide the facts, it has, by now, become clear, thanks to Mr. Mushrif's book, that it was not for the sake of national security or for any other reason, but for saving its own skin that the I.B. has, with the help of the crime branch, Mumbai changed the whole complexion of the CST-Cama Hospital-Rangabhavan Lane part of the case.

26. In view of the facts mentioned above, the ends of justice would meet only if this case, especially



the CST, Cama Hospital Rangabhavan part of it is reinvestigated on the following lines.

- 1) A new team comprising very competent senior police officers with impeccable integrity, and absolute impartiality, both political & communal, be formed and directed to complete the investigations of the two cases within a stipulated period.
  
- 2) The investigating team should be told to immediately take into possession (a) the police control room record of Mumbai police i.e. the C.D.s of W/L communication and the log books especially of the first day of the attack; (b) the original visuals recorded by the CCTVs installed at the CST, Municipal Corporation building and the Times of India building. (if the original visuals have been deleted, attempts may be made to retrieve the same), (c) The call records of the mobile phones of Hemant Karkare, K.P. Raghuvanshi, Sadanand Date, the Senior Officer who was in the SBII office, and the vehicle of the Sr. P.I. D.B. marg, (Peter D.B. marg) at the time of Rangbhavan Lane shoot out till the encounter and even thereafter, (d) the two mobile phones fallen from the terrorists and seized by the police at

the CST, (e) the three mobile phones kept in a rexin bag seized from the terrace of Cama Hospital, (f) the Video clippings of important T.V. news channels, especially of the first two days and (g) the press-cuttings of important news-papers, dated 27-11-08 & 28-11-08, when there was no unofficial censorship. The investigating officers should ensure that the tapes, C.Ds, footages & clippings are not doctored.

- 3) The investigating team should make full use of the authentic sources of information as mentioned in part D of para No. 17.
- 4) One Anita Rajendra Uddaiya, who lived near Badhwar Park in Cuff Parade, had seen six terrorists alighting from an air-boat at about 8.30 p.m. on the night of the attack. She had seen them clearly and even had spoken to them. She may be interrogated thoroughly.
- 5) There are at least two witnesses who have clearly seen and talked to the terrorists in the Cama hospital. They are, i) An employee of CAMA hospital with whom the terrorists spoke in

fluent Marathi and (ii) Chandrakant Tikhe a generator operator at CAMA hospital to whom terrorists asked whether he was a Hindu or a Muslim. The crime branch might have recorded their statement to suite I.B's theory by telling them that it was the question of the country's security and prestige. They may be taken into confidence and their true & factual statements recorded in an absolutely free environment by giving them assurance that no action will be taken against them if they are found to have earlier given false statement under pressure from some quarters.

- 6) One Maruti Phad, the driver of Mr. Bhushan Gagrani, the Principle Secretary, Medical Education, has clearly seen at least one of the two terrorists in the Rangabhavan Lane, who Killed Hemant Karkare and others. He may likewise be interrogated by taking him into confidence and by giving assurance.
- 7) A detailed inquiry may be made about the two mobile phones seized at the CST and traced to Satara district of Maharashtra by obtaining their call records.

- 8) To inquire as to why K.P. Raghuvanshi did not enter the lane by the side of the Times of India building, though he knew that the terrorists had entered that lane; why he was waiting for Hemant Karkare to come and as to why he did not accompany Karkare.
- 9) To inquire as to who was in charge of the 150 strong force at the front gate of the Cama Hospital; why he could not catch or eliminate the terrorists, who had been firing & causing explosions in the Hospital for over an hour and why he did not send the force inside the Rangabhavan lane which was a few metres away from him, even though he knew that the terrorists had been moving and firing in the lane at least since 15 minutes before the three senior officers were ambushed & killed by them.
- 10) To inquire why Addl. C.P. Sadanand Date remained alone on the sixth floor of Cama Hospital when two dreaded terrorists were present on the terrace, why he did not fire at them when they were running away and how was it that the terrorists also did not fire at him.

- 11) To get to know as to who was the officer who was in the SB-II office during the period when a series of serious incidents had been taking place in Cama Hospital, in the lane passing by the rear gate of the hospital and in the Rangabhavan lane; what he was doing there and why did not come out and take any action.
- 12) To make inquiry as to why the vehicle of the senior police Inspector of D.B. Marg Police station was called near Metro Cinema & in the Rangabhavan lane, by-passing three police stations viz., L.T. Marg P.S., Marine Line P.S. and V.P. road P.S. in between and when the jurisdiction of that police station was far away from the place of incident.
- 13) To inquire as to who was the officer in that vehicle (Peter D.B. Marg) when it came in Rangabhavan Lane immediately after the incident and went away without waiting there and to get to know the officer's background.
- 14) To make enquiry about the names and addresses of 58 RSS-Bajrangdal terrorists, who had been trained in the

terror-camps of Nagpur and Pune as disclosed in the investigation of Nanded and Malegaon blast cases, their present whereabouts and verification of their movements at the time of the incident, as some of them are suspected in this case.

- 15) To thoroughly interrogate the following witnesses ;
  - i. The persons in the nurses' quarters and other buildings in the vicinity of the Rangabhavan Lane, who have witnessed the incidents in Cama Hospital and Rangabhavan lane.
  - ii. The officers and men who had been in the vehicle of D.B. Marg P.S. (Peter D.B. Marg) during the period from the time the vehicle received information about a red car of terrorist near Metro Cinema till the encounter at the Girgaum chowpatty.
  - iii. All the officers and men associated with the encounter at the Girgaum Chowpatty, and those who took the injured/dead accused and the injured/dead officers to hospital.
  - iv. The Police Officers and men of Vile Parley P.S. and also members of public who first visited the site of

taxi blast at Vile Parley and those police officers and men who were associated with the investigation of the case in the initial stage.

- v. The Officer and men of Byculla P.S. and also the members of public who first visited the site of taxi blast at Wadi Bandar and those police officers and men associated with the investigation of the case in the initial stage.

27. The Petitioner in the abovesaid facts and circumstances begs to approach this Hon'ble Court and file this Criminal Writ Petition under Article 226 of the Constitution of India praying for a writ of mandamus or any other writ, directing the Respondent Nos.1 to 3 to constitute a special investigation team consisting of highly reputed Senior Police Officers with unimpeachable integrity or to direct Central Bureau of Investigation or National Investigation Agency to reinvestigate the offences relating to the circumstances of killings at C.S.T., Cama Hospital and Rangbhavan Lane, as well as the two taxi blasts and the investigation be monitored by this Hon'ble Court and the team so constituted be directed to submit status report from time to time only to this Hon'ble Court and such a further order as may be necessary.

28. The Petitioner as already said had filed Writ Petition (Civil) No.187 of 2010 before the Hon'ble Supreme Court of India praying for constitution of independent fact finding committee headed by a retired or a sitting Hon'ble Judge of the Supreme Court and/or directing the State to constitute Commission under the Commission of enquiry act. The Petitioner withdrew the Petition stating that, he intended to move the High Court under Article 226 of the Constitution of India. The Hon'ble Supreme Court dismissed the Writ Petition as withdrawn on 12.05.2010 and observed that, if the remedy was availed by the Petitioner, the matter shall be considered on its own merits uninfluenced by dismissal of the Petition. The Petitioner has therefore approach this Hon'ble Court as expeditiously as possible.
29. The Petitioner has no other equally efficacious and alternative remedy except by way of this Writ Petition under Article 226 of the Constitution of India.
30. The Petitioner has not filed any other Writ Petition for the reliefs prayed herein this Hon'ble Court.
31. The Petitioner craves leave to produce and rely upon the documents refer to in the petition.
32. The Petitioner therefore prays that,



- a) This Hon'ble Court be pleased to issue a writ of mandamus and/or any other writ, order or direction under Article 226 of the Constitution of India directing the Respondent Nos.1 to 3 to constitute a Special Investigation Team of professionally competent and impartial Police Officers or to direct Central Bureau of Investigation or National Investigation Agency to further investigate the circumstances leading to the killing of Late Hemant Karkare and other Police Officers in the terror cases of 26/11/2008 and the team so constituted and the Respondent Nos.1 to 3 be issued directions as are necessary and the investigation be monitored by this Hon'ble Court.
- b) Pass any other just equitable and incidental relief which are deemed fit be granted.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN DUTY BOUND, SHALL FOR EVER PRAY.

Place: Mumbai

Date : 4<sup>th</sup> day of August 2010

Advocate for Petitioner

**V E R I F I C A T I O N**

I, Sri Radhakant Yadav, S/o. Late  
Sudhist Narayan Yadav, Age : 77 yrs.,  
Occ : Social Worker, R/o. 101, Kautilya Nagar,  
Vidhayak Colony, Patna - 14, Bihar, today at Mumbai,  
do on solemn affirmation state that what is stated in  
the foregoing petition in para nos. 1 to 26 are facts  
and conclusions based on information and which I  
believe to be true and para No. 27 contain humble  
prayers which I believe to be true.

Solemnly affirmed at Mumbai

***Dated this 04<sup>th</sup> day of August 2010***

***Deponent***

Identified by me

Before me

Advocate