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### 26/11: court sees discrepancies in Jadhav's statement

Staff Reporter

*Ajmal agitated by constable's testimony on the death of top police officers*

*A major portion missing from Jadhav's statement: judge  
Keep identity of FBI witnesses secret: court*

Mumbai: The key eyewitness and police constable, Arun Jadhav's testimony on the events that led to the death of three top police officers on November 26, 2008 during Mumbai attacks came under court scanner on Friday.

Judge M.L. Tahaliyani took serious note of discrepancies in the constable's testimony in the special sessions court and his statement before the police which was recorded on November 28 last.

"A major portion is missing from the [police] statement," the judge said.

Mr. Jadhav was in the same police vehicle as were the former Anti-Terrorism Squad chief Hemant Karkare, Additional Commissioner of Police Ashok Kamte and encounter specialist Vijay Salaskar, along with three other personnel.

Mr. Jadhav told the court that around 11.30 p.m. he, Karkare, Kamte and Salaskar were standing near the back gate of the Cama Hospital. A wounded constable came out of the Cama building. There was firing from Cama, so Kamte fired back from his AK 47. The injured constable told the team that Additional Commissioner Sadanand Date was upstairs and was injured. Around 25 other police officers were present near the gate. None went up.

The senior officers then decided that they should go to the front gate as the gunmen were likely to exit that way. They got into a police vehicle. Salaskar was behind the wheel, Kamte sat next to him and Karkare took the middle seat, while Mr. Jadhav and three others were in the back seat. Just then, they received a wireless message that the terrorists were in the Rang Bhavan lane, hiding behind a red vehicle. Further away from the red vehicle was a white car with a red beacon. From his position, Mr. Jadhav saw gunmen Mohammad Ajmal Amir 'Kasab' and Ismail.

As soon as the police vehicle reached the lane, there was a burst of firing. The top officers and Mr. Jadhav retaliated. Mr. Jadhav was injured; his carbine fell down. The firing continued and then the guns fell silent.

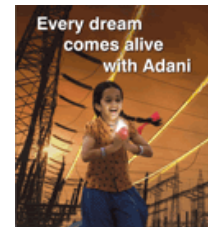
Ismail tried to open the back door of the police vehicle, but could not. Mr. Jadhav pretended to be lying dead. He could not reach for his carbine as the body of the person seated next fell on him.

Then the car started. There was firing at the Metro junction also. At this point, Mr. Jadhav realised that one of the tyres sprang a puncture. The vehicle stopped at the Vidhan Bhavan. Mr. Jadhav again heard gunshots and saw the attackers going towards another car. When the attackers left the police vehicle, Mr. Jadhav called for help over the wireless system.

#### Cross-examination

In his cross-examination, Abbas Kazmi, lawyer for Ajmal, pointed out that Mr. Jadhav had not made any mention of the vehicle developing a puncture in his police statement. Some facts were brought to light in the cross-examination.

Mr. Jadhav said Ajmal opened fire on the vehicle when the mobile phone of police operator Yogesh Patil, who was in the back seat, rang. He stated that Ismail pulled the officers out of the car. When Ajmal saw Karkare wearing a bullet-proof jacket, he swore at him.



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The judge was not alone in his observation that parts of Mr. Jadhav's testimony were not in his police statement. When Mr. Jadhav spoke of Ajmal firing at the vehicle, the accused promptly rose. He asked Mr. Kazmi to question Mr. Jadhav whether he had mentioned the firing in his police statement.

"You told Mr. Kazmi to ask if the firing incident is in his [Jadhav's] statement," Mr. Tahaliyani asked Ajmal. He remarked: "If he [Ajmal] understands this then he is very [clever]." He also asked if the accused understood Marathi as the witness statement was in that language.

Commenting on his client's unsolicited instruction, Mr. Kazmi said: "I was already pointing to the discrepancies in Mr. Jadhav's accounts when [Ajmal] spoke." The defence lawyer said the fact that Ajmal hastily asked him to cross-check Mr. Jadhav's claims showed that the witness was lying.

Special Public Prosecutor Ujjwal Nikam said Ajmal's reaction showed that he understood many languages and followed court proceedings.

Mr. Jadhav is the only survivor of the episode that took the lives of the three officers. He was moved to tears when he spoke of his bosses. He even lashed out at Mr. Kazmi saying, "I am lying? My officers are dead. I still hear the sounds of firing in my sleep."

Meanwhile, the court ordered that names, addresses and identities of witnesses from the Federal Bureau of Investigation and the U.S. be kept secret to avoid danger to their lives. Their details "will not be published in any manner by anybody," the court ordered. Two FBI agents and three U.S. nationals are set to depose before in the case.

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