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## Kasab demands retrial, lawyers 'inexperienced'

Shibu Thomas, TNN | Nov 26, 2010, 02:20AM IST

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MUMBAI: A day before the second anniversary of the 26/11 terror attacks, Pakistani gunman Amir Ajmal Kasab's lawyers have demanded a retrial. His lawyers Amin Solkar and Farhana Shah claimed that Kasab's trial was not fair as he did not get effective legal aid. At the Bombay HC on Thursday, the defence opened its arguments with a blistering attack on the police case, alleging Kasab was provided "inexperienced" lawyers, and that crucial witnesses were not examined.

Solkar claimed that the appointment of Kasab's lawyers— Abbas Kazmi and K P Pawar—were in violation of rules. "Kasab has been charged with grave offences, including multiple murder counts and that of waging war against the country. The lawyers, who were provided for Kasab were inexperienced and were not even part of the sessions court's legal aid panel," argued Solkar. The defence advocate also pointed out that Kazmi was appointed on April 16, 2009, and the first witness was examined on May 8, 2009. "The lawyer had barely 21 days to prepare a case, where the charge sheet runs into over 12,000 pages," said Solkar. He also argued that once Kazmi was removed, the junior advocate Pawar represented Kasab.

The defence alleged that some prime witnesses were not examined by the trial court. Anita Udaiya, an eyewitness had claimed to have seen six terrorists get off the boat at Budhwar Park on the night of November 26, 2008, and had subsequently identified their dead bodies at the morgue at J J Hospital. Parasnath Giri, a Railway Police Force constable, was shot by the terrorists at CST. Both were not called in as witnesses by the prosecution. "Witnesses who could have unfolded the truth were not examined," said Solkar adding that the police had not produced wireless messages from the police control room as well as the conversations between deceased ATS chief Hemant Karkare and the other officers during the attacks.

Kasab's lawyers reiterated their claim that the lone surviving gunman was not part of the 26/11 conspiracy and the attacks at Taj and Oberoi hotels, Leopold restaurant and Nariman house. "It was more akin to a contract killing," Solkar said, and contended that Kasab's alleged confession was doubtful as it was recorded four months after his arrest.

"How did your client come in to the city? How was he injured? You will have to explain," said a division bench of Justice Ranjana Desai and Justice R V More.

There were some light moments too as the lawyers, both from the prosecution and the defence