

[Tabular Presentation by Teesta Setalvad, Secretary Citizens for Justice and Peace before the Special Investigation Team \(SIT\) appointed by the Hon'ble Supreme Court through its Order dated 26.3.2008 following Part I, II and III Statements submitted at Gandhinagar on May 9, 2008](#)

**Date of Tabular Presentation May 29, 2008**  
**SARDARPUR MASSACRE**

Subject	Investigation	Sections	Cross Referencing to TS Statement and Annexures Submitted on 9.5.2002
<p><b>Sardarpur Massacre, Vijapur Police Station Area, Mehsana District</b></p> <p>Incident Details  Date Night of March 1-2, 2002  Time 9 p.m. to 4 a.m.  Summary  Thirty-Three Persons including women and Children were roasted alive by a mob that had made Shaikh Mohalla, Sardarpur Village a target of attack.  Witnesses from nearby Pathan Mohalla and others watched. Police has been accused of utter complicity in failing to protect lives and thereafter subverting investigation.  <b>Sardarpura Criminal Case</b>  No.275/2002 arising out of F.I.R. No. 46/2002 dated 28.2.2002 of Police Station Bijaypur, pending in the Court of Sessions</p>	<p><b>Sardarpur IOs</b>  KR Waghela (2002 PI Bijapur Police Station)  RD Baranda (2002 PI Bijapur Police Station  PSI Parmar of Bijapur in 2002 (in 2006 he was posted to Kalupur Police Station, Ahmedabad) need to be examined for all the slips including the faulty FIRs, the deliberate omissions from Panchnamas (see <b>Annexure 3 to this Tabular presentation</b>).  Then DySP Anupam Gahlot now retired as DGP who rescued victims needs to be examined  Manner &amp; Pattern of Rescue of Victims of Sardarpur massacre by DSP Gahlot not recorded in Police Investigation. Statements of Persons not recorded. (Gahlot among the officers being sidelined by the Gujarat Political Leadership; he is due for appointment to Director General of Police but is being denied due Promotion)  How did the Police on the</p>	<p>Faulty Investigation Through Six Years reveals direct complicity Violation of 154 CrPC (procedure of registration of FIR) and worse the Suppression and Destruction of Evidence. This includes the fabricating of documents and causing disappearance of evidence immediately after the registration of the case and the continued the illegal act of causing disappearance of evidence till the dead bodies were buried. Further protecting the names of influential accused and arraigning wrong accused also amounts to a crime. Sections 120-B r/w 143, 147, 148, 149, 302, 376 (2) (e) and (g),</p>	<p><b>Annexure Gi and Annexures(C) to Setalvad/CJP affidavit dated 21-9-2006 at Internally numbered pages 104</b></p> <p>Affidavits of the victims of Sardarpura On Police Complicity and Failure to Investigate Fairly</p> <p><b>Annexure Gi Page 11 at 17, paras 22-24, page 22 at 23, para 4, page 22 at 24, para 6, page 30 at 31-32, paras 4, 9 Page 105, paras 5-6 of Paperbook 'A'</b></p> <p>CrI.M.P. 10538-46/2003 in TP 194-202/2003  Affidavits of the victims of Sardarpura On Police Complicity</p> <p><b>Annexure Gi Page 11 at 17, paras 22-24, page 22 at 23, para 4, page 22 at 24, para 6, page 30 at 31-32, paras 4, 9 Page 105, paras 5-6 of Paperbook 'A'</b></p>

<p>Judge, Mehsana, Gujarat (titled State v Patel Rameshbhai Kanjibhai &amp; Ors)</p>	<p>Spot Behave at the Time?</p> <p>Did they come to the rescue of those under attack?</p> <p>What do Police Records Say? <b>Station Diaries, Case Diaried, Control room records, Hospital records, Post Mortem records.</b></p> <p>Already we see below how Panchnamas have been Doctored</p> <p><b>Role of Fire Brigade:</b> Was it summoned and when? Fire Brigade register and Nothings need to be examined by SIT Who were the Officers? All need to be examined. Did they reach the spot on time or at all? When did they reach? Why did they reach so late? <b>SIT needs to look at this as part of the Collusion and Complicity allegations against the State Government and Administrative Machinery in Gujarat.</b></p> <p>Police statement of Munsaf Khan Pathan (6/03/2002) (Page 92) CR 45/2002 lodged by PSI Rathod. Why is the State of Gujarat bent on (before ASJ Mehta) and the SC stating that Rathod was not present in Sardarpur the day of the Crime? Why is the state protecting Rathod?</p>	<p>201, 217 and 218 IPC and substantive offences u/s 143, 147, 148, 149, 302, 376 (2) (e) and (g) and 201, 217, 218 IPC are attracted in the commission of all these offences.</p>	<p>Affidavit of Ibrahim Miya Rasool Miya Shaikh in Criminal Miscellaneous No. 10538-10546 of 2003 <b>Annexure Gi Pages 7, 13, 14 of Paperbook 'A'</b></p> <p>Jamalbhai Doshubhai Shaikh Eye-Witness &amp; Victim <b>Annexure Gi Witness to PSI Parmar's complicity in attack</b> Amicus Note 5 dated 06.09.04 related to Faulty investigation in relation to Sardarpura Massacres <b>Annexure Gi Page 1 - 2 of Paperbook 'A'</b></p> <p><b>(Annexure Gi - Annex B) (Page 99)</b></p>
<p>Defects in Chargesheets a) Large nos. of WitnessStatements not recorded b) No statements from Pathan Mohalla, no reference in panchnama to Pathan Mohalla</p>	<p>No Departmental Inquiry Against either PSI Parmar (in 2006 this officer was posted to Kalupur Police Station) and PSI Rathod (in 2006 posted to Karanj Police Station, Ahmedabad). SIT needs to interrogate WHY?</p>		<p><b>Annxure 3 to this Tabular Presentation &amp; (Annexure Gi Page 88; Please also see Annexure N) b) False addresses (Annexure Gi Page 88)</b></p>

<p>c) Recovery Panchas on Recovery Panchnama are Relatives of Accused no. 10, 23 &amp; 31 (Page 88)</p> <p>d) False statements in this Panchnama related to scene of offence.</p> <p>e) Witnesses Manubhai Painter and Bachumiyan Nathumiyan shown as 'not present'</p> <p>f) Statements of neighbours not recorded (affidavit of victims) (Page 90)</p> <p>g) Victims have alleged in affidavits before the Supreme Court that Several important facts were concealed from Panchnama (Page 90)</p>			<p><b>c) Accused not named (Annexure Gi Page 89)</b></p>
<p>New Evidence/ witness Statements Before SIT</p>	<p>Persons from the locality in Sardarpur have written to SIT. Their statements in translation copies to us are Annexed as Annexure 4 here. These persons, Raval Prahladbhai Nathabhai, Raval Mangabhai Ramabhai, Prajapati Revabhai Shankarbhai, Sabirmiya Akumiya by caste Pathan, Pathan Gulamdastgir Anwarkhan, need to be examined as Fresh witnesses</p>		

	and Reasons for their Omission from earlier Evidence form Part of the SIT report.		
Complicity of Public Prosecutor & Judiciary in Granting Early and Hasty Bail PP did not oppose Bail PP appointed didn't oppose bail state silent / tacit admission by the State who mentions simply that the new PP is Suresh Shah <a href="#">Sardarpur</a> Bail Table Filed by Amicus Revealing hasty granting of bail to Sardarpura Accused. Table was filed to show that bails were rejected by Trial Court but the High Court has granted Bail to the Accused without giving reasons. None of these orders appealed against. Difficult to discern whether any serious opposition by the PP.	<p>SIT Must Interrogate IOs, Higher Officers In Charge of Investigation and PPs Dilip Trivedi (Mehsana Vishwa Hindu Parishad chief) and Suresh Shah on Instructions given by State and Police and their own conduct as PPs in not opposing or not resisting bail granted to Sardarpur accused.</p> <p>Tehelka's Operation Kalank:  1. <b>Dilip Trivedi</b>, A Public Prosecutor from the VHP Cadre, Mehsana District  Questions Raised from the sting Interview:  a) He says on Camera that he was responsible for settling 1800 riot related cases all over Gujarat state. Settled 1700 riot related cases with <b>conviction</b> in only 12 cases!  b) In Mehsana riot related FIR registered 182. Out of which charge sheet presented in 78 + 2 on later date. 76 cases were decided in acquittal of Hindu rioters / offenders and 2 for conviction: out of it one gets acquittal from Sessions Court where as the other one have an Appeal pending before the Hon'ble High Court. Rest 4 are still pending.  c) Who did he "manage" in judiciary to obtain acquittal of Hindu offenders?  d) Through which part of state machinery: did he manage judiciary in Gujarat State"?  e) Court record of Mehsana and rest of the state - for scrutiny &amp; re-trial.</p> <p>This Investigation has critical</p>		<p>(Annexure Gi Page 89 to Part I of TS Statement to SIT) &amp; Annexure B Colly All Bail Orders of Major Cases with Bail Tables</p> <p>Annexure E Colly to Part One of TS Statement Pages 5-6 of Paperbook 'A'</p>

	<p>Bearing on whether there can be hope of Free and Fair Trial within the State or Whether Subversion is Total even going upto the Judiciary.</p> <p><b>2. Bharat Bhatt VHP (Public Prosecutor) Sabarkantha District.</b> He admits in the Sting that an IPC 436 matter settled by buying witnesses for Rs. 6,50,000/-</p> <p>a) There is a need to scrutinize identity of complainant and witnesses who may have turned hostile as part of the game.</p> <p>b) Bhiloda: Day light murder by five persons who cut off the victim into pieces.</p> <p>c) Did the Police recover murder weapon - swords in muddamal?</p> <p>d) Does the swords match &amp; identical to the swords used elsewhere in the state or the swords as part of consignment from Punjab?</p> <p>e) Entire Court record- for scrutiny and re-trial.</p> <p>f) Whom did he pay the money?</p> <p><b>3. Arvind Pandya - Head of Lawyers panel to defend the Government (&amp; Hindu youth). Questions Raised by the Sting Operation</b></p> <p>a) Who did call upon him in the early hours of the morning to handle matters relating to 182, 130?</p> <p>b) His questioning pattern of witnesses including police officers before the Nanavati Shah commission.</p> <p>c) Which witnesses were dropped from examining?</p> <p>d) Did the commission help him in recording the words as per his will?</p> <p>e) For the release if how many Hindu offers he is</p>		
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	<p>responsible?</p> <p>f) Which and how many Judges expressed their sympathy with him and provided guidance when to put up the case and how to put up the case?</p> <p>g) Which cases were put up accordingly?</p> <p>h) How could he manage the judiciary? Who are they?</p> <p>i) How could he manage facility to offenders in the jail?</p> <p>j) Which jails?</p> <p>k) Who were the jailors etc?</p> <p>l) Who used to provide food and other luxury in the jail?</p> <p>m) Could other detainees of the jails testify to the special treatments given to the riot related offenders?</p>		
<p>Compromising Of Public Prosecutors in Sardarpura Case In <b>Mehsana District</b> (relevant here because of the Sardarpur massacre trial that is sought to be transferred} it is learnt that Shri Dilip Trivedi, who is the general secretary of the state VHP, heads the 12 member prosecutor’s panel. After the Sardarpura carnage in which 33 persons were burnt alive on Feb 28, 2002 and in which all 46 accused out on bail. (A day after they</p>	<p>SIT needs to Interrogate these PPs, Dilip Trivedi, Rajendra Darji, SJ Dave etc on the Brief given by the State of Gujarat’s Legal department on the issue of Protecting the accused (?), Hasty Bail; non Prosecution of the Case; do they belong to any Political Party or outfit like the VHP/RSS/BD – this needs to be Independently Interrogated by SIT as it has a Bearing on Free and Fair Passage of Justice through the Trial Process in these cases.</p>		

<p>were released, some of them allegedly attacked a mosque) Dilip Trivedi was appointed Public Prosecutor; in Both Cases. There was no objection raised by him raised to the speedy granting of bail to the accused. It was only when the victims filed an application in the Gujarat High Court objecting to Trivedi's role, Additional Public Prosecutor S J Dave said that the government would consider the appointment of a special public prosecutor but it could not give a commitment. Then, Trivedi was removed from the Deepla Darwaja case and replaced with Rajendra Darji, allegedly another lawyer with close VHP connections.</p>			
<p>Intimidation of Inadequate Protection of Victim Survivors and Witnesses Victims / Eyewitnesses security can't return to village inadequate protect of witnesses (16) 2004-</p>			<p><b>Annexure Gi to Part I of TS Statement befor SIT dated 9.5.2002 (Page 91) complaint about inadequate Protection (Page 91)</b></p> <p>Photos show Fear and Intimidation Suffered by Witnesses and Pathetic Rehabilitation</p>

<p>Harassment to Victim Survivors and Complaint about forced recovery of tax from victims survivors In 2004- Harassment to Victim Survivors and Complaint about forced recovery of tax from victims survivors</p> <p>Victim Survivors who are agricultural labourers now residing at Satnagar nearby filed a complaint of torture, intimidation and false levy of taxes by accused who are members of the Sardarpur panchayat where the massacre took place before the DSP.</p> <p>Homes of victim survivors in same pitiable condition. Victims can't return to Shaikh Mohalla,</p>	<p>SIT needs to Investigate who was the Sarpanch when such Notice was Sent; did any official of the taluka panchayat or any official sign his complaint. Any Such a person needs to be examined.</p>		<p><b>Page 84 Annexure Gi to Part I of TS Statement before SIT dated 9.5.2002 &amp; (Annexure Gi Annex B) (Page 99) &amp; (Annexure Gi - Annex B) (Page 99)</b></p> <p><b>Annexure E Colly, Page 99 (internal numbering of Setalvad/Citizens for Justice and Peace's affidavit dated 21-9-2006</b></p> <p><b>(Annexure H Colly-Zerox of Photos submitted to SIT) Photographs taken in June 2006 filed Para 2, internal numbered page 84-85All 54 accused out on bail &amp; Annexure Gi of Part One of the Affidavit, Para 1, Page 1 of Setalvad/Citizens for Justice and Peace Affidavit dated 21-9-2006 filed after Mehta (ASJ's)</b></p>
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<p>Sardarpur Witnesses filed a complaint about the forced recovery of taxes from witness survivors by the accused who are in powerful positions in the village</p> <p><b>Threats to witnesses Continue Today.</b></p> <p>Prominent Accused Roaming Freely but shown as absconding in Sardarpur  <b>Annexure E Colly Page 286, para 8, page 294 para 10 of Paperbook 'B'</b></p> <p>Influencing Investigation in Sardarpur  <b>Annexure E Colly Pages 325-326 at para 6, Paperbook 'B'</b></p>			<p><b>Report</b></p> <p><b>(Annexure E Colly to Part One of the Statement, Para 9, internally numbered page 91 of Affidavit dated 21-9-2006)</b></p>
<p>Obstruction of Justice, and Subversion of Fair Trials</p>	<p><b>Following Senior IAS/IPS Officers Need to be Questioned by the highest echelons of SIT on the issues of Failure to Investigate and Punish the Guilty and thereby Obstruct the Deliverance of Justice</b></p> <p>SIT Must Interrogate Shri K Chakravarthi at the crucial moments in 2002 the DGP Gujarat needs to be Questioned by SIT; Shri K Nityananandam (IPS, 1977) who was Home Secretary</p>		

	<p>from 2001-2005 needs also to be questioned;  DR P.K. Mishra (IAS, 1972) then PS to the Chief Minister needs to be Questioned on the Overall Supervision of the Violence and Steps Taken (or Not) to Contain It;  SIT needs to Question also Shri Subha Rao (IAS, 1965) then Chief secretary on the same issues;  Shri Ashok Narayanan (IAS, 1966) Batch who was in 2002 ACS home also needs to be questioned on these Critical Issues;  Then CP and today DGP Gujarat PC Pandey on his personal Failure as a Commissioner of Police and also on possible Instructions he received from top political brass to shield the guilty and not contain violence;  Then Cabinet Ministers Ashok Bhatt (formerly minister for Health now for Law and Judiciary?) and IK Jadeja (Then and now minister) for sitting in the Ahmedabad City, Shahibaug and State, Gandhinagar Control Rooms to Assist/Obstruct the Constitutional Role of the Police;  Gordhan Zadaphiya (former Minister for Home) on all these critical issues related to 2002; Amit Shah presently Home Minister of Gujarat State on Issues of Subversion of Justice;  SIT also needs to question Shri Maniram, IPS, then ADGP in charge of law and order;  GC Raiger, IPS, 1972, then ADGP Intelligence  AK Sharma, IPS, 1984, SP Mehsana in 2002,  Collector Mehsana in 2002  Amrutlal Patel in 2006  Collector of Admin IPRO</p>		
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<p>Preplanning and Wider Conspiracy Behind Sardarpur attack</p> <p>Wider Conspiracy Behind Sardarpur Massacre Distribution of Arms in Mehsana</p>	<p><b>SIT Interrogation at the Highest Levels of the Political Executive. Specifically</b></p> <p><b>1.</b> Niteenbhai Ratilal Patel, MLA and Minister in 2002 (and possibly) still Minister</p> <p><b>2.</b> Anil Tribhovandas Patel, MLA from Mehsana in 2002 and VHP head of Sabarkantha/Mehsana</p> <p><b>3.</b> Naran (Narayan) Laloo Patel then minister for transport in 2002</p> <p><b>4.</b> Haresh Bhatt (former MLA, Godhra)</p> <p><b>5.</b> Dhaval Patel (Sabarkantha VHP member)</p> <p>. The questions that need to be posed are:</p> <p><b>Besides serious questions for SIT are also raised: Arms Distribution before Execution of Mass Crimes</b></p> <p><b>A.</b> Conversation with Haresh Bhatt (then MLA of the ruling BJP party) from Godhra suggests that the conspiracy to import arms into Gujarat from Punjab was a long standing one. <b>He is supposed to have visited Sardarpura before the Crime</b></p> <p>If so,</p> <p><b>a)</b> Who were the conspirators?</p> <p><b>b)</b> Who was present in the meeting?</p> <p><b>c)</b> When did the meeting take place?</p> <p><b>d)</b> Did this meeting take place well before 27th Feb. 2002 when the Godhra arson took place?</p> <p><b>e)</b> It is true that Godhra is a hub of Truck owners. Hundreds of truck could be available at short notice to supply consignment all over Gujarat. However it is worth investigating what the Distance between Godhra/Ahmedabad and</p>		<p>Affidavit of Ibrahim Miya Rasool Miya Shaikh in Criminal Miscellaneous No. 10538-10546 of 2003; Former, Minister MLA Naran Laloo Patel and Kachrabai Tirbhuvan sarpanch – accused of inciting followers to attack Muslim areas before February 27<sup>th</sup> 2002 when Godhra happened</p> <p><b>Annexure E Colly to Part One of the Statement, Pages 7, 13, 14 of Paperbook 'A'</b></p> <p>Sharif Miya Bikhu Miya Shaikh Eye-Witness this witness saw earlier preparations for massacre on March 1, 2002-- Amrutbhai Somabhai IBID Ayub Miya Rasool Miya Shaikh Eye-Witness &amp; Victim</p> <p>Lost eleven family members; unable to go back This witness has stated that when his aunt had gone to buy gram flour, the shopkeeper Dahyabhai, Vanabhai made a remark that this would be the last date they would eat bhajiyas</p> <p>(Details in Teesta Setalvad's Third Part of her statement</p>
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<p>District Weeks Prior to the Godhra Sabarmati Train Burning. Evidence in Tehelka's <i>Operation Kalank</i> interviews with Haresh Bhatt (then BJP MLA from Godhra) and Anil Patel (VHP leader from Sabarkantha) are revealing</p>	<p>point in Punjab as well as UP/MP?</p> <p><b>f)</b> When did Haresh Bhatt order two truck load consignment (swords) from Punjab?</p> <p><b>g)</b> When did Haresh ordered consignment of KATTA (desi guns) from UP &amp; MP?</p> <p><b>h)</b> How long does it take for a loaded truck to communicate distance between Punjab &amp; Gujarat?</p> <p><b>i)</b> How long does it take for a loaded truck to communicate distance between UP &amp; Gujarat? (cause' road conditions en rout partially single lane road &amp; partially express way - Trucks do not exceed 50/60 KM / Hour speed and therefore the time factor is critical)</p> <p><b>j)</b> When did the consignment arrive in Gujarat (Ahmedabad / Godhra)?</p> <p><b>k)</b> If the consignment was ordered well before 27th Feb. 02, ca it or does it corroborate the much-touted <u>Godhra conspiracy theory</u>?</p> <p><b>l)</b> The truck passed through how many states? Punjab, Haryana, UP, MP, &amp; Rajasthan states. Did the Police arranged easy passage for the consignment to pass through their respective states like Punjab, Haryana, UP, MP and Rajasthan?</p> <p><b>m)</b> Is it possible for he consignment to be ordered on 27th, receive delivery instantly and use it on 28th, 1st, 2nd?</p> <p><b>n)</b> Who are the manufacturers and suppliers of swords (Punjab) &amp; Katta in UP, MP?</p> <p><b>o)</b> When did they receive the order for consignment? When delivered? Who paid for them?</p> <p><b>B.</b> Haresh Bhatt claims to be</p>		<p>related to Wider Conspiracy).  <b>Annexure VI to Part III of Statement - Suggested Investigation of Wider Conspiracy behind the Incidents being Re-Investigated and Facts Thereof</b></p>
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	<p>an owner of Crackers factory in Ahmedabad. From 27th February onwards, despite the Gujarat Bandh(!!)his factory was functioning!! Questions:</p> <p><b>a)</b> Who were/are the workers in the factory?</p> <p><b>b)</b> Who supplied the Diesel to make Diesel bombs?</p> <p><b>c)</b> Pipe bomb does require considerable time on lathe machine!</p> <p><b>d)</b> Rocket launcher manufacturing does require considerable time on lathe machine?</p> <p><b>e)</b> How many lathe machines and expert workers were occupied? Time factor.</p> <p><b>f)</b> Identity of vehicles used for the supply &amp; it's owners?</p> <p><b>g)</b> Where was it supplied?</p> <p><b>h)</b> To whom it was delivered in village, town or city?</p> <p><b>i)</b> Which Police Officers allowed the consignment to pass through giving it safe passage. (All should be questioned)</p> <p><b>j)</b> On whose (politicians/executive) orders did this happen? (they should all be examined?)</p> <p><b>k)</b> Patterns of burns / destructions on structures like buildings etc by BURN MARK by Diesel, by explosive like Dynamite, by Explosive used in Rocket launchers etc?</p> <p><b>l)</b> What about the FSL report? Does it help anywhere? Like samples of ashes, color, melted organs, floor of building and penetration marks by weapon like Rocket launcher?</p> <p><b>C.</b> Sting Operation on Dhaval Patel VHP General Secretary, Sabarkantha. Questions Raised</p>		
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	<p>after Sting Operation:</p> <p><b>a)</b> He is a Registered holder and supplier of Dynamites for stone query.</p> <p><b>b)</b> What was the quantity of stock of dynamite noted on Stock Register kept in his premises ON and BEFORE 27th Feb. 02.</p> <p><b>c)</b> From which Government Depot did he get the supply on requisition?</p> <p><b>d)</b> Did he acquire the stock from some other State?</p> <p><b>e)</b> How much stock was supplied and where?</p> <p><b>f)</b> Identity of vehicles used for the supply &amp; it's owners?</p> <p><b>g)</b> Where was it supplied?</p> <p><b>h)</b> To whom it was delivered in village, town or city?</p> <p><b>i)</b> Which Police Officers allowed the consignment to pass through? Giving safe passage.</p> <p><b>k)</b> Which members of the executive/politicians/political outfits instructed this to happen? (All should be examined by SIT.</p>		
Protection of the Politically Powerful	The officers of the investigating agency surreptitiously removed from the array of accused all those offenders who held official or political positions of influence and whose being implicated would reveal the deep rooted and wide spread involvement of the State's political and executive machinery as prime movers of the riots. In the course of investigation and even after the filing of charge sheets, the police sedulously avoided arresting persons who were members of the political party or of a private	This amounts to worse than Criminal Conspiracy and Collusion	<b>Annexures to Part I and Part III of TS Statement before SIT dated 9.5.2008</b>

	army owing allegiance to that political party which held the reins of government in the State. So much so, that the charge sheets conveniently failed to mention those of such persons whose names and roles in the commission of the offences figured in the statements of witnesses recorded under Section 161 CrPC.		
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**ENDS.**