

Annexure 3 to Tabular Presentation by Teesta Setalvad to SIT
May 29, 2008

VIJAPUR POLICE FIRST CRIME No.46/2002

Analysis of Sardarpur Chargesheet

(1) The FIR of First Crime Regi. NO.46/2002 and First Crime Regi.No.45/2002 of the Vijapur Police Station need to be examined together by SIT. What is the reason behind registration of both these offences separately? Along with offence of our complaint, dtd. 27/02/2002 and 28/02/2002 and before that, before committing this offence, the movement which was registered and the conspiracy which was plotted, and whatever offence has taken place, the said offence has been the part of the pre-planned conspiracy of this offence (46/2002) Hence SIT should look at the issue and examine why when they are linked offences they have (deliberately) not been clubbed into one FIR.

(2) If the charge sheet of this case is scrutinised, according to the Charge sheet, Accused No. 23 is one Patel Vishnubhai Gopalbhai, Accused No. 10 is one Patel Jayantibhai Jivanbhai, and Accused No. 31 is one Patel Ramanbhai Jivanbhai.

Now, accused No.1 Patel Rameshbhai Kanjibhai and Accused No.2 Patel Chaturbhai Vitthalbhai, having been arrested both these accused, the panchanama of their body condition was drawn by the Police on 03/03/2002. In the said Panchanama, the Pancha No.1 Patel Iswarbhai Gopaldas and the Pancha No.2 Patel Maheshbhai Jivanbhai have made their signature as Panchas. The Pancha No.1 is the cognate brother of the accused No. 23, and not only this but the said Pancha No.1 who has made his signature as panchas has also taken active part in the violent attack. Though he is an accused, he has been not taken as accused. Pancha No.2 is the cognate brother of the accused No.10 and accused No.31. This pancha has also taken active part in the attack and violence, but despite this fact he has not only been removed from the list of accused and has been called in by the police as a panchas !!

(3) It is therefore our request to record the Panchanama of the place of offence of the offence *afresh* for this case (this has now been done), for the reason that, the First Investigation Officer has committed many errors, deliberately, succeeding thereby in shielding and defending the accused. For example:

(1). On the page No.2 of the Panchanama of the Place of offence, it has been mentioned that, " as the witness Manubhai is not present, the loss can not be found out." On the next page of this panchanama, it has been mentioned " as the witness Bachumiya Nathumiya is not present, the loss can not be examined." On the next page No.7 of this panchanama, it has been mentioned " as the said Owner of the house is not present, the loss could not be examined."

Note 1: It is within the knowledge of the Investigating officer that the witnesses mentioned have been killed in the brute act of violence but this has not been mentioned in the complaint. So, either the investigating officer has not carried out the panchanama of the place of offence himself since he is not aware (in the written panchnama) of who is dead and who alive.

Note 2. In the Panchanama of the place/site of offence, there are glaring omissions. There is no mention of which persons living in which homes of the street in Shaikh Mohalla have been killed by burning. There is also no mentioned that the dead bodies of 28 people had been taken out from the house of Mehmudmiya Husseinmiya.

Note 3. The deceased Bismillabibi Bhikhumiya had been forcefully given Acid on the Timba situated on the road near the house of Sheikh Abbasmiya Kesharmiya. The said place has also been not mentioned anywhere. Not only this, but it has been mentioned in the Panchanama of the place of offence that, " as there is a building adjunct to the house of Abbasmiya Kesharmiya in the north from his house, it has been stated to have been under possession of Sheikh Sherumiya Rasulmiya." There is no such position at the location. To the North of this house, there is an open narrow street, where Bismillabibi was given acid. The house of Sherumiya was situated to the east west side of the house of Abbas Miya. The said fact has been not mentioned in the panchanama and mentioned at a deliberately wrong location.

Note 4. In the Panchanama of the place of offence, there is mention of the shared/ back walls of the homes of the accused Patels at a distance of a narrow street -line measuring about three to four feet from the back side wall of the homes of Sheikh Bachumiya Imammiya and Akabarmiya Rasulmiya. This fact has been deliberately not mentioned in the Panchanama. The backside walls of the house adjunct to the houses of the victim homes belong to (1) Patel Raghubhai Revabhi (2) Patel Pashabhai Mohanbhai (3) Patel Bhaktibhai Jhaverbhai (4) Patel Tulsibhai, Girdharbhai (5) Patel Amrutbhai Somabhai (6) Patel Aswinbhai Baldevbhai (7) Patel Mangalbhai Mathurbhai (8) Patel Natubhai Prabhudas. All these persons are the accused of this case. Despite that, no mention has been made of the crucial fact in the said panchanama.

Note 5. There is mention in the Panchanama of the place of offence that, " the breaks have been removed from Three Four tombs." The police have deliberately omitted from the panchnama the crucial fact that the accused persons had set fire to the grave yard; similarly the size and circumference of the grave yard is omitted; as also the fact that there is a verandah of the grave yard constructed with stones adjunct to the house of the street -lined with the homes of families of Ravals, Patels or the temple of Mahadev. Then in the adjunct street there are homes of the Prajapatis adjunct to Sheikh Mohalla street (where persons were attacked). All these four directions adjunct to the place of offence are missing from the Panchnama. Hence victim survivors wrote to SIT and requested a fresh mapping and Panchnama of the Site which has been done last week.

Note 6. The police has mentioned in the panchanama of the place of offence that, " The Patel Street -lined homes are situated to the eastern side of the Shaikh Mohalla Street and at some distance from the road, to the east-west side in the south, there is a flour factory belonging to Patel Mohanbhai Girdharbhai run by Sheikh Shakumiya Nannamiya." It is important to note that Shakumiya Nannamiya is not a Sheikh but a Pathan. Between this flour factory and the entrance of the Sheikh Mohalla street, there is an open road, and the electric lamp post of street -light provided by the Panchayat is located on this road. Despite these facts, the police has deliberately not made any mention of this electric lamp post in the said Panchanama. And in the Sheikh Mohalla street in front of the house of witness Akabarmiya Nathumiya, there is another electric lamp post, and the same has also not been mentioned. The reasons for this are obvious and devious. At the time of the commission of this offence, though the electricity connection of the street -light had been disconnected, the accused had taken a direct connection from the other wires on the lamp post and by fixing the focus lights towards the Sheikh Mohalla street and switched on the lights. This illuminated the entire Shaikh Mohalla that was then brutally targeted for the attack. Using these fixed focus lights on the electric lamp post near the gate of the graveyard and on the electric lamp post behind the graveyard, the area was illuminated after the lights were switched on. Despite these facts in the statements, these electric lamp posts have been not mentioned in the Panchanama. This is deliberate an act of omission and commission.

Please scrutinize Bail Orders: This application and the pertaining order passed by the Hon'ble Court are requested to take in to consideration the circumstances under which the accused in the said case have been released on bail.

Note 10. The street -lining the homes of the Pathans is situated near the place of offence. Despite this, no mention thereof has been made in the panchanama. Near the place of offence, and between the Sheikhvas (Sheikh Mohalla) and the Darbar Gadh, on the road, there is the house of Sheikh Kadarmiya Allumiya, and there is lamp post of the electric street -light on the road opposite to it, and these too have not been mentioned. The reason was that the accused had switched on the lights by illegally joining the light connection, and to protect the accused and prevent these facts coming on record this has been not mentioned in the Panchanama.

Note 11. In the Sheikh Mohalla street, the wire for causing current which was connected on the electric lamp post situated in front of the house of Patel Natubhai Prabhudas adjunct to the Sheikh Mohalla street up to the house of Sheikh Mahebumiya by the accused. There is no mention of the said electric lamp post and the houses in the Panchanama.

Given these detailed and shocking facts, victim survivors have made a request for a fresh panchnama to be drawn up of the site by SIT. This has now been done.

Note 12. At the time of the commission of the offence, which were the police officers who were present? In which vehicles had they come? Which police employees were present along with them? This detailed investigation is necessary and it is also necessary to carry out investigation as to what steps have been taken by them or not.

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