

**METROPOLITAN MAGISTRATE, COURT NO.1 AT
AHMEDABAD
& THE INQUIRY OFFICER UNDER SECTION 176 OF THE CR.
PROC.CODE**

METROPOLITAN MAGISTRATE INQUIRY NO.1/2009

Subject : Report of inquiry conducted by the undersigned Metropolitan Magistrate, Court No.1 conducted under section 176 of the C.R.P.C. in respect of deaths of – (1) Jisan Johar alias Janbaz alias Abdul Gani, (2) Amjad Ali Akbar Ali Rana alias Salim alias Gulam Sheikh, (3) Javed Gulam Sheikh and (4) Ishrat Jahan, for the reasons of death of the deceased in respect of the First Crime Register No.8 / 2004 lodged with D.C.B. Police Station for the offence : Section 120-B, 121(2)A, 122, 123, 307, 186 of the I.P.C. and section 25 (1)AA, 27, 29 of the Arms Act, section 3(1), 3(2), 3(3), 20, 21 of the POTA Act and sections 3(1)AC, 13, and 14 of the Foreigners Act and section 135(1) of the B.P.Act wherein in an encounter with the Ahmedabad Crime Branch Police took place in the early morning on 15-6-2004 near Kotarpur Water Works.

**REPORT OF INQUIRY UNDER SECTION 176 OF THE
CRIMINAL PROCEDURE CODE, 1973 CONDUCTED BY THE
UNDERSIGNED METROPOLITAN MAGISTRATE, COURT
NO.1 IN RESPECT OF CAUSES OF DEATHS OF FOUR
PERSONS IN THE AFORESAID INCIDENT.**

1. I, S.P.Tamang, Metropolitan Magistrate, Court No.1 was forwarded the case pertaining to Magisterial Inquiry Case no.13/04 by the Hon'ble Chief Metropolitan Magistrate vide his letter outward no.9120/2009 dated 12-8-2009 for holding a Metropolitan Magistrate Inquiry under section 176 of the Criminal Procedure Code, 1973 and it was informed in the said communication that the inquiry be completed immediately and Inquiry Report be forwarded to the Hon'ble Chief Metropolitan Magistrate. Along with the said communication, the documents in File No.1 bearing pages no.1 to 581 and File No.2 bearing page no.1 to 237 and File No.3 bearing pages no.1 to 341 were forwarded to me. I received letter alongwith documents from the Hon'ble Chief Metropolitan Magistrate on 12-8-2009. I, thereafter, issued witness summons under section 176 of the Criminal Procedure Code on 13-8-2009 to the relatives of deceased Ishrat Jahan Raza viz. her mother Samima Mohammed Samim and brother of deceased – Anwar Mohammed Samim through R.P.A.D. and they were informed to remain present for recording of their evidence at 11.00 AM on 31-8-2009; and, on

17-8-2009, issued witness summons under section 176 of the Criminal Procedure Code by R.P.A.D. to Gopinathan Pilla - father of deceased Javed Gulam Sheikh alias Tranesh Kumar M. Pillai and deceased's wife Sajeda Javed Sheikh as both of them are relatives of the deceased and they were informed to remain present at 11.00 AM on 3-9-2009 for the purpose of recording their evidence. However, on 31-8-2009, Samima Mohammed Salim – mother of deceased Ishrat Jahan and her brother Anwar Mohammed Samim did not remain present for their evidences and therefore, true copies of statements of both of them – mother and brother of the deceased – as recorded before the Sub Divisional Magistrate, Ahmedabad on 31-8-2009 have been included for taking into reading in the present proceeding of inquiry. Both of them have not been issued summons again.

Sajeda Sheikh wife of deceased Javed Gulam Sheikh alias Praneshkumar M. Pillai did not remain present on 3-9-2009 for recording her statement and hence true copy of the statement which she has deposed before the Sub Divisional Magistrate on 10-9-2004 has been included for taking into reading in the present proceeding of inquiry. She has not been issued summons again to remain present. Father of the deceased Javed alias Praneshkumar M. Pillai has given statement on oath on 3-9-2009 in the present inquiry in respect of cause of deaths.

In the said case, deceased Amjad Ali alias Salim alias Bunty alias Babar and the deceased Jishan Johar alias Abdul Gani alias Janbaz s/o Kalu, both being Pakistani citizens and none of their relatives could be located in respect of inquiry of the said case and therefore, no summons of witness has been issued to any of their relatives under section 176 of the Criminal Procedure Code as names or addresses of relatives of both the said deceased could not be found out during the investigation.

For the purpose of conducting inquiry into the cause of deaths of the deceased in the said case, all the documentary evidences provided to me vide File No.1 bearing page no.1 to 581, File No.2 bearing page no.1 to 237 and File No.3 page no.1 to 341 were taken into reading in details under section 176 of the Criminal Procedure Code and examined the said documents for finding the cause of death of the deceased persons. This include letter bearing no.A.C.P./Crime/883/2004 dated 28-7-04 addressed by the Assistant Commissioner of Police, Crime Branch, Ahmedabad accompanied by (1) Report of postmortem of the deceased terrorists which was carried out by panel of doctors, (2) statement of names and addresses of close relatives of deceased accused Praneshkumar M. Pillai alias Javed and Ishrat Jahan, (3) copy of the F.I.R. recorded in this regard, (4)copies of statements recorded during police investigation, (5)statement indicating names, addresses and designation of all the police officer/personnel who were present at the incident, (6) map of the place of offence,

(7)Panchnama of the place of offence, (8) Panchnama of hand wash of the deceased terrorists. All these documentary evidences were forwarded to the Sub Divisional Magistrate, Jilla Seva Sadan, Subhash Bridge, Ahmedabad and are placed from pages no.5 to 351 of File No.3 and all those documentary evidences were taken into reading. Thus, initially, investigation was conducted by the Sub Divisional Magistrate, Ahmedabad recorded as Inquiry No.13/2004 in the case of deaths of (1) Jishan Johar alias Janbaz alias Abdul Gani, (2) Amjad Ali Akbar Ali Rana alias Salim alias Rajkumar, (3) Javed GulamSheikh alias Praneshkumar M. Pillai, (4) Ishrat Jahan Raza in an encounter with Ahmedabad City Crime Branch Police in the early morning of 15-6-2004 near Kotarpur Water Works. And, during this inquiry, he has maintained File No. (Batch Number) – 1 to 581 pages, File (Batch) No.2 – pages no.1 to 237, File (Batch) No.3 – pages 1 to 341.

2. I, Metropolitan Magistrate Court No.1 and the officer conducting inquiry under section 176 of the Criminal Procedure Code in respect of cause of death of the deceased has, during the course of inquiry under section 176 of the Criminal Procedure Code in respect of cause of death of the deceased persons, in respect of the first person – Amjadali Akbarali Rana alias Salim alias Chandu alias Rajkumar, taken into reading autopsy report of body of the said deceased Amjadali Akbarali Rana alias Salim alias Chandu alias Rajkumar to find out the cause of death of said person and

on examining the same, it is seen that the autopsy was carried out by a panel of six doctors which consisted of (1) Dr.D.S.Patel, Asst. Professor, (2) Dr.D.A.Salenya, F.M. Department, (3) Dr.S.H. Jhaveri, B.J.M.C., (4) Dr.G.G.Kothari, Tutor, (5) Dr. D. J. Parmar, F.M. Department, (6) Dr.M.T.Khubchandani, B.J.M.C. In the said autopsy report, as per para-4 of the said autopsy report, the dead body of the deceased was received at 3.30 pm on 15-6-04 and postmortem of the said dead body was began from 3-40 pm on 15-6-004 and concluded at 5.00 PM on 16-6-04. As per para-7 of the said autopsy report, age of the deceased as about 25 years.

As per para-11 of the said autopsy report, presence of rigor mortis was found in entire body of the deceased which was developed considerably and as per the book titled “Medical Jurisprudence and Toxicology by Modi, 23rd Edition”, in para 3 at page no.452, it has been stated that, “as per opinion of the doctor, the process of setting the mortis at the place like erode commences within 2 to 3 hours from the time of death during the month of December, and it has been further stated that to spread the rigor mortis from leg to head, it takes about 12 hours and it remains in existence in the same condition for further 12 hours and thereafter, it takes further 12 hours to gradual reduction in the opposite direction, from head to leg.”

Further, in para no.3 of page no.432 of the said book, it has been mentioned that, “Ordinarily, the process of setting up rigor mortis commences within one or two hours from the time of death and it develops considerably from head to leg within 12 hours.”

Therefore, as per principles of medical jurisprudence, the rigor mortis was present on the entire body of the said deceased and it was well developed. Accordingly, as per my investigation, death of the deceased took place before 12 to 24 hours and the postmortem of the body of deceased commenced from 3.40 PM on 15-6-04, and calculating time from said moment, the death of said deceased appears to have taken place, in my inquiry, during the period from 3.40 AM on 15-6-04 to 3.40 PM on 14-6-04.

3. I have read the contents of paragraph 21 of the autopsy report wherein under the column “Particulars of stomach and contents found therein”, it is mentioned that “200 mg of semi-digested food was recovered wherein rice can be identified.”

In case of Kananji V/s State of Uttarpradesh as reported in 1977 SCC (Criminal) page no.662 as referred in paragraph no.3 of page 457 of Modi’s Medical Jurisprudence and Toxicology, 23rd Edition, it was the case of prosecution that the accused in the said case murdered the deceased at 4.00 PM. In the postmortem, semi-digested food was found from stomach of the deceased and

the Medical Officer, relying upon the same, deposed in his evidence that the deceased had his meal before three to four hours of his death and the accused were sentenced.” And, in the same book, at page 455 in 3rd paragraph, it has been stated that “in case of Bishweshvar Dhaniram V/s State as reported in 1963(1) Criminal Law Journal page no.645 (Allahabad), the deceased was killed during night and in the postmortem, partially-digested corn was found from the stomach and in that case, it was held proved that the deceased was killed during 10 to 11 PM.”

Therefore, as per the aforesaid principles of medical jurisprudence, looking to the fact that the semi-digested food of about 200 mg. was found from the stomach of the deceased wherein rice was identified, as per finding of my inquiry, it is proved that the deceased had taken meal before three to four hours before his death and in India, in ordinary course, people have their dinner at about 8 PM and accordingly, the deceased had taken his meal at 8-00 PM i.e. before three to four hours before his death and hence it clearly evident in my inquiry according to the principle of Medical Jurisprudence that the deceased died during 11.00 to 12.00 PM on 14-6-04.

4. From looking at para-17 of the postmortem report regarding measurements, type and direction of the injuries sustained by the deceased, it could be learnt that in injury no.2, “Fire Arm entry

wound on right side earlobe which was of the size of 0.5 cm in circular shape and it was surrounded by abrasion of the size of about 0.3 c.m. Said wound was sustained by piercing the earlobe, in lower direction traveling in further direction and entering from the left side, piercing the throat muscles causing wound of 2 x 1 c.m. on the left side of the throat. This wound was found 3 c.m. below the left jawbone and 4 c.m. away from the central line. Surrounding the said exit wound, there was abrasion of the size of about 7 x 3 c.m. The track of said wound was found with blood and contusion.

With regard to the direction from where the deceased was fired, as stated in 3rd paragraph at page no.724 of the Medical Jurisprudence and Toxicology by Modi, 23rd Edition, it has been stated that, “with regard to the question as to whether from which direction the bullet was fired from the weapon, the issue of direction from right side to left side or from front to back side is of very importance in the medico-legal and to know about the same, it is important to ascertain that at the time of firing of bullet, at which position the deceased was.”

It is also necessary to know that the person who sustained injury was shot by the person causing injury from close distance or far distance. For this purpose, it has been mentioned at 2nd paragraph at page no.176 of the Medical Jurisprudence and Toxicology by Modi, 23rd Edition that, when bullet is fired from the revolver at a

close distance from the skin, the exit wound is always larger than the entry wound.

From examining the injury no.2 of the said deceased, it is seen that the fire arm entry wound of the size of 0.5 was found on the right side earlobe and this wound traveled towards downward direction by cutting the earlobe and entered towards the left direction and exited on the left side, by piercing muscles of throat and causing 2 x 1 c.m. wound on exit. Therefore, the size of entry wound is 1.5 c.m. and the size of exit wound is of 2x1 c.m. and as such, the size of exit wound being larger than the entry wound, and hence it appears to me, as per principle of the Medical Jurisprudence, that the deceased was shot bullet from the close distance and looking to the direction of the said injury, “while the deceased was in sitting position, the person who fired the bullet, had fired on right side earlobe from a close distance by standing on the right side of the deceased, the exit wound of which was seen on the left side of throat” which has become clearly evident in my investigation.

On examining the injury no.3, I have observed that the said injury was on the right side, 4 c.m. below the **mastoid process** (the bone behind the ear) and at 7 c.m. away from the curve of the lower jawbone on the outer side with 0.5 c.m. dimension entry wound. Surrounding said wound, there was abrasion collar of 0.2 cm to 0.4 cm. And said wound traveled below, in the back side and on

the left side, by piercing muscles of throat and causing gutter-like fracture in the second and third thoracic vertebrae, entering the rear side of lobe of the left lung and exit through it from the inter-coastal space causing exit wound of the size of 1 x 1 c.m. which was situated at the back side of the chest, on the outer side at a distance of 4 c.m. from the centre line and 134 c.m. above the left heel. From examination of the said injury, it is seen that the deceased was shot by the person who fired from close distance when the deceased was in sitting position, by standing on the right side of the deceased fired at 4 c.m. below the inflated bone behind the ear which has resulted direction of the bullet from right to left side which traveled in downward direction from below 4 c.m. of inflated bone of the ear, traveling in the downward direction in left side, entering the upper lobe of the lung and exited from the ninth inter-coastal space and the size of the exit wound was 1 x 1.5 c.m. and the size of the entry wound was 0.5 c.m. Therefore, the bullet was fired from a close distance and it was fired by standing on the right side of the deceased and fired from up to down and from right to left direction, which I have found during my inquiry.

On examining the injury no.4 sustained by the said deceased, I have learnt that there was entry wound of the size of 0.5 x 0.8 c.m. on the front side of the chest at a distance of 12 c.m. from the center line and about 10 c.m. above the left nipple resulting into abrasion collar surrounding it of the size of 0.3 to 0.5 c.m. The

direction of the wound was in downward, backside and on left side which traveled through the third inter costal space piercing the lung wall, upper side and outer side of the upper lobe of left lung causing exit wound of the size of 1.1 c.m. on the outer side of the body. Said was situated at backside of left waist, at 8.5 c.m. distance from the central line, 108 c.m. above the left heel. On examining the said wound, it is seen that the size of entry wound was 0.5 x 0.8 c.m. and size of exit wound was 1.1 c.m. and hence the size of the exit wound being larger than the entry wound, it is clearly evident in my inquiry that, the deceased was fired bullet from close distance and looking to the direction of entry wound and exit wound, the person firing the bullet had shot bullet by standing closely on the left side of the deceased due to which the bullet traveled in downward direction which bullet was shot on the left side of body at the place 12 c.m. away from the centre line and 10 c.m. above the left nipple and exit from behind the left side of waist at a distance of 8.5 c.m. from the centre line.

On examining the injury no.5 sustained by the deceased, it was “fire arm entry wound of 0.5 x 0.8 c.m. size on the left – front side of chest which was at 7.5 c.m. away from the left nipple and at a distance of 23 c.m. below the left shoulder which was surrounded by abrasion collar of the size of 0.2 to 0.4 c.m. The direction of this wound was in downside, backside and on the right side which traveled by fracturing the fourth rib, piercing the wall of lungs, entered from outside the lower lobe of the left lung, crossing the

inner side of the same lobe of the same lung taking exit therefrom, and passing through the place between seventh and eighth thoracic vertebrae piercing the stomach, piercing the outer surface of right lobe of the liver with 5 x 8 c.m. piercing wound causing exit wound by taking final exit from the space between tenth and eleventh rib which was in the size of 5 x 3 c.m. which was situated at back side of the chest, on the right side of body at a distance of 32 cm below the right shoulder and 15 c.m. from the centre line on outer side. The outer surface of the skin of exit wound was rolled on outer side. Looking to the said injury, the size of entry wound was 0.5 x 0.5 c.m. and the size of exit wound was 5 x 3 c.m. and therefore, the size of exit wound is larger than the entry wound. Therefore, it has become clear in my investigation that the deceased was shot by the person firing the bullet by standing close to him on the left side of the deceased and when the deceased was in sitting position, and also observing the said injury, the person firing the bullet, standing close to the deceased on his left side, fired the bullet when the deceased was in sitting position which is apparent because direction of the bullet is in downward direction and the said entry wound is at a distance of 7 c.m. from the left nipple on outer side of body and at 23 c.m. below the left shoulder whereas the exit wound was on the back side of the chest on right side, 32 c.m. below right shoulder and at 15 c.m. away on outer side from the centre line. Therefore, the bullet traveled from left to right direction and hence it is revealed in my inquiry that the person firing the bullet

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fired by standing on the left side of the deceased when the deceased was in sitting position.

On examining the injury no.6 sustained by the said deceased, I have observed that it is, “fire arm wound of 0.5 x 0.8 c.m. size on the front part of the stomach which was at a distance of 21 c.m. below the left nipple and on outer side at a distance of 13 c.m. from the centre line around which there was abrasion collar of the size of 0.2 to 0.5 c.m.”. Said wound was on the upward, backside and right side, piercing the muscles of stomach, entering 2 c.m. below the twelfth rib, piercing the stomach wall, entered in cavity of the chest. The bullet entered through the said wound was recovered from the rear eighth inter coastal space. Examining the said injury, it is seen that the said injury was caused while the deceased was in sitting position by bullet fired by standing near him on left side, by placing his weapon on the left side of stomach of the deceased and shot bullet in right side upward direction, which appears to me in my inquiry as per principle of Medical Jurisprudence.

5. It has been stated in para 21, page no.6 of the autopsy report that as mentioned in the last two paragraph, one bullet was recovered from body of the deceased and one bullet was found near his body, both of the said bullets were kept in a plastic box and sealed them and both the said bullets were sent to F.S.L. for analysis as

per page 373 of File No.1 through dispatch as Parcel No.35, Mark 1/C. As stated in last para of page no.303, File No.1, in Form No.1/C and 1/C-2 wherein sample of 1/S-1 : a “copper jacketed bullet” of 0.38 caliber bullet weighing approximately 11.54 gram is mentioned and in 1/C-2 : Copper Jacketed bullet of 9 mm caliber weighing about 7.48 grams is mentioned. Therefore, it has come before me in my inquiry that the deceased was shot dead by the police by using 9 mm pistol having no license and which is illegal.

As per para 9 of the Panchnama of the spot of incident, which is at page 213 in File No.3, it has been stated that 8 magazines (containers) of fired cartridges recovered from India car were kept in a polythene bag and it was given Mark-1.

In the analysis report by F.S.L. of the said magazines of fired cartridges which were given Mark-I, which is placed at page-309 in File No.1, it has been stated in its para 4 that, “Sample-I/1 to I-4 – total 8 nos. of 9 mm caliber pistol cartridges’ magazines having two different types of head stamp which can be used in the pistol of sample L and N”. On verifying about the sample L and N, it has been mentioned in para 9 of page 311, analysis report of the Sample L, from which having taken into reading the Sample L, as per the said analysis report, “It is a pistol along with magazine with 9 m.m. pistol cartridge chamber which is capable to re-fire, bearing serial no.111100”. Similarly, having taking

into reading the Sample N, it states that, "It is a pistol along with magazine with 9 m.m. pistol cartridge chamber which is capable to re-fire, bearing serial no.7705". Therefore, it is proved during my inquiry that from the aforesaid analysis report, it is established that the magazines of fired cartridges recovered from Indica car are of 9 mm caliber which can be fired from the 9 mm pistols of sample "L and "N".

Therefore, the deceased was shot dead by the police with unlicensed and illegal 9 mm pistol at the time when the deceased was in sitting position on the rear seat of India car from close distance as a result of which 8 nos. of magazines of fired cartridges of 9 mm caliber were recovered from inside the Indica car. From the place of offence, no other bullet of 9 mm caliber has been found and therefore, the Police may have shot dead the deceased by using said unlicensed and illegal 9 mm pistol at the time when the deceased was sitting on the back seat of the Indica car due to which 8 nos. of empty magazines of fired cartridges of 9 mm caliber were found from the Indica car and therefore, the said fact has come before me in my inquiry and as a result of which, the death of said deceased was caused when he was sitting in back seat of Indica car, by firing bullets on the deceased at the same place by the Police by using unlicensed and illegal 9 mm pistol and the service revolver and other weapons and thereby causing injuries to the deceased which resulted into his death,

which has come before me in my inquiry due to aforesaid reasons.

Thus, the deceased was killed with unlicensed and illegal 9 mm pistol and service revolver and other weapons when he was sitting on back seat of Indica car. Therefore, dead body of the deceased would have been shown in the inquest panchnama in the position of sitting on back seat of Indica car, however, so as to brand the said deceased as a terrorist, dragged his body from the car and placed the body on road divider in the position by placing AK 56 riffle by the police near his right hand, after firing by police from the said unlicensed and illegal AK-56 riffle on the police Gypsy and Indica car and on the road. Therefore, the deceased did not fired bullets from the said AK-56 riffle because the hand wash of right hand and the left hand of the deceased before the Panch witnesses by the F.S.L. officers as per page no.206 of page no.3 wherein hand wash of the right hand of deceased was at mark 1/1 and the left had wash with mark 1/2 and earth control soil by mark 1/3 which was forwarded for analysis. After said analysis, report was received which is kept at page no.309 of File No.1 wherein it has mentioned in para 1 that “from the samples of 1/1 and 1/2 of hand wash samples and 1/3 control hand wash (cotton swab), the presence of remains of exploded ammunition is not found”. Therefore, I have observed during my inquiry that the deceased has not fired bullets through any weapon either from his right or left hand.

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6. The panchnama of place of offence which is at page no.209 to 225 in File No.3 wherein it has been shown in para 8 of page no.213 that the dead body of the said person was placed on the divider so as to brand him as a terrorist and an AK-56 riffle was placed in his hand, however, nothing has been recorded to the effect that any cartridges fired from the said AK-56 riffle were recovered from surrounding place. Therefore, it appears to me in my inquiry that the deceased did not fire bullets on the police in the Gypsy by taking position near said divider at the said place of offence.

As per para 8 of page no.447 of File no.1 which is Visitation Report of the F.S. officer, it is stated that “50 numbers of magazines of empty cartridges seemed to have been fired were recovered nearby the Indica car and Maruti Gypsy car”. As per the said F.S.L. officer also, 50 numbers of empty magazines of fired cartridges are stated to have been recovered from near said Indica car and Maruti Gypsy car and he does not mention about any such single magazine of fired cartridge which has been recovered near the divider where dead body of the deceased was lying. Therefore, it is my finding during my inquiry that the deceased has not fired towards Police Gypsy by positioning himself near said divider.

7. As per para 8 of the Panchnama of the place of offence at page 213 of the File No.3, the 50 nos. of magazines of empty cartridges

recovered from the place of incident, which were given Mark "H" and the same were forwarded to F.S.L. for analysis as recorded on page no.403 of File No.1, vide Parcel no.20 of dispatch note by giving the said sample as Mark "H". The analysis report of the said Sample "H" by the F.S.L. is at page no.309 File No.1 clearly states in para 3 that the Sample H-1 to H-5 : total 50 nos. of magazines of intermediate rifle fired cartridges of 7.62 m.m. caliber bearing different head stamps which can be used on the AK-56 rifle at Sample "J". In the said report the analyst has stated that all the 50 magazines on the rear side of which is made of brass, which is called anvil, has mark of hammer when hammer of AK-56 rifle or pistol is blown when the weapon is triggered, such a mark on the brass portion of anvil and the marks on the hammer from which sub bullet is triggered are compared, it can be found as to from which fire arm, such cartridge was fired. Therefore, it has been clearly mentioned in the analysis report of FSL that the 50 nos. of exploded cartridges of 7.62 mm caliber recovered from the place of offence are having different head stamps which magazines of empty cartridges of intermediate rifle which have been used in the AK-56 rifle placed at Mark "J". Therefore, the police themselves have fired on the Police Gypsy and Indica car and on the road by using the unlicensed and illegal A.K.-56 in their possession and has also fired on the tyre of rear side wheel of Indica car from close distance and fired 50 rounds and thereafter, when the cartridges were exhausted, said AK-56 rifle was placed near hand of the deceased on the divider by the

Police so as to portray the deceased as a terrorist, which is apparent in my inquiry.

When the cartridges which are recovered from the place of offence, as per FSL analysis as stated above, were the 50 nos. of 7.62 mm caliber fired cartridges which were fired from A.K.56 rifle of Sample "J", it becomes apparent in the my inquiry that the Crime Branch police has not fired single round from their weapons at the place of offence during encounter with the deceased or in their self-defense because, as per the complainant, at the place of incident Mohanbhai Nanjibhai fired 10 rounds from his AK-47, Mohanbhai Bababhai Kalasava fired 32 round from AK-47 , commando Anaju Jiman Chaudhary fired 10 rounds from Stan gun, J. J. Parmar fired 4 round from the service revolver, A.C.P. Amin fired 5 round from his service revolver, Shri Tarun Barot fired 6 rounds from his service revolver, Shri I. K. Chauhan fired 3 round from the service revolver. Thus, the Crime Branch officers and commandos stated to have fired in all 70 rounds from the service revolver, Stan Gun and AK-47 riffles. However, not a single fired cartridge out of the 70 rounds alleged to have been fired from the service revolver, Stan gun or AK-47 riffle, is recovered from the place of offence and hence it has come before me in my inquiry that there was no encounter of police with the deceased at the place of offence and police has not even opened fire in their self-defense. However, as it reveals before me in this inquiry, the Crime Branch officers and police

might have fired those 70 rounds at some other place on the deceased.

8. In paragraph 21 of the autopsy report of deceased Javed alias Pranesh Kumar M. Pillai, it has been stated in last two paragraphs that two bullets from the body of the deceased have been recovered which were kept in a plastic bag by pasting label and sealed it, those bullets were forwarded to the FSL vide dispatch parcel no.45, Mark 3-B which has been mentioned at page 375 in File No.1, and FLS analysis report in respect of which is placed at page 11 and file no.1 page no.317 as per sample 3/B1 – is the 0.38 caliber fired revolver bullet having five lands and five grooves with Right hand twits and the sample at 3/B2 is the fired bullet of 7.62 mm caliber intermediate riffle cartridge having four lands and four grooves with right hand twits. Said 3/B2 which is a fired bullet of 7.62 mm caliber having four lands and four grooves with right hand twits was, as stated in the said analysis report at page 7 and in para 5 of page no.309 of File no.1, fired from the AK-56 riffle at Sample “J” bearing serial no.56-1-15168857 which is the 7.62 mm caliber intermediate rifle housing in its barrel cartridge with four lands and four grooves with right hand twits. Therefore, since the barrel of this AK-56 rifle is matching 100% with the said 3/B2 fired bullet of 7.62 mm caliber intermediate rifle cartridge having four lands and four grooves with right hand twits, as per the principle of medical jurisprudence, the police has killed the deceased Javed alias

Pranesh Kumar by firing the bullet at sample 3/B2 from the said AK-56 rifle at Sample "J". Therefore, the police has killed Javed alias Pranesh Kumar M. Pillai by using and keeping in their possession AK-56 rifle without license and illegally. Therefore, said AK-56 rifle was not at all in possession of said deceased Amjad Ali Akbar Ali Rana alias Salim alias Chandu alias Rajkumar and from which rifle said deceased did not open fire. However, the police kept in their possession said AK-56 rifle without license and illegally and killed Javed alias Pranesh Kumar M. Pillai by using the same, which fact has surfaced during my inquiry.

And, similarly, the police shot dead Abdulgani alias Jishant Johar alias Janbaz s/o Kalu with the said AK-56 rifle held by the police without license, bullet of which was forwarded to the FSL for analysis vide parcel no.39 as per page no.408 in File no.1 which was labeled as Mark 2/C. In the report of said analysis also, it was stated to be a fired bullet of 7.62 mm caliber intermediate rifle cartridge having four lands and four grooves with right hand twits which is fired from the sample "J" AK-56 rifle having barrel which houses 7.62 mm caliber intermediate rifle cartridge having four lands and four grooves with right hand twits. Therefore, as per the principle of medical jurisprudence, the police has caused death of deceased Abdulgani alias Jishant Johar alias Janbaz s/o Kalu by firing the said bullet at 2/C sample from the sample "J" AK-56 rifle, by keeping in their possession said rifle without

license and illegally. Therefore, it has become apparent in my inquiry that the said deceased Amjadali Akbarali Rana alias Salim alias Chandu alias Rajkumar did not have AK-56 rifle at all and said deceased did not even fire from the said weapon, but, the police has killed said Abdulgani alias Jishant Johar alias Janbaz s/o Kalu with the said AK-56 rifle by keeping it in their possession without license and illegally.

9. As per inquest panchnama of the said deceased kept at page no.288 File no.1, currency notes amounting to Rs.1250/- and photograph of deceased was recovered from a leather wallet found from the right side pocket of tracksuit put on by the deceased and on the back side of the said photograph, "SALIM" is written in English. Looking to this fact, the police already detained said deceased and during the detention, snapped photograph of the deceased and thereafter, the police inscribed on the backside of the photograph the word "SALIM" in English, because, no person ever write his name behind photograph with him and in case if the deceased would have been a Pakistani, he would never write "SALIM" in English but he would write name of Salim in Urdu. Therefore, it becomes clear to me in my inquiry that the police has, as a part of its preplanned conspiracy, with a view to establish identity of the deceased as "SALIM" (Salim), planted said photograph as a proof of his identity, because, in identical fashion, the police has found an identity card from the right rear pocket of pant of Abdulgani alias Jishant Johar

alias Janbaz s/o Kalu, as recorded in the inquest panchnama of body as placed at page no.289 File no.1. Said identity card was prepared by the police itself by snapping photograph of the said deceased when he was under detention and pasting it on the card, so as to portray him as a Pakistani citizen and planted same in the back right side pocket of the deceased because except from the said identity card, no other article or money has been found from the clothes put on by the deceased. Therefore, it appears to me in my inquiry that the police had already created said identity card and placed in right pocket of pant of Abdul Gani.

And, similarly, as per the inquest panchnama of deceased Javed alias Pranesh Kumar M. Pillai, as placed at page no.291 in File No.1, his driving license was found from his right side back pocket of the pant put on by him except which nothing was recovered from the clothes put on by said Javed alias Praneshkumar nor a single rupee was recovered. Therefore, said deceased was also already under detention of the police, because, when any person is visiting Ahmedabad from Mumbai by driving his Indica car, he would keep money in the pockets of clothes he is wearing, however, not a single rupee was found from his pockets. Therefore, it becomes evident in my inquiry that the police had taken away all the articles he was carrying, while the police detained him and the police left his driving license only in right side pocket of back of his pant.

And similarly, inquest panchnama of deceased Ishrat Jahan which is placed at page no.292 of File No.1 also states that, “She was having an identity card hanging on her neck which was beneath her dress.” Therefore, said deceased is a woman, and no woman would carry on her neck identity card of her college when she is traveling from Mumbai to Ahmedabad, as a natural phenomenon and nature of woman. Therefore, when the police detained her prior to the incident, the police took hold of her purse and from the said purse, took out only identity card so as to identify her and hanged it in the neck of the deceased, which has come before me in my inquiry. And, apart from this identity card, no purse or handkerchief was found from her, however, in the dickey of the car, black colored ladies purse of the containing 3 napkins was found. In fact, any woman who is supposed to travel from Mumbai to Ahmedabad shall, as per nature of a woman, keep her purse and handkerchief in her hands only which was not found from the said deceased and on the contrary it was found from the dickey. No lady would place her purse in the dickey on the backside of the car at any cost when she is traveling from Mumbai to Ahmedabad. Therefore, it is apparent to me in my inquiry that the police had already detained her and as a proof of her identity, took out identity card from her purse and hanged it in her neck and the said purse was placed in the dickey by the police itself. Therefore, Amjadali Akbarali Rana alias Salim alias Chandu alias Rajkumar was previously detained by the police and during his detention, police took his photograph and therefore, as

it appear to me in my inquiry, as a proof of his identity, placed said photograph in the purse by writing "SALIM" behind it which was found from his pant's right side back pocket. Because, the police has, for the purpose of establishing identity of other three deceased as aforestated, planted identity card of College of Ishrat Jahan, driving license of Javed alias Pranesh Kumar and Abdulgani with his identity card by the police in neck of Ishrat Jahan, right side pocket of pant of Javed alias Pranesh Kumar and right side pocket of pant of Abdulgani, which facts were recorded during the inquest panchnama. Therefore, it has become apparent in my inquiry that all four of them were already in detention by the police.

10. Similarly, police caused death of all four of them at some other place on 14-6-04, between 8-30 to 9-00 PM killed Javed alias Praneshkumar and the other three deceased were killed during 11.00 PM to 12.00 PM; Amjadali Akbaralia with unlicensed 9 mm pistol, Javed alias Praneshkumar M. Pillai with AK-56 riffle and Abdul Gani alias Jishant Johar and Isharat Jahan with other weapons and thereafter, the Indica car in which they were encountered, brought to the place of offence by toeing or driving the said Indica car by the police and thereat, took out dead body of Amjad Ali Akbar Ali from back seat of Indica Car and placed the same on divider of the road and therefore, the police fired from an unlicensed and illegal AK-56 rifle in their possession, on the Police Gypsy car and on Indica car and on rear-left tyre of

Indica car from close distance. The police fired in all 50 rounds from the said AK-56 rifle which was recovered from the place of incident as recorded in the inquest panchnama.

11. Thereafter, the police had, so as to term those deceased as the terrorists belonging to Laskar-e-Toiba, placed an AK-56 rifle with empty magazine by the police near arm of Amjadali Akbarali and similarly, beneath hand of deceased Javed alias Praneshkumar M. Pillai, placed a pistol in his lap, and police placed a pistol near legs of Abdulgani. However, all of three aforestated persons did not use those weapons nor opened fire with those weapons, which is evident in my inquiry from the analysis of their hand washes.

12. At the time when the police drew inquest panchnama of the deceased died in Indica car at the place of offence, which was recorded from 6-00 AM to 10-00 AM on 15-6-04, three magazines of AK-56 rifles consisting 30 rounds each and in all 90 round cartridges of AK-56 rifles from those 3 magazines were not found from the rear-left side footrest of said Indica car. However, those three magazines of AK-56 rifle which were having 90 cartridges, were found during recording of the Panchnama of place of offence on 15-6-04 which began from 14-00 hours to 19-00 hours and according to para 16 at page 3 of said Panchnama, the police discovered from foot rest on the rear-left side of Indica car, three magazines of AK-56 rifle containing in all 90 cartridges as each one magazine containing 30 cartridges which, as it appear

to me in my inquiry, have been planted by the police afterward and the complainant has also, in his complaint, not mentioned that three magazines of said AK-56 rifles were found which were having 90 cartridges containing 30 cartridges each from the footrest on rear-left side of the Indica car. Therefore, it is found during my inquiry that the police itself has afterward placed those three magazines containing 90 cartridges of AK-56 rifles which was in possession of the police without license and illegally so as to brand the deceased as terrorists.

And accordingly, the complainant has in his complaint also, not mentioned that 81 pieces of live cartridges of AK-56 rifle were found from a blue colored bag found from the backside of back seat of the Indica car. However, as stated in para 14 at page no.4 of the Panchnama of place of offence, those 81 live cartridges of AK-56 rifle are stated to have been found out from a plastic bag inside bag and therefore, it appears to me in my inquiry that those 81 pieces cartridges of AK-56 rifle which were kept in its possession by the police without license and illegally, were placed by the police itself so as to describe those deceased as terrorists.

The complainant has not mentioned in his complaint that 17 kg of yellow colored powder was found from the torn jute bag lying in the backside dickey of car and therefore, said 17 kilogram yellow colored powder as mentioned in para 10 at page 8 of the Panchnama of place of offence which contained contents of

Sulphar and Urea according to the analysis, as appears to me during my inquiry, to have been placed by the police afterwards from its possession which was illegal and unlicensed, with a view to depict the deceased as terrorists.

The complainant has not averred in his complaint that an amount of Rs.2,06,610/- in words Rupees Two Lakhs Six thousand Six Hundred ten only was discovered from a black colored Racine pouch found from a suitcase lying in dickey of the Indica car. Therefore, said money was placed by the police to describe the deceased as terrorist which amount of Rs.2,06,610/- Rupees Two lakhs six thousand six hundred ten was out of the money collected from their other sources and placed in the said bag subsequently with a view to establish that the deceased received said money from terrorist organization of Lashkar-e-Toiba for terrorist activities. It becomes clear to me in my inquiry that the police placed said money amounting to Rs.2,06,610/- which was out of from their other sources, in the said bag having number lock which was not locked and the said suitcase which was with the police was placed with money amounting to Rs.2,06,610/-. Because, in case when any person place huge amount of Rs.2,06,610/- in a suitcase having number lock, he lock said suitcase without fail whereas in the said suitcase, number lock was not locked.

The complainant has, in his complaint, also not stated that from the said suitcase, a Satellite Mobile phone of Tharaya company was found along with extra battery of the mobile phone and one no. charger and 1 pc. of refill using card of the same company and 1 pc. of hands free speaker. Therefore, as it appears to me in my inquiry, all those articles which were in possession of the police without license and illegally, were placed by the police subsequently, as a preplanned conspiracy and with a view to describe those four deceased as terrorists, and all four of them having killed in an encounter with the police and as per the conspiracy hatched, the police itself planted all the weapons, explosive material and amount of Rs.2,06,610/-. Because, in FSL Mobile Investigation, Ahmedabad's Visitation Report placed at page no.449 of File no.1, there is mention that, "the material discovered from the place of dickey behind the back seat consist of white and light-yellow colored granule powder in the bag with holes and 81 pieces of live cartridges from blue colored travel bag", however, in the said dickey, a suitcase with number lock was not seen by the FSL officers and hence they have not recorded presence of any such suitcase in their Visitation Report and the said suitcase with number lock could not be found by the FSL officers as the said suitcase with number lock was placed by the police subsequently from which an amount of Rs.2,06,610/- in words Rupees Two lakhs six thousands six hundred ten only was seized which amount was placed by the police itself by sourcing it from their other sources and similarly, in the said suitcase, a

satellite mobile phone, extra battery-1, charger – 1 no., and 1 no. refill using card of the same company and 1 no. of hand free speaker were placed by the police itself, which is observed by me in my inquiry.

13. The complaint of complainant J. G. Parmar, Police Inspector, Crime Branch, Ahmedabad is at page nos.55 to 59 in File no.3 which is submitted by him personally to G. L. Singhal, Assistant Commissioner of Police, Crime Branch, Ahmedabad which is entirely false complaint concocted by the complainant which is apparent to me in my inquiry as the complainant has, in para 4 of his complaint, stated that, “about 15 days ago, an intelligence through intelligence sources was given to Shri K. R. Kaushik, Police Commissioner, Ahmedabad City that two Pakistani Fidayins have departed from Kashmir separately, to reach Ahmedabad city who are suicide killers of Lashkar-e-Toiba whose names are (1) Jishan Johar alias Janbaz alias Abdulgani, resident of Narmanak, Kalerbadi, District Gujranwala, Punjab, Pakistan and the another one Amjadali Akbarali Rana alias Salim alias Chandu alias Rajkumar, resident of Haveli Diwan, Tilwal, District Sarnoda, Punjab, Pakistan and a resident of Pune, Maharashtra named Javed who is also terrorist of Lashkar-e-Toiba is establishing local network for those two Fidayeens. The aim of these Pakistani Fidayeens and Javed is to wage suicidal attack on Shri Narendra Modi, Chief Minister of Gujarat State and to kill him. In this regard, they are conducting reiky at

Ahmedabad and in Gandhinagar at residence of Chief Minister, his office and the places of his visits and roads of his travel. On the basis of the said intelligence received by the Police Commissioner, Shri P.P.Pandey, Joint Commissioner of Police, Crime Branch, Ahmedabad city and Shri D.G.Vanzara, Additional Commissioner of Police, Crime Branch, Ahmedabad City called him and A.C.P. G.L.Singhal personally and made aware of us about this explosive and shocking information and having directed to keep discreet vigilance and to investigate in this regard, investigation was in process through a secret informer very discreetly under guidance of A.C.P. Shri Singhal.” The facts stated by said complainant appears to be false and concocted one as the Investigation Officer of the said case has not produced any documentary evidence in course of investigation to the effect that the said intelligence which was received by Shri K.R.Kaushik, Commissioner of Police, Ahmedabad city was not recorded at any place. Further, no documentary evidences in respect of the meeting of the police officers alleged to have been convened by the Police Commissioner with regard to the said intelligence and taking decision about action to be taken in this regard. Furthermore, the Investigation Officer Parikshita Gurjar, Assistant Police Commissioner, Mahila Police Station, Crime Branch has also not recorded statement of Shri K.R.Kaushik in course of investigation. Therefore, the complainant has, hatched a conspiracy in collusion with the Police Commissioner Shri K. R. Kaushik and Assistant Police Commissioner G. L. Singhal so

as to portray those deceased persons (1) Jishan Johar alias Janbas alias Abdul Gani, (2) Amjadali Akbarali Rana alias Salim alias Chandu alias Rajkumar, and (3) Javed, as Fidayeen terrorists of Lashkar-e-Toiba and in the said complaint, so as to show said three deceased as Fidayeen terrorists, as a part of their conspiracy detained Amjadali Akbarali Rana alias Salim alias Chandu alias Rajkumar and Abdulgani alias Jishan Johar alias Janbaz s/o Kalu and in spite of the fact that both of them were not Pakistani and Fidayeen terrorists of Lashkar-e-Toiba, and even though the Police Commissioner Shri K.R.Kaushik did not receive any such intelligence, has described as a part of conspiracy that intelligence was received since after their encounter, they could have been portrayed as Pakistani Fidayeen suicide killer terrorists of Lashkar-e-Toiba and so as to show deceased Javed alias Praneshkumar M. Pillai as terrorist of Lashkar-e-Toiba, false and concocted complaint has been recorded by the complaint as a part of their conspiracy, which appears in my inquiry.

The complainant, in his complaint, has also stated falsely that “In the meantime, yesterday, on 14-6-04, at about 23-00 hours, Shri P.P.Pandey, Joint Commissioner of Police, received concrete intelligence from his secret sources that said Javed has left through blue color Indica car bearing no.MH-02-JA-4786 from Mumbai to Ahmedabad with both the Pakistani fidayeen terrorists carrying with them weapons and ammunitions and the said car is likely to enter Ahmedabad city at any point of time on today early

morning. And said intelligence being confirming the earlier intelligence given by other sources, Shri D. G. Vanzara, Additional Commissioner of Police, Crime Branch, Ahmedabad immediately summoned both the ACPs and P.Is of Crime Branch and briefed them with necessary information and under his guidance, planning of full-proof blockades in Ahmedabad city was made.” The facts of said complaint are absolutely false since as per principles of medical jurisprudence, death of Javed alias Praneshkumar M. Pillai was, as mentioned earlier in my inquiry, caused by the police during 8-30 PM to 9-00 PM on 14-6-04 and the death of other three persons were caused during the time between 11.00 PM to 12.00 PM on 14-6-04. Therefore, it appears to me in my inquiry that the complainant has, with a view to show all those four deceased as terrorists of Lashkar-e-Toiba and to show that as if all four alleged to have been killed in encounter by police in self-defense, the police hatched a conspiracy and accordingly complainant described the deceased person alleged to have left Mumbai to reach Ahmedabad in a blue-colored Indica car.

The police kept in its possession a 9 mm pistol without license by using which caused death of Amjadali Akbarali Rana alias Salim alias Chandu alias Rajkumar as one 9 mm fired cartridge was found from the body of said deceased. Therefore, the police caused death of the deceased by firing at him with 9 mm pistol without license and other weapons. Therefore, the deceased had

no weapons, but, the police had illegal and unlicensed weapons using which police caused death of the deceased and similarly, the police used AK-56 and other weapons to shot dead deceased Abdulgani alias Jishant Johar alias Janbaz s/o Kalu and Javed alias Praneshkumar M. Pillai wherein also police used AK-56 without license and which was illegal weapon, to cause deaths of both the aforesaid persons as the AK-56 rifle's fired bullets were recovered from bodies of both the deceased. Therefore, it is found in my inquiry that the deceased had no weapons with them, but, the police had unlicensed and illegally held two 9 mm pistols and AK-56 rifle in their possession illegally with which opened fire on all of three deceased accompanied by other weapons and therefore, the fact stated by the complainant that the deceased were coming to Ahmedabad from Mumbai with weapons and explosives, is found during my inquiry to be completely false and concocted by the complainant.

The complainant has also mentioned incorrect fact in his complaint that "Shri D.G.Vanzara, Additional Commissioner of Police had immediately convened briefing by calling both the A.C.Ps and Police Inspectors of Crime Branch and with regard to the arrangements for strict blockades in Ahmedabad city planned by him under his guidance to capture all these persons, necessary teams were formed and these teams were deployed at (1) Narol Chokdi (2) C.T.M. Cross Roads, (3) Naroda S.T. Workshop Three-ways, (4) Naroda-Himmatnagar Railway crossing, (5)

Indira Bridge circle and (6) Vishala Circle headed by – (1) ACP Amin, (2) P.S.I. Shri P.G.Vaghela, (3) P.S.I. Shri C.J.Goswamy, (4) P.I. Shri V.D.Vanar, (5) ACP Shri Singhal and (6) P.I. Shri Agrawat, respectively and at about 1.30 midnight, these teams occupied their positions” is also concocted by the complainant because, the deaths of the deceased has been caused by the police on 14-6-04 during 8-30 PM to 9-00 PM Javed was killed and other three were killed during 11-00 to 12-00 PM which has been mentioned in earlier part of my inquiry. Therefore, all the police personnel were aware that the police murdered said deceased at the time and date as mentioned hereinabove, however, as per the conspiracy, the complainant, in a very systematic and planned manner, has explained the fact of alleged formation of the teams with other police officers and sending them to different locations only in the complaint and no such teams of six (6) officers or six places which were stated, were deployed nor they took position by 1-30 midnight which appears to me in my inquiry because all the officers and commandos were aware about killing of deceased having been made at prior point of time and therefore, there was no need for full-proof blockades or to capture blue-colored car. Therefore, the complainant has, in his complaint, also concocted said fact and as per the conspiracy, so as to show that the deceased arrived in blue-colored India car, concocted the facts and has lodged the complaint under guidance of senior officers as a part of conspiracy which is apparent before me in my inquiry.

The complainant has also stated false and concocted facts stating that, “the complainant was in watch as a member of the team of ACP at Narol Chokdi. In the meantime, said Indica car bearing registration no.MH-02 JA 4786 arrived at Narol Chokdi from Mumbai and took turn to right side for going towards Naroda” because, on 16-6-04 being Rath Yatra day in Ahmedabad, all the entry points of Ahmedabad city were under strict blockades by Ahmedabad police and therefore, all the vehicles entering Ahmedabad city were being allowed to enter the city only after blocking them by barriers of steel angles and checking all such vehicles and even in the city also, on all the roads, vehicles were allowed to enter the city during night time, only after strict verification as a preventive measures keeping in view security reasons with regard to coming Rath yatra festival. And, the Narol Chokdi being the main point for entry for checking of vehicles coming from Mumbai, there were police checking by the police at 4-00 AM on 15-6-04. However, the complainant is not revealing any fact in respect of the checking of all the vehicles at Narol Chokdi by the police and in spite of the fact that the officers of said team themselves could have prevented said blue Indica car bearing registration number as per their intelligence, by raising iron angles and would have captured the same. However, police did not resort to such course because the police team including the complainant did not at all reach Narol chokdi and even though, the complainant has got up a story of arrival of deceased at Narol Chokdi at 4-00 AM from Mumbai to Ahmedabad, which is

apparent in my inquiry, because, as per the inquiry conducted by me, deceased Javed alias Praneshkumar M. Pillai was killed by police during 8-30 to 9-00 and the others were killed by police during 11-00PM to 12-00 PM by making them all sitting inside the Indica car which fact was within the knowledge of police and hence police did not go to Narol Chokdi at all which is apparent during my inquiry.

The complainant has stated incorrect fact in his complaint that, “Therefore, we chased the Indica car and ACP Shri Amin told ACP Shri Singhal that the blue Indica car as per intelligence, is moving towards Naroda road from Narol Chokdi and we are chasing it. On the basis of said tip, both the A.C.P.s talked to officers of other teams on their mobile and sent alert messages to them. After some time, Shri Amin again called Shri Singhal on mobile and informed that the said car has turned towards Airport road from Naroda-Himmatnagar Railway crossing and there is possibility of its escape and therefore, it requires to be intercepted from opposite direction and therefore, all the officers positioned at Indira Bridge including ACP Shri Singhal, PI Shri Tarun Barot, PS Shri R.I.Patel, PI Shri K.M.Vaghela, P.I. Shri D.H.Goswami, P.S.I Shri I.K.Chauhan and his team members embarked upon their vehicles and immediately rushed towards said vehicle from the Air Port road and halted their vehicles near a sharp turn near Kotarpur Water Works and immediately crossed the divider and jumped to opposite side of the road and positions were taken by

officials of the team in a pit as there were bushes and trenches” which false facts have been recorded by the complainant because, the complainant has in his complaint, has not explained as to why the said Indica car was not stopped by overtaking it and also as to why they did not solicit help of police which were on *bandobast* and conducting strict checking at every cross-roads keeping in view Rath Yatra procession to be held on 16-4-04 and that in case said Indica car would have been chased by Police Gypsy, in case if the said car was belonging actually to the terrorists and that too of Lashkar-e-Toiba, they could have easily escaped by firing at police gypsy. And, therefore, the fact stated in the complaint that they chased said Indica car by Gypsy van, is found to be incorrect in my inquiry. Because, the police caused death of Javed alias Praneshkumar M. Pillai during 8-30 PM to 9-00 PM on 14-6-04 and other three deceased were kill by police between 11-00 to 12-00 PM on the same day by making them to be sited in the Indica car only, and therefore, the version of the complainant that said Indica car was chased is false and concocted, which was aimed to prove the deceased as terrorists.

The complainant has also stated false facts that, “In the meantime, as the said Indica car slowed down near Kotarpur Water Works, upon order given by Shri Amin, commando Mohanbhai Nanjibhai B.No.1898 sitting in our car having fired on tyre of the Indica car, rear tyre of the said Indica car burst as a result of which said car dragged towards the road divider and stopped there”, because,

said commando Mohanbhai Nanjibhai was sited in gypsy car wherein Shri Amin Saheb was sited next to the driver and near him, Mohanbhai Nanjibhai occupied his seat which is revealed from statements of said Mohanbhai Nanjibhai and Shri Amin. However, it is not possible that a police officer of the rank of ACP allow any constable near him in the front left seat of Maruti Gypsy, and further, said seat left to the driver in Maruti is a single seat and hence on such a small seat, two persons cannot sit in any circumstances and even if they occupy the seat, the Maruti Gypsy which is a police van, having iron mesh at a distance of 4 inches from the windscreen and there too, the mesh which was folded towards left side on the driver side near hinges and the window of said Gypsy was also fitted with wire mesh at a distance of 4 inches and therefore, said Mohanbhai Nanjibhai cannot take aim and fire on the tyre of Indica car through the wind screen attached with double wire mesh. Therefore, said Mohan Nanji has not at all fired a bullet from his AK-47 rifle on the rear wheel of India because no bullet hole is found on the windshield of said Gypsy van, however, on the lower left side, a hole is found in the wind screen hole is also found at the same level on seat of left side and therefore, said hole is created as a result of bullet fired from outside the van to inside and during recording of panchnama of place of offence, magazines of cartridges fired from within the gypsy on the tyre of rear wheel of Indica car, were not found and therefore, it is found in my inquiry that the fact that Mohan Nanji fired one round from his AK-47 rifle on the rear tyre of Indica

car, as stated by the complainant in the complaint is false and concocted. And, the complainant has, in his complaint, stated that firing took place on the rear tyre, however, he does not say that on which tyre bullet was fired and therefore also, it is apparent in my inquiry that the complainant has stated false facts in the complaint.

The complainant has stated falsely in his complaint that, “As the rear tyre of Indica car burst, said car dragged towards road divider and stopped there”, because, it has come on record from the Panchnama of place of offence that bullet is seen to have been fired on the left side tyre of Indica car and therefore, as per ordinary rule of science, when any car is in running condition and if bullet is fired on its left side tyre resulting into bursting of tyre, said car turns towards left side and not the right side and therefore, the fact stated by the complainant that “since rear tyre of Indica burst, the car dragged towards road divider and stopped there” which appears to be false and concocted in my inquiry.

The complainant has also stated false and concocted fact that, “Then, one terrorist get down from the car with AK-56 from rear-left side door of the car and by taking position behind the divider, opened incessant firing on our vehicle and the other terrorists sitting inside the car also started firing. However, before that, Shir Amin and myself and the commando Mohanbhai accompanying us and driver Nilabhai and PSI Shri K.S.Desai

immediately disembarked the vehicle and took position in line behind the vehicle and saved themselves and the said commandos, on order by Shri Amin, opened fire in self-defense and in reply to their firing, from their Government AK-47 riffle and fired 10 rounds as such. In the meantime, when it became sure that those hardcore terrorists were the same as per intelligence, ACP Shri Singhal having ordered commandos of his team P.C. Mohanbhai Lalabhai Kalashava B.No.2211 and commando Anaju Jiman Chaudhary B.No.842 to open fire on the terrorists, both the said commandos fired 32 rounds from AK-47 and 10 round from the Stan Gun, respectively, on the terrorists sitting in Indica and the one who came out of car and started firing by taking position. Further, in addition to it, I fired 4 rounds from my service revolver, 5 round by Shri Amin, 6 rounds by Shri Barot, 3 rounds by Shri R.K.Chauhan were fired toward the terrorists and as such, firing continued from both the sides. After some time when firing stopped from the other side, by approaching near the Indica car and having looked into said car, it was found that all four terrorists including one terrorist sitting on backseat of the car, one terrorist sitting on the driver seat and a lady terrorist sitting near driver seat and one terrorist having taken position near road divider, were found to have died on the spot.” Said facts narrated by the complainant in his complaint are false and concocted as death of deceased Amjad Ali Akbar Ali Rana alias Salim alias Chandu alias Rajkumr was caused during 11-00 to 12-00 PM on 14-6-04, which I have found in foregoing

paragraphs of my inquiry, and from body of the said deceased, a 9 mm bullet and a pistol bullet of 0.37 caliber were found. 9 mm bullet was fired by the person having fired from 9 mm pistol while the deceased was in sitting position in left side back seat of Indica car and therefore, said deceased died within the Indica car as 8 magazines of fired cartridges were found from Indica car as mentioned in inquest panchnama as referred in earlier part of my inquiry. Therefore, the fact stated by the complainant that “therefore, as soon as the car was dragged towards road divider and stopped there, the deceased disembarked from the rear left side door with AK-56 and took position behind the divider and opened incessant firing on their vehicle” is false and concocted by the complainant in complaint which is found in my inquiry.

The complainant has, in his complaint, stated that, “and the other terrorists sitting inside the car also started firing. However, before that, Shir Amin and myself and the commando Mohanbhai accompanying us and driver Nilabhai and PSI Shri K.S.Desai immediately disembarked the vehicle and took position in line behind the vehicle and saved themselves”, is false because, the deceased was shot dead by the police with 9 mm revolver bullet while he was sitting on rear left side of Indica car and accordingly, a bullet of 9 mm is also recovered from his body therefore, two nos. of 9 mm pistons which were stated to have been recovered from India car was in fact used by the police, which is found in course of my inquiry. Therefore, from the 9

mm bullet fired from said 9 mm pistol which is recovered from body of the deceased, it is proved that except those two 9 mm pistols which were in possession of the police, no other pistol or weapon is found from the Indica car. Therefore, I have found in my inquiry that the fact stated that “the other terrorists sitting in Indica car also opened firing” is false and concocted which has been recorded by the complainant in his complaint.

Thus, when the deceased and terrorists sitting in the Indica car have not at all opened firing and therefore, statement that, “before that, Shir Amin and myself and the commando Mohanbhai accompanying us and driver Bhalabhai and PSI Shri K.S.Desai immediately disembarked the vehicle and took position in line behind the vehicle and saved themselves” has been made by the complainant in his complaint falsely and in concoction which appears to me in my inquiry.

Likewise, when there was no fire from the deceased and terrorists sitting in Indica car, that fact that, “Shri Amin Saheb ordered the commando to open fire and 10 rounds were fired from his Government AK-47 rifle in self-defense and in reply to their firing” and the fact that, “P.C. Mohanbhai Lalabhai Kalashava B.No.2211 and commando Anaju Jiman Chaudhary B.No.842 were ordered by ACP Singhal to open fire on the terrorists, both the said commandos fired 32 rounds from AK-47 and 10 round from the Stan Gun, respectively, on the terrorists sitting in Indica

and the one who came out of car and started firing by taking position. Further, in addition to it, the complainant fired 4 rounds from my service revolver, 5 rounds by Shri Amin, 6 rounds by Shri Barot, 3 rounds by Shri R.K.Chauhan were fired toward the terrorists” is completely false and concocted since the magazines of 50 fired cartridges seized from the place of offence, analysis report in respect of which is placed at page no.309 of File no.1 at para 3, according to which they were 50 magazines of 9.62 caliber fired cartridges of intermediate rifle as per sample H-1 to H-5 which can be used in the AK-56 rifle at sampe “J”. Therefore, the statement is made that in all 70 rounds were fired from officers and commandos at the place of offence, however, not a single magazine of said 70 fired cartridges has been found from the place of offence. 50 Magazines of cartridges fired from only one AK-56 rifle have been found. Therefore, it appears in my inquiry that the complainant and other witnesses are stating false facts about firing of total 70 rounds by the police officers and commandos in the self-defense.

And therefore, it is found in my inquiry that said 50 rounds were fired by the police from said unlicensed and illegal AK-56 on their Police Gypsy van and on Indica car and thereafter, said AK-56 rifle was placed near arm of Amjadali Akbarali so as to describe him as a terrorist, by the police.

And therefore, it is found in my inquiry that the police fired 70 rounds from their weapon at the time when the deceased were killed at some other place.

The statements made by the complainant in his complaint that, “and as such, firing continued from both the sides. After some time when firing stopped from the other side, by approaching near the Indica car and having looked into said car, it was found that all four terrorists including one terrorist sitting on backseat of the car, one terrorist sitting on the driver seat and a lady terrorist sitting near driver seat and one terrorist having taken position near road divider, were found to have died on the spot” is false, since from study of the injuries caused on body of the deceased due to bullets, as per principle of medical jurisprudence, the injuries sustained by all four deceased were caused by firing bullets from very close distance which is proved in my inquiry and therefore, from looking to the statement of complainant that police fired from Gypsy and from trench, the injuries which sustained by the deceased cannot be caused due to such firing from distance. And magazines of 70 rounds stated to have been fired by police from the trench and near police gypsy have not been found from the place of offence and therefore, it is apparent from my inquiry that, no police officer or commando was present at the place of offence and they did not fire even a single round in self-defense. Therefore, all the four said deceased were killed by police on 14-6-04 wherein, Javed alias Praneshkumar M. Pillai was killed

between 8-30 to 9-00 PM and other three persons were killed during 11-00 PM to 12-00 PM on the same night and the said murders took place by making them to sit in the Indica car and therefore, at 4-30 AM on 15-6-04, said Indica car was brought to the place of offence by driving it or by toeing it and from the said car, dead body of Amjad Ali Akbar Ali was taken out from backseat of the car and same was placed on road divider in the position of firing position and the police fired from said unlicensed and illegally possessed AK-56 riffle, on its Gypsy van and Indica car and on the road and thereafter, so as to brand said Amjad Ali Akbar Ali as a terrorist, the police placed AK-56 rifle near arms of said deceased. And similarly, the police planted one 9 mm pistol near leg of deceased Abdul Gani and another 9 mm pistol was placed below hand of the deceased Javed alias Praneshkumar in his lap, with a view to describe both of them as terrorists, which is apparent in my inquiry.

It is found from the map of place of offence kept at page 203 of File No.3 that the distance between the divider on which dead body of deceased Amjadali Akbar Ali Rana alias Salim alias Chandu alias Rajkumar was found and the police Gypsy was about 25 feet and the distance from uneven surfaced land the dead body was about 71 feet. Therefore, on examining bullet wounds caused to the deceased, it is seen that if such injuries are caused by firing from police from the distances as stated above, as per the principle of medical jurisprudence, the injuries which are

sustained by the deceased cannot be caused. Therefore, the complainant has made false statement in his complaint that the police fired 70 rounds from the places near Gypsy and bumpy land causing death of the deceased, which is seen in my inquiry.

As per map of place of offence placed at page no.203 of File No.2, the distance between Indica car and Government Gypsy van was about 33 and the police gypsy was parked in the left side behind the Indica car and the distance from bumpy land to the Indica car was about 66 ft. Therefore, from such a long distance, as per Analysis report in its page no.13, item no.62 placed at page no.321 File no.1, as many as 24 holes/hit marks were found at difference spots on right side of Indica car which were all exit hose whereas on the left side, there was 6 entry holes and therefore, only if police open right door and fire from close distance, by opening the door, those excess 18 exit holes can be resulted on the right side of the car. Further, on the bonnet of Indica car there were three holes wherein two are entry holes which can also be caused only if bullet is fired sitting in front of the Indica car and thus two entry hole on bonnet becomes possible. Therefore, the complainant has falsely stated in his complaint that the police fired 70 rounds in self-defense on Indica car and on deceased Amjad Ali Akbar Ali in their self-defense from near police gypsy and from the bumpy land. Further, from the place of offence, magazines of 70 round bullets fired by the

police from their AK-47, machinegun and service revolvers were not discovered which is found in my inquiry.

From the place of offence, as per para 8 of visitation report of F.S.L. office as placed at page no.447 of file no.1, “50 nos. of magazines discovered from surrounding Indica car and Maruti Gypsy car” which were, as per para 3 of FSL report placed at page no.309 File No.1 stated to be “all magazines of 7.62 mm caliber intermediate rifle cartridges having different head stamps which can be used from AK-56 rifle as per sample “J”. Therefore, it is found in my inquiry that at place where the deceased took position behind the divider, no fired cartridge magazines of AK-56 rifle are found and hence the deceased did not fire from AK-56 rifle and the 50 nos. of magazine cartridges which appeared to be fired cartridges recovered surrounding the Indica car and Maruti Gypsy car were all 50 fired cartridge magazines which are reportedly one which can be used from AK-56 rifles. In FSL analysis, so as to determine that from which weapon such cartridges have been fired, they consider the hit mark on the anvil of the fired cartridge which is rear portion of cartridge made of brass which is hit by hammer of respective fire arm on the said anvil. Therefore, in the present case, as per page no.3 of analysis report of FSL of the 7.62 mm caliber’s 50 nos. magazines of fired cartridges, as placed at page no.309 in File No.1, the said H-1 to H-5 : they are 50 nos. of 7.62 mm caliber fired cartridges of intermediate rifle which bears different head

stamps which can be used with the Sample "J" AK-56 rifle. Therefore, the police fired from said unlicensed AK-56 rifle on its own Gypsy car and Indica car and on the road and Illegible..... Magazines of 10 round fired bullet cartridges of government AK-47 rifle fired by Mohanbhai Nanjibhai, 32 magazines of bullets fired by Mohanbhi Lalabhai Kalashava from his AK-47 rifle, 10 magazines of 10 fired bullets of Stan gun of commando Anaju Jiman Chaudhary, 4 magazines of 4 round fired from service revolver of complainant J. J. Parmar, 5 magazines of 5 round fired from service revolver of Shri Amin Saheb, 6 magazines of 6 fired bullets from service revolver of Shri Barot, 3 magazines of 3 round bullets fired from service revolver of Shri I.K. Chauhan, in all 70 magazines which include fired bullets of AK-47, Stan gun, service revolvers have not been recovered from the place of offence. Therefore, it is apparent before me and it seems that the Crime Branch officers and commandos did not fire not a single bullet at the place of offence in their self defense or encounter, however, they had used their weapons to kill the deceased at some other place and therefore, the complaint of the complainant appears to me in my inquiry, as false and concocted complaint in view of the above reasons.

The complainant has, in page no.4 of his complaint, at para 2 in page no.58 of File no.3, stated that, "Therefore, the aforesaid deceased were Fidayeen terrorists of banned Lashkar-e-Toiba organization were hatching conspiracy to assassinate Gujarat's Chief

Minister Shri Narendrabhai Modi, waging a suicidal attack on him, obtained arms and ammunition, and for the purpose of taking action towards accomplishing terrorist acts in India and to support and help the terrorist organization by becoming members of other banned terrorist organization, came to India with unlicensed imported automatic weapons and ammunition keeping in their custody without any passport, visa or any other official documents came from Pakistan to India so as to achieve goal of their conspiracy and intrude in India from Pakistan and when they reached Ahmedabad, they attacked the police party who went to arrest them and fired on them with a view to kill the police and thus committed a crime,” which is false and concocted complaint which is filed by the complainant solely with a view to portray the deceased persons falsely as terrorists and Fidayeen attackers of Lashkar-e-Toiba because even though there was no evidence before the police to prove those persons as Fidayeen terrorists of Lashkar-e-Toiba, as four of those persons were Muslim, the police as per its own conspiracy to show all of them as Fidayeen terrorists of Lashkar-e-Toiba and even though they were not in fact Fidayeen terrorists of Lashkar-e-Toiba and though being innocent and four of them being in unlawful detention by the police after unlawfully detaining them earlier, they were killed by showing them as terrorists and thereafter, so as to show them as such, police placed weapons in all three male members wherein AK-56 rifle was placed near arm of Amjadali Akbarali, and 9 mm pistol in lap of Javed alias Praneshkumar and a 9 mm rifle near

legs of Abdulgani alias Jishant Johar. And similarly, in the footrest on rear-left side of the Indica car, 3 magazines of AK-56 rifle which contained 30 rounds each, in all 90 round cartridges, were placed by the police which were already in their possession illegally because, there was no mention in the inquest panchnama about said three magazines of AK-56 rifle near footrest in rear-left side of Indica car and therefore, it was placed by police subsequently and complainant also did not mentioned about those 3 magazines of AK-56 rifles and he has also not mentioned in his complaint that a 9 mm pistol was found from lap of the deceased Javed and 9 mm pistol was found near leg of Abdul Gani and as such, the complainant has also not mentioned in his complaint about recovery of 81 round live cartridges of AK-56 riffle from blue-colored Racine bag as also the complainant has not mentioned in his complaint about suitcase with number lock and similarly, the complainant has also not mentioned in his complaint that from the said suitcase, a satellite mobile phone of Thuraya company and an extra battery of mobile phone and 1 no. charger and 1 no. refill using card of the said company, and 1 no. hand free speaker were recovered, and similarly, he has not mentioned in the complaint that from the said suitcase with number lock, an amount of Rs.2,06,610/- in words Rs.two lakhs six thousand six hundred ten only, were found. Similarly, the complainant has also not mentioned in his complainant about the 17 kilogram yellow colored powder kept in jute bag placed in dickey of Indica car which was found to Sulphar and Urea as per

analysis report and the complainant submitted said complaint personally to G.L.Singhal, Assistant Police Commissioner, Crime Branch, Ahmedabad city who was also present at the place of offence, however, the complainant who is holding post of P.I. in Crime Branch, did not mention anything in his complaint about all the aforesaid weapons which included two 9 mm revolvers, three magazines of AK-56 rifle which contained 90 magazines, and other 81 nos. of live cartridges of AK-56, satellite phone and its accompanying equipments, suitcase with number lock and 17 kilogram of yellow colored powder and cash amount of Rs.2,06,610/- in words Rupees Two lakhs six thousand six hundred ten only; and even G.L.Singhal, Assistant Police Commissioner, Crime Branch also did not inform nor drew attention of the complainant while accepting his complaint personally, because, said material was not recovered in the presence of the complainant and the Assistant Commissioner, but, all those things were placed subsequently by the police in Indica car, which seems to me in my inquiry. And similarly, 30 pieces of coconuts were also brought by police and placed in Indica car because the complainant has not mentioned fact about recovery of 30 pieces of coconuts from the rear dickey of Indica car in his complaint. Therefore, it appears to me in my inquiry that the police placed those 30 coconuts subsequently.

Thus, in view of all the aforesaid grounds, the complaint lodged by the complainant is found to be false and concocted as per the systematically planned conspiracy to portray all four deceased as Fidayeen terrorists of Lashkar-e-Toiba and out of them, so as to show two persons (1) Amjadali Akbarali and (2) Abdulgani alias Jishant as Pakistani even though they were not Pakistani, and to show that all four of them were killed in encounter with police and due to firing from police in self defense and to describe them as terrorists, it appears to me in my inquiry that the said complainant has been recorded by the complainant as per conspiracy of the police and therefore, entire complaint of the complainant seems to me in my inquiry, a false and concocted complaint.

14. Thus, concluding my inquiry as Metropolitan Magistrate Court No.1, Ahmedabad and officer conducting inquiry under section 176 of the Criminal Procedure Code in respect of cause of death of deceased Amjadali Akbarali Rana alias Salim alias Chandu alias Rajkumar, I render my decision that, the cause of death of said deceased Amjadali Akbarali Rana alias Salim alias Chandu alias Rajkumar is that K. R. Kaushik, Commissioner of Police, Ahmedabad City and P. P. Pandey, Joint Police Commissioner, Crime Branch, Ahmedabad and Crime Branch officers and police officers including D. G. Vanzara, Addl. Police Commissioner, Crime Branch, Ahmedabad, G.L.Singhal, Assistant Commissioner of Police, Crime Branch, Ahmedabad, Dr.N.K.

Amin, ACP Crime Branch, K. N. Vaghela, PI, Crime Branch, J.G.Parmar, PI, Crime Branch, V.D.Vanar, PI, Crime Branch, S.P.Agravat, PI, D.H.Goswamy, PI; R.I. Patel, PI, B.A.Chavda, PSI, Crime Branch, Tarun A. Barot, PI, Crime Branch, K.S. Desai, PSI, Crime Branch, Ibrahim Kalubhai Chauhan, PSI, Crime Branch, Police Constable Mohanbhai Lalubhai Kalasava, Crime Branch, Unarmed Head Constable Mukesh Natwarlal Vyas, Crime Branch, Unarmed Constable Nizamuddin Burhan Miya, Crime Branch, commando Anaju Jiman Chaudhary, Crime Branch, Driver Bhalabhai, Crime Branch, commando Mohanbhai Nanjibhai, Crime Branch, all associated together and in collusion with each other, for their personal interest which included to secure their promotion, to maintain his posting, so as to falsely show excellent performance, to get special appreciation form the Hon'ble Chief Minister and to gain popularity, hatched a systematic conspiracy and under said conspiracy, since the deceased Amjadali Akbarali Rana alias Salim alias Chandu alias Rajkumar being a Muslim, it was convenient to show that he was a Fidayeen terrorist of Lashkar-e-Toiba and he was killed in an encounter with police, he was already under illegal detention of police even though he was innocent, he was taken to some other place and was killed during 11-00 to 12-00 PM on 14-6-04 since, as per the principles of medical jurisprudence, there was presence of rigor mortis on his entire body which was developed considerably and having observed presence of semi-digested food in his stomach and hence on the basis of such facts, he was killed

by the aforestated police officers and police personnel with their service revolver and unlicensed and illegally held 9 mm pistol, bullet of which has also been found from the body of deceased and with other weapons fired bullets on body of deceased and thereby murdered him in a systemic manner, cold-bloodedly, mercilessly and cruelly. And, as per para 23 of the autopsy report, the cause of death of deceased was shock and hemorrhage due to injuries of bullets. Thus, the cause of death of the deceased, as per my inquiry under section 176 of the Criminal Procedure Code, appears to be due to firing of bullets on the body of the deceased by the police officers and police personnel from their service revolver and unlicensed 9 mm revolver and other weapons which happened during 11-00 to 12-00 PM on 14-6-04 at a place other than that of place of offence. Accordingly, it is my report of inquiry.

15. I, Metropolitan Magistrate Court No.1 and the officer conducting inquiry under section 176 of the Criminal Procedure Code in respect of cause of death of the deceased Abdul Gani alias Jishant Johar alias Janbaz s/o Kalu has, taken into reading autopsy report of body of the said deceased placed at page no.15 to 28 in File No.3 to find out the cause of death of said person and on examining the same, it is seen that the autopsy was carried out by a panel of six doctors. As per para-4 of the said postmortem report, dead body of said deceased was received at 3-30 PM on 15-6-04 and autopsy was commenced at 3-40 PM on 15-6-04 and

completed at 5-00 on 16-6-04. As per details of para 7 of the autopsy report, age of the deceased was about 17 years.

16. As per para 11 of the said autopsy report, presence of rigor mortis was noticed on entire body of the deceased. And, as per the book titled “Medical Jurisprudence and Toxicology by Modi, 23rd Edition”, in para 3 at page no.452, it has been stated that, “as per opinion of the doctor, the process of setting the mortis at the place like erode commences within 2 to 3 hours from the time of death during the month of December”, and it has been further stated that “to spread the rigor mortis from leg to head, it takes about 12 hours and it remains in existence in the same condition for further 12 hours and thereafter, it takes further 12 hours to gradual reduction in the opposite direction, from head to leg.”

Further, in para no.3 of page no.432 of the said book, it has been mentioned that, “Ordinarily, the process of setting up rigor mortis commences within one or two hours from the time of death and it develops considerably from head to leg within 12 hours.”

Therefore, as per principles of medical jurisprudence, the rigor mortis was present on the entire body of the said deceased and it was well developed. Accordingly, as per my investigation, death of the deceased took place before 12 to 24 hours and the postmortem of the body of deceased commenced from 3.40 PM on 15-6-04, and calculating time from said moment, the death of

said deceased appears to have taken place, as per my inquiry, during the period from 3.40 AM on 15-6-04 to 3.40 PM on 14-6-04.

17. I have read contents of paragraph 21 of the autopsy report stating that “Particulars of stomach and contents found therein”, it is mentioned that “200 mg of semi-digested food was recovered wherein rice can be identified.”

In case of Kananji V/s State of Uttarpradesh as reported in 1977 SCC (Criminal) page no.662 as referred in paragraph no.3 of page 457 of Modi’s Medical Jurisprudence and Toxicology, 23rd Edition, it was the case of prosecution that the accused in the said case murdered the deceased at 4.00 PM. In the postmortem, semi-digested food was found from stomach of the deceased and the Medical Officer, relying upon the same, deposed in his evidence that the deceased had his meal before three to four hours of his death and the accused were sentenced.”

And, in the same book, at page 455 in 3rd paragraph, it has been stated that “in case of Bishweshvar Dhaniram V/s State as reported in 1963(1) Criminal Law Journal page no.645 (Allahabad), the deceased was killed during night and in the postmortem, partially-digested corn was found from the stomach and in that case, it was held proved that the deceased was killed during 10 to 11 PM.”

Therefore, as per the aforesaid principles of medical jurisprudence, looking to the fact that the semi-digested food of about 200 mg. was found from the stomach of the deceased wherein rice was identified, as per finding of my inquiry, it is proved that the deceased had taken meal before three to four hours before his death and in India, in ordinary course, people have their dinner at about 8 PM and accordingly, the deceased had taken his meal at 8-00 PM i.e. before three to four hours before his death and hence it clearly evident in my inquiry according to the principle of Medical Jurisprudence that the deceased died during 11.00 to 12.00 PM on 14-6-04.

18. With regard to the direction from where the deceased was fired, as stated in 3rd paragraph at page no.724 of the Medical Jurisprudence and Toxicology by Modi, 23rd Edition, it has been stated that, “with regard to the question as to whether from which direction the bullet was fired from the weapon, the issue of direction from right side to left side or from front to back side is of very importance in the medico-legal and to know about the same, it is important to ascertain that at the time of firing of bullet, at which position the deceased was.”

It is also necessary to know that the person who sustained injury was shot by the person causing injury from close distance or far distance. For this purpose, it has been mentioned at 2nd paragraph at page no.176 of the Medical Jurisprudence and Toxicology by

Modi, 23rd Edition that, when bullet is fired from the revolver at a close distance from the skin, the exit wound is always larger than the entry wound.

Looking to the injury no.3 sustained by the deceased, it is seen that the wound was towards lower part of the body, piercing muscles of chest, in the front side of chest, 15 cm below the lower part. This wound was further seen towards upper left side of abdomen in the form of irregular shaped exit wound.

On examination of the injury no.5, it was seen that the said injury was red colored contusion wound on inside of the left arm below elbow having size of 10 x 5.5 c.m. The fractured bones were seen to be hanging outside this wound. This entering wound was crossing through the muscles of the arm and coming out in the form of exit wound in irregular shape below the elbow on outer side size of which was 10 x 7 cm. On examination of the said wound, it was seen that the size of entry wound of said injury sustained by the deceased was 10 x 5.5 cm and the size of exit wound was 15 x 7 and therefore, the person who shot dead the deceased would have fired bullet by standing on his left when the deceased would have been in sitting position and on inner side of his left arm as a result of which, bullet came out in the form of exit wound below the elbow which is also clearly evident in my inquiry.

On examination of the injury no.7 sustained by the deceased, it was found to be a round shaped 0.6 cm dimension entry wound on the left cheek in the right side corner of the face surrounded by bruise of 0.1 cm at a distance of 4 cm. Said wound was passing through inside the face piercing muscles of cheeks and was opening inside the cavity of mouth from where a metal bullet was seen lying near jaws. Size of said entry wound was of 0.6 cm dimension, however, there is no exist wound for the same as the said bullet was found lying near the jaw. Therefore, size of entry wound is of 0.6 cm and therefore, the person who fired the bullet has fired while standing close to him on his right side when the deceased was in sitting position and therefore, the bullet wound was opening inside the mouth cavity which is clearly evident in my inquiry.

On examination of the injury no.8 sustained by the deceased, it is “an irregular shaped 2.5 x 2 cm entry wound inside of right leg at a distance of 8 cm inside from the ankle of right leg”. This wound was traveling towards front side of the leg and in the form of exit wound in irregular shaped wound with contusion. Size of this wound was 8 x 9 cm and from this wound, fracture of leg was seen and therefore, size of the entry wound is of 2.5 cm x 2 cm and size of exit wound is 8 x 9 cm. Accordingly, size of exit wound being large than the size of entry wound, it is clearly seen in my inquiry that, the deceased was shot dead by firing bullet by

standing close to him on his right side while the deceased was in sitting position.

Looking to the injury no.9 sustained by the said deceased, it is “an oval shaped 1.5 x 1 cm size entry wound above the back on left side and at distance of 4 c.m from the centre line of the body, 14 cm inside the left shoulder and 7 cm below the left mastoid process. This would was surrounded by bruise of 0.3 cm breadth. This entry wound was opening towards lower part of body, in further direction and going outside, piercing the muscles below skin, a bone named scapula, upper part of the left lung, back side of heart, piercing sixth and seventh rib and taking exit from left side of chest. This exit wound was of the size of 4 x 3.5 cm. This wound was on left chest at a distance of 23 cm below left shoulder and at a distance of 19 cm from the centre line of the body. Therefore, size of the entry wound was 1.5 x 1 cm and exit wound is of 4 x 3.5 cm and accordingly, the size of exit wound being larger than that of entry wound, it is clearly evident in my inquiry that, the deceased was shot dead by the person firing bullet by standing in his right side and fired bullet when the deceased was in sitting position lowering down his head in front side and the said bullet was fired on his back at the point at distance of 4 cm from centre line of the body and 19 cm from centre line of the chest.

On examination of the injury no.10 sustained by the deceased, it is “an irregular shaped contuse lacerated wound on the left upper part of chest, entry wound was seen at a distance of 7 cm inside from the left shoulder”. This wound was in straight direction and was ending in downward position at 11 cm below the shoulder plane and at a distance of 12 cm from the centre line of body. This wound was seen to be like a “gutter wound” entering into muscles and therefore, size of the crushed entry wound or the entry wound has not been given, however, such a gutter wound can be caused by firing bullet from up to down direction for close distance.

On examination of the injury no.11 sustained by the deceased, it was “an oval shaped 0.6 x 0.5 cm sized entry wound on back side of left side chest at a distance of 17 cm below left shoulder and at a distance of 17 cm from centre line of the body. This wound was surrounded by an abrasion of 0.2 cm breadth. This wound was passing through the upper party of body and opening at back side of the left shoulder. This wound was situated at 3 cm inside the left shoulder. Size of the said wound was 1.5 x 1 cm. Therefore, the size of entry wound was 0.6 x 0.5 cm and accordingly, size of the exit wound is 1.5 x 1 cm and as such, the size of exit wound being larger than the entry wound, the said injury is seen to have been caused by firing bullet by the person standing close to the deceased on his left side by placing revolver at a distance below 17 cm from the left shoulder and 17 cm away from the centre line

of the body when the deceased was in sitting position, which is seen in my inquiry.

During the autopsy of body of the deceased, it has been recorded on page no.5 of the said report against the injury no.3 which states a metal piece of bullet was found to have stuck to the exit wound on upper part of the abdomen and in the statements of five doctors before the Sub Divisional Magistrate, it has been recorded, in page no.3 of the statement placed at page no.137 File No.... that, “size of this exit wound was 2 x 3 cm. This wound was crossing through the muscle of stomach, one metal piece of bullet was found to have stuck to the exit wound.

19. It has been stated in para 21, page no.6 of the autopsy report that as mentioned in the last two paragraph, one bullet was recovered from body of the deceased which was kept in a plastic box by pasting label and sealing it, said bullet was sent to F.S.L. for analysis as per page 408 of File No.1 through dispatch Parcel No.39, Mark 2/C. As stated in the said analysis report of page no.315, File No.1, of article No.2/C it is : a “7.62 mm caliber intermediate riffle cartridge fired bullet with four lands and four grooves with right hand twists”, which is, as per my inquiry, is the bullet which is fired from the fire arm as mentioned in para no.5 of page no.7 of the said analysis report placed at page no.309 of File no.1, the “article “J” AK-56 riffle bearing serial no.56-1-215168857 being 7.62 mm caliber intermediate riffle having

barrel with four lands and four grooves with right hand twists”. Because, said AK-56 rifle is 7.6 mm caliber intermedia riffle housing the barrel with four lands and four grooves with right hand twists and the bullet which was recovered from body of the deceased was also, as per its analysis report, “bullet of 7.62 mm caliber intermediate riffle having four lands and four grooves with right hand twists”. Therefore, it appears to me that the police fired bullet from a close distance with the article “J” AK-56 riffle and therefore, it is seen in my inquiry that the police has not used AK-47 riffle but used unlicensed and illegally held AK-56 riffle to shot dead the deceased. And, similarly, the police shot dead Amjadali Akbarali Rana alias Salim alias Chandu alias Rajkumar with 9 mm pistol which was without license and held illegally and therefore, as stated in his autopsy report in last two paras of para 21, that “one bullet was recovered from body of the deceased and one bullet was found near his body, both of the said bullets were sent to F.S.L. for analysis through dispatch as Parcel No.35, Mark 1/C.” As stated in the said analysis report as Form No.1/C: a “0.38 caliber fired revolver bullet having eight lands and eight grooves with right hand twists” and so far as article C-2 is concerned, it is “fired pistol bullet of 9 mm caliber with six lands and six grooves with right hand twists”. Therefore, it has come before me in my inquiry that the deceased Amjadali Akbarali Rana alias Salim alias Chandu alias Rajkumar was also shot dead by the police by using 9 mm pistol having no license and illegally held. Therefore, deceased Abdulgani alias Jishant Johar alias

Janbaz s/o Kalu was shot dead by the person firing at him from close distance with AK-56 riffle when the deceased was in sitting position in rear-right side seat of Indica car. The riffle with which police killed Abdulgani alias Jishant Johar alias Janbaz s/o Kalu was held without license and illegally by the police which riffle was thereafter placed by the police near arm of Amjadali Akbaralia which was sent for FSL analysis. On analysis of the said AK-56 rifle by FSL, it was reported to be “a 7.62 mm caliber intermediate rifle housing barrel with four lands and four grooves with right hand twists” and therefore, it appears in my inquiry that, the deceased Abdulgani alias Jishant Johar alias Janbaz s/o Kalu was shot dead with the said unlicensed and illegally held AK-56 rifle when he was in sitting position on the rear-right side seat and was fired bullet by police from a close distance.

20. In page no.3 of panchanama of place of offence as placed at page no.213 in File no.3, it has been stated in paragraph no.3 that, “At this place of incident, several metal pieces of fired bullets have been found from the place of incident, inside Indica car and on the clothes, which, upon counting, found 9 in numbers which pieces do not bear any significant marks and these pieces were placed in a polythene bag by giving it in Mark “K”.” Said Mark “K” having been forwarded to the FSL for analysis, it has been reported in page no.8 of the analysis report placed at page no.311 in File No.1, more particularly in para 8 that, “Article “K-4” and “K-5” are 3 nos. and 1 no., respectively, and in all 4 fired bullets of 7.62 mm

caliber intermediate rifles (AK-47 and AK-56) with four lands and four grooves with right hand twists”. Therefore, those 4 bullets which were recovered were the “bullets with 7.62 mm caliber bullets having four lands and four grooves with right hand twists” which were fired from AK-56 rifle having barrel of four lands and four grooves with right hand twists. Therefore, it is clearly seen in my inquiry that the police had fired on Indica car with the illegally held AK-56 held by them without license. And, further, the deceased Abdulgani alias Jishant Johar alias Janbaz s/o Kalu was shot dead by the police with the illegally held AK-56 rifle without license at the time when he was in sitting position in the Indica car and that is why “bullet of 7.62 mm caliber with four lands and four grooves with right hand twists” was recovered from his body, which is apparent in my inquiry and the same is supported by the fact in my inquiry that the four bullets as per Article K-4 and K-5 were recovered from the Indica car which were the bullets of 7.62 caliber with four lands and four grooves with right hand twists and it is proved in my inquiry.

The handwash of right and left hands of the deceased were taken along with earth control on cotton as per para 2 of File no.3 which included right hand wash with Mark 2/1, left hand wash with Mark 2/2 and control earth on cotton with Mark 2/3 which were taken before the Panchas as per panchnama at page no.207 of file No.3. As per FSL analysis report of the same, which is placed at page no.309, File No.1, it is seen that “samples of 2/1 and 2/2 of

hand washes and the 2/3 sample of control hand wash (cotton swab) were put to chemical analysis for finding remains of exploded ammunition in the form of nitrite and lead, wherein presence of said remains have not been found” and therefore, it is clearly seen in my inquiry that the deceased had not opened fire from any weapon with his right or left hand. Therefore, it appears to me that the deceased did not fire at police with the pistol found lying at his leg, as stated in inquest panchnama, in its beginning paragraph, placed at page no.290 of File no.1 which was found lying near his leg on rear seat of Indica car. And, I have already mentioned in my inquiry earlier, the 8 nos. magazines of 9 mm caliber fired cartridges recovered from the Indica car are the magazines of bullets fired from 9 mm pistol and a bullet of 9 mm caliber was found from body of Amjadali Akbarali Rana alias Salim and therefore, the police fired on body of Amjadali Akbarali with the illegally held 9 mm pistol without license by the police and therefore, it is apparent that illegal possession of the said 9 mm pistol without license was already with the police and therefore, it is evident in my inquiry that the deceased Abdulgani alias Jishant Johar alias Janbaz cannot fire with the said weapon.

21. As per inquest panchnama of the deceased which is placed at page no.289 of File no.1, an identity card was found from the right side back pocket of pant of the deceased and looking to said identity card, there is illegible written on it and his photograph is pasted on it and in other details, his name is stated as

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Abdulgani, Father's name as Kalu, Aged : 17 years, resident of Sakarilo Mahore, District Udhampur is written and on the said card, seal and signature of Tehsildar and Executive Magistrate First Class of Mahore is affixed. From the said I-card, it cannot be believed that name of the deceased was Abdulgani and his father's name is Kalu and is resident of Sakarilo Mahore, Dist. Udhampur, Pakistant, because, any Pakistani, before entering in India must destroy his identify card first and such I-card can be forged by taking photograph of the said deceased by the police when he was, on earlier point of time, under detention by the police. The police has not been able to produce any other documentary evidence, except this I-card, to prove that the said deceased was Pakistani citizen and therefore, the police has not proved, by producing any other documentary evidence that name of deceased was Abdulgani alias Jishant Johar alias Janbaz s/o Kalu. Therefore, it is apparent in my inquiry that the police itself has named the deceased as Abdulgani alias Jishant Johar alias Janbaz s/o Kalu and by creating an I-card by pasting photograph of the deceased and his address of Pakistan is written by police itself so that deceased can be described as a Pakistani and terrorist of Lashkar-e-Toiba.

22. In the complaint filed by the complainant J. G. Parmar, P.I., Crime Branch, which is produced at page no.55 to 59 in File no.3, it has been stated on page-58, that J.G. Parmar fired 4 rounds from his revolver, 5 rounds were fired from revolver of Shri

Amin, 6 rounds from revolver of Shri Barot, 3 rounds from revolver of Shri I.K.Chauhan were fired on the terrorists, however, magazines of abovestated 18 round of cartridges fired from service revolvers have not been recovered from the spot. Therefore, it is apparent in my inquiry that the abovenamed four officers did not fire from the service revolver at the place of offence, and, similarly, the complainant J.G.Parmar has stated in page no.4 of his complaint that the commando Jiman Chaudhary B.No.842 fired 10 rounds from his Stan gun, however, at the place of offence, magazines of the said 10 round cartridges fired from the said Stan gun are not found and therefore, it is apparent in my inquiry that the commando Jiman Chaudhary B.No.842 did not fire 10 rounds at the place of offence. And, similarly, commando Mohanbhai Nanjibhai B.No.1898 was stated to have fired 10 rounds from his AK-47 rifle and commando P.C. Mohanbhai Lalabhai Kalashava B.No.2211 stated to have fired 32 rounds from his AK-47 riffle, by the complainant J. G. Parmar in his complaint. Therefore, in all, 42 rounds were stated to have been fired by both of the commandos from their AK-47 riffles at the place of incident. However, as per page no.8 of the analysis report of FSL, placed at page no.311 in File No.1, the Article “K-4” and “K-5” were 3 nos. and 1 no. cartridges, respectively, having fired from “7.62 mm caliber intermediate riffle housing barrel with four lands and four grooves with right hand twists” (AK-47 and AK-56)”. As stated in para no.11 of page no.3 of Panchnama of the place of offence which is placed at page no.213

in File no.3, several pieces of metal of fired cartridges, which were total 9 in numbers, found from the Indica car which were given Mark “K” out of which 4 bullets as per Article K-4 and K-5 were the 7.62 mm caliber fired bullets having four lands and four grooves with right hand twists which were fired from 7.62 mm caliber AK-56 rifles having barrel with four lands and four grooves with right hand twists. Therefore, both the aforesaid commandos are not seen to have fired in all 42 rounds at the place of offence from their AK-47 rifles. This is because, the 50 magazines of fired cartridges seized from the place of offence, analysis of which has been carried out and as per para 3 of the said report placed at page no.309 of file no.1, in respect of Article H-1 to H-5 : “50 magazines of fired cartridges of 7.62 mm caliber intermediate rifle bearing different head stamps which can be used with the Article “J” - AK-56 rifle” and therefore, those 50 magazines of fired cartridges which were found from the place of offence were in fact magazines of 50 cartridges fired by police from the said AK-56 rifle on Indica car and on their own Gypsy car, which 50 cartridges were fired by the Police from AK-56 rifle without holding any license and used it illegally which is found in my inquiry.

23. Thus, on the following grounds, it has been found in my inquiry that death of the deceased was not caused between 4-30 to 5-00 AM on 15-6-04 at the place of offence, but, he was killed at some other place between 11-00 PM to 12-00 PM on 14-6-04 by the

police by making him in sitting position in Indica car, and by firing bullets from the unlicensed and illegally held AK-56 rifle as also by using some other weapons and the said Indica car was brought to the place of incident by toeing it or by driving the same at the place of offence between 4-30 to 5-00 AM on 15-6-04 and so as to portray him as terrorist of Lashkar-e-Toiba and a Pakistani, a 9 mm revolver was planted near his legs which revolver was used by the police to fire bullets at Amjadali Akbaralia even though the said revolver was held illegally and without license by the police and it appears to me in inquiry that the said 9 mm revolver was placed near legs of the said deceased by police itself so as to show him as a terrorist and to show as if he is a Pakistani, Police placed in his right pocket an I-card which was created by the police itself showing his address of Pakistan, because, such an I-card and seal imposed on it can be forged by anybody and the deceased was already under detention by the police and during that time, such a card can be easily made-up by snapping his photograph, and that the police has not verified with regard to the fact that as to whether said card was original one or not.

With a view to show the deceased as a terrorist, on the dead body of Praneshkumar who was found sitting on driving seat of said Indica Car, whose right hand was bent and palm is on his lap and beneath that palm, a pistol is reported to have been found in the inquest panchnama. However, said pistol which is seized, as

stated in para 12 page no.3 of the Inquest Panchnama as placed at page no.213 of File no.3, is having body mark in English stating “Supply for Only Army – 9 mm 9 round auto pistol”, and in respect of the said pistol which has been given Article Mark-“L”, the FSL analysis report of said article in its para (9) at page 8, states that, “it is 9 mm pistol with refire cartridge chamber with magazines” and with the said 9 mm pistol, the police caused injuries to Amjadali Akbarali Rana and therefore, fired bullet of 9 mm was found from his body and therefore, it appears in my inquiry that the police used said 9 mm pistol which was already in illegal possession of the police, to place it beneath the palm of right hand which was bent and placed in the lap of dead body of Praneshkumar so as to show him as a terrorist.

Similarly, so as to show that the deceased were terrorists, police planted three loaded magazines containing 30 cartridges each, in all 90 live cartridges of AK-56 rifle, and 81 nos. of live cartridges of AK-56 rifles which were, as per the FSL analysis report page no.4, placed at page no.303 in File No.1, “Article R-3 : in all 6 pieces of 7.62 caliber intermediate rifle cartridges bearing 71.71 head stamp which were rusted and were perforated” and as such, the Article-R-4 was “21 nos. of 7.62 mm caliber intermediate rifle cartridges bearing head stamp of 71.71 which were rusted one”. Therefore, those 90 live cartridges and 81 nos. of cartridges out of which 6 cartridges were perforated and rusted and 21 pieces were rusted. Therefore, police themselves had placed those rusted

cartridges of AK-56 rifles which were lying with them and three loaded magazines of AK-56 rifle containing 30 cartridges each, in all 90 cartridges, in the Indica car so as to show the deceased as terrorists, which is apparent in my inquiry. And similarly, 17 kilogram of powder which has been analyzed as having contents of Sulphar and Urea as per FSL report placed at page no.325 in File no.1, and the said mixture has been stated to be one which can be used in preparation of explosives and therefore, the police has, so as to show the deceased as terrorists, placed those 17 kilogram of Sulphar and Urea in the dickey of Indica car which was held and possessed by the police without license and illegally, which is apparent in my inquiry. And similarly, it is also apparent in my inquiry that police itself placed amount of Rs.2,06,610/- in words Rupees Two lakhs six thousand six hundred ten only, gained by them through other sources, in the suitcase placed in dickey of the Indica car, with a view to show that the deceased acquired said money from terrorist organization, because, any person having ordinary prudence may invariably lock the suitcase with number lock when he place amount of Rs.2,06,610/- in the suitcase whereas in the present case, the suitcase was not locked with number lock and the police did not find any money from bodies of the deceased, except their I-cards. And likewise, said suitcase was found to be containing satellite phone therefore, the police has, itself, placed said satellite phone also in the suitcase which is evident as the suitcase was not locked

whereas any owner of such suitcase immediately lock such suitcase with the number lock.

Thus, cause of death of deceased Abdulgani alias Jishant Johar alias Janbaz s/o Kalu is that is that K. R. Kaushik, Commissioner of Police, Ahmedabad City and P. P. Pandey, Joint Police Commissioner, Crime Branch, Ahmedabad and Crime Branch, Ahmedabad City's officers and commandos including D. G. Vanzara, Addl. Police Commissioner, Crime Branch, Ahmedabad, G.L.Singhal, Assistant Commissioner of Police, Crime Branch, Ahmedabad, Dr.N.K. Amin, ACP Crime Branch, K. M. Vaghela, PI, Crime Branch, J.G.Parmar, PI, Crime Branch, V.D.Vanar, PI S.P.Agravat, PI D.H.Goswamy, R.I. Patel, PI, B.A.Chavda, PSI, Tarun A. Barot, PI, K.S. Desai, PSI, Ibrahim Kalubhai Chauha, PSI, Police Constable Mohanbhai Lalubhai Kalasava, Unarmed Head Constable Mukesh Natwarlal Vyas, Unarmed Constable Nizamuddin Burhan Miya, commando Anaju Jiman Chaudhary, Driver Bhalabhai, commando Mohanbhai Nanjibhai, all associated together and in collusion with each other, hatched a conspiracy and to accomplish the same, detained the deceased and by killing them, they were shown as terrorists of Lashkar-e-Toiba by placing 9 mm revolver near his legs with a view to show that the deceased was killed by police in encounter in self-defense by portraying him as a terrorist. And for this purpose, all the police officers in collusion with each other, shot dead him at the place other than that of the place of offence, by

firing at him from the service revolvers and AK-56 rifle held by them without license and illegally, at the time when he was made to be seated in Indica car on the backseat on the right side and shot him dead cold-bloodedly and mercilessly in the same sitting position by firing from close distance, as per their conspiracy. And thereafter, so as to show the deceased as a terrorist of Lashkar-e-Toiba, his dead body with the Indica car was brought to the place of offence by towing it or driving said Indica car and placed a 9 mm pistol by the police near his legs which was held by police illegally and without license and similarly, between two legs of Praneshkumar also, beneath palm of right arm, another 9 mm revolver was planted which was already in possession of the police illegally and without license and the police has, with a view to create scenario of encounter at the place of offence, fired in all 50 rounds on their own Police Gypsy van, on Indica car and on rear-left side tyre of said Indica car and on the road, from the AK-56 rifle which was used by the police to kill deceased and thereafter, said AK-56 rifle was placed near dead body of deceased Amjadali Akbarali Rana alias Salim which body was dragged from left rear side door of Indica from the backseat of the said car and placed said dead body on the road divider and placed said AK-56 rifle near his right arm by the police and thereafter, placed in said Indica car three magazines of AK-56 rifle each containing 30 cartridges, in all 90 cartridges, which were in illegal possession of the police. And similarly, police placed in the resin bag of blue color, 81 rounds rusted cartridges of AK-56 rifles

which were lying with the police illegally. And similarly, the police placed an amount of Rs.2,06,610/- which was gained by the police some other sources, in the suitcase with number lock lying the dickey of car and similarly, a satellite phone with extra battery of mobile phone and one no. of charger and one no. refill using card of the same company and a hand free speaker were placed by the police in the said bag so as to describe the deceased as terrorists which were already in possession of the police illegally and placed said mobile phone and its attachments so as to portray the deceased as a Pakistani terrorist of Lashkar-e-Toiba, as a part of the conspiracy and with a view to show presence of explosives, 17 kilogram of mixture of Urea and Sulphar which were already in possession of the police illegally was placed and police purchased 30 nos. of coconuts on earlier point of time from market which they placed in the car which is apparent in my inquiry. Because, in FSL Mobile Investigation, Ahmedabad's Visitation Report placed at page no.449 of File no.1, there is mention that, "the material discovered from the place of dickey behind the back seat consist of white and light-yellow colored granule powder in the bag with holes and 81 pieces of live cartridges from blue colored travel bag", however, in the said dickey, a suitcase with number lock was not seen by the FSL officers as the said suitcase with number lock was placed by the police subsequently from which an amount of Rs.2,06,610/- in words Rupees Two lakhs six thousands six hundred ten only was seized which amount was placed by the police itself by sourcing it

from their other sources and similarly, in the said suitcase, a satellite mobile phone, extra battery-1, charger – 1 no., and 1 no. refill and 1 no. of hand free speaker were placed by the police itself subsequently in the dickey which is observed by me in my inquiry.

24. The complaint of complainant J. G. Parmar, Police Inspector, Crime Branch, Ahmedabad is given as per conspiracy hatched by the police in collusion with each other and inspite of the fact that deceased were innocent person, all four deceased were detained illegally by the police and after keeping them in illegal detention, as per the conspiracy, police killed them at some other place by using unlicensed 9 mm pistol and other weapons to cause death of Amjadali Akbarali Rana alias Salim alias Chandu alias Rajkumar during 11-00 to 12-00 PM on 14-6-2004 and used unlicensed AK-56 rifle and other weapons to cause death of Abdulgani alias Jishant Johar during 11-00 PM to 12-00 PM on 14-6-04; and used unlicensed AK-56 and other weapons to cause death of Javed alias Praneshkumar M. Pillai during 8-30 PM and 9-00 PM on 14-6-04 and with other weapons, caused death of Ishrat Jahan Raza during 11-00 to 12-00 PM on 14-6-04. And, with a view to show them as terrorists, a false complaint has been lodged which is apparent to me as explained in para 13 of my report.
25. Thus, concluding my inquiry as Metropolitan Magistrate Court No.1, Ahmedabad and officer conducting inquiry under section

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176 of the Criminal Procedure Code in respect of cause of death of deceased Abdulgani alias Jishant Johar alias Janbaz s/o Kalu, I render my decision that, the cause of death of said deceased Abdulgani alias Jishant Johar alias Janbaz s/o Kalu is that, K. R. Kaushik, Commissioner of Police, Ahmedabad City and P. P. Pandey, Joint Police Commissioner, Crime Branch, Ahmedabad and Crime Branch officers and police personnel including D. G. Vanzara, Addl. Police Commissioner, Crime Branch, Ahmedabad, G.L.Singhal, Assistant Commissioner of Police, Crime Branch, Ahmedabad, Dr.N.K. Amin, ACP Crime Branch, K. M. Vaghela, PI, Crime Branch, J.G.Parmar, PI, Crime Branch, V.D.Vanar, PI, Crime Branch, S.P.Agravat, PI, D.H.Goswamy, PI; R.I. Patel, PI, B.A.Chavda, PSI, Crime Branch, Tarun A. Barot, PI, Crime Branch, K.S. Desai, PSI, Crime Branch, Ibrahim Kalubhai Chauhan, PSI, Crime Branch, Police Constable Mohanbhai Lalubhai Kalasava, Crime Branch, Unarmed Head Constable Mukesh Natwarlal Vyas, Crime Branch, Unarmed Constable Nizamuddin Burhan Miya, Crime Branch, commando Anaju Jiman Chaudhary, Crime Branch, Driver Bhalabhai, Crime Branch, commando Mohanbhai Nanjibhai, Crime Branch, all associated together and in collusion with each other, for their personal interest which included to secure their promotion, to maintain his posting, so as to falsely show excellent performance, to get special appreciation form the Hon'ble Chief Minister and to gain popularity, hatched a systematic conspiracy and under said conspiracy, since the deceased Abdulgani alias Jishant Johar alias

Janbaz s/o Kalu being a Muslim, it was convenient to show that he was a Fidayeen terrorist of Lashkar-e-Toiba and he was killed in an encounter with police, he was already under illegal detention of police even though he was innocent, and thereafter he was taken to some other place and was killed during 11-00 to 12-00 PM on 14-6-04 since as per the principles of medical jurisprudence, there was presence of rigor mortis on his entire body which was developed considerably and having observed presence of semi-digested food in his stomach and hence on the basis of such facts, he was killed by the aforesaid police officers and police personnel with their service revolver and unlicensed and illegally held AK-56 rifle, bullet of which has also been found from the body of deceased and with other weapons fired bullets on body of deceased and thereby murdered him in a systemic manner, cold-bloodedly, mercilessly and cruelly. And, as per para 23 of the autopsy report, the cause of death of deceased was shock and hemorrhage due to injuries of bullets. Thus, the cause of death of the deceased, as per my inquiry under section 176 of the Criminal Procedure Code, appears to be as stated hereinabove and accordingly, it is due to firing of bullets on the body of the deceased by the police officers and police personnel from their service revolver and unlicensed AK-56 rifle and other weapons which happened during 11-00 to 12-00 PM on 14-6-04 at a place other than that of place of offence. Accordingly, it is my report of inquiry.

26. I, Metropolitan Magistrate Court No.1 and the officer conducting inquiry under section 176 of the Criminal Procedure Code in respect of cause of death of the deceased Javed alias Praneshkumar M. Pillai has, taken into reading autopsy report of body of the said deceased placed at page no.29 to 44 in File No.3 to find out the cause of death of said person and on examining the same, it is seen that the autopsy was carried out by a panel of six doctors. As per para-4 of the said postmortem report, dead body of said deceased was received at 3-30 PM on 15-6-04 and autopsy was commenced at 3-40 PM on 15-6-04 and completed at 5-00 on 16-6-04. As per details of para 7 of the autopsy report, age of the deceased was about 19 years.
27. As per para 11 of the said autopsy report, presence of rigor mortis was noticed on entire body of the deceased. And, as per the book titled “Medical Jurisprudence and Toxicology by Modi, 23rd Edition”, in para 3 at page no.452, it has been stated that, “as per opinion of the doctor, the process of setting the mortis at the place like erode commences within 2 to 3 hours from the time of death during the month of December”, and it has been further stated that “to spread the rigor mortis from leg to head, it takes about 12 hours and it remains in existence in the same condition for further 12 hours and thereafter, it takes further 12 hours to gradual reduction in the opposite direction, from head to leg.”

Further, in para no.3 of page no.432 of the said book, it has been mentioned that, “Ordinarily, the process of setting up rigor mortis commences within one or two hours from the time of death and it develops considerably from head to leg within 12 hours.”

Therefore, as per principles of medical jurisprudence, the rigor mortis was present on the entire body of the said deceased and it was well developed. Accordingly, as per my investigation, death of the deceased took place before 12 to 24 hours and the postmortem of the body of deceased commenced from 3.40 PM on 15-6-04, and calculating time from said moment, the death of said deceased appears to have taken place, as per my inquiry, during the period from 3.40 AM on 15-6-04 to 3.40 PM on 14-6-04.

28. I have read contents of paragraph 21 of the autopsy report stating that “Particulars of stomach and contents found therein”, it is mentioned that “approximate 150 c.c. of semi-solid un-digested food was recovered which could be identified as *Moong Dal*.”

In case of Ramnarayan V/s State of Punjab as reported in AIR 1975 SCC page no.1007 as referred in paragraph no.3 of page 458 of Modi’s Medical Jurisprudence and Toxicology, 23rd Edition, it was the case of prosecution that in the postmortem, Medical Officer found undigested food from stomach of the deceased and the Medical Officer opined that the deceased had his meal just

five minutes before his death or at the most, maximum half and hour before his death. However, the prosecution witness stated that the deceased had his meal before an hour of his death. As per the prosecution case, the incident occurred at 6-30 PM. Relying upon the said fact, Hon'ble Supreme Court held that there was difference of opinion in the medical evidences and oral evidences and stated that the deceased would have definitely his meal at 8-00 PM which is the time when the people living in rural areas take their dinner. Therefore, the case of the prosecution that the incident occurred at 6-30 PM was not believed and the accused were acquitted as innocent.”

Therefore, as per the aforesaid principles of medical jurisprudence, looking to the fact that the undigested semi-solid yellow-colored food of about 150 mg. was found from the stomach of the deceased which was identified as Moong Dal, as per finding of my inquiry, it is proved that the deceased had taken meal before five minutes from his death, or at the most before half and hour before his death and according to the said principle of medical jurisprudence, in India, people ordinarily have their dinner at about 8 PM and accordingly, the deceased would have taken his meal at 8-00 PM i.e. before half-an-hour to one hour before his death and hence it clearly evident in my inquiry according to the principle of Medical Jurisprudence that the deceased died during 8-30 PM to 9-00 PM on 14-6-04.

29. With regard to the direction from where the deceased was fired, as stated in 3rd paragraph at page no.724 of the Medical Jurisprudence and Toxicology by Modi, 23rd Edition, it has been stated that, “The question regarding the direction of fire, whether from right to left or from front to back is of medico-legal importance. To ascertain this, it is necessary to know the position of the victim at the time of the discharge of the bullet.”

It is also necessary to know that the person who sustained injury was shot by the person causing injury from close distance or far distance. For this purpose, it has been mentioned at 2nd paragraph at page no.176 of the Medical Jurisprudence and Toxicology by Modi, 23rd Edition that, “when bullet is fired from the revolver at a close distance from the skin, the exit wound is always larger than the entry wound.”

Looking to the injury no.2 sustained by the deceased, it is seen that the wound was oval shaped entry wound on the left side of the chest at a distance of 25 c.m. below the left shoulder and at a distance of 17 cm from the centre line of the body which was of the size of 1.2 x 1.0 c.m. The direction of this wound inside the body was not straight which traveled through piercing by fracturing seventh rib, piercing the left lung, piercing the right lung and at last, taking exit by piercing sixth rib. Said exit wound was on the outer side of right side chest, 18 cm below the right shoulder and at a distance of 17 c.m. from the centre line of body,

which was of the size of 4.5 x 3.5 c.m. This wound was creating further wound of contusion and ruptured wound on the arm of right hand, size of which was 7 x 4.5 x 1 c.m. Accordingly, the size of exit wound being larger than that of the entry wound, the bullet was fired from close distance which appears to me in my inquiry as per the principle of medical jurisprudence. And, also looking to the direction of the said injury, the bullet was fired by the person firing on deceased by standing on left side of the deceased when the deceased was in sitting position and hence the entry wound was of the size of 1.2 x 1.00 cm on the left side of chest exit of which was on the right side of chest having wound of the size of 4.5 x 3.5 cm, which is apparent to me in my inquiry.

On examining injury no.3 sustained by the deceased, it is seen that it was a round shaped entry wound of 1 cm diameter on centre of the right side chest at a distance of 13 cm below sternum and at 1.5 c.m. from centre line of the body. This wound was opening on the backside of chest at a distance of 14 cm from occipital protuberance. This opening wound's size was 1.5 x 1.0 cm. This would take exit by fracturing fifth and sixth vertebrae of chest. Accordingly, the size of the exit wound being larger than the size of entry wound, it is apparent to me that as per the principle of medical jurisprudence, the deceased was shot dead from close distance, and at the time when said deceased was in sitting position, he was fired bullet by the person firing by

standing on right side of him which appears to me as per the principle of medical jurisprudence.

On examining the injury no.4, it was “A round shaped entry wound on the centre of the right side chest at distance of 14 cm below the sternal and half cm away from centre line of the body. Diameter of the said wound was 1.2 c.m. This wound was opening on the back side, upper part of right side chest and at a distance of 5 cm from the centre line of body. Size of the exit wound was 1.3 x 1.2 c.m. This wound was taking exit by piercing right lung. Accordingly, size of exit wound being larger than the entry wound, it appears to me that as per the principle of medical jurisprudence, the deceased was shot dead from a close distance at the time when the deceased was in sitting position when the person who fired was standing his right side and triggered bullet by bringing the weapon near his body which appears to me in my inquiry as per principle of medical jurisprudence.

On examining the injury no.6, it is “a round shaped entry wound, at the outside of left chest, on the armpit situated at 35 cm. away from the centre line of body, diameter of which was 9.5 c.m. The direction of this wound was inside the body in downward position and on its way to exit, it pierced fifth intercostals space, left lung, diaphragm of respiratory system, liver. Thereafter, this wound was taking exit from outer side and lower part of right chest. This exit wound was situated at distance of 31 cm below the right

shoulder and 12 cm away from the centre line of the body. This wound was oval in shape and it was of the size of 3 x 1.5 c.m. Accordingly, it appears to me in my inquiry that the exit wound being larger than the entry wound, as per principle of medical jurisprudence, the deceased for shot dead from close distance. Further, the person who fired the bullet fired it while standing on left side of the deceased when the deceased was in sitting position as a result of which, the direction of the bullet was inside-downward and that said bullet was fired on left side armpit which exited from the outer and lower part of right side of chest, which appears to me in my inquiry, as per the principles of medical jurisprudence.

Looking to the injury no.7, it is found to be an oval shaped entry wound in front of left shoulder, below 4 cm of left shoulder. Size of the said wound was 2 x 0.5 c.m. Direction of this injury was inside-downward in the body and the bullet on its way, pierced through the fifth intercostal space, upper part of the left lung, heart, diaphragm, liver and at last, tenth intercostal space and thereafter fracturing eleventh right side rib, took exit from outside of the right stomach at a distance of 37 cm below right shoulder and at a distance of 30 cm from the centre line of the body. Size of the said wound was 2 x 1 cm. Accordingly, size of the exit wound being size of the entry wound, it appears in my inquiry that as per the principle of medical jurisprudence, bullet was fired from close distance by standing on his left side while

the deceased was in sitting position as a result of which, direction of the bullet was inside-downward in the body and the entry wound was in front side of the left shoulder and exit wound was at the outer side of stomach on right side which appears to me in my inquiry.

Injury no.8 is an oval shaped entry wound on the right side of upper part of stomach at a distance of 37 c.m. from the right shoulder and 9 c.m. away from the centre line. Direction of this wound was inside-downward direction in the body, becoming slanting in lower side. This wound was opening below stomach on right side, at a distance of 49 cm below right shoulder and 7 cm away from the centre line of the body. Size of the said exit wound 1 x 0.7 cm entry wound for which has size of 1 x 0.6 cm. Accordingly, size of the exit wound being large than the size of entry wound, as it appears in my inquiry, as per the principle of medical jurisprudence, the deceased was shot dead from close distance by the person who fired at him by standing on his right side while the deceased was in sitting position and fired the bullet on upper part of the right side stomach where entry wound of the size of 1 x 0.6 cm is caused and the direction of said wound was inside-down in slanting position which was opening at a distance of 49 cm below the right shoulder and 7 cm away from the centre line of body, which appears to me in my inquiry.

On examination of the injury no.9, it is seen to be an oval shaped entry wound inside right side elbow size of which was 2 x 1.5 cm. The direction of said wound was downward-outside and slanting and took exit by rupturing the muscles 4 cm below the elbow. Size of the said wound was 3 x 2.3 cm and accordingly, as per the principles of medical jurisprudence, size of the exit wound being larger than the size of entry wound, it appears to me in my inquiry that the deceased was shot dead from close distance and the bullet was fired by the person standing on right side of deceased when deceased was in sitting position and fired the bullet inside of elbow which appears to me as per principles of medical jurisprudence.

Looking to the injury no.10, said injury was an oval shaped wound towards inside direction on the right side thigh and on the outside, at a distance of 26 cm from the centre line of the body. Size of this wound was 1 x 0.5 c.m. and this wound had direction of inside-up and on the path of bullet, it ruptured muscles of thigh, on the front, upper part of the thigh and 9 cm below from the right anterior superior illiad spine. Size of the said wound was 1.5 x 1 c.m. And accordingly, it appears to me in my inquiry that the size of exit wound being larger than the size of exit wound, as per the principles of medical jurisprudence, the deceased was shot dead from a close distance. And, said deceased was while in sitting position, the person firing on him fired the bullet by standing on right side of the deceased and fired bullet at upper

part of thigh which bullet exit from upper part of thigh, which appears to me in my inquiry and as per principle of medical jurisprudence.

On study of injury no.11, it is seen to be an oval shaped inside opening wound on front side of left upper arm and at a distance of 28 c.m. below left shoulder. Size of this wound was 1 x 0.5 cm. The direction of this wound inside the body was upward-inside and on its way, it traveled piercing muscles of upper arm, taking exit from left upper arm at a distance 23 cm below the left shoulder. Size of this wound was 1 x 0.7 cm and this wound was slanted towards left outer side chest and entered from there. Size of the said wound was 2 x 1 cm. This wound was in the direction of inside-up and in slanting position. On its way, the bullet exit by rupturing the chest and armpit muscles. Size of this exit wound was 3 x 2.5 cm and accordingly, as it appears to me, the deceased was shot dead from close distance as per the principle of medical jurisprudence since the size of exit wound was larger than the entry wound. And further it appears to me in my inquiry that the person who fired the bullet was standing on the left side of the deceased and fired bullet while the deceased was in sitting position and as per principle of medical jurisprudence, it appears to me in my inquiry that the said person fired bullet in front of the left upper arm.

On examination of the injury no.12, it was seen to be a round shaped inside opening wound on the outer side of left upper arm which was situated 12 cm below the left shoulder diameter of which is 0.7 cm. This wound was opening towards 9 cm below the left should and inside the upper arm by piercing muscles of upper arm and fracturing bones of upper arm. This exit wound was of the size of 1 x 0.7 cm. Accordingly, the size of exit wound being larger than the entry wound, as per principles of the medical jurisprudence, it appears to me that the bullet was fired from close distance and it also appear to me in my inquiry that the person who fired the bullet would have fired the bullet by standing on left side the deceased while placing the firearm near left upper arm while the deceased was in sitting position as per principle of the medical jurisprudence.

On examination of injury no.13, it is seen to be a round shaped inside opening wound of the size of 1 cm diameter which was situated on outer side of the left chest and on lower side and at 32 cm below left shoulder. This wound was with the direction of inside to backside. This wound was caused by bullet traveling through seventh intercostals space, lower part of left lung, centre of right lung, piercing centre of the eighth right rib and exit from backside of the chest and on right chest and at 24 cm below the right shoulder and at a distance of 17 cm from centre line of the body on exit. This exit wound was an oval shaped wound having size of 3 x 1.5 cm. Accordingly, as per principle of medical

jurisprudence, it appears to me in my inquiry that the deceased was shot dead from close distance as the size of exit wound was larger than the size of entry wound. And, the person who fired the bullet was standing on left side of the deceased and fired bullet on the outside and lower side of left chest while the deceased as in sitting position which appears to me in my inquiry as per the principles of medical jurisprudence.

Looking to the injury no.14 sustained by the deceased, it seen to be an oval shaped inside opening wound of 1 x 0.6 cm size on the outer and centre of left thigh and at a distance of 27 cm below the left anterior superior illiad spine. This wound had exit at 19 cm below the pubic symphysis from inside the muscles of thigh. Size of this exit wound was 3 x 2 cm and accordingly, it appears to me in my inquiry that as per the principle of medical jurisprudence, the deceased was shot dead from a close distance as the size of exit wound is larger than size of entry wound. Further, it appears to me in my inquiry according to the principle of medical jurisprudence that the deceased as shot dead by a person firing bullet by sitting on his left side by placing fire arm on outer middle part of the thighs of the deceased while he was in sitting position.

On examination of injry no.15, it is seen to be an oval shaped inside opening wound on the back side of right abdomen and at a distance of 10 cm above the lumbosecral joint and 3 cm away

from the centre line of the body size of which wound was 4 x 2 cm. This wound was in the direction of slanting inside position and it was upto the spinal cord. Therefore, as per the principle of medical jurisprudence, it appears to me in my inquiry that the deceased was fired this bullet by the person firing from right side of the deceased when the deceased as in sitting position.

On examination of the injury no.16, it could be seen that it was an oval shaped inside opening wound of 1 x 0.5 cm size situated at backside of right shoulder and at distance of 6 cm below right shoulder. This wound had direction of slanting, inside down. This wound was caused by bullet passing through third right intercostal space and fracturing the third and fourth right ribs by rupturing upper part of the left lung for taking exit. As such, this wound was caused by bullet having fired by the person standing behind him on the right side while deceased was in sitting position, which appears to me in my inquiry as per principle of medical jurisprudence.

30. In the autopsy report of body of deceased Praneshkumar M. Pillai, it has been stated in last two paragraphs of para 21 that two bullets were recovered from body of the deceased and both of the said bullets were kept in a plastic box and sealed them and both the said bullets were sent to F.S.L. for analysis as per page 375 of File No.1 through dispatch Parcel No.45, vide Mark 3/B and in FSL analysis report of the same in page no.11 which is placed at

page no.317, File No.1, in Article No.3B1 it is stated to be : a 0.38 caliber fired bullet having five lands and five grooves with right hand twists. And, 3/B2 is the fired bullet of 7.62 caliber intermediate rifle cartridge having four lands and four grooves with right hand twists.

Said 3/B2 marked bullets are the fired bullets of 7.62 mm caliber intermediate rifle cartridges having four lands and four grooves with right hand twists, which were fired from the AK-56 rifle as per Article "J" which is analyzed in said FSL report page no.7 placed at page no.309 in File No.1, wherein it has been reported that it was AK-56 rifle bearing serial no.56-1-15168857 which is 7.62 mm caliber intermediate rifle having barrel housing cartridges with four lands and four grooves with right hand twists. Therefore, since the said 3/B2 fired bullets with four lands and four grooves with right hand twists is 100% matching with the barrel of 7.62 mm caliber intermediate rifle having four lands and four grooves with right hand twists, as per the principle of medical jurisprudence, it appears to me in my inquiry that the deceased was caused injury by firing bullets Article 3/B2 with the said AK-56 rifle Article "J". Therefore, the police caused death of the deceased by firing at him from the illegally held unlicensed AK-56 rifle which has become clear in my inquiry and similarly, the police also killed Abdulgani alias Jishant Johar alias Janbaz s/o Kalu with the unlicensed AK-56 rifle, and those bullets were forwarded to FSL vide dispatch parcel no.39 as placed at page

no.408 in File no.1 which were marked as Mark 2/C and in the report of said article also the said bullets were reported to be 'Fired cartridges of 7.62 mm caliber intermediate rifle with four lands and four grooves with right hand twists' which appeared to have been fired from the AK-56 rifle of Article "J" and similarly, the police also killed Amjadali Akbarali Rana alias Salim alias Chandu alias Rajkumar with the said unlicensed and illegally held AK-56 rifle. Therefore, from his body also, as mentioned in last two para of para no.21 of autopsy report of his body, one bullet was found from his body and another was found near his body which were sent from FSL analysis through parcel no.35 vide Mark 1/C and the sample of analysis of the said 1/C (1) : 038 caliber fired revolver bullets having eight lands and eight grooves with right hand twists' and the sample of mark 1/C 2 was '9 mm fired pistol bullets having six lands and six grooves with right hand twists'. Thus, Amjadali Akbarali Rana alias Salim alias Chandu alias Rajkumar was also killed with unlicensed and illegally held 9 mm pistol by the police which is apparent in my inquiry and possession of both the unlicensed 9 mm pistols was with police.

The complainant J. G. Parmar, Crime Branch P.I., in his complaint which is produced at page no.55 to 59 in File no.3, it has been stated at page 58 that J. G. Parmar fired 4 rounds from his revolver, 5 rounds were fired from revolver of Shri Amin, 6 rounds from revolver of Shri Barot, 3 rounds from revolver of

Shri I.K.Chauhan were fired on the terrorists, however, magazines of abovestated 18 round of cartridges fired from service revolvers have not been recovered from the spot. Therefore, it is apparent in my inquiry that the abovenamed four officers did not fire from the service revolver at the place of offence, and, similarly, the complainant J.G.Parmar has stated in page no.4 of his complaint that the commando Jiman Chaudhary B.No.842 fired 10 rounds from his Stan gun, however, at the place of offence, magazines of the said 10 round cartridges fired from the said Stan gun are not found and therefore, it is apparent in my inquiry that the commando Jiman Chaudhary B.No.842 did not fire 10 rounds at the place of offence. And, similarly, commando Mohanbhai Nanjibhai B.No.1898 was stated to have fired 10 rounds from his AK-47 rifle and commando P.C. Mohanbhai Lalabhai Kalashava B.No.2211 stated to have fired 32 rounds from his AK-47 riffle, by the complainant J. G. Parmar in his complaint. Therefore, in all, 42 rounds were stated to have been fired by both of the commandos from their AK-47 riffles at the place of incident. However, as per page no.8 of the analysis report of Article “K by FSL, placed at page no.311 in File No.1, the Article “K-4” and “K-5” were 3 nos. and 1 no. cartridges, respectively, having fired from “7.62 mm caliber intermediate riffle housing barrel with four lands and four grooves with right hand twits” (AK-47 and AK-56)”. As stated in para no.11 of page no.3 of Panchnama of the place of offence which is placed at page no.213 in File no.3, several pieces of metal of fired cartridges, which were total 9 in

numbers, found from the Indica car which were given Mark "K" out of which 4 bullets as per Article K-4 and K-5 were the 7.62 mm caliber fired bullets having four lands and four grooves with right hand twists which were fired from 7.62 mm caliber AK-56 rifles having barrel with four lands and four grooves with right hand twists. Therefore, both the aforesaid commandos are not seen to have fired in all 42 rounds at the place of offence from their AK-47 rifles. This is because, the 50 magazines of fired cartridges seized from the place of offence, analysis of which has been carried out and as per para 3 of the said report placed at page no.309 of file no.1, in respect of Article H-1 to H-5 : "50 magazines of fired cartridges of 7.62 mm caliber intermediate rifle bearing different head stamps which can be used with the Article "J" - AK-56 rifle" and therefore, those 50 magazines of fired cartridges which were found from the place of offence were in fact magazines of 50 cartridges fired by police from the said AK-56 rifle on Indica car and on their own Gypsy car. In FSL analysis, so as to ascertain that from which weapon such cartridges have been fired, they consider the hit mark on the anvil of the fired cartridge which is rear portion of cartridge made of brass which is hit by hammer of respective fire arm on the said anvil. Therefore, in the present case, the FSL officers have held that the said 50 nos. magazines of cartridges were the bullets which were fired from the Article "J" - AK-56 rifle. Therefore, the police had fired from the said unlicensed and illegally held AK-56 rifle on Indica car at the place of offence and their own

Gypsy car and on the road and therefore, said AK-56 rifle was placed near arms of the deceased Amjadali Akbarali Rana alias Salim alias Chandu alias Rajkumar whose dead body was dragged out from backseat of the Indica car through the rear-right seat and placed it on the road divider in shooting position and near his hands, said AK-56 rifle was placed by the police so as to show him as a terrorist and to show as if he was killed in encounter with police, which is apparent in my inquiry. And, that the police has not fired abovestated 70 rounds at the place of offence in their self-defense or in encounter as magazines of the bullets started to have fired from service revolvers and AK-47 rifles by the police have not been recovered and therefore, it appears to me in my inquiry that no encounter between police and the deceased had taken place at the place of offence.

The hand wash of right hand and the left hand of the deceased were taken along with earth control on cotton as per para 3 of page 207 of File no.3 which hand wash samples with Mark 3/1, 3/2 and control earth on cotton with Mark 3/3 were taken. As per FSL analysis report of the same, which is placed at page no.309, File No.1, it is stated in para (1) that “samples of 3/1 and 3/2 of hand washes and the 3/3 sample of control hand wash (cotton swab) were put to chemical analysis for finding remains of exploded ammunition in the form of nitrite and lead, wherein presence of said remains have not been found” and therefore, it is

clearly seen in my inquiry that the deceased had not opened fire from 9 mm pistol or any weapon with his right or left hand.

Therefore, it appears to me that the deceased did not fire at police with the pistol found lying on his lap beneath his palm when he was in driving seat, as stated in inquest panchnama, in paragraph no.3, placed at page no.290 of File no.1 which was found lying in his lap beneath his palm.

The said pistol which was found from lap of the deceased under his palm, was a 9 mm pistol and Amjadali Akbarali Rana alias Chandu alias Rajkumar was also killed with 9 mm pistol and that is why two bullets were found from body of said Amjadali Akbarali Rana alias Salim out of which one was 9mm caliber fired bullet and therefore, therefore, it is apparent that illegal possession of the said 9 mm pistol without license was already with the police by using which Amjadali Akbarali was killed and therefore, said 9 mm pistol was used by the police illegally and that 9 mm pistol was in possession of the police in advance and till such time the deceased were alive, they even did not touch the 9 mm pistol, however, after killing the deceased, said 9 mm pistol was placed by police in the lap of deceased beneath his palm so as to show the deceased as a terrorist and to show that as if he was killed in encounter with police.

Similarly, so as to claim that the deceased was a terrorist, police placed three loaded magazines of AK-56 rifle cartridges which

contained 30 cartridges in each magazine totally to 90 live such cartridges and 81 nos. of live cartridges of AK-56 which were, as per the FSL analysis report's page no.4, placed at page no.303 in File No.1 in respect of Article- R-3, it was "Twenty one pieces of 7.62 mm caliber cartridges of intermedia rifle which were rusted." Therefore, out of said 90 live cartridges and 81 pieces cartridges, six (6) of them were rusted and in perforated condition and other 21 were rusted cartridges. Therefore, the said rusted cartridges of AK-56 rifles being 3 magazines – each containing 30 cartridges each, totaling to 90 cartridges which were lying with the police, were placed by the police in Indica car so as to portray deceased as terrorists because, that complainant has, in his complaint, not mentioned about discovery of 90 live cartridges from 3 magazines contained 30 cartridges each of AK-56 rifle, and other 81 pieces of cartridges. And therefore, it appears to me in my inquiry that the police itself placed those three magazines contained 90 cartridges and those 81 cartridges so as to show the deceased as a terrorist. And similarly, 17 kilogram of powder was found from rear dickey of Indica car which was stated to be containing Sulphar and Urea as per FSL analysis report placed at page 325 in File no.1 and said mixture was stated to be one which can be used for manufacturing explosives and therefore, the police has, with a view to brand the deceased as terrorists, placed said mixture of Sulphar and Urea weighing 17 kilogram in dickey of Indica car which was in possession of the police without license and illegally and the complainant has not mentioned in his complaint

about discovery of the 17 kilogram yellow powder from dickey of Indica car and hence it appears to me that the police itself placed it so as to brand the deceased as a terrorist. And, similarly, cash amount of Rs.2,06,610/- in words Rupees Two Lakhs Six thousands six hundred ten only, was placed by the police subsequently in dickey of Indica car in a suitcase with number lock, so as to show that said amount was received by the deceased through terrorist organizations, because, the complainant has not mentioned in his complaint about said suit case with number lock which was in rear dickey of Indica car. Further, the FSL officers also have not mentioned anything in their Visitation Report which is placed at page no.449 in File no.1, about said suitcase with number lock, and further, if anybody keep amount of Rs.2,06,610/- he would invariably lock such suitcase with number lock, however, said suitcase was not locked with number lock and similarly, from the said suitcase with number lock, there was discovery of a satellite mobile phone, its extra battery, 1 pc. Charger, 1 pc. Refill and a hand free speaker by the police which appears to have been placed by the police subsequently, as per my inquiry. And similarly, 30 pieces of coconuts were also placed by police because the complainant has not mentioned about those 30 coconuts lying in dickey of car and hence it appears in my inquiry that police placed those 30 coconuts subsequently.

From the backside pocket of the pant of deceased, only driving license was reported to be have been found and except it, not a

single penny was there in his pocket. Mobile, wrist watch have not been recovered and therefore, it is proved that when said deceased who was traveling through the Indica car owned by him from Mumbai to Ahmedabad, he does not carry a single rupee in his pocket and therefore, it is proved that the said deceased was already in detention by the police and similarly, four wrist watches were found from backside of the Indica car and its dickey as per panchnama of the place of offence. Therefore, it is established that the police took out from their hands those watches when the present deceased and others deceased when they were under detention of police. Because, when any person travel from Mumbai to Ahmedabad in their Indica car, they invariably keep wrist watches on their wrists to be aware of the time and mobile of the said deceased was also taken away by the police when he was taken under detention by the police and took out the sim card therefrom which was found lying in dickey. In ordinary circumstances, when anybody traveling from Mumbai to Ahmedabad, he must keep his mobile in his pocket or in the Indica car near driving seat and not in the dickey of Indica car and therefore, it is proved in my inquiry that the deceased was already under detention by the police.

Sajeda Sheikh wd/o of deceased, in her statement recorded before the Sub Divisional Magistrate on 10-9-04, has stated in her statement at page no.9 that, "Javed called somebody from landline on 10th and thereafter, informed me that I have to go to Mumbai

for some work and I will go to Mumbai in the morning on 11th and shall come back in a day. On 11th, at 8-00 hours in morning, Javed received SMS from somebody on his mobile and thereafter, Javed inquired from my brother-in-law about the shortest route to Mumbai and he immediately got ready and left for Mumbai at 8-30 AM. He left for Mumbai by his car. The said car was newly purchased car by us. This time, Javed took with him his mobile. After Javed left on 11-6, since Javed did not return on 12th, I called Javed on his mobile on 13th and 14th which was responding as out of coverage. I very well remember that said mobile was reported to be out of coverage. Since there was no phone call from Javed till 15-6 and I could not contact him on his mobile phone, I called my father-in-law at Kerala over phone and asked him about whereabouts of Javed.” Therefore, as per said statement of Sajeda Javed Sheikh wd/o of deceased, her husband Javed informed her to return on 12-6-04, however, since he did not return on 12-6-04, Sajeda tried to contact him on his mobile on 13-6-04 and on 14-6-04, however, said mobile was showing as out of coverage. Therefore, when Javed alias Praneshkumar M. Pillai was in Mumbai during 12-6-04 and 13-6-04, it appears to me in my inquiry that during that period police detained him illegally from Mumbai with his car along with Ishrat Jahan Raza and they were brought from Mumbai to Ahmedabad. Because, mother of Ishrat Jahan Raza, named Samima w/o Mohammed Samim has, in her statement recorded before the Sub Divisional Magistrate, Ahmedabad on 31-8-04 stated in page no.7 of her

statement that, “On 12-6-04, at about 10-30 AM, I went for purchasing vegetables and after about an hour when I returned home, Ishrat already left the home. When I returned home, my elder daughter Zinnar informed me that Isharat has gone out and she would later inform on phone as to where she has gone and when she would return back. Zinnat was not also aware as to what was carried by Ishrat with her. After Isharat left home on 12-6-04, we learnt about news on 16-6-04 about killing of Isharat in the encounter and during the said period, we did not receive any phone call or message of any kind from or about Isharat. We were worried about her during those days. However, as she had, on two earlier occasions, went with Javed for four-four or five-five days, we did not take any action in this regard. However, we called Javed during this period. This call was not made by us but was made through Musarat. Musarat informed that mobile of Javed seems to be switched off. Thereafter, we called Rashid also. Mobile of Rashid was also not responding. We attempted these calls to Rashid and Javed at about 9.00 PM on 12-6-04 and thereafter, till we received message of death of Isharat, we made repeated efforts to contact both of these phones.” Thus, from the statement on oath given by Samima – mother of Isharat Jahan, it is clearly seen that Isharat might have joined Javed alias Praneshkumar M. Pillai during 10-30 AM to 11-30 AM on 12-6-04. Since that time and when Musarat attempted to contact Javed on his mobile at about 9.00 PM on 12-6-04, it was reported to be switched off. In the meantime, as it appears to me in my inquiry,

Ahmedabad Crime Branch Police illegally detained Javed alias Praneshkumar M. Pillai and Isharat along with their Indica car and thereafter, they were kept under unlawful detention. Because, so far as mobile of Javed alias Praneshkumar M. Pillai is concerned, as per page no.5 of Panchnama of place of offence as placed on page no.218 in File no.3, it has been stated in para 25 (twenty-five) that, “A mobile phone of NOKIA make of model no.2100, on opening which no sim card was found and which is having IME no.353357/00/204324/5 which was in working condition”. Said mobile was found from a red color polythene bag lying in dickey of Indica car. Said mobile belonged to Javed alias Praneshkumar M. Pillai which mobile was taken into custody by the Crime Branch Police during 10-30 AM to 9.00 PM on 12-6-04 when Crime Branch police unlawfully detained Javed alias Praneshkumar M. Pillai and Isharat Jahan Raza along with their Indica car, and by taking said mobile in its custody, the Crime Branch Police took out from it the sim card and therefore, when Mussarat called on Javed’s mobile at 9-00 PM on 12-6-04, said phone was found switched off and the police thereafter, on 14-6-04, killed Javed alias Praneshkumar between 8-30 PM to 9-00 PM and other three deceased who were killed during 11-00 PM to 12-00 PM on 14-6-04, and after the said murders, as it appears to me in my inquiry, police itself placed in dickey of Indica car whatever luggage and belongings seized from the deceased when they were detained.

Father of Javed alias Praneshkumar M. Pillai has deposed a statement before me on 3-9-09. In the said statement, he has stated that when his wife was suffering from lung cancer and doctors advised him to inform all his relatives about the same, and hence he informed his son Javed alias Praneshkumar M. Pillai about his mother's illness and he reached within a week to know about welfare of his mother. And at that point of time, he showed photograph of his son aged one-and-a-half year to his mother and at that time when his mother requested him to accept wife of his son as their daughter-in-law, father of Javed alias Praneshkumar having given consent to it, Javed alias Praneshkumar hugged his father and he stated at that time that, "I will come along with my wife and child" and he left by picking up his bag. Thereafter, on fifth day, he came along with his wife Sajida and his child at his father's home where his wife stayed back for 20 days to look after her mother-in-law in the hospital and during that period, Javed alias Praneshkumar was bringing Tiffin and both of them looked after his wife very well" which has been stated in his statement. "and thereafter she was taken from hospital to their home and Javed alias Praneshkumar returned back to his home. Thereafter, upon death of his wife, he called his son phone and he informed his wife to reach to his father's home, Sajida reached at his father's home on the next day of cremation." Therefore, from this fact, it appears to me in my inquiry that Javed alias Praneshkumar was a good boy who was looking after welfare of his parents and when his father was to undergo heart surgery, he sent

Rs.1,00,000/- to his father for operation, which fact has been stated by his father in his statement and therefore, he was a caring and kind son of his parents. Javed alias Praneshkumar accepted Muslim religion since his wife was Muslim and he was loving her very much and therefore, he was even loving and caring husband also and he was father of three children which is apparent in my inquiry.

Thus, though the deceased Javed alias Praneshkumar M. Pillai was innocent, and not being Fidayeen terrorists of Lashkar-e-Toiba, with a view to materialize its conspiracy, Crime Branch Police of Ahmedabad unlawfully detained said deceased Javed alias Praneshkumar M. Pillai along with his employee sales girl Isharat Jahan in his Indica car from Mumbai on 12-6-04 during 10-30 AM to 9-00 PM and brought him from Mumbai to Ahmedabad and thereafter kept him under its unlawful detention and during 8-30 PM to 9-00 PM on 14-6-04, caused his death by firing unlicensed AK-56 rifle and service revolvers and other weapons on his body at the place other than the place of offence when he was in sitting position on driving seat of his Indica car. From the body of the deceased fired bullet as per Article 3/B2 was also found which was a 7.62 mm caliber bullet having four lands and four grooves with right hand twists which was matching 100% with the AK-56 rifle at Article "J" which was having barrel with four lands and four grooves with right hand twists, and therefore, the deceased has been killed by police by firing at him

from the said unlicensed AK-56 rifle. And similarly, the police has also detained Abdul Gani alias Jishant Johar alias Janbaz s/o Kalu and thereafter, during his unlawful detention, he was killed by police during 11-00 PM to 12-000 PM on 14-6-04 at the place other than the place of offence by firing at him bullets from closed distance from the unlicensed and illegally possessed AK-56 rifle and other weapons while he was in sitting position in backseat of Indica car. From the body of said deceased, fired bullet which is marked as 2/C was found which was a 7.62 mm caliber having four lands and four grooves with right hand twists, which was matching 100% with the Article-“J” AK-56 rifle which was having barrel for housing bullet with four grooves and four lands with right hand twists. And therefore, the police killed the deceased by firing bullets on his body using the unlicensed AK-56 rifle. Similarly, the police also unlawfully detained Amjadali Akbarali Rana alias Salim alias Chandu alias Rajkumar and therefore, kept him under unlawful detention and the police killed him during 11-00 PM to 12-00 PM on 14-6-09 by firing at him with unlicensed 9 mm pistol. From body of the said deceased, fired bullet as Mark 1/C2 was recovered which was a fired 9 mm caliber bullet having 6 lands and 6 grooves with right hand twists which was fired from a 9 mm pistol and therefore, the police caused death of said deceased by firing bullets on body of the deceased with the said unlicensed 9 mm pistol. And similarly, deceased Isharat Jahan Raza who was working as a Sales Girl with Javed alias Praneshkumar M. Pillai and though she was

innocent and not being Fidayeen terrorist of Lashkar-e-Toiba, with a view to achieve the conspired goal by the Crime Branch Police of Ahmedabad, she was also detained when police unlawfully detained deceased Javed alias Praneshkumar M. Pillai with his Indica car at Mumbai during 10-30 AM to 9-00 PM on 12-6-04, and she was brought from Mumbai to Ahmedabad and the police thereafter, kept her unlawful detention and during 11-00 to 12-00 PM on 14-6-04, when she was in sitting position on front-left seat of Indica car, the police fired bullets with weapons from close distance and caused her death, which appears to me in my inquiry.

Thereafter, the said Indica car wherein bodies of all four deceased were there, said Indica car was brought to the place of offence by towing it or by driving it at about 4-30 PM on 15-6-04 and the police dragged out body of deceased Amjadali Akbarali from backseat of said Indica car and placed it in the posture of taking position and thereafter, the police fired 50 rounds from an unlicensed AK-56 rifle on police gypsy car and on Indica car and on the road; so as to create situation of encounter, said AK-56 rifle was placed near hands of deceased Amjadali Akbarali Rana alias Salim alias Chandu alias Rajkumar so as to show him as a terrorist. And likewise, the police placed an unlicensed 9 mm pistol on rear-right side seat of car near leg of deceased Abdul Gani alias Jishant Johar alias Janbaz s/o Kalu so as to show him also a terrorist. And similarly, the police held another unlicensed

9 mm pistol in its possession and placed said pistol beneath his palms in the lap of Javed alias Praneshkumar M.Pillai so as to portray him as a terrorist, which is apparent in my inquiry. And as such, the police had, with a view to show all the four deceased as terrorists, the police placed 90 live cartridges AK-56 rifles contained in 3 magazines of 30 cartridges each which were lying with the police without any license, in the footrest below rear-left seat of Indica car which were shown to have been recovered by the police and similarly, 81 pcs. Cartridges of AK-56 rifle were placed by the police subsequently which were seized by the police and in the same manner, police placed 17 kilogram of yellow colorerd powder as also police placed a suitcase with number lock which contained cash amount of Rs.2,06,610/- in words rupees two lakhs six thousand six hundred ten only which were out of the money gained by the police through other sources and placed said money in the suitcase with number lock. Similarly, the police placed in the said suit case with number lock - a satellite mobile phone, its extra battery, 1 no. charger, 1 no.refill and hands free speaker and the police similarly placed 30 pieces coconuts in dickey of Indica car. Because, complainant has not mentioned anything in his complaint about said weapons and 3 loaded magazines of AK-56 which contained 90 live cartridges and other 81 pcs. Cartridges of AK-56, 17 kilogram of yellow powder, suitcase with number lock which contained cash of Rs.2,06,610/- and a satellite mobile phone along with its extra battery, 1 no. charger, 1 refill and hands free speaker. Therefore, it appears to

me in my inquiry that the police placed all those things subsequently including weapons, ammunition and cash of Rs.2,06,610/-, satellite mobile phone with its attachments.

31. The complaint of complainant J. G. Parmar, Police Inspector, Crime Branch, Ahmedabad is given as per conspiracy hatched by the police in collusion with each other and in spite of the fact that deceased were innocent person, all four deceased were detained illegally by the police and after keeping them in illegal detention, as per the conspiracy, police killed them at some other place by using unlicensed 9 mm pistol and other weapons to cause death of Javed alias Praneshkumar M. Pillai during 8-30 PM and 9-00 PM on 14-6-04 and other three persons were killed during 11-00 to 12-00 PM on 14-6-2004 by using unlicensed AK-56 rifle and other weapons at the place other than the place of offence and caused death of Amjadali Akbarali Rana alias Salim alias Chandu alias Rajkumar with 9 mm pistol and other weapons and caused death of Abdul Gani alias Jishant Johar and Javed alias Praneshkumar with unlicensed AK-56 and other weapons and after causing death of Isharat Jahan Raza with the service revolver and other weapons, with a view to show them as terrorists and as if they were killed in encounter with police, the complaint has stated in his complaint, by falsely projecting said deceased Javed alias Praneshkumar M. Pillai as terrorist of Lashkar-e-Toiba and stated that he was establishing network for Fidayeen terrorists of Lashkar-e-Toiba – (1) Jishan Johar alias Janbaz alias Abdul Gani,

(2) Amjadali Akbarali Rana alias Salim alias Chandu alias Rajkumar. The object of these Pakistani Fidayeen terrorists and said Javed was stated to be of waging a suicidal attack on Gujarat State's Chief Minister Shri Narendra Modi to kill him. The complainant has also concocted the fact that intelligence was received by K. R. Kaushik, Commissioner of Police, Ahmedabad City before 15 days that in this connection, they were being conducting reiky at several places at Ahmedabad and Gandhinagar including residence of the Chief Minister, his office and the places of his visit and the roads where he travels. Said fact of intelligence, as it appears in my inquiry, has been concocted by the complainant as a part of conspiracy hatched in collusion with senior officers. Further, as mentioned in para 13 of this report, it has revealed in my inquiry that the complaint lodged by the complainant is false and concocted.

32. Thus, concluding my inquiry as Metropolitan Magistrate Court No.1, Ahmedabad and officer conducting inquiry under section 176 of the Criminal Procedure Code in respect of cause of death of deceased Javed alias Praneshkumar M. Pillai, I render my decision that, the cause of death of said deceased Javed alias Praneshkumar M. Pillai is that, K. R. Kaushik, Commissioner of Police, Ahmedabad City and P. P. Pandey, Joint Police Commissioner, Crime Branch, Ahmedabad and Crime Branch officers and police personnel including D. G. Vanzara, Addl. Police Commissioner, Crime Branch, Ahmedabad, G.L.Singhal,

Assistant Commissioner of Police, Crime Branch, Ahmedabad, Dr.N.K. Amin, ACP Crime Branch, K. M. Vaghela, PI, Crime Branch, J.G.Parmar, PI, Crime Branch, V.D.Vanar, PI, Crime Branch, S.P.Agravat, PI, D.H.Goswamy, PI; R.I. Patel, PI, B.A.Chavda, PSI, Crime Branch, Tarun A. Barot, PI, Crime Branch, K.S. Desai, PSI, Crime Branch, Ibrahim Kalubhai Chauhan, PSI, Crime Branch, Police Constable Mohanbhai Lalubhai Kalasava, Crime Branch, Unarmed Head Constable Mukesh Natwarlal Vyas, Crime Branch, Unarmed Constable Nizamuddin Burhan Miya, Crime Branch, commando Anaju Jiman Chaudhary, Crime Branch, Driver Bhalabhai, Crime Branch, commando Mohanbhai Nanjibhai, Crime Branch, all associated together and in collusion with each other, for their personal interest which included to secure their promotion, to maintain his posting, so as to falsely show excellent performance, to get special appreciation form the Hon'ble Chief Minister and to gain popularity, hatched a systematic conspiracy and under said conspiracy, since the deceased Javed alias Praneshkumar M. Pillai being a Muslim, it was convenient to show that he was a Fidayeen terrorist of Lashkar-e-Toiba and he was killed in an encounter with police, he was taken in unlawful detention by police on 12-6-04 along with his employee Isharat Jahan Raza and his Indica car from Mumbai during 12-30 AM to 9-00 PM on the said day even though he was innocent and a caring son of his father and a loving husband who severed his Hindu religion for his Muslim wife and kind father of three children and a noble citizen of India, he was

taken to some other place and was killed during 8-30 to 9-00 PM on 14-6-04 since, as per the principles of medical jurisprudence, there was presence of rigor mortis on his entire body which was developed considerably and having observed presence of semi-solid undigested food in his stomach and hence on the basis of such facts, he was killed by the aforestated police officers and police personnel with their service revolver and unlicensed and illegally held AK-56 rifle, bullet of which has also been found from the body of deceased and with other weapons fired bullets on body of deceased and thereby murdered him in a systemic manner, cold-bloodedly, mercilessly and cruelly. And, as per para 23 of the autopsy report, the cause of death of deceased was shock and hemorrhage due to injuries of bullets and that is the cause of death of the deceased, as per my inquiry under section 176 of the Criminal Procedure Code. Accordingly, it is my report of inquiry.

33. I, Metropolitan Magistrate Court No.1 and the officer conducting inquiry under section 176 of the Criminal Procedure Code in respect of cause of death of the deceased Isharat Jahan Raza has, taken into reading autopsy report of body of the said deceased placed at page no.45 to 52 in File No.3 to find out the cause of death of said person and on examining the same, it is seen that the autopsy was carried out by a panel of six doctors. As per para-4 of the said postmortem report, dead body of said deceased was received at 3-30 PM on 15-6-04 and autopsy was commenced at

3-40 PM on 15-6-04 and completed at 5-00 PM on 16-6-04. As per details of para 7 of the autopsy report, age of the deceased was about 19 years.

34. As per para 11 of the said autopsy report, presence of rigor mortis was noticed on entire body of the deceased. And, as per the book titled “Medical Jurisprudence and Toxicology by Modi, 23rd Edition”, in para 3 at page no.452, it has been stated that, “as per opinion of the doctor, the process of setting the mortis at the place like erode commences within 2 to 3 hours from the time of death during the month of December”, and it has been further stated that “to spread the rigor mortis from leg to head, it takes about 12 hours and it remains in existence in the same condition for further 12 hours and thereafter, it takes further 12 hours to gradual reduction in the opposite direction, from head to leg.”

Further, in para no.3 of page no.432 of the said book, it has been mentioned that, “Ordinarily, the process of setting up rigor mortis commences within one or two hours from the time of death and it develops considerably from head to leg within 12 hours.”

Therefore, as per principle of medical jurisprudence, the rigor mortis was present on the entire body of the said deceased and it was well developed. Accordingly, as per my investigation, death of the deceased took place before 12 to 24 hours and the postmortem of the body of deceased commenced from 3.40 PM

on 15-6-04, and calculating time from said moment, the death of said deceased appears to have taken place, as per my inquiry, during the period from 3.40 AM on 15-6-04 to 3.40 PM on 14-6-04 according to the principle of medical jurisprudence.

35. I have read contents of paragraph 21 of the autopsy report stating that “Particulars of stomach and contents found therein”, it is mentioned that “50 c.c. of blue colored liquid semi-digested food was found.”

In case of Kananji V/s State of Uttarpradesh as reported in 1977 SCC (Criminal) page no.662 as referred in paragraph no.3 of page 457 of Modi’s Medical Jurisprudence and Toxicology, 23rd Edition, it was the case of prosecution that the accused in the said case murdered the deceased at 4.00 PM. In the postmortem, semi-digested food was found from stomach of the deceased and the Medical Officer, relying upon the same, deposed in his evidence that the deceased had his meal before three to four hours of his death and the accused was sentenced.”

And, in the same book, at page 455 in 3rd paragraph, it has been stated that “in case of Bishweshvar Dhaniram V/s State as reported in 1963(1) Criminal Law Journal page no.645 (Allahabad), the deceased was killed during night and in the postmortem, partially-digested corn was found from the stomach

and in that case, it was held proved that the deceased was killed during 10 to 11 PM.”

Therefore, as per the aforesaid principles of medical jurisprudence, looking to the fact that the semi-digested liquid of about 50 cc was found from the stomach of the deceased, as per finding of my inquiry, it is proved that the deceased had taken meal before three to four hours before her death and in India, in ordinary course, people have their dinner at about 8 PM and accordingly, the deceased had taken her meal at 8-00 PM i.e. before three to four hours before her death and hence it clearly evident in my inquiry according to the principle of Medical Jurisprudence that the deceased died during 11.00 to 12.00 PM on 14-6-04.

36. With regard to the direction from where the deceased was fired, as stated in 3rd paragraph at page no.724 of the Medical Jurisprudence and Toxicology by Modi, 23rd Edition, it has been stated that, “The question regarding the direction of fire, whether from right to left or from front to back is of medico-legal importance. To ascertain this, it is necessary to know the position of the victim at the time of the discharge of the bullet.”

It is also necessary to know that the person who sustained injury was shot by the person causing injury from close distance or far distance. For this purpose, it has been mentioned at 2nd paragraph

at page no.176 of the Medical Jurisprudence and Toxicology by Modi, 23rd Edition that, when bullet is fired from the revolver at a close distance from the skin, the exit wound is always larger than the entry wound.

Looking to the injury no.3 sustained by the deceased, it is seen that it was fire arm entry wound of the size of 0.8 cm x 1 cm surrounded by abrasion collar of the breadth of 1 mm which was situated 2 cm above the left ear. Therefore, the bullet was fired by the person by standing on her left side when the deceased was in sitting position because, size of all the exit wounds sustained by her were larger than the entry wound and hence as per the principle of medical jurisprudence, it appears to me that the person who shot dead her had fired bullet by standing on her left side.

On study of the injury no.2, it was seen to be a fire arm entry wound of 1.2 x 0.8 cm surrounded by 2 mm wide abrasion collar which was on the left side of her neck and was at a distance of 4 cm below left mastoid. Therefore, the bullet was fired from close distance on her left neck by the person by standing on her left side when the deceased was in sitting position because, size of all the exit wounds sustained by her being injury no.4, 5 and 7 were larger than all the entry wound and hence as per the principle of medical jurisprudence, it appears to me that the person who shot

dead her had fired bullet from close distance on her left neck by standing on her left side.

On study of injury no.3, it is seen that it was a fire arm entry wound sustained by the deceased which was of the size of 1.2 x 0.8 cm surrounded by abrasion collar. This wound was seen on the right side of the chest in clavicle region which was at a distance of 3 cm from manubrium bone. Therefore, the bullet was fired from close distance on her by standing on her right side when the deceased was in sitting position because, size of all the exit wounds sustained by her being injury no.4, 5 and 7 were larger than all the entry wound being injury no.1, 2, 3 and 6 and hence as per the principle of medical jurisprudence by Modi, it appears to me in my inquiry that the person who shot dead her had fired bullet from close distance on her right chest.

Looking to the injury no.6, it was seen to the fire arm entry wound of the size of 0.8 x 0.8 cm surrounded by 1 mm wide abrasion collar which wound was situation in lower part of left chest and seen situation 15 cm above the anterior superior illiad spine and therefore, the bullet was fired from close distance on her lower part of left side chest by standing on her left side when the deceased was in sitting position because, size of all the exit wounds sustained by her being injury no.4, 5 and 7 were larger than all the entry wounds being injury nos.1, 2, 3 and 6 and hence as per the principle of medical jurisprudence, it appears to me in

my inquiry that the person who shot dead her had fired bullet from close distance on her left lower part of chest.

37. The mother of deceased Isharat Jahan Raza, named, Samima, had given her statement before the Sub Divisional Magistrate, Ahmedabad on 3-8-2004 wherein she has stated that, “At present I have four daughters and two sons. The son Anwas Iqbal is aged 16 and Amanullah is aged 8 whereas in daughters (1) Minat Jahan, aged 20 years, (2) Muja..... Jahan, aged 17 years, (3) Nujhad Jahan, aged 14 years and (4) Nusrat Jahan, aged 12 years. All the abovenamed children are studying at present whereas my husband has died two years ago. My deceased daughter Isharat Jahan, aged 19 years, was studying in S.Y.Bsc. and alongwith her studies, she was extending financial help to family by taking tuitions at home, and she was the main breadwinner for our family.” Thus, the deceased Isharat Jahan Raza was a brilliant student and that is why she was undergoing her studies in S.Y. Bsc. i.e. for degree course in science faculty and therefore, she was a scholar student which appears to me in my inquiry. Further, father of Isharat Jahan Raza died two years back and therefore, Isharat Jahan Raza being the second eldest daughter in the family and therefore, so as to maintain her family of 8 members including her mother, two brothers, four sisters and herself, and with a view to meet requirements for education of herself, her two brothers and four sisters, she was taking tuitions at home and was very much helpful for maintenance of her

mother and her brothers and sisters and therefore, it appears to me in my inquiry that she was important and main person of her family.

It has been stated by Samima – mother of Isharat Jahan Raza, at page no.5 of her statement that, “a person named Rashid was residing in our Mohalla who was brother of my younger daughter named Musarat Jahan, who came to our residence before about a month of the said incident and stated that he has a friend named Javedbhai who has enquired about your family and has stated that he shall manage if you intend for any employment. Therefore, I met Javed at a hotel in Mumbra about 20-25 prior to the date of incident in connection with requirement of employment and Javed told us to management employment for Isharat as a Sales Girl and at that time, when I told him not to send my daughter alone, Javed stated to me that “I will not send her alone rather I will make her to work by keeping her with me”. At that time, four persons were present which included myself, Isharat, Rashid and Javed. At that time, we had discussed about salary of about Rupees Three thousands and in case if she has to travel outside the city, it was assured for more remuneration. This meeting was continued for about half-an-hour.” Thus, before about 20-25 days prior to the incident, there were talks about the deceased Isharat Jahan Raza’s employment with Javed as sales girl with monthly salary of Rs.3,000/- and additional incentives whenever she is required to travel outside and therefore, deceased Isharat Jahan Raza accepted

employment as a Sales Girl for Javed with monthly salary of Rs.3000/- with a view to gain more money for maintenance of his family and studies of her brothers and sisters, in addition to the income of tuitions she was taking at home. Therefore, it appears to me in my inquiry that deceased Isharat Jahan Raza loved her mother, two brothers and four sisters.

Thus, deceased Ishrat Jahan Raza was a brilliant student and she was undergoing her studies of S.Y.B.Sc. and was pursuing her degree course in Science faculty and was maintaining her mother and brothers and sisters by imparting tuitions to 20 to 25 students at her home and by accepting job of Sales Girls at Javed's concern with monthly salary of Rs.3000/- and she was also extending financial help to her brothers and sisters in their studies and she also continued her studies. Therefore, it appears to me in my inquiry that deceased Ishrat Jahan Raza was a loving daughter for her mother and a caring sister for her brothers and sisters and was playing lead role for maintenance of her family and therefore, she had wish to study further and by securing a good job and career, she wished to take care of her family and therefore, it appears to me in my inquiry that she was not a Fidayeen terrorist of Lashkar-e-Toiba.

In para no.7 of her statement, Samima – mother of deceased Isharat Jahan – has stated that, “On 12-6-04, at about 10-30 AM, I went for purchasing vegetables and after about an hour when I

returned home, Ishrat already left the home. When I returned home, my elder daughter Zinnar informed me that Isharat has gone out and she would later inform on phone as to where she has gone and when she would return back. Zinnat was not also aware as to what was carried by Ishrat with her. After Isharat left home on 12-6-04, we learnt news on 16-6-04 about killing of Isharat in the encounter and during the said period, we did not receive any phone call or message of any kind from or about Isharat. We were worried about her during those days. However, as she had, on two earlier occasions, went with Javed for four-four or five-five days, we did not take any action in this regard. However, we called Javed during this period. This call was not made by us but was made through Musarat. Musarat informed that mobile of Javed seems to be switched off. Thereafter, we called Rashid also. Mobile of Rashid was also not responding. We attempted these calls to Rashid and Javed at about 9.00 PM on 12-6-04 and thereafter, we received message of death of Isharat". Therefore, Isharat Jahan Raza was detained unlawfully by Crime Branch Police, Ahmedabad at any time during 10-30 AM on 12-6-04 to 9-00 PM on 12-6-04 and said detention was from Mumbai when deceased Isharat Jahan Raza was with Javed alias Praneshkumar M. Pillai in his Indica car, because wife of said deceased Javed alias Praneshkumar M. Pillai, named Sajeda Javed Sheikh, in her statement before the Sub-Divisional Magistrate given on 10-9-04, has stated, as recorded on page 9 that, "Javed called somebody from landline on 10th and thereafter, informed me that I will be

going to Mumbai in the morning on 11th and shall come back in a day. On 11th, at 8-00 hours in morning, Javed received SMS from somebody on his mobile and thereafter, Javed inquired from my brother-in-law about the shortest route to Mumbai and he immediately got ready and left for Mumbai at 8-30 AM. He left for Mumbai by his car. The said was the new car purchased by us. This time, Javed took with him his mobile. After Javed left on 11-6, since Javed did not return on 12th, I called Javed on his mobile on 13th and 14th which was responding as out of coverage. I very well remember that said mobile was reported to be out of coverage. Since there was no phone call from Javed till 15-6 and I could not contact him on his mobile phone, I called my father-in-law at Kerala over phone and asked him about whereabouts of Javed.” Therefore, Isharat Jahan Raza and Javed alias Praneshkumar were detained unlawfully by Crime Branch, Arhmedabad Police at any time during 10-30 AM to 9-00 PM on 12-6-04 and at that time, Indica car was also taken into their custody and said detention was made by the Crime Branch police at Mumbai and by detaining both of those persons, under their unlawful detention the police brought them to Ahmedabad in Indica car and at the time when Isharat Jahan was detained and during the following period of unlawful detention, as it appears to me in my inquiry, the Crime Branch Police, Ahmedabad did not make women police personnel present with them. Because, with regard to mobile of Javed alias Pranehshkumar M. Pillai, it has been stated in para 25 of page no.5 of the Panchnama of offence

which is produced at page no.218 in file no.3, that “A mobile phone of NOKIA make model no.2100, on opening which no sim card was found and which is having IME no.353357/00/204324/5 which was in working condition”. Said mobile was found from a red color polythene bag lying in dickey of Indica car. Said mobile belonged to Javed alias Praneshkumar M. Pillai which mobile was taken into custody by the Crime Branch Police during 10-30 AM to 9.00 PM on 12-6-04 when Crime Branch police unlawfully detained Javed alias Praneshkumar M. Pillai and Isharat Jahan Raza along with their Indica car, and by taking said mobile in its custody, the Crime Branch Police took out from it the sim card and therefore, when Mussarat called on Javed’s mobile at 9-00 PM on 12-6-04, said phone was found switched off. And when Sajeda w/o Javed alias PraneshkumarM. Pillai attempted to call Javed on 13-6-04 and 14-6-04 which was responding as out of coverage. Therefore, it appears to me in my inquiry that the police of Ahmedabad Crime Branch unlawfully detained deceased Isharat Jahan Raza and Javed alias Praneshkumar M. Pillai along with their Indica car at Mumbai at any point of time during 10-30 AM to 9-00 AM on 12-6-04 and thereafter, kept both of them under its unlawful detention.

38. Thereafter, officers and other police personnel of Crime Branch, Ahmedabad, shot dead Isharat Jahan Raza by firing at her bullets from close distance with their service revolver and other arms during 11-00 PM to 12-00 PM on 14-6-04 when she was sitting in

left-front seat of Indica car. After she was killed, so as to reveal her identity, the Crime Branch Police had, taken out identity card of S.Y. B.Sc. from her ladies purse which was described in para (4) of Panchanama of place offence which is produced at page no.219 in File no.1, stating that, “(1) one piece black color ladies purse was found from the dickey wherein there are three compartments with zipper and one belt of this purse is torn, value of which can be considered at Re. 0/00, from which following material is found – (2) a used Pears bathing soap, used tube of Fair and Lovely, Sun Silk shampoo, small container of Sheet Kajal, three different colored elastic hair bands which is valued at Rs. 0/00, (3)3 nos. passport size photographs of the deceased value of which can be considered at Rs. 0/00, (4) 3 pc napkins of different colors, two ball pens of Cello make, value of which can be considered as Rs. 0/00, (5) amount of Rs.72/50 paise including a currency note of denomination of Rs.50/- and coins totaling to Rs.22 and 50 paise.” And the said identity card appears to have been put by the police in neck of the deceased with a view to prove her identity because no girl of the age of 19 years would put in her neck identity card of her college even during night time while she is traveling from Mumbai to Ahmedabad and therefore, it appears to me in my inquiry that the Crime Branch Police itself put said identity card of S.Y. B.Sc. issued by her college, in the neck of deceased Isharat Jahan Raza.

In the Panchnama of place of offence recorded, there is no mention about discovery of handkerchief from front-left seat of Indica car near dead body of deceased Isharat Jahan Raza and therefore, the Crime Branch Police would have made her to sit in Indica car against her will, while she was under detention with them and as a result of which, she had no handkerchief whereas three napkins are found from her purse, and when any woman is supposed to travel from Mumbai to Ahmedabad she must keep handkerchief and purse in her hand only, however, purse of Isharat Jahan was found from dickey as per Panchanama of place of offence. Whenever any lady is traveling from Mumbai to Ahmedabad, she would keep her purse with her only and not in the dickey and therefore, it appears to me that, Isharat Jahan Raza was killed by Crime Branch Police between 11-00 PM and 12-00 PM on 14-6-04 by making her to sit, against her will, in the front-left seat of Indica car and by firing bullets from fire arms from a very close distance and thereafter, her purse, which was seized by the police at the time of her detention, was placed in dickey of Indica car.

39. The handwash of right hand and the left hand of the deceased Isharat Jahan Raza were taken along with earth control on cotton as per para 4 of page 703 of File no.3 which hand wash samples with Mark 4/1, 4/2 and control earth on cotton with Mark 4/3 were taken. As per FSL analysis report of the same, which is placed at page no.309, File No.1, it is stated in para (1) that

“samples of 4/1 and 4/2 of hand washes and the 4/3 sample of control hand wash (cotton swab) were put to chemical analysis for finding remains of exploded ammunition in the form of nitrite and lead, wherein presence of said remains have not been found” and therefore, it is clearly seen in my inquiry that the deceased had not operate any weapon or 9 mm pistol either with her right or left hand. Therefore, it appears in my inquiry that the deceased Isharat Jahan Raza was not Fidayeen terrorist of Lashkar-e-Toiba.

In the autopsy of body of deceased Javed alias Praneshkumar M. Pillai, two bullets were found from his body which bullets were forwarded to F.S.L. through dispatch parcel no.45 – Mark 3-B which has been stated at page no.375 in file No.1 and in para 11 of analysis report by the FSL in respect of the same which is placed at page no.317 in File no.1, the Article – 3/B1 is stated to be “0.38 caliber fired revolver bullet having five lands and five grooves with right hand twits” and the Article 3/B2 is “7.62 mm caliber intermediate rifle’s fired bullet having for lands and four grooves with right hand twits”. Said bullet at Mark 3/B2 is a 7.62 mm caliber intermediate rifle fired bullet having four lands and four grooves with right hand twits is matching 100% with the AK-56 rifle as per Article “J” which, as per its FSL analysis report in page 7 produced at page no.309 of File no.7, is having serial no.56-1-15168857 having barrel with 7.62 mm caliber rifle with four lands and four grooves with right hand twits which is matching with the said bullet at 3/B2 which is also a 7.62 mm

caliber fired bullet with four lands and four grooves with right hand twists and therefore, it appears in my inquiry that as per the medical jurisprudence, said bullet of Article 3/B2 was fired from Article “J AK-56 rifle causing injury to the deceased and therefore, it is clearly evident in my inquiry that they police has caused death of deceased Javed alias Praneshkumar M. Pillai by firing two bullets from the said unlicensed and illegally held AK-56 rifle. And similarly, with the said unlicensed and illegally held AK-56 rifle, the police has killed Abdulgani alias Jishant Johar alias Janbaz s/o Kalu and the said bullets marked as 2/C were forwarded to the FSL for its analysis vide dispatch parcel no.39 as produced at page no.408 in File no.1 and it has been reported as ‘7.62 mm caliber intermediate rifle’s fired bullet having four lands and four grooves with right hand twists’ which was fired from AK-56 rifle at Article “J” as it appears in my inquiry. And similarly, police also killed Amjadali Akbarali Rana alias Salim alias Chandu alias Rajkumar, by firing bullets on him with unlicensed and illegally held 9 mm pistol, and that is why a bullet was found from his body and another bullet was found near his body which were forwarded for FSL analysis vide Mark 1/C through dispatch parcel no.35 and the report of its analysis reported that Mark 1/C was ‘0.38 caliber fired revolver bullet with eight lands and eight grooves with right hand twists’ and that Mark 1/C2 was ‘9 mm caliber fired pistol bullet having six lands and six grooves with right hand twists’ and therefore, it is clearly seen in my inquiry that the police killed Amjadali Akbarali Rana alias

Salim alias Chandu alias Rajkumar by firing at him bullets with unlicensed and illegally held 9 mm pistol. Further, it appears in my inquiry that possession of both the unlicensed 9 mm pistols were with the policy illegally in advance and possession of unlicensed AK-56 rifle was also with police.

In the complaint filed by the complainant J. G. Parmar, P.I., Crime Branch, which is produced at page no.55 to 59 in File no.3, it has been stated at page 58 that J.G. Parmar fired 4 rounds from his revolver, 5 rounds were fired from revolver of Shri Amin, 6 rounds from revolver of Shri Barot, 3 rounds from revolver of Shri I.K.Chauhan were fired on the terrorists, however, magazines of abovestated 18 round of cartridges fired from service revolvers have not been recovered from the spot. Therefore, it is apparent in my inquiry that the abovenamed four officers did not fire from their service revolvers at the place of offence, and, similarly, the complainant J.G.Parmar has stated in page no.4 of his complaint that the commando Jiman Chaudhary B.No.842 fired 10 rounds from his Stan gun, however, at the place of offence, magazines of the said 10 round cartridges fired from the said Stan gun are not found and therefore, it is apparent in my inquiry that the commando Jiman Chaudhary B.No.842 did not fire 10 rounds at the place of offence. And, similarly, commando Mohanbhai Nanjibhai B.No.1898 was stated to have fired 10 rounds from his AK-47 rifle and commando P.C. Mohanbhai Lalabhai Kalashava B.No.2211 stated to have fired 32 rounds from his AK-47 rifle,

by the complainant J. G. Parmar in his complaint. Therefore, in all, 42 rounds were stated to have been fired by both of the commandos from their AK-47 rifles at the place of incident. However, as per page no.8 of the analysis report of FSL, placed at page no.311 in File No.1, the Article "K-4" and "K-5" were 3 nos. and 1 no. cartridges, respectively, having fired from "7.62 mm caliber intermediate rifle housing barrel with four lands and four grooves with right hand twists" (AK-47 and AK-56)". As stated in para no.11 of page no.3 of Panchnama of the place of offence which is placed at page no.213 in File no.3, several pieces of metal of front portion of fired cartridges, which were total 9 in numbers, found from the Indica car which were given Mark "K" out of which 4 bullets as per Article K-4 and K-5 were the 7.62 mm caliber fired bullets having four lands and four grooves with right hand twists which were fired from 7.62 mm caliber AK-56 rifles having barrel with four lands and four grooves with right hand twists. Therefore, it is apparent and proved in my inquiry that the police fired on Indica car with the said unlicensed AK-56 rifle. Both the aforesaid commandos are not seen to have fired in all 42 rounds at the place of offence from their AK-47 rifles. This is because, the 50 magazines of fired cartridges seized from the place of offence, analysis of which has been carried out and as per para 3 of the said report placed at page no.309 of file no.1, in respect of Article H-1 to H-5 : "50 magazines of fired cartridges of 7.62 mm caliber intermediate rifle bearing different head stamps which can be used with the Article "J" - AK-56 rifle" and

therefore, those 50 magazines of fired cartridges which were found from the place of offence were in fact magazines of 50 bullets fired by police from the said AK-56 rifle on Indica car and on their Gypsy car, which 50 cartridges were fired by the Police from AK-56 rifle. Because, during analysis by the FSL, so as to ascertain that from which weapon such cartridges have been fired, they consider the hit mark on the anvil of the fired cartridge which is rear portion of cartridge made of brass which is hit by hammer of respective fire arm on the said anvil, and on the basis of such hit mark, the FSL has ascertained that said 50 nos. magazines of fired cartridges were the magazines of bullets fired from the Article "J" - AK-56 rifle. Therefore, the police fired bullets from the unlicensed and illegally held AK-56 rifle on Indica car and their Gypsy car and on the road at the place of offence and thereafter, said AK-56 rifle was placed by the police near arms of the dead body of Amjadali Akbarali Rana alias Salim alias Chandu alias Rajkumar by dragging his dead body from rear-right side seat of Indica car and placed it on the road divider in the posture of taking position and near his hands, the police placed said AK-56 rifle so as to show him as a terrorist and to show that as if he was killed in encounter with police, which appears to me in my inquiry. And further, the police did not fire so-called 70 rounds at the place of offence in their self-defense and during encounter by the police officers or police personnel because, not a single magazine of those bullets stated to have been fired by the police from their service revolvers, AK-47 and

machinegun. Therefore, it appears in my inquiry that there was no encounter took place among the police and the deceased nor police fired any bullet in their self-defense.

40. So as to show that the deceased Isharat Jahan Raza was a terrorist, police planted three loaded magazines containing 30 cartridges each, in all 90 live cartridges of AK-56 rifle, and 81 nos. of live cartridges of AK-56 rifles which were, as per the FSL analysis report page no.4, placed at page no.303 in File No.1, “Article R-3 : in all 21 pieces of 7.62 caliber intermediate rifle cartridges bearing 71.71 head stamp which were rusted”. Therefore, those 81 nos. of cartridges out of which 6 cartridges were perforated and rusted which the police themselves had placed those rusted cartridges of AK-56 rifles which were lying with them and three loaded magazines of AK-56 rifle containing 30 cartridges each, in all 90 cartridges, in the Indica car so as to show the deceased as terrorists, which is apparent in my inquiry as the complainant in his complaint, has not mentioned about those 90 live cartridges in 3 loaded magazines containing 30 cartridges each of AK-56 rifle as also 81 nos. of live cartridges found from Indica car. It is apparent in my inquiry that the police has placed said 90 live cartridges of AK-56 rifle in 3 cartridges containing 30 cartridges each and other 81 live cartridges which were lying with them without license and unlawfully. And similarly, 17 kilogram of powder which has been analyzed as having contents of Sulphar and Urea as per FSL report placed at page no.325 in File no.1,

and the said mixture has been stated to be one which can be used for manufacturing of explosives and therefore, the police has, so as to show the deceased as terrorists, placed those 17 kilogram of Sulphar and Urea in the dickey of Indica car which was held and possessed by the police without license and illegally, which is apparent in my inquiry as the complainant has not mentioned anything about discovery of 17 kilogram yellow powder from dickey of Indica car and therefore, police itself placed the same so as to show that the deceased were terrorists. And similarly, it is also apparent in my inquiry that police itself placed amount of Rs.2,06,610/- in words Rupees Two lakhs six thousand six hundred ten only, gained by them through other sources, in the suitcase subsequently placed in dickey of the Indica car, with a view to show that the deceased acquired said money from terrorist organization, as the complainant has not mentioned in his complaint anything about said suitcase with number lock which were found from dickey of Indica car. Further, the FSL officials have also not mentioned anything with regard to the said suitcase with lock in their report which is placed at page no.449 in File no.1, and, any person having ordinary prudence may invariably lock the suitcase with number lock when he place amount of Rs.2,06,610/- in words Rupees Two lakhs six thousand six hundred ten only, in the suitcase whereas in the present case, the suitcase was not locked with number lock and the police placed subsequently said suitcase with number lock in dickey of Indica car and place cash amount of Rs.2,06,610/- inside it which

amount was out of money gained by the police through other sources, which appears to me in my inquiry. And likewise, said suitcase was found to be containing satellite mobile phone, its extra battery, 1 no. charger, 1 nos. refill and hand free speaker which were placed by the police subsequently in the said suitcase with number lock as the complainant has not mentioned anything about said satellite mobile phone and its attachments in his complaint and the FSL officials also have not mentioned anything about said satellite mobile phone and its attachments with suitcase with number lock and hence, it appears in my inquiry that the police has, itself, placed said satellite phone also in the suitcase subsequently and placed same in dickey of Indica car so as to show the deceased as terrorist.

Thus, the deceased Isharat Jahan Raza who was serving with Javed alias Praneshkumar M. Pillai as a Sales Girl and in spite of the fact that she was innocent and not being a fidayeen terrorist of Lashkar-e-Toiba, with a view to achieve object of conspiracy, the Crime Branch Police of Ahmedabad illegally detained her when she was with Javed alias Praneshkumar M. Pillai along with said Javed alias Praneshkumar M. Pillar in his Indica car at any time during 10-30 AM to 9-00 PM on 12-6-04 and took her from Mumbai to Ahmedabad with Javed alias Praneshkumar M. Pillai and Indica car and the police kept her under its unlawful detention and caused her death during 11-00 PM to 12-00 PM on 14-6-04 by firing bullets on her from close distance with firearms while

she was in sitting position in front-left seat of Indica car, which appears in my inquiry.

Similarly, though the deceased Javed alias Praneshkumar M. Pillai was innocent, and not being Fidayeen terrorists of Lashkar-e-Toiba, with a view to materialize its conspiracy, Crime Branch Police of Ahmedabad unlawfully detained said deceased Javed alias Praneshkumar M. Pillai along with his employee sales girl deceased Isharat Jahan with his Indica car from Mumbai on 12-6-04 during 10-30 AM to 9-00 PM and brought him from Mumbai to Ahmedabad and thereafter kept him under its unlawful detention and during 8-30 PM to 9-00 PM on 14-6-04, caused his death by firing unlicensed AK-56 rifle and service revolvers and other weapons on his body at the place other than the place of offence when he was in sitting position on driving seat of his Indica car. From the body of the deceased Javed alias Praneshkumar M. Pillai, fired bullet as per Article 3/B2 was found which was a 7.62 mm caliber bullet having four lands and four grooves with right hand twists which was matching 100% with the AK-56 rifle at Article "J" which was having barrel with four lands and four grooves with right hand twists, and therefore, it appears in my inquiry that the said deceased has been killed by police by firing at him from the said unlicensed AK-56 rifle. And similarly, the police also detained Abdul Gani alias Jishant Johar alias Janbaz s/o Kalu though he was innocent and not being Pakistani fidayeen terrorist of Lashkar-e-Toiba and thereafter,

during his unlawful detention, he was killed by police during 11-00 PM to 12-000 PM on 14-6-04 at the place other than the place of offence by firing at him bullets form closed distance from the unlicensed and illegally possessed AK-56 rifle and other weapons while he was in sitting position in right side of backseat of Indica car. From the body of said deceased, fired bullet which is marked as 2/C was found which was a 7.62 mm caliber having four lands and four grooves with right hand twits which was matching 100% with the Article-“J” AK-56 rifle which was having barrel for housing bullet with four groves and four lands with right hand twits. And therefore, the police killed the deceased by firing bullets on his body using the unlicensed AK-56 rifle which is apparent in my inquiry. Similarly, the police also unlawfully detained Amjadali Akbarali Rana alias Salim alias Chandu alias Rajkumar and thereafter, kept him under unlawful detention and the police killed him during 11-00 PM to 12-00 PM on 14-6-09 by firing at him with unlicensed 9 mm pistol. From body of the said deceased, fired bullet as Mark 1/C2 was recovered which was a fired 9 mm caliber bullet having 6 lands and 6 grooves with right hand twits which was fired from a 9 mm pistol and therefore, as it appears to me in my inquiry, the police caused death of said deceased by firing bullets on body of the deceased with the said unlicensed 9 mm pistol even though he was innocent and not being fidayeen terrorist of Pakistani organization Lashkar-e-Toiba.

Thereafter, the Indica car wherein bodies of all four deceased persons were lying, was brought to the place of offence by towing or by driving it at 4-30 AM on 15-6-04 and police dragged dead body of Amjadali Akbarali from the left backseat of Indica car and placed it on the road divider in the posture of taking position and thereafter, the police fired 50 rounds of bullets from unlicensed AK-56 rifle on Indica car and on Police Gypsy van and on the rear left tyre of Indica car and on the road, so as to create situation of encounter. Thereafter, said AK-56 rifle was placed near arms of body of Amjadali Akbarali Rana alias Salim alias Chandu alias Rajkumar so as to show him a terrorist and similarly, police placed a 9 mm pistol held by them near legs of deceased Agdul Gani alias Jishant Johar alias Janbaz s/o Kalu which was lying on right-backseat of Indica car so as to show him also a terrorist. And in the same fashion, the police placed an unlicensed 9 mm pistol under the palm of deceased Javed alias Praneshkumar M. Pillai in his lap so as to show him as a terrorist, which appears to me in my inquiry. And similarly, 90 live cartridges of AK-56 rifle in 3 magazines containing 30 cartridges each which was lying with the police without license and illegally, were placed by the police on the footrest below rear-left seat of Indica car and similarly, the police also placed in Indica car 81 nos. of cartridges of AK-56 rifle which were lying with the police illegally, which were seized by the police and in the same manner, police also seized 17 kilogram of yellow powder which was placed by the police itself from its illegal possession and

further, a suitcase with number lock containing cash amount of Rs.2,06,610/- was placed by the police in dickey of Indica which amount was placed out of the money gained from other sources by the police, as it appears in my inquiry, which amount was seized by the police. And similarly, police also found from the said suitcase with number lock one satellite mobile phone with its extra battery, 1 no. charger, 1 no. refill and a hands free speaker which was placed by police from its illegal possession, as it appears in my inquiry. Similarly, police also placed subsequently 30 pieces of coconuts which were purchased by the police itself in advance as per the conspiracy, which appears in my inquiry. This is because, the complainant has not mentioned in his complaint anything about said weapons and 3 loaded magazines of AK-56 rifle containing total 90 live cartridges, and 81 live cartridges of AK-56, 17 kilogram of yellow powder, suitcase with number lock which contained cash amount of Rs.2,06,610/- and satellite mobile phone along with its extra battery, 1 no. charger, 1 no. refill and hands free speaker. Therefore, it appears to me in my inquiry that all the aforesaid arms, ammunitions, cash amount of Rs.2,06,610/- and satellite mobile phone with its attachments were placed by the police subsequently so as to show the deceased as terrorists.

41. The complaint of complainant J. G. Parmar, Police Inspector, Crime Branch, Ahmedabad is given as per conspiracy hatched by the police in collusion with each other and in spite of the fact that

deceased were innocent person, all four deceased were detained illegally by the police and after keeping them in illegal detention, as per the conspiracy, police killed them at the place other than the place of offence by using unlicensed 9 mm pistol and other weapons to cause death of Amjadali Akbarali Rana alias Salim alias Chandu alias Rajkumar during 11-00 to 12-00 PM on 14-6-2004 and used unlicensed AK-56 rifle and other weapons to cause death of Abdulgani alias Jishant Johar during 11-00 PM to 12-00 PM on 14-6-04; and used unlicensed AK-56 and other weapons to cause death of Javed alias Praneshkumar M. Pillai during 8-30 PM to 9-00 PM on 14-6-04 and with other weapons, caused death of Ishrat Jahan Raza between 11-00 to 12-00 PM on 14-6-04. And, with a view to show them as terrorists, a false complaint has been lodged which is apparent to me as explained in para 13 of my report. Further, the complainant has not made any mention about female terrorist in the said intelligence received as stated in his complaint, however, as the police detained Javed alias Praneshkumar M. Pillai along with Isharat Jahan and therefore, in case if police would have let go Isharat Jahan Raza, after her release Isharat Jahan Raza would have disclosed all the facts about the said offence and the conspiracy of the police would have not materialized. Therefore, it appears in my inquiry that the police caused her death due to above reasons even though Isharat Jahan Raza was not fidayeen terrorist of Lashkar-e-Toiba.

42. Thus, concluding my above inquiry as Metropolitan Magistrate Court No.1, Ahmedabad and officer conducting inquiry under

section 176 of the Criminal Procedure Code in respect of cause of death of deceased Isharat Jahan Raza, I render my decision that, the cause of death of said deceased Isharat Jahan Raza is that, K. R. Kaushik, Commissioner of Police, Ahmedabad City and P. P. Pandey, Joint Police Commissioner, Crime Branch, Ahmedabad and Crime Branch officers and police personnel including D. G. Vanzara, Addl. Police Commissioner, Crime Branch, Ahmedabad, G.L.Singhal, Assistant Commissioner of Police, Crime Branch, Ahmedabad, Dr.N.K. Amin, ACP Crime Branch, Ahmedabad city, K. M. Vaghela, PI, Crime Branch, J.G.Parmar, PI, Crime Branch, V.D.Vanar, PI, Crime Branch, S.P.Agravat, PI, D.H.Goswamy, PI; R.I. Patel, PI, B.A.Chavda, PSI, Crime Branch, Tarun A. Barot, PI, Crime Branch, K.S. Desai, PSI, Crime Branch, Ibrahim Kalubhai Chauhan, PSI, Crime Branch, Police Constable Mohanbhai Lalubhai Kalasava, Crime Branch, Unarmed Head Constable Mukesh Natwarlal Vyas, Crime Branch, Unarmed Constable Nizamuddin Burhan Miya, Crime Branch, commando Anaju Jiman Chaudhary, Crime Branch, Driver Bhalabhai, Crime Branch, commando Mohanbhai Nanjibhai, Crime Branch, all associated together and in collusion with each other, for their personal interest which included to secure their promotion, to maintain his posting, so as to falsely show excellent performance, to get special appreciation form the Hon'ble Chief Minister and to gain popularity, hatched a systematic conspiracy and under said conspiracy, since the deceased Isharat Jahan Raza being a Muslim, and having

unlawfully detained with Javed alias Praneshkumar M. Pillai from Mumbai, it was convenient to show that she was a Fidayeen terrorist of Lashkar-e-Toiba and she was killed in an encounter with police, she was already taken under unlawful detention of police during 10-30 AM to 9-00 AM on 12-6-04 along with Javed alias Praneshkumar M. Pillar with whom she was working as Sales Girl and with his Indica car by the Crime Branch Police, Ahmedabad from Mumbai, and even though she was innocent and she being the important member of family to earn livelihood for her family and to take care of education of her two brothers and four sisters and she was a very brilliant student and a good citizen of India and not a terrorist, by taking her to some other place than the place of offence and was killed during 11-00 to 12-00 PM on 14-6-04 since as per the principles of medical jurisprudence, there was presence of rigor mortis on her entire body which was developed considerably and having observed presence of semi-digested food in her stomach and hence on the basis of such facts, she was killed by the aforesaid police officers and police personnel with their service revolver and unlicensed and illegally held AK-56 rifle and with other weapons fired bullets on body of deceased and thereby murdered her in a systemic manner, cold-bloodedly, mercilessly and cruelly. And, as per para 23 of the autopsy report, the cause of death of deceased was shock and hemorrhage due to injuries of bullets. Thus, the cause of death of the deceased, as per my inquiry under section 176 of the Criminal

Procedure Code, appears to be as stated hereinabove. Accordingly, it is my report of inquiry.

43. Thus, I, the Metropolitan Magistrate, Court no.1, Ahmedabad and officer conducting inquiry under section 176 of the Criminal Procedure Code in respect of cause of death of the deceased persons, give my report on inquiry on cause of death of deceased Amjadali Akbarali Rana alias Salim alias Chandu alias Rajkumar at page no.8 to 92, and inquiry report on cause of death of deceased Abdulgani alias Jishant Johar alias Janbaz s/o Kalu at page no.93 to page no.134, and inquiry report on cause of death of deceased Javed alias Praneshkumar M. Pillai at page no.135 to 192 and report of inquiry on cause of death of deceased Isharat Jahan Raza is from page no.193 to 241.

Thus, the undersigned Metropolitan Magistrate, Court no.1 and the officer conducting inquiry under section 176 of Criminal Procedure Code, submit my report after conducting inquiry in respect of cause of death of aforesaid deceased – (1) Amjadali Akbarali Rana alias Salim alias Chandu alias Rajkumar, (2) Abdul Gani alias Jishant Johar alias Janbaz s/o Kalu, (3) Javed alias Praneshkumar M. Pillai, and (4) Isharat Jahan Raza.

On this 7th day of September, 2009.

Sd/- (illegible)
(S. P. TAMANG)

Metropolitan Magistrate, Court no.1 &
Officer Inquiry Officer u/s 176 of Cr.P.C.
Date : 7/9/2009

Translation