

FACTS:

1. On receiving several phone calls from his college mate and friend Tapan mittal, on 05/04/06 at about 1100 hrs my son left home (Sushant Lok-I, Gurgaon) to meet him, with a sense of compulsive urgency. This, in spite of the fact that they were scheduled to meet anyway at a gathering of friends the same evening, in Gurgaon.
2. At about 1715 hrs we received a call from another friend of his, by name Vivek, who informed that Satyajit had drowned in the Western Yamuna canal running about 20 meters beyond the boundary of DCE, asking us to come immediately.
3. Shocked and stunned we immediately connected with Satyajit's mobile number 9891623151. The call was received by one of his friends who identified himself as Bhagwati. We asked for Tapan but the line got disconnected abruptly.
4. Tapan called back and confirmed that Satyajit had drowned and efforts were being made to get divers for the search operation.
5. We reached the site at about 2045 hrs to find no sign of any divers or police. There were just Tapan and some college friends around.
6. Tapan informed us that he along with Satyajit and another friend Akshat were splashing in the water on the bank of the canal when my son suddenly slipped and drowned.
7. My son's Personal belongings consisting of shirt, jeans, shoes, mobile phone and photocopies of past question papers got done by him earlier on that day were kept in Akshat's car. These with exception of the photocopies of past question papers were handed over to us by Tapan.
8. Thereafter we proceeded to the police post Shahabad dairy where we were informed that they had received the report of drowning of my son and entered in their diary as DD No. 15 dt 5-4-06.
9. Tapan and Akshat were both separately questioned. We got the distinct impression that there could be anomalies in their statements.
10. Police demanded that Satyajit's personal belongings be handed over to them. The same were handed over and included the photocopies of past question papers which Tapan handed over directly to the Police from Akshat's car. The personal belongings were not inspected in our presence and no receipt was issued for them.
11. On 06/04/06 we filed a missing report for my son at the Police Post with a formal request for search and recovery. This was not converted to an FIR even though the body was not found within 24 hours, contrary to normal practice, and an explicit request for an FIR on 08/04/06 was also turned down because Police firmly believed this to be simple case of drowning.
12. According to the information received by us from the Police, private divers searched near the reported site of the incident from 05/04/06 to 07/04/06 without success. Thereafter, failing to trace or recover the body till 10/04/06, Naval divers were requisitioned. For two days 11/04/06 and 12/04/06 reportedly Naval divers combed the entire downstream area from the site of reported drowning without any success.
13. On 13/04/06 missing person posters were made by us in consultation with the Police Post which supposedly put up the posters along the banks of the canal on 14/04/06 and 15/04/06.
14. On 15/04/06 failing to get any information on my son's body I approached the police Post to forward the missing report to the Missing Squad under the DCP Crime branch. The case was forwarded to the Missing Squad on the same day and entered in their diary as DD No. 9M/S dt 15-4-06.
15. On 16/04/06 the police post Shahabad dairy informed us at about 0800 hrs that a body has been recovered from the canal close to the reported site of the drowning and same was being sent to B.J.R.M Hospital where we could go for identification.
16. We reached the spot and identified him. Post-mortem was done on his body and the body was handed over to us for cremation.

STATEMENTS BY AKSHAT AND TAPAN:

Near the canal on 05/04/06:

(A1) Akshat to Ankit [Satya's brother-in-law]:

Akshat said that all three of them had climbed the wall to reach the spot and he did not even go inside water and only Tapan and Satya were inside water standing on a low rock and splashing water at each other when Satya slipped, Akshat jumped inside the water to save him but could not. He also said that they did not smoke or drink alcohol.

(T1) Tapan to CGB [Satya's father]:

Tapan said that they were splashing water near the shore of the canal and Satya suddenly slipped and got drowned in the canal. He also said that he had lunch with Satya and that he saw Satya taking antidepressant immediately after lunch.

(T2) Tapan to Ankit:

Tapan along with Akshat and Satya were sitting on some stone near the canal's edge when Satya slipped and they could not save him. Tapan also said that he along with Satya had reached the spot in his car and Akshat had climbed the college wall to reach there and that all three of them were sitting on a stone with their feet inside water and they had beer (2 bottles) prior to reaching the spot and they were smoking grass 2-3 joints on the spot itself.

At the Police Post on 05/04/06:

(A2) Akshat to police:

Akshat had said initially that he did not know how to swim and was only sitting near the edge talking on Satya's mobile to Nalin (one of the friends in Bangalore). When he saw Satya was drowning he told Nalin about this and jumped inside the water removing his T-shirt, with his jeans on.

(T3) Tapan to police:

Tapan said that after smoking grass Satya insisted they should try swimming in the canal and they removed their clothes. About Akshat he could not comment whether he was swimming or sitting but said that he himself started swimming towards the other shore and Satya dived inside the water. Upon reaching the other end he saw that Satya was in trouble, he saw him coming up one time and then disappear. He swam across back to the same spot and sat there in a state of shock. Akshat was running along the shores to find Satya.

(T4) Tapan to Ankit:

Asked why he is not telling the truth, Tapan said that he was not sure about the whole situation and in a state of shock he was not able to remember properly now they reached there, what they were doing on the shore, who was inside the water and who tried to rescue Satya and he was not sure about how they took grass and when they took alcohol.

At the Police Post on 08/04/06:

(A3) Akshat to Yogesh [family friend] and Samrat [relative]:

Akshat said that he met Tapan and Satya at the canteen after they had their lunch. Did not know what they had. He did not take lunch that day. Conveyed that he only used to have some snacks during lunch-time. They parked their cars near the hostel and climbed over the wall.

(T5) Tapan to Ankit and Yogesh:

Tapan said he did not know who paid for the beer or marijuana. He and Satya had kulcha and chhola at canteen along with cold drinks. One of them paid for Kulcha-chhola and the other paid for cold drinks. Gist of written statement in police file [read by Ankit and Yogesh on 08/04/06] as recalled:

(A4) Akshat:

Met Satya and Tapan in canteen, went out with them, bought beer and consumed beer in car, went to canal on Satya's request, smoked grass at canal. Satya suggested swimming. Akshat discouraged the idea, mentioning an incident of nearly getting drowned six months back and said that he would not join them as he did not know swimming. Tapan and Satya went inside water. Initially they were standing in water and Akshat was receiving a call on Satya's mobile. Tapan started swimming and reached the other end by which time Satya went up to one fourth of the canal. Akshat asked Satya to come back, saw Satya struggling and immediately took off his clothes, went into the water, stretching his hand towards Satya, but could not save him. Akshat was running along the canal, he called police (dialing 100), then climbed the wall of DCE so that he could meet the Police at the main gate. He met and came back with another friend (a good swimmer) who also tried to help.

(T6) Tapan:

As per conversation on mobile in the morning, met Satya at college, had lunch with him in canteen, met Akshat in canteen, went out with Satya and Akshat, bought beer and consumed beer in car. Went to

canal on Satya's request, smoked grass at canal. Satya suggested swimming. Tapan and Satya went into water. Initially Tapan and Satya were standing in water, then Tapan started swimming and reached the other end of the canal. Akshat was receiving a call on Satya's mobile. Satya went upto one fourth of the canal. Akshat asked Satya to come back but he could not. Tapan, from the other end saw him surface over water once and then vanish under water. He swam back and sat down on the shore in a state of shock.

Tapan's latest statement at Satya's home:

(T7) Tapan to Barnali (Satya's sister):

Tapan called Satya who was at the old flat and that he had to get his shoes repaired and so will be late to meet him at the flat. Satya told him that he too had to get his shoes repaired and asked Tapan to join him immediately. So Tapan came to the old flat and picked Satya in his car. They tried but could not get the shoes repaired. They took lunch of Chhola-Kulcha [a speciality for wednesdays] near old flat, then went to college and got separated, Satya to photocopy question papers and Tapan to collect his certificate. They reunited at the canteen went to the hostel to a college mate to return the question papers. Then they discussed how to spend the day. They bought beer from a place about 5 mins away from the college and went to Madhuban chowk T-junction. There, in the car, Tapan and Satya drank beer, Akshat and Satya smoked marijuana. Tapan bought the beer and Akshat provided the marijuana joint. From there they went to the canal. Satya proposed swimming, Tapan seconded, but Akshat declined. Tapan and Satya then removed their clothes, Akshat took charge of their clothings, and the three of them discussed about swimming techniques. About 45 minutes transpired since the time of consumption of the joint to the time Tapan and Satya went into the water. Tapan crossed to the other bank. Standing there he saw Satya getting drowned and remained on the other bank for 20 sec and then he swam back with great difficulty, and could not find Satya. Akshat who was receiving a call on Satya's mobile shut off the mobile and was running along the bank of the canal.

REASONS FOR SUSPICION:

I have noted four statements by Akshat [A1-A4] and seven statements by Tapan [T1-T7]. There are significant differences and anomalies among these which cannot be attributed to nervousness. Apparently, these two guys, who only know the truth, have not told us the truth.

In T1-T2 and A1, they said Satya slipped into water and got drowned while three of them were splashing water near the shore. Realising later that this would not sustain critical enquiry, besides failing to explain why Satya would remove all clothings except the underwear, later on they changed this and said that Satya wanted to swim! In T3 Tapan says that Satya dived into water!

Satya did not know how to swim, Tapan and Akshat knew that. All of them knew that the canal is dangerous and Satya had also told us about it once. Hence it is unbelievable that Satya went into water even for splashing [A1 and T1-T2] not to talk of diving [T3] or swimming [A2, A4, T3 and T6-T7] which are simply absurd. It is also unbelievable that Satya would remove all clothings except the underwear for he was very very shy about exposing his body especially the lower part.

Satya lived near the canal for four years but never went into water. He has been living at home in Gurgaon for nearly a year and on that fateful day went to DCE for a specific purpose [viz, photocopying of past question papers from a college mate besides meeting Tapan] and was to return home early as he was due to attend to a gathering of friends in Gurgaon in the evening. It was not the time and place for him to learn swimming techniques and try swimming.

Yet as per T7, three of them discussed about swimming techniques and then Tapan and Satya went into water. When Satya was struggling and getting drowned after advancing a distance of about a quarter of the width of the canal towards the opposite bank, no one was near him. Tapan, who was the only person who knew swimming and was supposed to teach and help Satya in swimming, had already crossed the canal and watched Satya getting drowned while standing on the opposite bank and Akshat was standing and talking on Satya's mobile on the bank from which Tapan and Satya went into water. No one can call them friends of Satya if that is the truth. So if they are friends, they must be lying and the whole story of Satya getting accidentally drowned in the canal seems to be a hoax.

The suspicion gets stronger if we consider the following:

(a) The two banks of this narrow canal are used as roads by local people with frequent movements of pedestrians, cyclists and automobiles, particularly near the reported place and time of the incident. Yet no one else has seen Satya getting drowned. No one else has seen Satya alive in the company of these guys in or on the bank of the canal.

(b) Private divers searched the area starting from the reported site to the nearest bridge downstream [about a kilometre at most] of this narrow and shallow canal for three days but could not trace the body. After this, Indian Navy Divers combed the entire downstream area starting from reported site for two days with special emphasis on this small stretch already searched by private divers but they also failed to trace the body. The leader of the Navy team told me very categorically that there was no possibility that the body could remain stuck in that stretch. Yet on the 11th day the body surfaced in the same area! The body as seen in the mortuary looked unusual with both hands close to the chest and the right palm fully stretched and erect as one would have when about to slap someone!

(c) Did the guys lie about the site of the incident to deliberately mislead the divers? If not it is hard to explain (a) and (b). If yes, then why?

(d) There was no sign of sadness on the face or behaviour of the two guys. They seemed to be worried only about themselves and not at all about the loss of their friend.

Akshat in A4 and Tapan in T2, T6 and T7 both under 25, admitted of consumption of beer and marijuana knowing well that these are punishable by law.

(a) Was it to hide their involvement in a bigger offence?

(b) Was it to get away from questions involving rationality or inhibitions in their behaviour by suggesting that the incident took place under the influence of drugs?

(c) As per T2 they consumed two bottles of beer and 2-3 joints of marijuana among three of them. Was that enough to take all of them out of their senses? Could it be that they were lying about the nature and quantity of drugs consumed by them?

(d) As per T1, Tapan knew that Satya had taken antidepressant after lunch. All of them knew the danger of mixing drugs. Satya as I know him would not indulge in such a thing especially as it was about time for him to come home driving his scooter. Tapan and Akshat also could not be expected to let Satya indulge into such a thing if they are to be called his friends. As per T6, Tapan paid for the beer and Akshat provided the marijuana joints. Tapan also said that Satya consumed both beer as well as marijuana. Satya is dead and hence cannot speak for himself. No one can call them friends of Satya if that is the

truth. If they are friends they must be lying for some reason. what is that?

Some anomalies in the statements which we point out below, also add to our suspicion:

When did Satya meet Tapan?

As per T6 Tapan met Satya at college but as per T7 Tapan met Satya at old flat from where he picked up Satya in his car. If Tapan met Satya at college his scooter must have been in college but according to Satya's friend who brought the scooter to Satya's home in Gurgaon it was parked near the old flat.

Where did Tapan and Satya had lunch?

As per T5 and T6 they had lunch in canteen but as per T7 they had lunch of chhola-kulcha at a place near the old flat where chhola-kulcha lunch is a speciality for wednesdays.

When did Akshat join Tapan and Satya?

As per A3 and A4 Akshat met Tapan and Satya at canteen after they had their lunch. But it is known that Satya went to collect past question papers for photocopying from a college mate at about 2 PM alone and went to return the question papers after photocopying at about 3 PM when only Tapan was with him. So Akshat must have separated from them before 2 PM and reunited with them after 3 PM. According to T2 Tapan took Satya to the canal in his car and Akshat joined them from inside DCE by scaling the boundary wall but as per A1 Akshat said that all three of them reached the canal from inside DCE by scaling the boundary wall. As per T7 all three of them went to Madhuvan chowk from where they came to the canal. In that case why would they go inside DCE and scale the boundary wall instead of going straight to the canal?

Tapan and Akshat both had cars. How were these two cars deployed?

As per T2 Tapan's car was deployed to take Satya straight to the canal without Akshat. As per T7 Satya went to college from old flat with Tapan in Tapan's car. As per T7 Tapan's car was also deployed when three of them went to buy beer [mentioned in A4, T6 and T7] from there to Madhuvan chowk and from there to the canal. As per T2 Tapan parked his car on the bank of the canal but as per T5 Tapan parked his car near the boundary wall inside DCE. As per A3 and A4 Akshat's car was parked near hostel. Nothing is known about the deployment of Akshat's car except that at the end of the episode Satya's personal belongings were found in Akshat's car.

Did they consume beer and/or marijuana?

As per A4, T2, and T6-T7 they consumed both beer and marijuana but as per A1 they did not consume beer or marijuana.

Where did they consume beer and/or marijuana?

As per T2 they consumed beer before reaching the canal [but does not say where] and marijuana on the bank of the canal. In A4 and T6 they said that they consumed beer in the car before going to the canal [but does not mention in whose car and where] and marijuana on the bank of the canal as in T2. In T7 Tapan said that both beer and marijuana were consumed in his car near Madhuvan chowk. What for did they have to go to Madhuvan chowk? Recently a common friend of Tapan and Satya questioned Tapan about going to near Madhuvan chowk and Tapan simply denied.

RE: PERSONAL BELONGINGS OF SATYA IN POLICE CUSTODY:

Police at Sahabad dairy P.P. recorded the incident as a simple case of drowning as told by Akshat and Tapan. No further investigation was contemplated. They had no interest in the personal belongings of Satya consisting of his shirt, pant, shoes, mobile phone and photocopies of past question papers, reportedly left behind in the custody of Akshat when Satya reportedly went into water. These items with the exception of the photocopies of the past question papers were handed over to us by Tapan from Akshat's car. The Police took these away from us because we insisted that the case needs thorough investigation and suggested if these could be used in that connection. At that time Photocopies of the past question papers were also handed over to the Police by Tapan from Akshat's car. None of these were inspected in our presence and no receipt was issued for these. More than three months have elapsed since then and we are now anxious to get these back as these are of great sentimental value to us. We would also like to know what the Police did with these and their findings on these.