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Addl. Chief Metropolitan Magistrate  
9th Court, Bandra, Mumbai.

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FORM OF RECORDING CONFESSION

Before Shri P. J. Shah, Adl. Chief Metropolitan Magistrate, 9<sup>th</sup>  
Court, Bandra, Mumbai.

(1) The accused Miss Maria a/o. Joseph Susairaj  
aged about 28 years, residing at - Mysore (Karnataka) but at  
Bombay "Dhiraj" Chicholi Bungalow <sup>Malad</sup> is brought by PWC/PSI D. G. Deshmukh  
at my Court at Addl. C. M. M. 9<sup>th</sup> Court, Bandra, Mumbai, at  
2.15 a.m./p.m. to have his confession recorded, a letter/memo is given  
to me dated 26/5/08 from the Hon'ble Chief Metropolitan Magistrate,  
Esplanade, Mumbai, which is attached to the record.

I have ascertained that the offence was committed at  
Dhiraj Co-op Society, Malad (East) Bombay (place)  
on 7/5/08 (day) at 7.20 a.m./p.m.

(2) The accused is placed in custody of my peon/<sup>by asking her to stand</sup> named Police Constable---  
witnesses and the Police (Sub) Inspector/Head Constable is directed to  
to leave the premises. I have satisfied myself that there is no policeman in  
the Court or in any place where the proceeding could be seen or heard except  
such armed police, not concerned in the investigation of the crime, as are  
necessary to guard the accused.



PART - I

Question No.1 :- I am a Magistrate and have no concern with the Police.  
Have you understood?

Answer :- Yes

स्वरी नमकल  
*[Signature]*  
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कम ९, बांड, मुम्बै

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Addl. Chief Metropolitan Magistrate  
9th Court, Bandra, Mumbai.

: 2 :

Question No.2 :- You are now no longer in police custody. Have you understood ?

Answer :- Yes.

Question No. 3 :- Have you any complaint of ill-treatment against the police or other persons responsible for your arrest or custody ?

Answer :- No

Question No.4 :- I desire to examine your person. Do you consent to it ?

Answer :- —

Question No.5 :- Do you wish to make any statement ?

Answer :- Yes

Question No. 6 :- You are not bound to make a statement or there is no compulsion that you should make a statement. Have you understood ?

Answer :- Yes

Question No.7 :- If you make a statement then it will be taken down and it may be used against you as evidence. Have you understood this ?

Answer :- Yes

Question No.8 :- Hereafter you will not be kept in the custody of the police. Have you understood ?

Answer :- Yes

Question No.9:- Have the police or any other person threatened you to make a statement ?

Answer :- No

Question No.10 :- Have the police or any other person promised you that lesser punishment will be awarded to you if you make a statement or that you



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City Court, Kanchi, Madras.

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:3:

will be acquitted?

Answer :- No

Question No.11 :- Have the Police or any other person given you any allurement to make statement?

Answer :- No

(In case there are other co-accused).

Question No.12 :- Have the police or any other person given you promise that if you make a statement then you will be made witness for the prosecution in the case?

Answer :- No

Question No.13 :- Do you still desire to make a statement?

Answer :- Yes

Question No.14 :- When did it first occur to you that you should make a confession and why did it occur to you?

Answer :- On 19/7/68 before my arrest by police

Question No.15 :- Why are you making a confession?

Answer :- I feel guilty and have sympathy to deceased who had never done any wrong to me.

Question No.16 :- Before you make any statement you are given 24 hours time for reflection. You are kept in Magisterial custody and you will not be kept in police custody. Have you understood all this?

Answer :- Yes

The accused is informed that he is given 24 hours time for reflection. He is further informed that he is kept in Magisterial custody and not in police custody and is accordingly remanded to Magisterial custody. He

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W  
Addl. Chief Metropolitan Magistrate  
9th Court, Bandra, Mumbai.

: 4 :

shall again be produced before me on 28/5/08 at 4 am./p.m.

S. Maria Monica  
27.5.2008  
signature of accused  
produced before me

W  
(P. J. SHAH)  
Addl. Chief Metropolitan Magistrate,  
9th Court, Bandra, Mumbai.  
Dated: 27/5/08

PART - II

5. The accused is brought before me again on 28/5/08 at 4.45 a.m. /p.m. in custody of me from Jail custody.

I have satisfied myself that there is no policeman in the Court or in any place whence the proceedings could be heard or seen, except such armed police, not concerned in the investigation, as are necessary to guard the accused.

6. The accused is asked details as to the length of time during which and the place where he has been in custody or surveillance of the police. He replied as follows :-

Question No. 1 :- When were you arrested by the police ?

Answer :- on 21/5/08

Question No.2 :- At what place the police arrested you ?

Answer :- At office of Crime branch Bandra (NLT)

Question No.3 :- Were you kept by the police under surveillance ? If yes, since when and where ?

Answer :- At the lockup of Borivali and Crime Branch

Question No.4 :- Since when you are in the custody of the Police ?

Answer :- since 21-5-08.

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ADDL. CHIEF METROPOLITAN MAGISTRATE  
9th COURT, BORIVALI, MUMBAI.

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: 5 :

Question No.5 :- At what places you were kept by the police ?

Answer :- At Borivali, Crime Branch Bordon.

7. Under clauses (iv), (vi), (x) and (xi) of paragraph 18 of Chapter I of the Criminal Manual the accused is examined as follows in order to ascertain whether he is disposed to make a confession of his own free will :-

Question No.6 :- Do you wish to make a statement ?

Answer :- Yes

Question No.7 :- You were given 24 hours time for reflection. Was it sufficient ?

Answer :- Yes.

Question No.8 :- You are not bound to make a statement and there is no compulsion that you should make a statement. Have you understood this ?

Answer :- Yes.

Question No.9 :- If you make a statement then it will be recorded and the same is likely to be used as evidence against you. Have you understood ?

Answer :- Yes.

Question No.10 :- Even if you refuse to make a statement you will not be kept in police custody. Have you understood this ?

Answer :- Yes.

Question No.11 :- Have the police or any other person threatened you to make a statement ?

Answer :- NO

Question No.12 :- Have the police or any other person promised you that lesser punishment will be awarded to you or you will be acquitted if you

श्री नमकल

*[Signature]*

श्री नमकल  
मुंबई मेट्रोपॉलिटन मॅजिस्ट्रेट  
कॉर्ट नं. ९, बोरीवली, मुंबई

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Addl. Chief Metropolitan Magistrate  
4th Court, Bandra, Mumbai.

make a statement ?

Answer :- No

Question No.13 :- Have the police or any other person promised you that if you make a statement you will be made a witness for the prosecution ?

Answer :- No

Question No.14 :- Have the Police or any other person given you any allurement to make statement ?

Answer :- No

Question No.15 :- Are you now willing to make a statement voluntarily and of your own free-will ?

Answer :- Yes.

Question No.16 :- You can tell me your complaints or difficulties, if any. Have you understood ?

Answer :- Yes. But I have no complaints of any nature

Question No.17 :- I am not here to record your statement by compulsi. I am here to record your statement if you are willing to make it voluntarily and of your own free-will. Have you understood this ?

Answer :- Yes.

After satisfaction that the accused is making the statement voluntarily and of his own free will, I have recorded as follows :-

DO NOT ADMINISTER OATH.

I wish that My Statement of Confession shall be recorded in English language because I am comfortable in English language.

S. Maria Monica  
28.05.2008





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Addl. Chief Metropolitan Magistrate  
24th Court, Bandra, Mumbai.

4 8 , 2008

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(Police  
Station)

at in my hege. Mr. Niraj was busy with his phone call.  
By that time, I was cleaning my house. Though Mr. Niraj  
was called by his friends to attend the party, he ~~didn't~~  
didn't go. I have also refused to join to him to party  
of his friends. Mr. Niraj had a work in morning at Malad.  
So he had requested me to allow him to stay & ~~ban~~  
my house so that he will attend the work. I said that  
it is O.K. and he stayed at my house.

On 07th May, 2008 at about 7.30 a.m. door-knell  
of my house rang. I had opened the door. I found Mr. Emil  
was appeared at my house. He directly entered into my house.  
By that time, Niraj also wake up. I followed Mr. Emil from  
his behind. Mr. Niraj ~~has~~ asked me whether ~~xxxx~~ Emil is  
my boy friend. Mr. Niraj had ~~recognized~~ recognized him because he had  
seen <sup>my</sup> photographs. Mr. Niraj was also knowing that I will  
get married with Mr. Emil.

See

Immediately, thereafter, Mr. Emil started giving  
fist blows to Mr. Niraj. Both are started fighting with  
other. I could not control them. Both had pushed me. So  
I fell down. At the time, / when I get up I saw that Emil  
stabbed Niraj by means of knife of my kitchen. I tried to  
hold the knife at stabbing to Niraj by Emil. I had also  
sustained injury on my right hand palm. Again Mr. Emil  
pushed me and started stabbing Mr. Niraj by said knife.  
I saw Mr. Niraj fell down and Mr. Emil giving kicks to  
Mr. Niraj. I was screaming by said incident. Mr. Emil  
closed my mouth. and/also threatened me to kill. He let  
me on the bed, and raped on me. He never put the knife

(No  
head)

(K)



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Adtl. Chief Metropolitan Magistrate  
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19, 2006

down. This thing was happened at about 8.00 A.M. He had also beat me and threatened me not to tell this incident to any one. By that time, Niraj was found dead. I told Mr. Emil to take Mr. Niraj to Hospital. He told me that Mr. Niraj would not died for 4 to 5 hours. He asked ~~for~~ me to <sup>go</sup> inside the bathroom and ~~be~~ take bath. Then Mr. Emil came <sup>to</sup> inside the bathroom and again raped me.

After 11.00 A.M. Mr. Emil had asked me to call one of the friend of Mr. Niraj and asked me to inform him that Niraj had left my home at 12.30 night and he has forgotten his cell phone in my house. Mr. Emil had also told me that I should inform that he should come to my home and collect Cell phone of Mr. Niraj from my house.

I had called Mr. Nishant on cell phone of Mr. Niraj. He spoke to me and tell him accordingly as directed by Mr. Emil. Mr. Nishant did not appear to my house.

Then Mr. Emil had dragged the body of Mr. Niraj inside the partition ~~of~~ of bathroom of house.

Mr. Emil then told me to go and purchase bags and curtains from Hypercity Mall at Malad. He did not tell me for what purpose he asked me to purchase these things. He also instructed me to buy a knife, reem freshner. I bought all these 4 things and came back to my house.

When I was away from my house for buying these things Mr. Emil was talking with me on cell phone. When I came at my house, he had empted two of my big bags. I had ~~it~~ handed over the knife to him. He asked me not to come inside the bathroom. He had also emptied all these polythine bags which

S. Maria Mouta

*Lawyer*

10/19/2006

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Adl. Chief Metropolitan Magistrate  
9th Court, Bandra, Mumbai.

10/10/02

I was having in my home with the things purchased earlier by me. He asked me to clean the hall which was blood stained. He asked me whether any of my friend have any car because he could not tried to contact his friends for having car.

At about 3.00 p.m. I called my friend Mr. Kiran who is staying at Four Bungalows, Andheri(W). By that time, Mr. Emil had chopped ~~XXXXXXXXXX~~ into pieces the entire deadbody of Mr. Niraj. Mr. Kiran had asked me on my phone to collect the car by coming at his house. Myself and Mr. Emil both went to collect the car by hiring autorickshaw. Kiran had asked me as to why I want his car. I tell him that Mr. Emil want to go to his town. so he handed <sup>over</sup> his car. We took the car of Mr. Kiran and came to petrol pump in Lekhandwala area. I was driving the said car. When I was filling the petrol, - in the car, Mr. Emil get down and ~~later~~ bought two plastic cans. Then he filled one of the can with 5 litre petrol from the said petrol pump. We then came to my home. He then put all the things ~~in~~ of Niraj with chopped pieces of his body inside two big bags and also torn two <sup>covers</sup> mattresses into the pieces. He had covered it with the bags. He brought all these bags and put in the car. He asked me to drive the said car. The car was driven by me Western Express High Way. I was not knowing the area where I ~~is~~ was asked to drive the car. While driving the car, I had cross 3 <sup>Toll</sup> ~~XXXX~~ post then he asked me take 'U' turn. Then I took the car to left cross road, In between the 3rd and 2nd <sup>Toll</sup> ~~XXXX~~ post of Western Express High Way. Then I drove the car on Gachcha Road. It was about 7.00 to 7.30 p.m.

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11:30

I had stopped the car near small piece of land near to the roadside. He took <sup>out</sup> all the bags from the car one by one and carried to 15 mt meters away from car. On the Express Highway itself, he got filled another can with petrol and also bought one lighter. I ~~mark~~ only went near to him to give him the cans of petrol. I came back and sat in the car. He had poured the petrol ~~xxx~~ over all these bags and set on fire by lighting it with lighter. He then returned to car. He sat with me and I drove the car till we reach to Express Highway. On the Highway Mr. Emil started driving car. Then we came to my house. As I had injury to my palm, I could not work, so, Mr. Emil had started cleaning my house for removing blood stains. On the way, he had asked the shop-keeper of mattresses for stitching of mattresses cover. Two boys from the shop were joined to us and they took away mattress for stitching of covers. We returned to back our home at about 9.30 p.m. Mr. Emil, asked me to call the broker so that he can arrange for getting paint the walls of my house. Accordingly, I had called the broker for getting paint to the walls of my house.

At about 10.30 p.m. friend of ~~xxx~~ Niraj, Mr. Nishant called me on my cell phone. He informed me that Niraj could not found, so he <sup>is</sup> ~~xxxx~~ worried. He came to my building to collect the cell phone of Mr. Niraj. One Mr. Deepak was also with him. I gave cell phone of Mr. Niraj to Nishant. They asked me to join them for lodging police complaint about missing of Mr. Niraj. I went alongwith them to Malad Police Station, but Mr. Emil remained at my home. I don't know what complaint was lodged to police station by Mr. Nishant. My <sup>statement</sup> ~~statement~~ was also recorded ~~at~~ at Malad police station. I

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11/11/2004  
11:30  
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addl. Chief Metropolitan Magistrate  
9th Court, Bandra, Mumbai

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had made a false statement at Malad P. stn. because I was directed to do it by Mr. Emil. I returned back to my home with the police officer at 3.00 A.M. in the night. police officer also met Mr. Emil and asked him to come in the morning at police station for recording of his statement.

On 8th May, 2008 in morning, Mr. Emil had <sup>took</sup> ~~put~~ my laptop bag, a hand bag and one bag and put the feet mat in ~~his~~ the said bag and went to throw it. All these things were having blood stains. By 8.30 A.M. we went to house of Mr. Kiran and ~~we~~ returned the car to him. I also given the key of house to ~~broker~~ to paint to my house. By 9.00 A.M. we went to police station. A whole day, we were at police station till 3.00 p.m. We were again called in ~~the~~ evening at Police station. After attending the police station Mr. Emil had ~~catched~~ the flight for Cochin and left the Bombay. I remained in the police station till next day afternoon. I had informed to my relatives and my family members. My brother and sister came Bombay from Mhaiseer.

All the way, I had been in contact on the phone with Mr. Emil till I confessed before the police. All the while, he was threatening me not to tell anything to the police otherwise he will kill me and also kill himself. I say that Mr. Emil had killed Mr. Niraj in front of me.

I had also took the police to the places where Mr. Emil burnt the body of Mr. Niraj.

CERTIFICATE - I = Certified that the above confession was recorded in my presence and hearing by transmitting <sup>to</sup> ~~also~~ typed and the record contains a full and true account of the statement made by the accused.

Date: 28/05/08

I Read and Signed

x S. Maria Monica

WJ 28/5/08  
P. J. Shah  
ACM 9th Court

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Certificate - I :-



( P. J. SHAH )  
Addl. Chief Metropolitan Magistrate,  
9<sup>th</sup> Court, Bandra, Mumbai.  
Dated :

Certificate - II :-

"I have explained to Miss Maria Joseph Susairaj ( Name )  
that she is not bound to make confession and that, if she does so, any  
confession she may make may be used as evidence against her, and I believe  
that her confession was voluntarily made. It was taken in my presence and  
hearing and was read over to the person making it and admitted by her to be  
correct and it contains a full and true account of the statement made by her."

( P. J. SHAH )

Addl. Chief Metropolitan Magistrate,  
9<sup>th</sup> Court, Bandra, Mumbai.  
Dated : 28/5/08

Addl. Chief Metropolitan Magistrate  
9<sup>th</sup> Court, Bandra, Mumbai.

स्वामी नरमन  
  
परीत  
मुंबई  
२८/५/०८



103/02  
Addl. Chief Metropolitan Magistrate  
9th Court, Bandra, Mumbai.

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Certificate - III :-

"I certify that on the following grounds, I believe that the confession is genuine :

- (i) It is of her own free will
- (ii) It is voluntarily made
- (iii) It is ~~without~~ without any compulsion to her

I had taken the following precautions to remove the accused from the influence of police :-

- (i) No any police staff was allowed to remain in court Hall.
- (ii) Accused was not found restless.
- (iii) she was not found threatened by police.

I had given the accused Twenty hours time for reflection before recording the confession."

( P. J. SHAH )

Addl. Chief Metropolitan Magistrate,  
9th Court, Bandra, Mumbai.

Dated : 28/5/08

8. The accused after her confession has been recorded by me, is remanded to judicial custody and forwarded to the jail. for judicial custody till 29/5/08

( P. J. SHAH )

Addl. Chief Metropolitan Magistrate,  
9th Court, Bandra, Mumbai.

Dated : 28/5/08

Addl. Chief Metropolitan Magistrate  
9th Court, Bandra, Mumbai.