2002 hit-and-run case: Soul-searching by Mumbai police over 16 lapses in Salman Khan case

Nearly a month after Bollywood megastar Salman Khan was acquitted in the 2002 accident case, Mumbai police have done some soul-searching on alleged lapses that led to the legal defeat, officials said on Tuesday.

For starters, police top brass issued a circular to all police stations on the procedural lapses and discrepancies in the police case as vividly brought out in the Bombay High Court judgment that quashed the case against the actor.

The circular will serve as a veritable guideline to police personnel on how to probe accidents and accident-related cases in the future, especially those involving high-profile celebrities, actors or businessmen, an official explained while declining to be named.

The Maharashtra government has informed the high court that it would challenge the verdict in the Supreme Court soon and the police are currently preparing a watertight appeal.

The circular issued by Additional Police Commissioner (Crime) K.M.M. Prasanna's office asks all police officers to learn from the alleged mistakes of the investigating team in the Salman Khan case and ensure that these are not repeated.

Salman Khan was found guilty by the sessions court in May 2016 and convicted for, among others charges, culpable homicide not amounting to murder, and sentenced to five years in jail.

On December 10, 2015, in a hard-hitting judgment, the Bombay High Court acquitted him of all charges and quashed the lower court verdict.

The circular lists around 16 lapses in the case investigation that contributed to the adverse judgment and public reactions.

Prominent among these were collecting bills from Rain Bar, where the actor allegedly consumed liquor, without due certification under the Evidence Act as well as bills from J.W. Marriot Hotel and a parking tag that were not recorded in the 'panchnama' (record/document on identity of accused, articles seized from him/her), raising doubts about the evidence and where Khan went after leaving the Rain Bar.

The actor was present at Bandra police station from the morning of September 28, 2002, but was taken to Sir J.J. Hospital only in the afternoon for collecting blood samples.

Similarly, while the blood samples of the only person who died in the accident were collected at Bhabha Hospital in Bandra, it remained unexplained when Khan was taken to Sir J.J. Hospital in south Mumbai.

Also mentioned was the two-day delay in sending the collected blood samples to the forensic sciences laboratory on September 30. Since these were kept in the police station till then, the court said they may have been tampered with or not stored properly.

Even the chain of custody of the blood samples was not properly established and owing to a missing link, the biological evidence was not credible. The statement of the policeman who carried the blood samples from the hospital to the police station was not recorded nor was he examined.

Another lapse pertained to 6 ml blood drawn from Khan in two containers, though the lab received only 4 ml blood. The receiving clerk at the FSL was not examined while the investigating officer did not verify the medical papers while collecting them; even the blood

collection reports showed many discrepancies and defects which were admitted.

The actor was not charged under the Bombay Prohibition Act and in two places the FIR was altered without explanation.

Statements of the witnesses were not recorded under Section 161 of the Code for Criminal Procedure and nobody says Khan was driving the vehicle. While the defence said the vehicle tyre had burst leading to the accident, it (tyre) was not sent for forensic examination.

Lastly, British national and singer-actor Kamaal Khan, who was allegedly Salman’s co-passenger when the accident occurred, was not summoned as police witness in the case though his address was available with the police.