

Date : 16/12/2021.

C. C. No. 31/SW/2019

Exh.-9.

Deposition of Witness No. 1 for Prosecution.

I on solemn affirmation depose as under

My Name :- Murarilal Ramsut Meena.

Age :- 57 Year. **Occupation** :- Inspector attached to
RPF Mumbai Central.

Res. of :- Lower Parel, Mumbai.

Examination-in-Chief by Ld. P. P. Mr. Tripathi:-

In the year 2018 I was attached to Lower Parel Workshop Railway Protection Force Post as a Inspector. On 01/09/2018 I was present at the office itself. On that day at about 11.30 a.m. one lady was proceeding towards the gate of the Lower Parel Workshop with one plastic carry bag. She was working as a Sweeper within the premises of Lower Parel Workshop. On the main gate the Constable Rushabh Singh stopped the said lady and inquired with about the articles in the carry bag. She was frightened and could not give satisfactory answers. On further asking she told that she is carrying Copper Wire, which are used in the Air Conditioner unit, in the said carry bag. Accordingly the Constable informed me about the incident. Thereafter I also proceeded towards the said spot of the incident. I also inquired with her. She confessed before me that it is the property of railway department and she has committed theft of it.

2. Thereafter I called two panch witnesses as well as one lady constable there. In the presence of panch witnesses I seized those copper wires under the seizure panchnama. There were two pieces of copper wire. Length is mentioned in the panchnama and the same does not recollect to me now. The panchnama written and prepared at the spot itself. Now the said spot and seizure panchnama shown to me. Its contents are true and correct. It bears my signature and signatures of panch witnesses Rajesh Sharma and Kamlesh Balai, the writer Manojkumar as well as the thumb impression of the accused. It is at **(Exh.11)**.

3. On the same day I recorded the confessional/ disclosure statement of the accused wherein she confessed that the said pieces of wire were stolen by her from the paint shop at Lower Parel Workshop. The said statement was recorded by me in the presence of panch witnesses Rajesh Sharma and Kamlesh Balai. It bears my signature and signatures of panch witnesses Rajesh Sharma and Kamlesh Balai, the writer Manojkumar as well as the thumb impression of the accused. It is at (Exh.12).

4. Thereafter as per the directions shown by the accused we followed her and she took us all to the said paint shop in the Lower Parel Workshop. The said paint shop is situated at the North side in the said Workshop. There was one 'Almirah' kept in the said paint shop, facing toward Northen side. Accused told us that she had stolen the pieces of wire from this 'Almirah' itself.

5. The said 'Almirah' allotted in the name of Mahendra Vitthal More who is the Railway Employee. I asked the In-charge of the Work shop to call the accused No.2. there. Accordingly accused No.2. came there. He had the keys of this 'Almirah'. He opened the 'Almirah' with the help of those keys. There were two pieces of copper wire kept in the said 'Almirah'. I don't recollect its length but its cost was around ₹ 4,200/- (Four Thousand and Two Hundred). I took those pieces of wire in my custody and prepared its seizure panchnma in the presence of above panch witnesses. These panchnama titled as Leading Panchnama.

6. Now the said leading panchnama shown to me. Its contents are true and correct. It bears my signature and signatures of panch witnesses Rajesh Sharma and Kamlesh Balai, the writer Manojkumar, accused No.2. M. V. More as well as the thumb

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impression of the accused No.1. It is at (Exh.13). The photocopy of the map of the Workshop is annexed to the leading panchnama and that is the part of the panchnama.

7. Thereafter we returned back to Post, where I recorded confessional statement of accused No.2. Mahendra More. Accused No.2. confessed before me that one of the key of 'Almirah' is kept with accused No.1. as well and they cut the piece of copper wire which are sent to Workshop for repairing purpose and whenever they get the opportunity they take it outside the Workshop and sell it to the hawkers and share the proceeds of sale equally between them. Now said confessional statement shown to me. It bears true account of facts stated by accused before me. It bears my signature and signature of accused No.2. as well as the panch witnesses and the writer Manojkumar and Constable Rushabh Singh. It is at (Exh.14).

8. On the same day their body search were taken and they were arrested under the arrest panchnama. Now the arrest panchnama of accused No.1. shown to me. Its contents are true and correct. It bears my signature and thumb impression of accused No.1. as well as the panch witnesses and the writer Manojkumar and Constable Rushabh Singh. It is at (Exh.15).

9. Now the arrest panchnama of accused No.2. shown to me. Its contents are true and correct. It bears my signature and accused No.2. as well as the panch witnesses and the writer Manojkumar and Constable Rushabh Singh. It is at (Exh.16).

10. On the same day I sent the letter to Sr. Section Eng. requesting him to furnish the details of G.Aa Card and attendance of accused No.2. Mahendra More. Now the said letter shown to me. Its contents are true and correct. It bears my signature and acknowledgement of Chief Office Superintendent, Time Office, Lower Parel. It is at (Exh.17). In response to the said letter accordingly he furnished the certified copy of attendance sheet of accused No.2. of the months of August and September 2018. Now certified copies of those attendance sheet shown to me. These are the same copies. It bears my signature and signature of Sr. Section Eng. It is at (Exh.18 collectively). The photocopies of the G.A. Card of attendance sheet accused No.2. of August and September 2018 are produced on record.

11. Now the Memo on page No.30 and 31 are shown to me. Its contents are true and correct. It bears the signature of Sr. Section Eng. and me. It is marked at (Exh. 19) and (Exh.20) respectively.

12. Now I am shown the property certificate issued by Sr. Section Eng. Its contents are true and correct. It bears signature of Sr. Section Eng. and me it is at (Exh.21). I also recorded statement of Sr. Section Eng., panch witnesses, Constable Rushabh Singh, Constable Ravindra Savarkar, Supervisor Pankaj Singh, Writer Manojkumar, Lady Constable Pushpa. On completion of inquiry I submitted the report.

13. Now the seized property i.e. pieces of copper wire shown to me. There are only three pieces of copper wire which are produced before the Court from the one plastic bag. These wires are having rubber coating. The colour of rubber coating of first wire is Red, the second wire is Blue and the third wire is Yellow. It is marked Article X-

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1 collectively. The Red and Yellow colour was seized from the custody of accused No.1. at the main gate, whereas the Blue colour coating wire was seized from the 'Almirah' of accused No.2. Mahendra More. Actually I had seized two pieces of Blue colour coating wire from the 'Almirah' of accused No. 2 but I cannot assign any reason as to why only one Blue colour coating wire is available in the plastic bag. I cannot assign any reason about the second Blue colour coating wire.

Examination-in-chief is over.

Cross Examination by Advocate Mr. Vora for accused :-

Reserved.

R.O.A.C.

Date : 16/12/2021.
SRD.

Before me,
Sd/-
(J. C. Dhengale)
Metropolitan Magistrate,
36th Court, Mumbai Central,
Mumbai.