

Form of Recording Deposition

In the Court of : Judicial Magistrate First Class, Ambassa, Dhalai Judicial District.
Present : Miss. Ranjabati Roy.
Case No. : PRC (SP) 09 of 2022.

Deposition of witness No. **P.W. 3** for the prosecution recorded on oath or solemn affirmation under provision of OATHS ACT, 1969 (Act, 44 of 1969) on this **05th day of July, 2023** in the English Language interpreted by the Court.

Name:- Sri. Amar Debnath, S/O- Lt. Tarani Debnath, Age- 55 year, Of- Kulai Bazar, PS- Ambassa, Occupation:- Driver.

Examination-in-chief

On 18.05.2022 around 9 to 9.30 AM Badal Bhattacharjee called me over phone and instigated me by various ways. He further abused me with filthy language. Being the Upa-Pradhan of Panchayat I used to distribute various type of articles like agricultural products, chicken, eggs, pigs and other farming items. Badal Bhattacharjee used to call me regarding such distribution at his home failing which he used to abuse me verbally. On the day of the incident Badal Bhattacharjee called me to provide him ten sacks of lime (Choon) and when I refused to do so he started using filthy languages. Thereafter I also went to the bazar by my e-rickshaw (Tomtom) and Badal Bhattacharjee wrongfully restrained my e-rickshaw and physically abused me. He pulled me out from my tomtom and had beaten me by slaps and blows. He threw me at the ground due to which my skin of the hand also got injured and damaged.

Badal Bhattacharjee and Sayan Bhattacharjee had also stolen my money and mobile phone They also damaged my tomtom by breaking its glass and hitting its different parts by lathi. Then I hide myself at the Kulai bazar in order to save me from them. After some time I got a phone call from Ambassa PS stating that they came to provide security to me. Thereafter I was taken to the Ambassa hospital.

My e-rickshaw (tomtom), driving license, insurance papers were seized in my presence. I am a signatory to the seizure list of the said seizure as a possessor of the seized items. The signature of the said seizure list on identification is marked as **Ext. P2/PW3**. Number of my tomtom was TR04ER0711.

I was interrogated by the IO in regard to this case.

The accused persons are present before this court today and the witness have identified the accused persons by their face.

Cross- Examination

It is a fact that I am the Upa-pradhan at Purba Nali charra gram panchayat.

It is also a fact that I still performed the duties of Upa-pradhan.

It is a fact that I did not state to the IO that being the Upa Pradhan of Panchayat I used to distribute various type of articles like agricultural products, chicken, eggs, pigs and other farming items and Badal Bhattacharjee used to call me regarding such distribution at his home failing which he used to abuse me verbally.

It is a fact that I did not inform the IO that during the day of the incidence Badal Bhattacharjee asked to me provide him ten sacks of lime.

It is not a fact that I did not state to the IO that on that day of the incident Badal Bhattacharjee abused me by filthy language.

At this stage, attention of the witness is drawn by Ld. Defence Counsel confronting the witness with his previous statement recorded by the IO under Section 161 of Cr.P.C to which the witness admitted that there is no such statements but asserts to have made such statement to the IO but he cannot say as to why IO did not record it.

It is a fact that I did not state to the IO that after some time I got a phone call from Ambassa PS stating that they came to provide security to me.

It is a fact that I had a case against Susanta Ghosh in this court.

It is a fact that I have one case pending against me by Badal Bhattacharjee at the court of Ld. Assistant Sessions Judge, Ambassa.

It is a fact that I have also one case against me as Dharmanagar Court.

It is not a fact that I know that on 18.05.2022 Badal Bhattacharjee got admitted at the hospital.

It is a fact that both of us are the supporters of the BJP political party.

It is not a fact that I am a ill-reputed person.

It is not a fact that as I am a person of ill-reputation I was injured by mass thrashing on 18.05.2022 at Kulai Bazar.

It is not a fact that when Badal Bhattacharjee and Sayan Bhattacharjee protested against my corruption I have assaulted them as a result of which they were hospitalized.

It is not a fact that Badal Bhattacharjee and Sayan Bhattacharjee had not beaten me.

It is not a fact that Badal Bhattacharjee and Sayan Bhattacharjee had not stolen my money and mobile phone.

It is a fact that the no. of my tomtom is TR04ER0711.

It is not a fact that in order to get rid of the case filed against me at the court of Ld. Assistant Sessions Judge, Ambassa I have filed a false case against the accused persons by my wife.

It is not a fact that I do not go to the panchayat for performing my duties as I have been accused of corruption.

It is not a fact that I am deposing falsely before this court.

As dictated.

Read over and explained
to the witness and
admitted to be correct.

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Deposition of witness No. **P.W. 4** for the prosecution recorded on oath or solemn affirmation under provision of OATHS ACT, 1969 (Act, 44 of 1969) on this **05th day of July, 2023** in the English Language interpreted by the Court.

Name:- Sri. Somnath Chakraborty, S/O- Lt. Sujit Chakraborty, Age- 38 year, Of- Ambassa Bivekananda Nagar, PS- Ambassa, Occupation:- Business.

Examination-in-chief

On 26.05.2022 one blue colour Tomtom (e-rickshaw), one license and one insurance certificate were seized in my presence at Amassa PS.

I am signatory to this seizure list dated 26.05.2022 as a seizure witness and my signature on identification is marked as **Exbt. P3/PW4**.

Cross- Examination

It is a fact that an e-rickshaw was seized in my presence but I cannot recollect its number right now.

It is a fact that some days before the seizure a huge dispute took place between Amar Debnath with Badal Bhattacharjee and Sayan Bhattacharjee.

It is a fact that Badal Bhattacharjee and Sayan Bhattacharjee were beaten by Amar Debnath as a result of which they were hospitalized.

It is a fact that due to the act of Amar Debnath a mass agitation and turmoil took place in Kulai Bazar in consequence of which the crowd damaged the tomtom of Amar Debnath and also assaulted him.

It is a fact that after that by chance he fled away.

It is a fact that other locals like Mridul Datta and Jhantu Sarkar were witness to the incident.

As dictated.

Read over and explained
to the witness and
admitted to be correct.

