

**Sessions Case No.23/2016
Exh. No.13**

Deposition of witness No.2 for the State.

I do hereby on solemn affirmation state that :-

My name :- Rajesh Father's name :- Deepak Kamtekar

My age :- 34 years. Occu. :- Hotel business.

R/o. Bharad, Tal.Malvan, Dist. Sindhudurg.

Examination-in-chief by A. P.P. Mr. R.V. Desai for State.

On 28/11/2014 I was returning to my house from gym at about 5.45 p.m. by Malvan Talkies road through Pleasure scooter. That time there was a traffic on road, therefore, I slow down my scooter, that time accused Rajesh Ramesh Parkar came from my backside and assaulted me on my face by his fists and also kicked on my scooter. Therefore, I fell down. His two associates also assaulted me by kicks and fists. They also abused me at the time of assault. In that assault, I lost my gold chain with pendent due to break of chain. Thereafter, I called my father in house and also called my friends and informed the incidence. Thereafter, I went to police station and lodged the report. Police recorded my statement and obtained my signature. Now said report shown to me, is the same. It bears my signature. Contents therein are true and correct. *(At this stage Ld. Advocate Shri. Chindarkar for accused Nos.1 and 2 objected to mark exhibit said report as same is not F.I.R. and it is not in accordance with section 155 (1) of Cr.P.C.*

Ld. APP submitted that informant narrated the incidence to police and same is reduced in writing and after that he has signed the same. He further submits that, on the basis of said statement officer in-charge of police station reduced its substance in writing in prescribed form and registered and therefore, both report and said report in form needs to be exhibited.

I agree with the submission made by Ld. A.P.P., hence said report is exhibited.)

It is marked as **Exh.14**. Thereafter, police reduced said statement in form. Now carbon copy of said form shown to me, is the same. It bears my signature. Contents therein are true and correct. It is marked as **Exh.15**.

02. On same day at about 6.45 p.m. I was sent for medical examination. Accordingly, my medical examination is done in Malvan Government Hospital at about 7.30 p.m. Thereafter, I went to my house.

03. On 30/11/2014 my supplementary statement was recorded by police. On that day I given names of other two accused, who were accompanied accused No.1 and also assaulted me. They were Sainath Umesh Parkar and Girish Gurunath Pednekar. I was knowing Sainath Umesh Parkar from beginning. The name of Girish Pednekar came to know from other person.

04. On 30/11/2014 at about 8.00 to 9.00 a.m. police prepared spot panchanama. Spot of incidence was showed by

me. Accused before Court are the same.

(Examination-in-chief is completed.)

Cross-examination by Adv. Shri.V.P. Chindarkar
for accused Nos.1 and 2.

05. I stated to police that accused Sainath Parkar is known to me on 28/11/2014. It is true to say that, there is no reference in my statement dated 28/11/2014 i.e. at Exhs.14 and 15 that I know accused No.2 Sainath Parkar.

06. One person got that gold chain alongwith pendent and he delivered it to my father. I do not know on which date that person delivered it to my father, But, my father delivered it to me on 29/11/2014. I do not know the person who delivered said gold chain alongwith pendent to my father. The weight of said gold chain alongwith pendent was around 30 gms. I did not inform to police that said gold chain alongwith pendent is found. It is not true to say that, said chain was not misplaced, therefore, it was not communicated to police that it was found.

07. It did not happen that, I was called by police for identification of accused Nos.2 and 3. I stated to police that name of two unknown persons came to know by other persons. I did not state name of the person from whom I came to know name of accused Nos.2 and 3. It is not true to say that I am deposing false that, I was knowing accused Sainath Parkar from

beginning. Witness volunteers that, I was knowing him by face. It is true to say that, it is not written in Exhs.14 and 15 that I was knowing accused No.2 Sainath Parkar by face.

08. My report dated 28/11/2014 was taken down by police station officer Mr. Chodankar. I am studied up to B. com. I used to mention my name below my signature. It is not true to say that, signature on Exh.15 was not mine, because it did not bear my name below that signature. It is true to say that, my statement dated 30/11/2014 bears my signature. It is not true to say that contents in statement dated 30/11/2014 are false, therefore, police officer told me to sign the same. I was not called by written letter for recording my statement dated 30/11/2014.

09. On 28/11/2014 I went to police station at about 6.45 p.m. My house is situated near Malvan S.T. stand, Bharad. The distance between my house to Bharad Naka is about 4 to 5 minutes by vehicle. The distance between my house to Malvan police station is about 1 to 1.25 k.m. It is true to say that, the road between Malvan S.T. stand to Bharad Naka is a road of two way traffic. It is true to say that, there is only one road from Bharad Naka to Bazarpeth and that is one way. It is true to say that, the road going from talkies to Bharad Naka is one way. It is true to say that, there was a traffic on a road, because road was excavated for construction of gutter. It is not true to say that, I did not mention specific place of incidence in Exhs.14 and 15. It is true to say that, police used to stand on Bharad Naka. It is not

true to say that, as incidence is not occurred as alleged by me, I did not state to police, who was standing at Bharad Naka. Witness volunteers that, police was not there at the time of incidence.

10. It is true to say that, as there was a traffic, I was riding my scooter carefully looking towards traffic. Accused came from my backside by walk. It is true to say that, one cannot see who is coming from his backside.

11. Que.:- You have not stated to police how, where and when you saw 3 accused, is not stated by you to police ?

Ans.:- I saw them when I fell down.

12. It is not true to say that I am deposing false that, *“on 28/11/2014 I was returning to my house from gym at about 5.45 p.m. by Malvan Talkies road through Pleasure scooter. That time there was a traffic on road, therefore, I slow down my scooter, that time accused Rajesh Ramesh Parkar came from my backside and assaulted me on my face by his fists and also kicked on my scooter. Therefore, I fell down. His two associates also assaulted me by kicks and fists. They also abused me at the time of assault. In that assault, I lost my gold chain with pendent due to break of chain.”*

13. It is true to say that, on both side of the road at Bharad Naka, there are shops. It is not true to say that, the road going towards Malvan Bazarpeth is having curve at Bharad Naka. It is true to say that, Bharad Naka is a crowded area. It is

true to say that, the buildings situated at Bharad Naka, some are of ground floor and some are of more than one floor. It is not true to say that I am deposing false that, after alleged incidence I informed the incidence to my father and friends. I did not state to police that after incidence I called my father and friends and informed about the incidence. The traffic on a road going towards Malvan S.T. stand was of two way at the time of incidence. I do not know whether accused came by motorcycle or not.

14. I stated name of Utsuk Gaonkar as a witness while giving report. It is true to say that, there is no reference of Utsuk Gaonkar at Exh.14. It is true to say that, there is no reference of Utsuk Gaonkar in Para No.4 of Exh.15.

15. It is true to say that, there is overwriting on timing of occurrence of incidence written in Exh.15 and there is no initials. It is true to say that, in Para No.4 of Exh.15, one word is strike down, but no initials. It is true to say that, I did not receive copy of Exh.15. It is true to say that, police did not tell me to go to Court on that day.

16. It is not true to say that, I fell down on road as scooter was slipped. It is not true to say that as I sustained injuries in accident, by taking disadvantage of said injuries, I filed false case against accused. I did not give description of my clothes to police. I did not state to police description of clothes of accused. It is true to say that, when I fell down on road, my

clothes was dusted.

17. It is true to say that, accused No.1 is having shop of sweet products at Malvan Bazarpeth. I do not know whether in that shop accused No.1 used to do work alongwith his father and brother. It is true to say that shop of accused No.1 is situated at a distance of 100 to 150 meters from Masjid lane. It is not true to say that I filed false case against accused to harass them and deposing false.

(Cross-examination on behalf of accused Nos.1 and 2 is completed.)

Cross-examination by Adv. Shri. A.S. Dingankar
for accused No.3.

18. Cross-examination taken on behalf of accused Nos.1 and 2 is adopted.

Re-examination :- Nil.

Read over to the witness to which he admitted it to be correct.

Sd/-

Date :- 08.01.2020.
Sindhudurg Oros.

(P. R. Kadam)
Addl. Sessions Judge,
Sindhudurg-Oros.