

**Sessions Case No.23/2016
Exh. No.16**

Deposition of witness No.3 for the State.

I do hereby on solemn affirmation state that :-

My name :- Utsuk Father's name :- Subhash Gaonkar

My age :- 38 years. Occu. :- Driver.

R/o. Malvan, near S.T. stand, Tal. Malvan, Dist. Sindhudurg.

Examination-in-chief by P.P. Mr. S. K. Tayshetye for State.

On 28/11/2014 at about 5.45 p.m. I was returning to my house from Malvan Bazarpeth. On a way to my house, there is Bharad Naka. When I reached on Bharad Naka, I saw that people gathered there and there is hue and cry. Therefore, I went there. I saw that accused Rajesh Parkar, Sai Parkar and one other unknown person were assaulting Rajesh Kamtekar. They were also abusing Rajesh Kamtekar. I intervened between them and separated Rajesh Kamtekar from accused. Thereafter, Rajesh Parkar, Sai Parkar and other unknown person went through motorcycle by sitting triple seat. I did not come to know name of third person. I can identify accused, if shown to me. Three accused before the Court are the same.

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

02. I used to drive four-wheeler vehicle. I used to do

work of driver on any vehicle on call. It is not true to say that, Rajesh Kamtekar is my friend. He used to reside in my hamlet. It is true to say that, corporator Smt. Kandalkar, the wife of PW 1 Santosh Kandalkar used to reside in our hamlet. It is true to say that, I know Rajesh Kamtekar since last 15 to 20 years. It is true to say that, Rajesh Kamtekar is having hotel. It is not true to say that, I used to visit hotel of Rajesh Kamtekar frequently.

03. It is not true to say that on 28/11/2014 I went outside Malvan by vehicle. It is not true to say that, I am deposing false in respect of alleged incidence. It is not true to say that, on 28/11/2014 the road coming from Bazarpeth to S.T. stand was closed due to the work of construction of gutter. It is not true to say that I am deposing false that, on 28/11/2014 I was returning to my house from Bazarpeth by motorcycle. It is not true to say that, I did not give description or documents of my motorcycle to police, because I was not having motorcycle on that day.

04. It is not true to say that I am deposing false that, “on 28/11/2014 at about 5.45 p.m. I was returning to my house from Malvan Bazarpeth. On a way to my house, there is Bharad Naka. When I reached on Bharad Naka, I saw that people gathered there and there is hue and cry. Therefore, I went there. I saw that accused Rajesh Parkar, Sai Parkar and one other unknown person were assaulting Rajesh Kamtekar. They were also abusing Rajesh Kamtekar. I intervened between them and separated Rajesh Kamtekar from accused. Thereafter, Rajesh Parkar, Sai Parkar and

other unknown person went through motorcycle by sitting triple seat.”

05. It is not true to say that I falsely identified the accused as the persons who assaulted Rajesh Kamtekar. It is true to say that police did not call me for identification of third unknown person.

06. It is not true to say that, I did not meet police on 30/11/2014. Police recorded my statement on that day. I was in Malvan on 28/11/2014 and 29/11/2014. It did not happen that police called me to record my statement by written letter. It is not true to say that, police did not enquire with me. It is not true to say that I visited Court several times due to my driving profession.

07. Police recorded my statement on a paper. It is true to say that, the line in my statement that it was typed on computer, is wrong. It is not true to say that, shadow of buildings standing on southern side spread all over road at Bharad Naka. It is not true to say that, due to the shadow no one is able to see on road at about 5.45 p.m.

08. It is not true to say that, I did not witness the incidence, therefore, I did not give description of clothes of accused and their motorcycle to police. It is true to say that, I did not give description of motorcycle of Rajesh Kamtekar to police. It is not true to say that I am deposing false at the

instance of Rajesh Kamtekar and police.

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

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

09. 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 :- 18.01.2020.
Sindhudurg Oros.

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