

**Sessions Case No.33/2015
Exh. No. 52**

Deposition of witness No.4 for the State.

I do hereby on solemn affirmation state that :-

My name :- Rajesh Dipak Kamtekar

My age :- 35 years. Occu. :- Hotel Business,

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

Examination-in-chief by A.P.P. G. M. Todkari for State.

On 28/11/2014 I went for exercise at about 4.00 p.m. behind Rural Hospital, Malvan. At about 5.45 p.m. I was returning back to my home by Pleasure vehicle through Malvan Talkies. I went up to Bharad Naka. As there was traffic I slowed by vehicle. Meanwhile Rajesh Parkar, Girish Pednekar and Sainath Parkar came from behind and Rajesh Parkar boxed on my mouth by fist blows. He also kicked on my vehicle. Due to this act, I fell down. After this all the three accused assaulted me by fist blows and kicks. Shri. Nano Girkar, vendor of Vadapav rescued me from them. He took me behind the cycle store. Then I rang my father. Thereafter, my father and relative Balu Kandalkar immediately came at the spot. When father came at the spot, he told me to go to Rajesh Parkar to ask why he assaulted me? So, we started through Bazarpeth to ask Rajesh Parkar about the assault. We went up to Zaty Hospital. I noticed mob near Zaty Hospital. We stopped the vehicle and saw what had happened. We found that Rajesh Parkar, Sainath Parkar, Girish Pednekar, Ramesh Parkar and Ranjit Parkar were assaulting traffic police

Dhuri. Ranjit Parkar and Ramesh Parkar caughthold the neck of constable Dhuri and dragged him up to the house of Bilwadkar. Meanwhile police came over there. This incident happened around 6.00 to 6.10 p.m. As soon as police came at the spot, accused ran away by taking advantage of mob. Constable Dhuri was in traffic uniform at the relevant time. Police recorded my statement.

2. The Magistrate Court, Malvan also recorded my statement under section 164 of Cr.P.C. Now I am shown my statement recorded under section 164 of Cr.P.C. (The envelope of this statement is opened in the Court today.) It is the same. Its contents are true and correct. It bears signature of myself and concerned Judicial Officer. It is exhibited as **Exh.53**. I can identify the accused, if shown to me. Except Ranjit Parkar, all are present in the Court.

(Examination-in-chief on behalf of prosecution is completed.)

(In view of order below Exh.54, the cross-examination is deferred till next date)

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

Sd/-

Date :- 12.07.2022.
Sindhudurg Oros.

(Smt. Sanika S. Joshi)
Addl. Sessions Judge,
Sindhudurg-Oros.

Resumed on fresh oath.**Cross-examination by Adv. S.D. Desai for accused No. 1, 4 & 5.**

3. There was no quarrel between myself and accused prior to the incidence. Myself and accused were not knowing each other prior to the incidence. I went to the police station around 6.00 to 6.30 p.m. to inform the incidence. The police written down the complaint which was narrated by me. My father and Balu Kandalkar accompanied me in the police station. It took around 10 to 15 minutes to take my complaint. I left police station at about 7.15 p.m. I have not seen complainant Dhuri during my visit to the police station at the relevant time. It did not happen that police came at Bharad Naka and took me at the relevant time. After alleged assault I stopped near one house, but I don't know the owner of that house. I stopped near that house for 5 minutes. According to me, after alleged assault I started for police station via bazarpeth road.

4. The distance between Bharad Naka to Zaty Hospital is 5 minutes by bike. It did not happen that at the relevant time the Malvan bazarpeth road was closed due to underground drainage work. True that Malvan bazarpeth road is one way and the people can only enter in Malvan through that road. True that at the relevant time one way traffic was going on through this Malvan bazarpeth road. According to me alleged assault lasted for 5 to 6 minutes. I tried to resist during alleged assault to me. I did not notice any injuries to the persons who allegedly assaulted me while I was resisting. True that Bharad Naka spot has heavy traffic and rushy road in between 5.00 p.m. to 7.00 p.m. True that traffic police is appointed at Bharad Naka

spot to control the traffic during this period.

Que. At Bharad Naka spot Malvan P.S. has installed C.C. T.V. cameras ?

Ans. Presently those are installed at Bharad Naka spot, but I don't know whether those were installed at the relevant time.

It is not true to say that police were at Bharad Naka spot at the time of alleged assault to me. It did not happen that after alleged assault to me, I tried to find out the police, but I could not. There was a huge mob at the spot of the incidence after alleged assault to me. Neither myself nor anybody from the mob tried to catch the assailant.

(Further cross-examination is adjourned due to court time over)

R. O. & A.C.

Sd/-

Date :- 26.07.2022.
Sindhudurg Oros.

(Smt. Sanika S. Joshi)
Addl. Sessions Judge,
Sindhudurg-Oros.

Resumed on fresh oath

Further cross-examination by Adv. S.D. Desai
for accused No. 1, 4 & 5.

4.

(Cross-examination on behalf of accused No.1, 4 & 5 is completed.)

Cross-examination by Adv. Shri. Y. R. Khanolkar
for accused Nos.2.

(Cross-examination taken on behalf of accused No.2 is completed.)

Cross-examination by Adv. V. P. Chindarkar for accused No.3.

Re-examination :- Nil.

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

Date :- 26.07.2022.
Sindhudurg Oros.

(Smt. Sanika S. Joshi)
Addl. Sessions Judge,
Sindhudurg-Oros.