

**Sessions Case No.33/2015
Exh. No.43**

Deposition of witness No.2 for the State.

I do hereby on solemn affirmation state that :-

My name :- Vitthal Vasant Dhuri,

My age :- 38 years. Occu. :- Police Naik, B. No.561,
Vengurla Police Station.

R/o.Vengurla, Tal. Vengurla, Dist. Sindhudurg.

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

1. On 28/11/2014 I was attached to Malvan Police Station as police constable. Before the incident I was working at Malvan Police Station for five years. On 28/11/2014 I was on duty as traffic control, Nakabandi and patrolling at Bharad Naka. The said duty was fixed on 27/11/2014 on roll call. I was present in police station at the time of roll call. The allotment of duty is recorded in Duty Batavada Register. PC Fernandes was also on Nakabandi duty with me.

2. On 28/11/2014 I went to police station and thereafter on my dress I started proceeding to my duty at Bharad Naka at 9.05 a.m. by making entry in station diary. I was wearing the dress of traffic police i.e. white shirt and khaki pant. I conducted duty up to 1.00 p.m. and went to police station. Thereafter at about 4.00 p.m. I alongwith PC Fernandes went to Nakabandi duty at Bharad Naka. We conducted Nakabandi duty up to 6.00 p.m. At about 6.00 p.m. we started proceeding for bazar

patrolling. While patrolling PHC Kadam, B. No.604 met us. We took him with us. Thereafter, we started proceeding towards bazarpeth by motorcycle bearing registration No. MH-07/G-0020. At Gaonkar Naka there was work of digging road was going on and it was not possible to proceed by any vehicle. Therefore, we started proceeding to Bharad Naka. We reached near Zaty Hospital at 6.10 p.m. I saw one motorcycle coming from opposite direction by carrying three persons. Therefore, I gave signal to them to stop. The motorcycle was not having any number plate. It was Bajaj Pulsar motorcycle. Girish Pednekar was riding the motorcycle and Rajesh Parkar and Sail Parkar were pillion riders. I asked them to show the driving license and the documents of the vehicle for verification. They did not show the documents of the vehicle and the driving license and started arguing with me. They started abusing me by saying that "they will not show the documents and pay the fine, you do whatever" and accused Rajesh Parkar caught hold me by hugging. Accused Sail Parkar twisted my left hand. Therefore, I sustained injury to my left shoulder. Sail Parkar gave fist blows on my ear and abdomen. At that time Ranjeet Parkar and Ramesh Parkar came there while running. They also abused me and started arguing with me. They scuffled me and dragged in a lane near the house of Bidvalkar. PHC Kadam tried to rescue me, but they scuffled him and abused him. People gathered there. The lane was narrow. In the lane the accused had pressed my mouth and neck. They were saying that, "this police should not be kept alive". They dragged me inside the Gadga situated towards backside of the house of Bidvalkar. Ramesh Parkar caught hold both my legs. Ranjeet Parkar pressed my neck and mouth. After sometime

police staff including Police Naik Parulekar, PC Rane and P.C. Sarang came there. Thereafter, the accused ran away. Thereafter, I went to the main road. The in-charge of police station PI Bulbule met me. I narrated the incident to him.

3. Due to the scuffle and assault, my shirt was became dirty and two buttons were cut down. The whistle and its clip was also fallen down. Due to the incident I could not perform my duty. Thereafter, I went to the police station. The incident was noted in station diary and I was referred for medical examination. PC Parab took me for medical examination and treatment. I was examined and provided medical treatment at Rural Hospital, Malvan at about 7.30 p.m. Thereafter, I went to Malvan police station and lodged report of the incident. The complaint now shown to me, is the same. It bears my signature. Its contents are true and correct. It is at **Exh.44**.

4. I can identify the accused, who had assaulted me. The accused are present before Court.

5. After recording my complaint, I handed over my shirt to police and it was seized. On next day I was called on the spot of incident by API Keram for pointing out the spot of incident. I had pointed out the spot of incident to him. On the spot of incident near a shed my whistle and its clip was found. Two buttons of black colour of my shirt were found in the lane. Accordingly, the spot panchanama was prepared. I can identify the buttons, shirt, whistle and its clip, if shown to me.

6. Now I am shown muddemal shirt Article-1, is the same my shirt. It bears my name plate. I had worn the said shirt at the time of incident. Now I am shown the muddemal two buttons of shirt, are the same. It is at Article-2. The said buttons are of my shirt Article No.1. Now I am shown muddemal whistle, is the same. It is at Article-3. Now I am shown muddemal clip, is the same. It is at Article-4. I can identify the motorcycle by which the accused were proceeding.

7. Today I have brought my identity card to show that I am serving in Police Department of Sindhudurg District.

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

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

(In view of order passed below Exh.45, the cross-examination is adjourned till next date.)

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

Date :- 10.12.2021.
Sindhudurg Oros.

(R. B. Rote)
Addl. Sessions Judge,
Sindhudurg-Oros.

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

8. I had been to hospital for medical treatment on 28/11/2014 at about 7.30 p.m. For taking medical leave in illness it is necessary to furnish medical certificate. I had not applied for medical leave before 8 to 10 days of the incident. Before the incident I had no occasion to take medical treatment from Dr. Navangul of Kudal.

9. On 28/11/2014 my duty hours were 9.00 a.m. to 9.00 p.m. During the said hours I used to do different duties like Nakabandi, patrolling and traffic duty. The said entry was made in Duty Batwada Register. The then in-charge of the police station used to allot the duties. It is not true that my duties hours were from 20.00 hours on 27/11/2014 to 20.00 hours of 28/11/2014. Now I am shown Duty Batwada Register. It is true that in the Duty Batwada Register my duty was shown 20.00 hours on 27/11/2014 to 20.00 hours of 28/11/2014. Police Constable Fernandes was not with me in the entire duty hours. It is not true that in Duty Batwada Register my duty and the duty of PC Fernandes was shown jointly. Except Nakabandi duty myself and PC Fernandes were on different duties. Myself and PC Fernandes were not proceeded to duty in the morning at the same time. On that day PC Fernandes met me first time at 16.00 hours. I myself and PC Fernandes were together till 18.00 hours. I do not know where Fernandes gone at 18.00 hours. Now I am shown the Duty Batwada Register. Since this document is referred in cross-examination, it is marked as **Exh.48**. It is true that as per said

Duty Batwada Register myself and PC Fernandes were allotted duties from 20.00 hours of 27/11/2014 to 20.00 hours of 28/11/2014 at Bharad Naka and Nakabandi. It did not so happen that we went to other work by leaving the duty. On that day we had been to Bharad Naka for Nakabandi. It is not true that on that day since I was given duty at Bharad Naka, I had no right to go to other place. At about 6.00 p.m. when I left Bharad Naka, no police officer was present there.

Que. Whether before going to Barzarpeth from Bharad Naka, you have mentioned to police station by phone call and to take entry in station diary ?

Ans. In the morning I had left police station by making entry and there was no necessity to make entry every time while leaving the point as it comes under the traffic duty.

It is not true to that in the Duty Batwada Register at Exh.48, there is no entry regarding allotment of traffic duty and patrolling to me.

10. On that day after medical treatment, I cannot tell when I reached to police station. Malvan Municipal Council had not given me a letter stating that the work of road is in progress and to take the traffic by another road. I was knowing Rajesh Kamtekar. He was having a hotel beside the S.T. stand. I had not visited Rajesh Kamtekar on 28/11/2014. On that day first time I saw accused No.1 at 18.10 hours in front of Zaty Hospital on road. On that day at about 18.00 hours I was at Bharad Naka. It

requires two minutes to reach from Bharad Naka to Zaty Hospital by motorcycle. It is true that both sides of the road from Bharad Naka to Zaty Hospital, there are shops and it is the main market place. It is true that at about 6.00 to 6.30 p.m. there is always crowd on the said road. It is true that there is a junction of 5 roads at Bharad Naka, therefore, there is always traffic. It is true that therefore, there is always traffic police remains at Bharad Naka at evening time for controlling the traffic. It is true that 6.00 p.m. it is pick hour of traffic, therefore, traffic police used to control the traffic at Bharad Naka.

Que. At about 6.00 to 7.00 p.m. as there is always heavy traffic, the traffic police at Bharad Naka are not leaving Bharad Naka unless there is emergency ?

Ans. On that day while doing duty at Bharad Naka, the two wheeler riders going to Bazarpeth were returning back, therefore, I went there to see what happened.

I had stated the above fact while lodging the F.I.R. According to me, in Bazarpeth the road was under repairs, therefore, I had been there. Motorcycle patrolling is mentioned in Duty Batwada Register, it means patrolling by motorcycle. I know the difference between patrolling and clearing the traffic, if it is blocked. According to me, my Nakabandi duty was completed at 18.00 hours.

Que. Whether it happened that while returning after patrolling in Malvan Bazarpeth, the incident was occurred?

Ans. I had been to see whether the road was under repairs, while returning from that place, the incident was occurred.

It is not true that it is not mentioned in my complaint that the two wheeler riders were returning back, therefore, I had been there to see what happened.

(Further cross-examination is adjourned as court time is over)

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

Sd/-

Date :- 22.03.2022.
Sindhudurg Oros.

(R. B. Rote)
Addl. Sessions Judge,
Sindhudurg-Oros.