

Judicial Form No.7(R)

Form for Recording Deposition

In the Court of : **Sub-Divisional Judicial Magistrate, Sabroom, South Tripura.**

Present : **NR Rakesh Das,**

Case No. : **PRC(SP) 48 of 2022.**

Deposition of witness No. PW-2 for the prosecution recorded on oath or solemn affirmation under provision of OATHS ACT, 1969 (Act, 44 of 1969) on this 5th Day of February, 2024 in the English language interpreted by me.

Name –**Sri Pramatha Acharjee, S/O**–Lt. Prafulla Kumar Acharjee Age of -64 year, Residence of –I am residing at West Harina, PS- Sabroom, District - South Tripura, Occupation –Retired person, Hindu, Literate.

Examination-in-chief:-

Examination-in-chief is already done on 20th day of November 2023.

Cross-Examination:-

1. I have not justified the cause of delay of four days before lodging the instant case while recording my evidence before this Court or in the written ejahar.
2. After 4-5 days from the alleged incident the IO of this instant case have recorded my statement U/S 161 Cr.P.C.
3. At this juncture Ld. Defence Counsel draws attention of the witness towards his statement recorded by the IO U/S 161 Cr.P.C where he has mentioned that on “25/07/2021 at about 12:30 PM Sri Pravath Das and Sri Prahalad Das were chopping down a tree on a disputed land.”- To this witness asserts that he have not mentioned that the tree was situated on a disputed land. And he is not sure why the IO has mentioned this in his statement recorded U/S 161 Cr.P.C. Disputed part is marked in red ink to be verified by the IO. It is not a fact that the tree was situated on the allotted land which is mentioned in the Khatian of the alleged accused persons.
4. It is not a fact that from the Khatian of Sri Haripada Gosh I along with Sri

Gopal Das, Smt. Bina Acharjee and Sri Tamal Bhowmik have forcefully taken over some portion of land. It is also not a fact that regarding this dispute a case is pending before the SDM Court. The witness voluntarily stated that on hearing has been completed before the SDM Court and the case is pending for further order.

5. At this juncture Ld. Defence Counsel draws attention of the witness towards his statement recorded by the IO U/S 161 Cr.P.C where he has mentioned that on “on 25.07.2021 between 12pm to 12:15 pm I heard some sound of chopping of woods were coming from the western side of my house and the distance approximately 100 meters. After hearing that sound I went to that direction and saw that Sri Pravath Das and Sri Prahalad Das chopping down one Kanak tree (25 years old).” the statement was found from in the written ejahar and in the statement of the witness under section 161 Cr.P.C.

6. It is true that the first house which is located on the brick soling road leading from the national highway is owned by the alleged accused persons. It is true that their rubber plantation is situated adjacent to their home. The first home on the right hand side on the brick soling road is owned by Sri Pratap Debbarma. It is true that one Kali temple is situated on that brick soling road and in order to reach my home one has to cross that Kali temple and take the left hand turn. The distance between the National Highway and the Kali temple is approximately 50 meters. The distance between my house and that Kali temple is approximately 30 to 40 meters. It is true that Sri Gopal Acharjee, Haradhan Debnath, Dipak Debnath and Sri Kanu Banik are my neighbours. It is also true that one has to cross their homes before reaching my house which is situated below their home.

7. It is true that the adjacent land which is situated near the Kali temple is lying vacant and it is owned by me.
8. It is not a fact that in order to grab that land Sri Tamal Bhowmik has prepared one false Khatian in his favour.
9. The distance between Sabroom Sub-Divisional Hospital and the alleged PO is approximately 8-9 kilometres and it takes 10-12 minutes to cover this distance.
10. It is not a fact that whatever I have stated that in my examination-in-chief are all false.
11. It is not a fact that the land appertained in Khatain No. 483 is not owned by my wife and Sri Tamal Bhowmik is not the original owner. It is not a fact that Sri Tamal Bhowmik is not the friend of my younger brother.
12. It is not a fact that in order to grab the land owned by the alleged accused persons I have filed a false case against them.

*Typed to my dictation
and corrected by me.*

*Read over and explained to the
witness and admitted to be
correctly recorded.*

(NR Rakesh Das)