

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- 09** for the prosecution recorded on oath or solemn affirmation under provision of OATHS ACT, 1969 (Act, 44 of 1969) on this **17th day of January 2025** in the English language interpreted by me.

Name – SI Dipu Debbarma, S/O Lt. Sushil Debbarma, Age of 51 year, Residence at- Simna, Daptari Para, PS- Sidhai, District- West Tripura, Occupation- Government employee.

Examination-in-chief:-

1. Currently I am posted at Bagma outpost. On 19.08.2021 I was posted at Sabroom PS. The instant case was registered by the then I/C O/C Inspector Sanjoy Laskar on 19.08.2021. I am acquainted with the signature of Inspector Sanjoy Laskar as I have worked with him for a long time. This is the signature of inspector Sanjoy Laskar on the FIR, and upon identification it is marked as **exhibit-4**.

2. On 19.08.2021 Inspector Sanjoy Laskar endorsed this case to me for investigation. After receiving the responsibility to investigate this case I have met with the complainant and the complainant has shown me the PO. After visiting the PO I have prepared the hand sketch map and the index of the hand sketch map under my signature. This is the hand sketch map that I have prepared and this is my signature thereon. Upon identification the hand sketch map is marked as **exhibit-5** and the signature is marked as **exhibit-5/1**. This is the index of the

hand sketch map and this is my signature thereon. Upon identification the index of the hand sketch map is marked as **exhibit-5a** and the signature is marked as **exhibit-5a/1**.

3. Thereafter, I have recorded the statement of six available witnesses under section 161 of Cr.P.C.

4. Thereafter, I have issued notice to the accused person under section 41(A) of the Cr.P.C and subsequently I have collected the injury report of the victim from Sabroom SD hospital.

5. I have examined Sri Litan Das and have recorded his statement under section 161 of Cr.P.C. Sri Litan Das has stated before me that on 25.07.2021 at around 12:30pm he and Sankar Paul were having conversation on the road. At that moment I saw that the accused person Pravat Das and Prahlad Das were physically assaulting Sri Pramatha Acharjee with fist and punches, and during the physical assault Sri Pramatha Acharjee had received injuries on his chest and back. After hearing the scream of Sri Pramatha Acharjee both I and Sankar Paul went to the location and separated the victim from the accused persons. Subsequently Sri Partha Acharjee and Tamal Bhowmik heard about the incident and arrived at the location. Thereafter Sri Pramatha Acharjee was taken to Sabroom hospital by Sri Pratha Acharjee and Tamal Bhowmik.

6. The quoted portion of the examination-in-chief of Sri Sankar Paul which was marked in red ink has been confirmed by the IO.

7. After completion of the investigation I have submitted the charge sheet

vide No. SBM PS charge sheet No. 06/2022 dated 31.01.2022 under 341/323/506/34 of the IPC against the accused persons namely Sri Pravat Das and Sri Prahlad Das.

8. The witness has identified the accused person by name and face before the Ld. Court.

Cross-Examination:-

1. During the course of investigation I have found that the alleged incident had allegedly occurred on 25.07.2021 and the FIR was registered on 19.08.2021, that is after 25 days from the date of alleged offence. During the investigation I was unable to determine the cause of delay of 25 days before filing the FIR.

2. In the charge sheet I have not mentioned that the alleged PO was identified by the complainant to me.

3. In the hand sketch map which has been marked as exhibit-5 I have depicted the residence of Sri Pratap Debbarma as point -E. Apart from the residence of Pratap Debbarma and the residence of alleged accused person Sri Pravat Das I have not marked or shown the residence of any other person in the hand sketch map. I have not cited Sri Pratap Debbarma as a prosecution witness in this instant case.

4. During the course of investigation I have not verified the claim made by the complainant that the alleged incident occurred inside the land which is owned by her. I have also not requested any tahasildar or RI of that locality to verify about the owner of that alleged land.

5. I have not seized any articles from the PO.
6. The IO has verified the statement to which is attention was drawn on point No.3 of his cross-examination where he has mentioned that on 25.07.2021 at about 12:30pm Sri Pravat Das and Sri Prahlad Das were chopping down a tree on a disputed land.
7. In the charge sheet I have not mentioned that I have sent a requisition to Dr. Shambu Majumder for obtaining the medical injury report of the victim Sri Pramatha Acharjee. It is not a fact that I have not submitted any requisition before Dr. Shambu Majumder for obtaining the medical injury report of victim Sri Pramatha Acharjee. It is not a fact that I have submitted a fabricated medical injury report with the charge sheet.
8. It is not a fact that I have conducted the investigation in a perfunctory manner and submitted a mechanical charge sheet against the alleged accused persons.

Typed to my dictation
and corrected by me.

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

(NR Rakesh Das)

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- 08** for the prosecution recorded on oath or solemn affirmation under provision of OATHS ACT, 1969 (Act, 44 of 1969) on this **17th day of January 2025** in the English language interpreted by me.

Name – Dr. Sambhu Majumder, S/O Sri Dipak Kumar Majumder, Age of 33 year, Residence at- Manubazar PS- Manubazar District- South Tripura, Occupation- resident doctor at RIMS Imphal.

Examination-in-chief:-

1. On 25.07.2021 I was posted at Sabroom SD hospital.
2. On 25.07.2021 at around 2:45pm Sri Tamal Bhowmik brought his neighbour Sri Pramatha Acharjee at Sabroom SD hospital emergency ward with ticket no. 7517 for treatment.
3. The patient had a history of physical assault followed by trauma on chest, punching by hand by some person on 25.07.2021 at 12:30pm.
4. After general examination I have found that the patient had a superficial bruise at his right mid clavicular line, six centimeter below clavicle, approximately 2.5 centimeter radius. The patient had mild tenderness on the right side of chest.
5. After examining the patient I had given him conservative oral medication and had advised him to go for x-ray. However the patient did not go for x-ray and as a result I was unable to determine the type of injury. In my opinion the

injury was caused by a blunt weapon.

6. On 20.09.2021 I had received a requisition vide No. 5974-76/F.4/SP(CS)/SP/BLN 2021, 20.09.2021 and vide this requisition letter I was asked to prepare the medical injury report of the patient namely Sri Pramatha Acharjee.

7. On 28.09.2021 I have prepared the injury report of the patient namely Sri Pramatha Acharjee under my signature in connection with case No.SBM PS Case No. 2021/SBM/043 dated 19.08.2021. This is the medical injury report that I have prepared and this is my signature thereon. Upon identification the medical injury report is marked as **exhibit-03** and the signature was marked as **exhibit-03/1**.

Cross-Examination:-

1. When I was posted at Sabroom SD hospital, there were three different shifts for emergency ward. The detailed time format of the shifts are as follows:

(a) 08:00am to 02:00Pm (first shift)- first doctor will be posted at the emergency ward.

(b) 02:00pm to 08:00pm (second shift)- second doctor will be posted at the emergency ward.

(c) 08:00pm to 08:00am (third shift)- third doctor will be posted at the emergency ward.

I was the only on duty doctor on 25.07.2021 on the second shift that is from 02:00pm to 08:00pm.

2. It is a fact that the patients which are brought before the emergency ward

with police cases their information are recorded in the medico legal case register.

3. In the medical report which has marked as exhibit-3 does not contain the page number or the serial number of the MLC register containing the details of the patient/ victim of this instant case.

4. the term superficial is equivalent to fresh, and in the medical injury report I have mentioned about the type of injury as it was not determined due to the nonavailability of x-ray of chest of the patient.

5. The patient did not meet me with the x-ray report on or before 28.09.2021, that is the date of preparation of Medical injury report.

6. It is a fact that if a person falls down on a brick soling road from his motor cycle he may received similar injuries as the patient on his chest.

7. It is not a fact that I have prepared the medical injury report in a mechanical way as I did not have accesses to the MLC register while preparing the medical injury report of the patient.

Typed to my dictation
and corrected by me.

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

(NR Rakesh Das)