

H.C Civil Form No. (J)1

FORM FOR RECORDING DEPOSITION
In the 2nd Court of Additional Sessions Judge, Uluberia, Howrah.
S.T no.112 (u) of 2015

Present: Sri Ratan Kumar Das, Additional Sessions Judge, Uluberia,
Howrah.

Deposition of witness no. 1 for the State taken on oath/solemn
affirmation on the 16th day of April, 2018.

My name is Sk. Abul Kalam Ali	Son of late Sk. Akbar
By religion Muslim	My age 43 years
I reside at Village- Alipukur Bhandari Para P.O.Bahira	P.S. Uluberia
District- Howrah	
My occupation Jori Worker.	

PW-1/ Sk. Abul Kalam:

1. Rojina Begum is my niece.
2. Her marriage was given to one Akhtar Ali Mallick about five years ago.
3. After her marriage she went to her in laws house and about first six months she was well and good and after six months her husband and mother in law used to inflict torture by both way physically and mentally.
4. All the accused persons are present in the Courtroom (identified).
5. They demanded money and used to say that “Taka paisa na niyeasle toke ghar korte habe na”.
6. They used to create pressure upon my niece to bring money from her father’s house.
7. My niece when used to visit our house at that time she used to say about those incident to her father as well as to me.
8. Two to three times we went to her in laws house and reconciled with her in laws and we kept her in her in laws house in order to save her future matrimonial life.
9. On 12.01.2015 my niece came to my house and told that her mother in law told, “Taka paisa dite habe ar na hole amake galai dori diye taniye debe bolechhe”(objected to).
10. In the evening on 12.01.2015 myself and my elder brother took my niece to her in laws house and kept there (objected to).
11. On 13.01.2015 at about 5:30 pm the father in law of my niece made a telephone to my elder brother while he was working in the field and told that, “Tomar meyer khub sarir kharap, tumi tara tari Uluberia hospitale chole aso”.

12. All our family members went to Uluberia hospital and found my niece was on the bed in the Emergency Department.
13. Thereafter, on being asked the treating doctor told us that she died some time ago.
14. After being asked the husband and parents in law of my niece told us that, “galai dori niye mara gachhe, tara tari bari niye giye kabar diye dao, ekhane besi bara bari koro na”.
15. Thereafter, after discussing the matter with the doctor we went out from hospital but none of them were found by us.
16. Thereafter, we returned to our home to discuss about the matter of death of my niece to what extent we have to do.
17. The doctor of the hospital told us to hold P.M. examination on the next day but we discussed and told to doctor to do the same on the same date and accordingly on that date postmortem was done.
18. Thereafter, we brought the dead body to our house after holding the postmortem.
19. Thereafter, we told to our nephew Rejaul Ali Gayen to write a complaint and he wrote the same and thereafter we lodged the complaint with the P.S.
20. This is the said written complaint which bears my signature.
21. This is my signature on the original written complaint. **(Exhibit-1/1)**.
22. Thereafter, we returned to dead body and police held inquest in my presence and obtained my signature on the inquest report.
23. This is the carbonic impression of my signature on the carbon copy of the inquest report **(Exhibit-2/1)**.
24. After one day police came to our house and seized one ‘Gamchha’ from the ceiling of house of Akhtar under the cover of a seizure memo in my presence and obtained my signature.
25. This is my signature on the seizure list dated 15.01.2015 **(Exhibit-3/1)**.
26. This is the said ‘Gamchha’ **(Mat Exhibit-I)**.
27. Thereafter, we cremated(Kabar) the dead body after the seizure of that ‘Gamchha’.

Cross by defence:

1. Our family is a big family of Alipukur.
2. Near about 50 persons are in our family.
3. We are four brothers.

4. It is fact, the father of Rojina used to work in field and he spend his whole day in the field also.
5. He used to work in our locality only.
6. It is fact, the mother of Rojana used to under take all the domestic work over the day.
7. Her elder sister Afsana Begum married in the nearby village.
8. Besides our family members there are so many relatives in that village.
9. We have no enmity with Atiar Rahaman Bhandari, Rejaul Ali Gayen, Hasanur Jaman, Muktaran, Nejima, Asmina and Marupali Gayen.
10. You all brothers are residing in the same village with our own work.
11. It is fact, I used to work in a slaughter house for my own business in the village of Parijat.
12. It is fact, there are so many households and shops and establishment surrounding the house of Akhtar.
13. Our village Alipukur is in the Panchayat area and the house of the accused is in the Municipality area.
14. It is fact, our many relatives and well wishers are residing surrounding the house of the accused.
15. We have good terms and relation with those relatives and well wishers till date.
16. It is fact, we four brothers took information about the husband of Rojina prior to her marriage and after taking their whole information we negotiated the marriage and thereafter gave the marriage of Rojina with Akhtar.
17. My mother is alive aged about 65/66 years.
18. It is fact, we had intimacy and visiting terms and receiving of relationship and cordial relation with the family of Akhtar prior to the death of Rojina.
19. Afsana's house is 15 minutes walking distance from my house.
20. My mother used to visit the house of Rojina prior to her death.
21. It is fact, Saidul the father of Akhtar was suffering from cancer and he is now dead.
22. My house is 20 minutes walking distance from Uluberia P.S.
23. My house is 3 minutes walking distance from the house of Rejaul Ali Gayen.
24. My house is 10 minutes walking distance from the house of Atiar Rahaman Bhandari.
25. Never we made any complaint to any authority or to any body alleging that the torture upon Rojina prior to her death.

26. We did not approach any where for stopping the torture by the accused person upon Rojina.

27. It is fact, today is the first time I am deposing about the incident of this case and prior to this date never I told in such a fashion of in such manner about the incident of this case to anyone.

28. Never I gave any information or evidence to the police to show that my niece Rojina was tortured by her husband or in laws.

29. It is fact, I do not know the meaning of the words, “Prarthana, nibedan, binito, badhito, emotabasthai, gannya, seize and Alamat” never I told such words to anybody at any time.

30. All the documents and their contents were read over by my Bhaipo Rejaul Ali Gayen upon me and thereafter I put my signature which are proved today on three documents.

31. I put my signature on 5/6 documents in connection with the incident of death of my niece Rojina.

32. All the signatures were put by me in the P.S. as well as in the hospital.

33. My Bhaipo Rejaul Ali Gayen and Atiar Rahaman Bhandari had no good terms with the P.S. and police.

34. Never I handed over any documents to the police to show that my niece Rojina was tortured by anybody at any time.

35. Rejaul Ali Gayen is not the son of my four brothers.

36. I am not aware about the contents of the document which was written by my Bhaipo and for which reason I put my signature on that document.

37. Not a fact, I have not stated the incident of 12.01.2015 that “on 12.01.2015 my niece came to my house and told that her mother in law told, “Taka paisa dite habe ar na hole amake galai dori diye taniye debe bolechhe” and in the evening on 12.01.2015 myself and my elder brother took my niece to her in laws house and kept there” to my Bhaipo Rejaul and to police.

38. Never I stated to my Bhaipo, police or anybody that who demanded money to whom at which place at what time and the amount of money.

39. I cannot say the exact dates on which myself and my elder brother went to the house of Rojina and to reconcile her as well as her in laws and never I stated such dates to anyone.

40. I cannot say the exact dates on which Rojina told us that her in laws demanded money and she told us about such demands.

41. Rojina was fair complexion than Akhatar.

42. It is fact, outside of the Court I was gossiping with Akkash and Rejaul Ali Gayen prior to boarding on the dock.
43. Bahira, Alipukur, Dhulashimla are adjacent with each other.
44. My third brother is working at Dhulashimla from his house.
45. It is fact, after the incident of this case all the accused persons surrendered before the P.S.
46. There are so many educated persons in our locality.
47. It is fact, my niece Rojina used to undertake all the domestic household work including cooking and serving in accordance with her own choice.
48. I cannot say at this stage the dates and time of my all children.
49. We are the famous family in our locality.
50. Not a fact, I have not stated the exact dates on which Rojina came to our house prior to her death and on which date was marriage was given to my Bhaipo or to any police.
51. This type of Gamchha (Mat Exhibit-I) is available in open market and in many families.
52. It is not possible for me to say that this Mat Exhibit-I was seized my presence from the house of the accused for want of any signature of myself or the police or any sign as was there.
53. It is fact, this Mat Exhibit-I brought out by Constable from an open polythene bag without any seal, label and packet.
54. Police broken the padlock of the house of the accused and brought out one Gamchha since there was none in that house.
55. Marupali Gayen is my cousin brother.
56. There were 200/250 persons gathered while police broken the padlock and brought out one Gamchha from the house of accused.
57. Many people amongst those gathering were interrogated by police.
58. Not a fact, all of our family members are in one side and I am separately in another side.
59. Not a fact, as all of my family members are in one side and I am separately in another side that is why I discussed over the issue of death of Rojina with Rejaul Ali Gayen I have started this case and I put my signatures on every documents and I am deposing falsely as per my discussion and decision as took earlier.

60 Not a fact, these accused persons are not responsible for the death of my niece Rojina.

61. Not a fact, it is false that, “They demanded money and used to say that “Taka paisa na niyeasle toke ghar korte habe na” and they used to create pressure upon my niece to bring money from her father’s house and my niece when used to visit our house at that time she used to say about those incident to her father as well as to me and two to three times we went to her in laws house and reconciled with her in laws and we kept her in her in laws house in order to save her future matrimonial life and on 12.01.2015 my niece came to my house and told that her mother in law told, “Taka paisa dite habe ar na hole amake galai dori diye taniye debe bolechhe” and in the evening on 12.01.2015 myself and my elder brother took my niece to her in laws house and kept there and on 13.01.2015 at about 5:30 pm the father in law of my niece made a telephone to my elder brother while he was working in the field and told that, “Tomar meyer khub sarir kharap, tumi tara tari Uluberia hospitale chole aso” and all our family members went to Uluberia hospital and found my niece was on the bed in the Emergency Department and thereafter, on being asked the treating doctor told us that she died some time ago and after being asked the husband and parents in law of my niece told us that, “galai dori niye mara gachhe, tara tari bari niye giye kabar diye dao, ekhane besi bara bari koro na” and thereafter, after discussing the matter with the doctor we went out from hospital but none of them were found by us and thereafter, we told to our nephew Rejaul Ali Gayen to write a complaint and he wrote the same and thereafter we lodged the complaint with the P.S. and thereafter, we returned to dead body and police held inquest in my presence and obtained my signature on the inquest report and after one day police came to our house and seized one ‘Gamchha’ from the ceiling of house of Akhtar under the cover of a seizure memo in my presence and obtained my signature”.

62. Not a fact, I am deposing falsely.

(Concluded and discharged)

Dictated and corrected by me.

Additional Sessions Judge,
2nd Court, Uluberia, Howrah.

Additional Sessions Judge,
2nd Court, Uluberia, Howrah.
16.04.2018.

