

West Bengal Form No. 3856

HIGH COURT FORM No. (M) 2.
FORM OF HEADING OF DEPOSITION
ST 06 (6) 23

Present:- Chandraprova Chakraborty

Deposition of witness No. 3 for PW, taken on oath/solemn affirmation on 13.09.23

My name is:- Raju Das

S/W of :- Hari Das

I reside at :- Muragacha

My age is:- 39 years

Police station:- Dubilia District:- Nadia

My occupation is:-service

I know Dipak Ray who is my childhood friend. He is present in court now (identified).

On 20.01.23 at about 4.00 – 4.30 Dipak Ray made phone call to me and asked me if I have his photograph and of his mother in my whatsapp.

I told him that if I find I shall send that to him .Immediately I could not confirm him as I was my workplace then. Later I informed him that I did not have his mother's photograph.

On that day at about 11.00 PM when I was taking my dinner with my other friends namely Raju Mondal, Samrat Sk and others Dipak again made phone call to me and told me that his mother got missing for 2-3 days. He was crying then. Thereafter he informed me that he got dead body of her mother in pond, situated in front of their house. He also told me that he was then sitting beside dead body of his mother.

I was having conversation with Dipak on loud speaker of phone and so Raju and Samrat heard everything.

I was trying to console her. He again informed me that he saw injury mark on face of his mother. Hearing that I told him to inform police. He replied me that he would inform police next morning.

Next day after 11.00 P.M. I made phone call to him to know about his condition.

Then Dipak completely denied whatever he told me last day. My other friend Raju and Samrat also heard that denial.

Dipak told me completely different incident on that day. He told me that someone probably killed his mother and kept her body inside privy chamber of their house. He told me that he saw part of that chamber was broken. I was not in position to

believe him. He then gave his phone to his maternal uncle who supported Dipak's story.

Dipak told me that he would inform police next morning.

I made statement to the Magistrate.

(Sealed envelope of Statement u/s 164 Cr.P.C shown to the witness)

This is my statement. The statement bears my signature.

The statement is marked as exhibit 6 and signature is marked as exhibit 6/1.

Cross examination

At the relevant time Dipak's house was at 5 minutes walking distance from my house.

I work with Raju Mondal. I know him. His house is at Garia. I work in a restaurant at Gariahat. He also works there. We gave no document to police to prove that.

I never went to house of Dipak. I cannot say boundary of his house. Other than to Magistrate I did not narrate this incident to anyone before.

I never handed over my mobile set to police officer.

It is not a fact I made statement to Magistrate as tutored by police.

I cannot say who used to reside with Dipak Das and his mother in his house at the relevant time.

I do not know his wife.

It is not a fact I stated it falsely that On 20.01.23 at about 4.00 – 4.30 Dipak Ray made phone call to me and asked me if I have his photograph and of his mother in my whatsapp and I told him that if I find I shall that to him and immediately I could not confirm him as I was my workplace then. Later I informed him that I do not have his mother photograph and on that day at about 11.00 PM when I was taking my dinner with my other friends namely Raju Mondal, Samrat Sk, Dipak again made phone call to me and told me that his mother got missing for 2-3 days. He was crying then and thereafter he informed me that he got dead body of her mother in pond situated in front of their house. He also told me that he was then sitting beside dead body of his mother and I was having conversation with Dipak on loud speaker of phone and so Raju and Samrat heard everything and I was trying to console her and he again informed me that he saw injury mark on face of his mother and hearing that I told him to inform police and he replied me that he would inform police next morning and next day after 11.00 P.M. I made phone call to him to know about his condition and then Dipak completely denied whatever he

told me last day and my other friend Raju and Samrat also heard that denial and Dipak told me completely different incident on that day and he told me that someone probably killed his mother and kept her body inside privy chamber of their house and he told me that he saw part of that chamber was broken and I was not in position to believe him and he then gave his phone to his maternal uncle who supported Dipak's story and he told me that he would inform police next morning and on 20.01.23 at about 11.00 PM when I was taking my dinner with my other friends namely Raju Mondal, Samrat Sk, Dipak again made phone call to me and told me that his mother got missing for 2-3 days and he was crying then and thereafter he informed me that he got dead body of her mother in pond situated in front of their house and he also told me that he was then sitting beside dead body of his mother and I was having conversation with Dipak on loud speaker of phone and so Raju and Samrat heard everything and I was trying to console her and he again informed me that he saw injury mark on face of his mother and hearing that I told him to inform police. He replied me that he would inform police next morning.

It is not a fact I stated if falsely that next day after 11.00 P.M. I made phone call to him to know about his condition and then Dipak completely denied whatever he told me last day and my other friend Raju and Samrat also heard that denial. Dipak told me completely different incident on that day and he told me that someone probably killed his mother and kept her body inside privy chamber of their house and he told me that he saw part of that chamber was broken and I was not in position to believe him and he then gave his phone to his maternal uncle who supported Dipak's story and he told me that he would inform police next morning.

It is not a fact I have adduced false evidence.

(Closed).

ST 06 (06) 23

Order no. 05 dt 13.09.23

Sole accused namely Dipak Ray is produced from J.C.

Ld PP in charge is present.

Witness hazira is filed for CSW Raju Das and Raju Mondal who are examined as PW 3 and 4 and discharged after cross examination.

The statement u/s 164 of Cr.P.C of PW 3 is marked as exhibit 6 and signature of PW 3 is marked as exhibit 6/1.

The statement u/s 164 of Cr.P.C of PW 4 is marked as exhibit 7 and signature of PW 3 is marked as exhibit 7/1.

One bail petition is filed for the custody accused Dipak Ray.

The bail petition is taken up for hearing.

Ld. P.P. in charge is present. He raises objection against the bail petition.

Heard Ld. PP in charge as well as Ld. Advocate for the accused.

Considering the nature of allegation, conduct of the accused as reflected in the order sheet as well as in the CD and all other facts and materials of this case prayer for bail stands rejected at this stage.

Issue summon to CSW.

To 19.10.23 for evidence.