

Deposition of Deb Dulal Mukherjee, witness No
No. 19 for the prosecution, before the Additional
Sessions Judge 2nd Court, Alipore. 24 Pgs (S).
dated 9.3.91 136

CEL.P.No. 61

HIGH COURT FORM NO. (J) 1.

FORM OF HEADING OF DEPOSITION

In the 2nd Court of ~~ADJ.~~A.D.J. at Alipore

S.T. Case No. 1(11) of 1990.

Present :-

Deposition of Witness No. 19 for the prosecution taken on
oath/solemn affirmation on the ~~24~~ day of March, 1991.

My name is Deb Dulal Mukherjee

son of Sri Ananda Moy Mukherjee

My age is 23 years. I reside at Vill & P.O. Chhatra
Dist. Bankura.

Police Station District

My occupation is

I am aged 23 years. I am a resident of village,
Chhatra, Dist. Bankura.

I failed to pass the Madhyamik Examination. My
elder brother has a sweetmeat shop and I sit there and
assist him. I know Nandagopal Deoghoris who is a
resident of my locality.

On 12.5.90 at about 12/12.30 O'clock at night
I was having a chat with the ~~aforsaid~~ Nandababu in
front of the sweetmeat shop of my elder brother. Second
Officer of Chhatra P.S. came there. He reported to us
that a ~~murder~~ M murder and rape had been committed in
Calcutta and that a wrist watch had been stolen and that
police officers from Calcutta had come. The second
officer wanted myself and Nandababu to accompany him

Orl.P.No. 61 contd. & 62

to village Kuludih. We accompanied the police party including the police officer from Calcutta and the 2nd officer of Jharia P.S. to village Kuludih. The house of the accused was searched by police (witness identifies the accused in the dock). Accused was not found in his house. He was found in a house nearby. Before that another house was searched and he was not found there. In the 3rd house he was found sitting behind a " *बिना शर्त* ", Police apprehended him there. Police had some talks with him. Police officers brought the accused to his house. One shirt and one trouser wrapped in a newspaper had been recovered from the house of the accused. One wrist watch was also recovered from his house. The aforesaid articles were seized in our presence by a seizure list. The trouser and the shirt were packed and sealed. Our statements were recorded thereafter. This is my signature in the seizure list (witness identifies his signature in the seizure list dated 12.5.90). The particular seizure list is marked V for identification. Signature of the witness thereon is marked ext. 16/1. (At this stage the seal of the document marked material Ext. IV is broken with the permission of the court. The wrist watch and the label wrapped with the wrist watch are brought to the notice of the witness). This is my signature (witness identifies his signature on the label attached to the wrist watch). Signature of the witness on the label is marked ext. IV/1. This is the wrist watch ^{Seized} ~~seized~~ in my presence (witness identifies material Ext. IV).

These two wearing apparels, witness identifies material ext. XII (collectively) to have been brought out

Orl.P.No. 61 contd. & 62

out by police from a rack in the house of the accused in my presence). My signature had been taken on the two wearing apparels in acknowledgement of the seizure. The two signatures of the witness on the aforesaid wearing apparels be marked Ext. XII/1 (collectively). (At this stage ~~xx~~ seal of a newspaper (Basumati) is broken with the permission of the Court). This newspaper bears my signature (witness identifies his signature on a copy of " Basumati" dated 25th Agrahayan, 1396 S.S. The particular newspaper be marked material Ext. XIII. Signature of the witness thereon is marked Ext. XIII/1.

X-examination on behalf of the accused.

I did not see the accused on any day prior than 12.5.90. I never visited his house earlier. Before 12.5.90 I did not know the house of the accused. The sweetmeat shop of my elder brother is about 1 1/2 miles off from the house of the accused. It will take about 20 minutes to walk down this distance. There are houses adjoining the house of the accused. Police did not call anybody of the village where the accused used to live. My shop room is about 2 minutes walk from Chhatna P.S. I cannot say the name of the 2nd officer who asked me to go to the village of the accused. I knew him as "Mejobabu". The police personal of Chhatna P.S. used to purchase sweet from my shop. Nandagopal Deoghorla resides in a house adjacent to my house. The name of our village is Chhatna. We used to keep the sweetmeat shop open upto 10.30/11 P.M. ev ryday. I sleep at night. We returned from the village of the accused around 3/8.30 O'clock at night. On most of the occasions I

Orl.P.No. 62

I used to chat upto 12.30 O'clock at night. In the particular night some friends were with me when I was chatting but they Xleft before police approached me. I was not aware that Mejobabu would come to meet me in that night.

The date below my signature was noted by me. The date is 12.5.90 (witness identifies the date in Ext. IV/1). I did not examine the wrist watch shown by police by taking it in my hand. I can't say the description of that watch. I have seen Ricoh Brand of wrist watch earlier. However I never examined such a wrist watch by taking the same in my hand. By looking at my signature in the label attached to the wrist watch signature marked ext. IV and the golden colour of the wrist watch. I have recognized that this wrist watch (material IV B had seized in my presence. I did not put any signature after the wrist watch and the label in which I put my signatures had been sealed in a plastic cover. The seal used for sealing of the particular wrist watch and the label had been provided by police. This paper (witness identifies the paper in which his signature marked material ext. IV/1 is there) had not been pasted on the wrist watch. Except the residents of the house of the accused no other person was present when police apprehended the accused and made the seizure. I did not know the inmates of the house of the accused. Not a fact that no packet was recovered from the rack inside the house of the accused and that no wrist watch

Orl.P.No. 62

watch or anything else as stated by me had been recovered from the house of the accused and that I was not present when the seizure of the ~~articles~~ aforesaid articles ~~was~~ had been made and that my signatures as proved by me had been taken by police in my shop and that I have deposed falsely at the instance of police.

Dictated & corrected by me

Sd/- R.N.Kali
A.S.J.

Sd/- R.N.Kali
9.3.91

Additional Sessions Judge
2nd Court, Alipore.

Sd/- Deb Dulal Mukherjee,
9.3.91.