

No. 28

Deposition of Shyamal Karmakar. Witness  
No 21 for the prosecution, before the Additional  
Sessions Judge, 2nd Court, Alipore. 24-Pgs(s).  
dated 15.3.91 151

Orl. P.No. 67

HIGH COURT FORM NO.(J) 1

FORM OF HEADING OF DEPOSITION

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

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

Present :

Deposition of witness No. 21 for the prosecution taken  
on oath/ solemn affirmation on the 15th day of March,  
1991.

My name is Sri Shyamal Karmakar  
son/wife of Late Hariwada Karmakar

My age is 30 years. I reside at 5, A.N.Saha Road,  
Cal-48.

Police Station Lake Town, District

My occupation is Business.

I am a Commerce Graduate. I reside at 5,  
Adyanath Saha Road under P.S. Lake Town. I am the  
owner of "Messers Security and Investigating Bureau"  
at 1, Adyanath Saha Road. I make available security  
guards from my concern on requisition from different  
factories, godowns, multi-storied buildings etc. I  
know the accused (identified in the dock). He was  
a security guard in my concern. Pratap Chandra Pati  
and Mohan Chandra Dey have been acting as supervisors  
in my concern for the last 4/5 years. I appointed  
Pratap Chandra Pati without getting any recommendations  
for him from any quarter.

In March, 1990, accused was on duty as a  
security

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security guard in Anand Apartment at 57A & B, Padmapukur Road. Dasarath ~~xx~~ Marmu of my concern was the other security guard in the said building. At night accused used to work as a security guard at 3/1B, Mahendra Road in the house of Mr. Roychowdhury. Accused used to spend his leisure time in the generator room of 57 A and B, Padmapukur Road and security guard Marmu used to reside in Monorama School at Chakraberia Road. Any security guard doing duty for more than 8 hours on a particular day is entitled to claim wages for another day. The supervisors working in my concern were required to check up the duties of the security guards and submit the reports about their visits and check ups to my office. The attendance of the security guards were used to be recorded on the basis of the report submitted by the supervisors of my concern.

On 3.3.90, which was a Saturday, Mr. Nagardas Parekh President of the Owners association of Anand Apartment rang me up and asked me to meet him personally on the same day in the evening. I met him at his residence as per his request in the same evening. He reported to me that accused used to tease his daughter from time to time and he wanted me to remove him from the particular building and place a substitute in his place. He submitted a written complaint in this regard. This is my signature ( attention of the witness is drawn to the signature with date and endorsement " received the original " as in Ext. 4/1 ) After coming down from

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from the flat of Mr. Nazardas Parekh I searched for the accused but I did not find him. On the following day security guard Rajaul Haque came to my residence. He came to me for receiving his payment. I opened my office and paid his wages. I handed over to him an order for the transfer of the accused from Anand Apartment to Paras Apartment on Chakraberia Lane. Bijoy Thapa who was security guard at Paras Apartment was placed in charge of the Anand Apartment as security guard with effect from 5th March, 1990. This is the particular transfer order issued by me. It is in my handwriting. It is marked ext. 23. On 4.3.90 I left for Bombay by Gaetanjal Express. These two bills ( attention of the witness is drawn to document marked 4 for identification ) were issued from my concern under the signature of K.C.Roy, Manager. The same be marked ext. 6 ( collectively ). This money receipt ( attention of the witness is drawn to document marked 5 for identification ) had been issued from my office under signature of Mr. K.C.Roy, Manager. The particular document is marked ext. 7. This is my signature ( witness identifies his signature in the seizure list dated 29.6.90 ). The particular document is marked 8 for identification. Signature of the witness thereon is marked Ext. 24/1. These two vouchers showing payment of wages to accused from my concern had been issued from my concern. The contents

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The contents in the vouchers for the month of January, 1990, had been written by my office clerk Tapan Kumar Roy. Signature of the accused is there in acknowledgement of the payment. The particular voucher is marked ext. 25. The contents of the voucher for the month of February, 1990, had been written by my Manager K.C. Roy. It ~~has~~ bears the signature of the accused in acknowledgement of the payment. The particular voucher be marked ext.26. These are my signatures on the reverse of each of the attendance sheets ( Witness identifies his signatures on the reverse of the attendance sheet marked ext.14 ( collectively ). Signatures of the witness thereon be marked ext. 14/2 ( collectively ). Accused did not work in my concern after 5.3.90. Accused did not come to collect the wages for 5 days for working in Anand Apartment and wages for 4 days for working at premises no.2/13, Mahendra Road in the house of Mr. Roychowdhury.

X-examination on behalf of the accid.

I do not personally make any enquiry into the complaint made by Mr. Nagardas Parakh about the complaint of teasing of her daughter by the accused. Apart from the complaint I received from Mr. Nagardas Parakh about the teasing of her daughter by the accused. I have no personal knowledge about the genuineness of the complaint. I issued the transfer order in respect

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In respect of the accused on the basis of the complaint  
by way of routine measure.

Dictated & corrected by me

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

Sd/- R.N.Kali  
15.3.91  
Additional Sessions Judge  
2nd Court, Alipore.

Sd/- Shyamal Karmakar  
15.3.91.