

NO. 12

Disposition of Sri Bhavesh Parekh, witness no 5 before the Addl. Sessions Judge, 2nd Court 91 Alipore 24- Fgs(s) dated 15 2-91.

Orl.P.No. 37

HIGH COURT XX FORM NO.(J) 1.

FORM OF HEADING OF DEPOSITION

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

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

Present :- Sri R.N.Kali, Addl. Dist. & Sessions Judge
2nd Court, Alipore (s)

Deposition of witness No. 5 for the prosecution taken on oath/solemn affirmation on the 15th day of February, 1991.

My name is Sri Bhavesh Parekh

son of Nagardas Parekh.

My age is 20 years. I reside at 57 A&B Paddupukar Rd.
Ananda Apartments
Flat No. 3A 3rd Floor
Calcutta-20

Police Station Bhawanipur District Calcutta

My occupation is Student.

I am studying in Class- XII Commerce in Bhawanipore Educational Society College. I am 20 years old. On 5th March, 1990, I was a student of Class-XI of the aforesaid college. I used to reside in flat no. 3A, Anand Apartment at 57A and B, Padmapukur road with my parents and sister Hetal Parekh, since deceased. I know the accused (identified in the dock). He was the security guard of " Anand Apartment " before and at the time of incident. On 5th March, 1990, I left for my college at about 6.15' 6.20 in the morning and returned to my residence around 11/11.30 A.M. Accused was on duty at that time. about 12.30 I left for my office at 71, Canning Street, shop No.C-32 under the name and style " Alankar " at Bagri market. I used to help my father

Orl.P.No. 37

father at that place.

At about 6 O'clock in the evening on the same day my father left the aforesaid shop room saying that he would purchase medicine and proceed to our residence. He asked me to close the shop at 7 O'clock in the evening and thereafter to proceed to my residence. Around 6.45 P.M. I got a message over telephone that my sister had been murdered in our flat. I did not ask for the name of the person who rang me up. I closed my shop quickly and came to my residence. I found many people assembled outside our apartment. On entering the apartment I found Murmu, the security guard on duty. I found my mother sitting in the lift chamber weeping. My deceased sister was on her lap and she had injuries and blood stains on her face. On enquiry from my mother I came to know that around 6.15 / 6.20 P.M. she had gone to " Lakshmi " Narayan Temple " leaving my sister alone in the flat. She had also reported to me that the accused had come to our flat on the pretext of using our telephone and that on her return my mother found my sister lying dead. I took my mother and deceased sister up-stairs by the lift. The dead body of my sister was laid on the cot in her room and a sheet was placed on her body.

The room of my sister is on the western side of our flat. My mother was crying and I tried to console her. She had also stated to me that two local doctors had come and pronounced my sister dead. I rang up my

Orl.P.No. 37 contd. & 38

I rang up my relatives and friends. The friends whom I rang up are Rajiv, Anish and Hiten and the relatives whom I rang up are Mr. and Mrs. Modi. I asked the aforesaid persons to come to our flat, saying that my sister was murdered in our flat. My father came back to our residence at around 8.30 P.M. My mother told him what had happened. My father rang up police after he was relieved of the shock. Around 8 9.30 P.M. police came to our flat.

These are my signatures (witness identified his signatures in the seizure lists dated 5.3.90 and 6.3.90). The aforesaid three seizure lists be marked S, T and U respectively. Signatures of the witness thereon be marked exts. 9/1, 10/1 and 11/1 respectively. My friend Rajiv also signed on the aforesaid seizure lists. I know his signatures. Under the aforesaid seizure lists one cradle and one chain, one cream coloured button with four holes and stains of blood had been taken from the floor of the room of my father. From the drawing room in our flat a torn panty with stains of blood, a broken latch and screws were seized and from my sister's room her undergarment from her person had been seized. All the articles were seized under the aforesaid three seizure lists.

(At this stage one sealed packet is opened in court room and broken lock with screws are brought out therefrom).

This is the broken latch with screws which were lying

Qr1.P.No. 38

lying on the floor of the drawing room and seized by the police. The same be marked material Ext. IX (collectively).

(Another sealed paper is broken at this stage and a cream coloured button with four holes is brought out therefrom).

This particular button had been seized from the room of my father by police. Same is marked material Ext. X.

(Another sealed packet is also broken and a chain is brought out therefrom). This particular chain had been seized from the room of my sister. The same be marked ext. XI. The particular chain and the button (material Exts. X and XI respectively) do not belong to any member of our family. This cradle (witness identifies material Ext. VII) had been seized from the room of my father.

This is my signature (witness identifies his signature in the seizure list marked R for identification.) Signature of the witness thereon is marked ext. 8/2. This seizure list relates to seizure of the key of the door latch which was broken. This is the particular key (witness identifies material Ext. VIII).

One Gera who used to work in a flat opposite to our flat had been brought by police to our flat in the same night on 5th March, 1990. He identified the chain seized from the room of my father as belonging to him.

Qrl.P.No. 38 contd. & 39

I put my signature on this document (witness identified his signature on the inquest report.) The inquest report is marked U for identification. Signature of the witness thereon is marked Ext.12/1. My friend Rajiv also signed on the aforesaid seizure list. On the instruction of my mother I wrote this letter addressed to the Officer-in-charge of Bhawanipore P.S. (witness identifies the letter marked X Y for identification). The particular letter be marked ext.3. This is the photograph of my deceased sister (witness identifies the photograph marked material ext. I/1).

Cross-examination on behalf of the
Accused.

I was inside our flat since I returned in the evening. Police left our flat around 8.30 O'clock at night. Policemen completed preparation of seizure lists, inquest report etc. before they left our flat. Besides preparation of the seizure lists and inquest report police also took statement of myself, my parents and other persons. My statement was recorded after the seizure took place. After about 1.30 O'clock at night my statement was recorded. I do not remember at what time the statement of my father was recorded. The statement of my father was recorded in the same night. I do not remember if his statement was recorded before or after the seizure. Around 10 O'clock in the same night the statement of my mother was recorded in my room.

Orl.P.No. 39

The statement of my mother was not taken in my presence. My mother was sitting in the room of my sister and thereafter she was taken to my room when police came. I cannot say when the recording of the statement of my mother was over. I knew Gouranga Pal alias Gora for about two years and a half before the incident. He never worked in our flat. I know Aruna Shaw who is my neighbour. She resides in a flat opposite to our flat. I knew Aruna Shaw for about two years and a half prior to the incident. Very seldom she used to visit our flat. Myself, my sister and father never visited the flat of Aruna Shaw during the period of 2½ years prior to the occurrence. My mother used to visit the flat of Aruna Shaw sometimes for meeting the mother of Aruna Shaw who was an old lady. I do not remember if I had stated to police that Gora came and identified the chain as belonging to him. Not a fact that I have been tutted to say that Gora came to our flat in the night of the incident and identified the chain as one belong to him. The chains of the sort that I have been identified in court and had been identified by Gora in our flat has belong into him are available in the market. I reached my flat in the night of the incident 5/10 minutes after 7 O'clock. My mind was disturbed when I saw the dead body of my sister. I do not remember how long after I reached my flat I rang up my friends and relatives whom I have named in my examination to chief. This communication was made prior to the arrival of my father in the flat. Mr. and Mrs. Modi used to reside near Hazra,

Drl.F.No. 39

Bhawanipore at the relevant point of time. They also reside there now. I call Mrs. Modi as aunt by courtesy. I do not remember if Mr. and Mrs Modi came to our flat before my father arrived in the night of the incident. I do not remember if I narrated the incident to Mr. and Mrs Modi when they came to our flat. I do not read in the same school with Rajiv, Anish and Hiten. Anish belongs to our society, that is the Kapor society and through Anish I develop acquaintance with Rajiv and Hiten. Rajiv and Hiten do not belonging to our community. Rajiv, Anish and Hiten never visited our flat before the date of the incident. I do not know till now as to the identify of the person who had given me the message over telephone about the death of my sister on the date of the incident. I came to know from my mother as to the identity of the person who might have killed my sister. On 6.3.90 I had been to Bhowanipore police station to lodge a complaint about the theft of the wrist watch of my mother. My father and some other relatives were with me at that time. The other relatives included Mr. Modi, Mr. Janak Kacharia, who is the husband of my elder sister, Mr. Prakash Sanghvi, who is the husband of my another elder sister, Mr. Daulatram Vora, my maternal uncle and others whose name I cannot recall. I never had been to Bhowanipore police station prior to 6.3.90. I have a scooter. I came back to my residence in the night of the incident in the same scooter. It took about 15 minutes time for me to come

CrI.P.No. 39 contd. & 40

to come back from the shop to my flat on the date of the incident by the scooter. I reached my flat around 7.10 p.m. I do not recall if it occurred to me that I should go to Bhowanipore police station immediately after I came to know from my mother about the identity of the person who might have killed my sister. I do not recall if it occurred to me that I should give a ring to the security agency which provided the security guard in our apartment to inform them of the name of probable assailant. I do not remember if I had any talk with my father about the incident when he reached our flat. I do not recollect if I was present when my father rang up Bhowanipore police station. At what time and when my father rang up Bhowanipore police station in the night of the incident I cannot say. Not a fact that the chain (material ext.XI) was not recovered from my flat. I do not remember if the measurement of the chain recovered from our flat had been taken by police. I do not remember if the chain recovered from our flat and identified by me in court today had any identification marks on it.

I am very much acquainted with cream colour. There are differences between cream colour, pink colour and white colour. Cream colour buttons are available in plenty in market. Not a fact that the button that I have been identified in court today - not the button which had been recovered from our flat in the night of the incident. The process of seizure of articles started around 11-45 O'clock at night and ended around 1.30

Orl.P.No. 40

1.30 O'clock. I do not remember precisely at what time the seizure of cradle, button, chain and blood had been made from the room ~~xxxx~~ of my father. I do not remember how long after police came the articles as stated above had been seized. No^v a fact that that I have been tut^{ed} by my father a. police and I have given false evidence.

Sd/- R.N.Kali 15.2.91

Addl. District Judge
2nd Court, Alipore.

Dictated & corrected by me.

Sd/- R.N.Kali

A.D.v.

Sd/- Bhayesh Karekh