

No. 15

Deposition of Sri. Ramadhan Yadav, witness
no. 8 for the prosecution, before the Additional
Sessions Judge, 2nd Court, Alipore, 24-Pgs (5)
dated 21.2.91.

Cr.P.No. 48

FORM FOR RECORDING DEPOSITION

The deposition of witness No. 8 for the prosecution aged about 40 years taken on oath of solemn affirmation of this 21st day of February 1991.

My name is Sri Ramadhan Yadav.

My father's name is Sri Nanda Yadav

by religion Hindu. My home is at No. 57 BA Paddapur Road,

Police Station Bhubanipur. I reside at

I am aged 39/40 years now. I have been operating as a lift man in 'Anand Apartment' for the last 7 years. I reside in a quarter alongside the premises of 'Axis Anand Apartment'. I am the only lift man in the building. I am also known as Ramadhan Yadav. My duty hours are from 8 a.m. to 2 p.m. and again from 4 p.m. to 8 p.m. I know the accused (identified in the dock). About a year back, 5/6 days prior to the date of Boli, Hetal Parekh, daughter of "Parekh Maijee" died. Accused used to work as a security guard in our building at that time. On the date of the incident accused was on duty upto 2 p.m. Apart from the accused, Marmu was the other security guard in the building. Marmu was on duty on the particular day from 2 p.m. "Parekh Babu" was the occupant of flat no. 3A/1 on the 3rd floor. "Parekh Maijee" also used to reside in the same flat. I brought down "Parekh Maijee" on the date of the incident about 10/15 minutes after I took charge of the lift at 4 p.m. She used to go out everyday around that time. She had stated to me that she used

Dr. F. No. 49

she used to go out to visit a temple. I found the accused standing near the main gate by the side of a car when I reported for duty at 4 p.m. I also saw Marou with the accused at that time. I did not take the accused to 3rd floor by my lift that day. While I was taking the mother of Aruna Shah by the lift, I found accused coming down by the staircase in the 3rd floor around 5.30/5.45 p.m. When I came down with the lift accused was found downstairs. I found Supervisor of the security guards namely accused and Marou standing near the gate of the premises of 'Anand Apartment'. Thereafter the Supervisor and the accused went out of the gate of the premises of 'Anand Apartment'.

About 10 minutes thereafter 'Parekh Maijee' came back from the temple and took her by my lift to 3rd floor. She started pushing the calling bell of her flat. When 'Parekh Maijee' came back from the temple I reported to her I had a quarrel with the accused over a lock in flat no. 5A of the building. I requested 'Parekh Maijee' to ask 'Parekh Babu' to release myself or the accused by paying of our respective dues on his return at about 7 p.m.

At this stage the witness is declared hostile on the prayer of the prosecution and permission is given to the prosecution to cross examine the witness.

X-examination on behalf of the prosecution.
 gave statement to police in the night of the incident. I did not tell police the accused had asked

Jr.L.P.No. 48 contd. & 49

asked me to take him to 3rd floor by lift on the date of the incident. I did not tell police that accused had told Murrem that he was going to " Parekh Babu's " flat for ring up his office. I did not tell police that I took the accused by my lift to 3rd floor and that accused proceeded towards the flat of " Parekh Babu ". I did not tell police that I found Pati of security company coming to the building and talking to Murrem. I did not tell police that I had informed " Parekh Maijee " when she came to the lift that accused had gone to her flat.

" Parekh Maijee " started shouting after ringing the calling bell 2/4 times. She enquired of me as to what had happened and that Metal was not opening the door. Servants, female occupants and children residing in the flat came there. The door at the entrance of flat of ' Parekh Maijee ' was broken open by Panchu, Ramash. I did not participate in the act of breaking open the door of the flat. I did not tell police that myself, Panchu and Ramash broke open the door at the entrance of the flat. From outside at the entrance of the flat I could see Metal lying on the floor inside the hall of the flat. ' Parekh Maijee ' brought Metal and came downstairs by using my lift for taking Metal to hospital. Many people assembled at that time. ' Parekh Maijee ' and Metal were inside the lift. I found stains of blood on the face of Metal. Doctor came and declared Metal dead.

Orl.P.No. 49

Not a fact that to save the accused I have stated falsely that accused did not ask me to take him to the flat of " Parekh Maijee " in 3rd floor by my lift and I did not see proceeding towards that flat and that I did not report to " Parekh Maijee " on her return from temple that accused had gone to her flat and that I had a quarrel with the accused on the date of the incident over a lock in flat No.5A. The entrance of each of the three flats ~~at~~ all the floors of the building is visible when the door of the lift is opened on reaching the particular flat.

X-examination on behalf of the accused

I am scarcely illiterate. I can sign my name only. I cannot read. I sign in Hindi. Accused was not there when I came to work as a lift man in ' Grand Apartment'. I cannot say how long after I joined accused came to work in the particular building. Services of the accused had been terminated once after he worked for three years. I cannot say how long before the incident this happened. For 5/6 months during my period of employment security guards were not provided by the company to which accused belonged but security guards were provided by different company at that time.

No lift man works between 2 p.m. and 4 p.m. and after 2 p.m. The lift that I operate is a automatic one. During the period of my absence, it is operated by any one using it.

Orl.P.No. 49 contd. & 50

I found ' Parekh Babu ' leaving for his shop around 8/8.30 am on the date of the incident. Bhavesh Babu, son of Parekh Babu also went out on the date of the incident. But I cannot say at what time he left. I cannot say where he went out at noon or in the afternoon. ' Pa. 'th Babu' returned around 7.30 / 8 p.m. on the date of the incident. Bhavesh Babu came back before his father. Only daughter of Prakesh Maijee used to remain in the flat when she used to go out in the afternoon.

Police wrote my statement. I cannot say what statement police wrote. Police did not read over what had been written as ~~my~~ my statement. I do not know English. I had stated to police that I found the accused in the staircase in the 3rd floor when I took up mother of Aruna Shah by ~~my~~ lift. Not a fact that I did not see the accused in the staircase in the 3rd floor when I took up mother of Aruna Shah to her flat. I found the accused proceeding towards the Supervisor who was standing near the place where the security guards stand for their duties, when I came down with the lift after the mother of Aruna Shah got down from the lift in the 3rd floor. I had stated to police this particular fact. I had a quarrel with the accused at 12.30/1.00 p.m. on the date of the incident. Flat No.5A was not occupied by anybody on the date of the incident. The key of the lock of that flat was with Bipin Bhimani of our company. He was the promoter of the construction of the building. I do not know anybody by name Mahesh. I know one Mr. Zaveri. Not a fact that I used to bring female persons from outside to the vacant flats in the apartment and that

Orl.P.No. 50

and that accused had reported against me on such conduct of mine and that I lost my employment for this reason and that since January '90 myself, Rasaul Karim and Mirmu made conspiracy to implicate the accused in a false case.

Dictated & corrected by me.

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

Sd/- R.N.Kali
21.2.91.
Addl. District Judge
2nd Court, Alipore.