

Deposition of Sri Dasarath Murmu, witness
no 7 for the prosecution, before the Additional
Sessions Judge, 2nd Court, Alipore, 21. P. (S)
dated 20.2.91

Orl.P.No. 44

FORM FOR RECORDING DEPOSITION

The deposition of witness No. 7 for the prosecution aged about 27 years taken on oath of solemn affirmation of this 20th day of Feb. 1991.

My name is Sri Dasarath Murmu

My fathers name is Guru Charan Murmu

by religion Hindu My home is at Manta Vill-Amrolla

P.O. Adalcha Dist. Midnapore P.S. Belpahari

Police Station I reside at

My native address is village, Amrolla, P.O. Adalcha, Police Station, Belpahari, Dist. Midnapore. My present age is about 27 years. I know the accd. (Identified in the dock). His name is Dwananjoy Chatterjee.

On 5.3.90, I was on duty as a security guard in Anand Apartment at 57A & B, Paddapukur Road. My duty hours were from 2 P.M. to 6 A.M. next morning. On that day, accd. was on duty as a security guard from 6 A.M. to 2 P.M. I used to reside in Menorama School at 23/1, Chakrabaria Road at that time. Accd. used to reside in the Generator room of Anand Apartment at the relevant part of time Ramdhan is the liftman of the lift inside Anand Apartment. He used to reside in the same building at the relevant point of time. But Both myself and accd. used to wear Khaki Uniform while acting as security guard in Ananda apartment. I was employed by " M/s Security and Investigation Bureau " to act as a security guard in

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in Anand Apartment, Shymal Karmakar is its proprietor. Supervisor of one company used to check up one duties everybody and note one attendance.

I know " Parekh ^{Maijee} Mafes ", who reside in Flat No.3A of Anand Apartment in the 3rd floor. I found ' Parekh ^{Maijee} Mafes " at about 5.15 P.M. on 5.3.90 coming downstairs by lift. She went out Ramdhani acted as a liftman when ' Parekh ^{Maijee} Mafes ' come down by lift.

Accd. came to me 5/6 minutes after Parekh ^{Maijee} Mafes left. He was dressed in a grey coloured trousers () and a cream coloured () shirt. Ramdhani was near me at that time. Accused stated to me at that time that he would go to flat no. 3A in 3rd floor for contacting our office over telephone from there. Ramdhani took the accused upstairs by lift. P.W.6 came to the premises around 5.45 p.m. on that date to check up our duties. He wanted to know from me if anybody by name Bijoy Thapa was on duty in the morning shift as security guard. On my query, P.W. 6 informed me our Proprietor ~~Shyx~~ Shamyal Karmakar had transferred accused from ' Anand Apartment ' to ' Paras Apartment ' at 1/1, Chakraberia Lane. I informed P.W.6 that accused acted as a security guard in ' Anand Apartment ' in the first shift in the morning. P.W.6 enquired with me as to where the accused was at that time. I reported to him that accused had gone to flat no.3A for contacting our office over telephone. P.W.6 asked me to call the accused. I tried to contact accused

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accused in flat no.3A through intercom. I did not get any response. I shouted saying " Chatterjee " 4/5 times from the gate of the building. Accused came to the ' Verandah ' in the flat of " Parekh Babu " on hearing my shouts and by leaning out his face he told me that he would be coming down. P.W. 6 was with me when I called " Chatterjee " by name and had the aforesaid talk with him. A short time thereafter accused came down. P.W.6 went ahead to talk to the accused. Accused went out of the gate of the building by side tracking P.W.6. He asked Pati to come out saying that he would talk to him after going out of the gate of the building.

Around 6 p.m., " Parekh Maijee " returned to the premises. Ramdhani took her upstairs by the lift. I heard some shouts in the upstairs a short time thereafter. A little thereafter " Parekh Maijee " brought down her daughter Hetal by the lift. Hetal was on her lap. She was crying and shouting for taking Hetal Parekh to hospital. Some people assembled there. A doctor came in the meantime. Doctor examined Hetal Parekh and declared her ~~was~~ dead.

As a security guard my duty is to guard the premises and prevent outsiders from entering into the building. We would allow such people to enter only after contacting through intercom the residence of the concerned flat and getting permission from them for the entry of any such people in any such flat. I saw the accused dressed up in a trouser and shirt like

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like this on 5.3.90 at about 5.25 p.m. (attention of the witness is drawn to a ~~grey~~ coloured trouser and a " ghee" coloured shirt). The same be marked material ext. XII (collectively). The aforesaid material ext. be returned to police and direction is given for their production on the subsequent dates of hearing.

X-examination on behalf of the accused person

The trouser and shirt like the one that I have identified in court today as being worn by the accused are available in the marked. Accused was dressed up with a trouser and the shirt like the one I have identified in court today. I cannot say ~~is~~ definitely if accused was wearing the same trouser and the same shirt as I have identified in court today.

" Parekh Babu ", " Parekh Maijee", a son of " Parekh Babu " named " Bhabash Parekh " and his daughter "Ketal Parekh " were the occupants of flat no. 3A at the relevant point of time. I saw the sons of "Parekh Babu " at about 7 p.m. on that day and I saw " Parekh Babu " at about 8/8.30 p.m. on that day. I knew that " Parekh Babu " and his son used to go out ~~everybody~~ everyday but I cannot say for what purpose they used to go out. I cannot say as to the time in the morning hours when they used to leave out as I was not on morning duty. When I was on morning duty earlier I found both of them going out of their ^{flat} around 7.30 / 8.00 p a .m. I was on morning

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morning duty about 1/1/2 months prior to the incident. My duty hours at that time were between 6 a.m. and 2 p.m. Accused was on the 'B' shift duty, i.e. from 2 p.m. to 10 p.m. at that time. The duty hours from 10 p.m. to 6 a.m. next morning was used to be termed as 'C' shift and Reasaul Haque was used to be on such duty at that time. Till 20/25 days prior to the incident the duty hours for the security guard in the building were spread over three shifts namely 'A' shift, 'B' shift and 'C' shift. On the date of the incident I was on duty for the 'B' shift and also night shift. Accused was on duty for the 'A' shift. On the previous day I was on duty for the 'B' and 'C' shifts.

There were two types of servants working in the flats of the building. Some of them used to work in the flat and stay there and take their meals there while the others used to work in their flats and stay in the building downstairs and eat their meals by bringing the same from the respective flats where they used to work. I knew all the servants working in the flats of the building. I knew Ramesh and Panchu. They used to bring their meals from upstairs, and eat the same and stay downstairs. Ramesh used to bring his food from the flat of " Parekh Babu". Panchu used to bring his food from flat no.40. Bhakarja Babu was the owner of that flat.

I never went inside the flat of " Parekh Babu ". I was not aware that " Parekh Babu " and his son were

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were not used to be in their flat in the afternoon everyday. On Sundays and holiday, and during their ailments they used to remain in their flat in the afternoon. I cannot say if " Parekh Babu " and his son had been suffering from some ~~illness~~- ailments on the date of incident. I did not see Bhabesh Parekh to get down from his flat on the date of the incident from 3 p.m. to 7 p.m. and " Parekh Babu " from 2 P.M. to 5/8.30 p.m. Daughter of " Parekh Maijee" used to remain inside the flat when she used to leave flat around 5/5.15 p.m. except on holidays. I do not remember which day it was on 5.3.90, I never contacted my office over telephone from Anand Apartment. I cannot say if there is any telephone in ' Anand Apartment ' where from office can be contacted. Except the Intercom we do not have any other form of telephone connection in downstairs in ' Anand Apartment '. There is also intercom arrangements in " Paras Apartment " but no arrangement of telephone is there for the ~~guard~~ guards. There is a telephone in the office of ' Cr. i Company ' at Mahendra Road where accused used to act as a security guard at night. There are some other offices and also dwelling houses in the particular building. " Parekh Maijee " used to return flat between 6 p.m. and 6.30 p.m. I did not know on the day prior to the date of incident that accused had been transferred to " Paras Apartment". I came to know this from P.W.6 when he came to check up our attendance on 5.3.90. I was not required to

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to contact anybody in the apartment on 5.3.90 between 2 p.m. and the time when I tried to contact accused at flat no.3A. I got a call from flat no.5C through the intercom on that day at about 6 . .m. I did not go to flat no.5C on getting the call. I did not tell accused when he wanted to go to flat no.3A for using telephone there that " Parekh Maijee" was not inside the flat and that he ~~xx~~ should not go there in her absence. I did not try to contact flat no.3A through intercom when accused gave out that he would go to that flat for using the telephone there for contacting our office. For the servants and the security guards it was not necessary to contact any resident of a flat but we could straightway visit such flat. The servants working in the flats in the building and the security guards like us used to go upstairs by using the staircase or by lift.

I do not remember if I had stated to police while giving statement that I tried to contact the accused in flat no.3A after P.V.6 came, through intercom and that I went near the gate and called the accused by his name. I do not remember if I had stated to police that I called the accused by name from the place of my duty. Not a fact that accused did not respond to my call saying that he would be coming down by coming out in the " Verandah " of flat no.3A when I called him by name. I know Bhakarria Babu, a resident of one of the flats of ' Anand Apartment '. I knew a maid servant who used to work in his flat. Not a fact that I had an

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I had an illicit connection with the aforesaid maid servant. I cannot say if accused complained against me to Bhukaria Babu. Not a fact that I was transferred from ' Anand Apartment ' due to my illicit connection with the particular maid servant. Not a fact that I tried to transfer the accused from ' Anand Apartment ', and that accused did not visit flat no. 3A on the date of the incident as stated by me. Not a fact that whatever I have stated about the accused in court today had been tutored to me by police and the same are false and the same have been stated out of grudge against the accused.

Dictated & corrected by me.

Sd/- R.N.Kali

A.D.J.

Sd/- R.N.Kali

20.2.91.

Addl. Sessions Judge,
2nd Court, Alipore.

Sd/- Mr Dasurath Murmu

20.2.91.