

**STATEMENT OF ACCUSED UNDER SEC.313 OF CR.P.C.**

**Accused : Umesh Babubhai Patel,**

Aged about – 45 years,  
Occupation – Business,  
R/o. – Dalwada, Daman (U.T.).

**Q.1** Have you heard the evidence of the prosecution ?

**Ans.**

**Q.2** It has come in the evidence of P.W.1 – Gautam Vinubhai Mistry that in year 2021, he was Sector Officer, Dapada. At that time, election were going on. He was responsible for taking care of entire area and to remain present in the meeting held regarding the elections. Further, he was also responsible to look after that no problem takes place in the meetings held. What do you want to say ?

**Ans.**

**Q.3** It has further come in the evidence of P.W.1 – Gautam Vinubhai Mistry that on 22.10.2021, there was meeting of Shiv Sena party at Dapada cross road in public ground. The official timing of the meeting was 07:15 pm. The candidate from Shiv Sena party was Kalaben Delkar. What do you want to say ?

**Ans.**

**Q.4** It has further come in the evidence of P.W.1 – Gautam Vinubhai Mistry that accused Umesh Babubhai Patel who was the supporter of Shiv Sena gave speech, he was present at that time. At that time when Umesh Patel was giving the speech, he stated "*Gramjano, Matao, Vadilo, aa Ek Ghar me Yudh Chali Rahi Che, Ane Chutni Na Samajta, Chutni Panch Varse Aave, He further ask question Ketla Varse Aavse to the audience the audience replied panch Varse, Be Vars baki che ane chutni aavi gayi, tem bee Aadi vars mate*

*chutni aavi, Badha Em Kahe Che K Mohanbhai Aa Atmahatya Kari Che, Pan Emne Atmahatya Kari Nathi, Emi Hatya Karvama Aavi Che, Ane Hatyaro Che, Prasasak, Praful Patel".* What do you want to say?

**Ans.**

**Q.5** It has further come in the evidence of P.W.1 – Gautam Vinubhai Mistry that thereafter the speech continued and the speech timings were near about 08:00 pm. He thereafter got busy in his daily work. The video got viral and reached to C.E.O. What do you want to say ?

**Ans.**

**Q.6** It has further come in the evidence of P.W.1 – Gautam Vinubhai Mistry that C.E.O sent the said video to the Election Commission. Election Commission decided to take legal action against the said speech. On 26.10.2021, he gave complaint vide Exh.18. It bears his signature. He idnetified you accused present before the Court. What do you want to say ?

**Ans.**

**Q.7** It has come in the evidence of P.W.2 – Firoz Dhana Wadiya that the incident had taken place on 22.10.2021 infront of his house at Dapada. There is vacant land where election meeting of Shiv Sena Party at about 08:00 pm was conducted. It was a public gathering with set up of mandap and speakers. What do you want to say ?

**Ans.**

**Q.8** It has further come in the evidence of P.W.2 – Firoz Dhana Wadiya that there were about 200 people gathered for the election meeting. Poster of Kalaben Delkar and Mohanbhai Delkar were there. He was present over there near the stage. Alongwith him,

Chagan Mahala, Rita Tumda and Ramesh Mahala were present. What do you want to say?

**Ans.**

**Q.9** It has further come in the evidence of P.W.2 - Firoz Dhana Wadiya that they were sitting at the stage. In the meeting, Kalaben Delkar, Abhinav Delkar and accused Umesh were present. Kalaben Delkar and accused had delivered a speech. The meeting commence and after that people went to their home. What do you want to say ?

**Ans.**

**Q.10** It has come in the evidence of P.W.3 - Chhagan Somabhai Mahala that in the year 2021, he was Sarpanch of Group Gram Panchayat of village - Chinchpada, Vasona, Dapada and Pati. He was independent candidate (*apax*). What do you want to say ?

**Ans.**

**Q.11** It has further come in the evidence of P.W.3 - Chhagan Somabhai Mahala that on 22.10.2021, one meeting was called by Ms. Kalaben Mohanbai Delkar. She was candidate from Shiv Sena Party for the Member of Parliament for U.T. of D&NH. What do you want to say ?

**Ans.**

**Q.12** It has further come in the evidence of P.W.3 - Chhagan Somabhai Mahala that Shiv Sena party has arranged public meeting on 22.10.2021 at about 07:30 p.m. to 08:00 p.m. at village Dapada, near the house of Mr. Firoz. He was also present in the said meeting. What do you want to say ?

**Ans.**

**Q.13** It has further come in the evidence of P.W.3 - Chhagan Somabhai Mahala that there were public of about 200 to 300 persons gathered for said meeting. Accused - Umesh Babubhai Patel also attended the said meeting and delivered one speech before the crowd. What do you want to say ?

**Ans.**

**Q.14** It has further come in the evidence of P.W.3 - Chhagan Somabhai Mahala that at that time, he was looking after whether the persons from his village and surrounding villages are attending or not. He do not know as to what speech was delivered by Mr. Umesh Babubhai Patel. What do you want to say ?

**Ans.**

**Q.15** It has further come in the evidence of P.W.3 - Chhagan Somabhai Mahala that after 4 - 5 days of the meeting, he was called at the police outpost at Rakholi. At that time, police asked as to what speech was given by Mr. Umesh B. Patel. What do you want to say ?

**Ans.**

**Q.16** It has further come in the evidence of P.W.3 - Chhagan Somabhai Mahala that but, at that time also, he told to the police that he have not heard the speech of Mr. Umesh B. Patel as he was looking after as to whether the persons from his village are present or not for the meeting. What do you want to say ?

**Ans.**

**Q.17** It has further come in the evidence of P.W.3 - Chhagan Somabhai Mahala that it did not happen that some people have shown him the YouTube link of the said speech given by Mr. Umesh B. Patel. It is not

true to say that thereafter he also watched the said video on YouTube link. What do you want to say ?

**Ans.**

**Q.18** It has come in the evidence of P.W.4 - Kalpesh Chhagan Vaijal that in the year 2021, he was working as Trustee of Vaid One Foundation Trust. He do not know about the allegations in the present case. It did not happen that he attended the meeting on 22.10.2021 at village Dapada, near the house of Mr. Firoz. It did not happen that he heard the speech in the said meeting given by the present accused. What do you want to say ?

**Ans.**

**Q.19** It has come in the evidence of P.W.5 - Nita Sandeep Tumda that in the year 2021, she was acting as Dy. Sarpanch of village Dapada from Shiv Sena Party. On 22.10.2021, there was meeting arranged at around 7 pm to 8 pm at village Dapada. One Ms. Kalaben M. Delkar was candidate from Shiv Sena party for the Member of Parliament from D&NH constituency. What do you want to say ?

**Ans.**

**Q.20** It has further come in the evidence of P.W.5 - Nita Sandeep Tumda that at that time, one speech was delivered from Mr. Umesh Patel in the said meeting. Mr. Umesh Patel delivered the speech in Gujarati language. 175 - 200 persons were gathered for the said meeting. What do you want to say ?

**Ans.**

**Q.21** It has further come in the evidence of P.W.5 - Nita Sandeep Tumda that she was also sitting on the dais in the said meeting. Mr. Ramesh Salkar, Mr. Chhagan

Mahala and Mr. Firoz Vadia were also on dais. She didn't understand speech delivered by Mr. Umesh Patel as it was in Gujarati language. What do you want to say ?

**Ans.**

**Q.22** It has further come in the evidence of P.W.5 – Nita Sandeep Tumda that she is educated in Marathi medium and understand only Marathi language. She do not understand Gujarati language in total. Police has recorded her statement. What do you want to say ?

**Ans.**

**Q.23** It has further come in the evidence of P.W.5 – Nita Sandeep Tumda that she do not remember whether police had shown her any video on YouTube. It did not happen that police shown her one video on YouTube in which it was pictured that the present accused was saying that "*abhi dharma yudha chal raha hai*". What do you want to say ?

**Ans.**

**Q.24** It has come in the evidence of P.W.6 – Manish Umashankar Mishra that since the year 2014, he is working as press reporter in English fortnightly newspaper namely U.T. Mirror and daily newspaper namely The Gram Today and magazine namely Rashtra Samvad and the news correspondent for the channel namely JK 24x7. What do you want to say ?

**Ans.**

**Q.25** It has further come in the evidence of P.W.6 – Manish Umashankar Mishra that one video was uploaded on 22.10.2021 on his YouTube news channel by name Kamya News Network. The said video was of the

speech given by Mr. Umesh Babubhai Patel. The said speech was given in the campaign for the By-Election of Member of Parliament for D&NH Constituency in support of Shiv Sena candidate Ms. Kalaben Delkar. What do you want to say ?

**Ans.**

**Q.26** It has further come in the evidence of P.W.6 - Manish Umashankar Mishra that he had seen the said uploaded video. By watching at the said video, he cannot tell as to from which place it was recorded. It did not happen that he was present when the said speech was delivered in person. What do you want to say ?

**Ans.**

**Q.27** It has further come in the evidence of P.W.6 - Manish Umashankar Mishra that it did not happen that he recorded the said video in his mobile handset and then, uploaded on the YouTube. What do you want to say ?

**Ans.**

**Q.28** It has come in the evidence of P.W.7 - Ramesh Savji Mahala that in the year 2021, he was Member of District Panchayat for Dapada from Janta Dal (United). On the day of incident, one meeting was called by Shiv Sena Party at Dapada Char Rasta. Mr. Chhagan S. Mahala, the then Sarpanch of Dapada, Dy. Sarpanch - Mrs. Mita Tumda, Mr. Firoz Vadia and around 300 other persons were present for the meeting. What do you want to say ?

**Ans.**

**Q.29** It has further come in the evidence of P.W.7 - Ramesh Savji Mahala that he was also present there for the

meeting. The said meeting was arranged as a part of campaign for Ms. Kalaben Delkar, who was the candidate for the Shiv Sena party contesting the bye-election for parliament. One stage was also made for the meeting. What do you want to say ?

**Ans.**

**Q.30** It has further come in the evidence of P.W.7 – Ramesh Savji Mahala that he was present on said stage on the meeting. Present accused – Mr. Umesh Patel was also present on the stage. Mr. Umesh Patel was canvassing for Ms. Kalaben Delkar in support of her campaign of election. What do you want to say ?

**Ans.**

**Q.31** It has further come in the evidence of P.W.7 – Ramesh Savji Mahala that police has recorded his statement. One video was also shown to him, wherein he was seen as sitting on the dais. He had seen the entire video. What do you want to say ?

**Ans.**

**Q.32** It has further come in the evidence of P.W.7 – Ramesh Savji Mahala that in the said video, it was seen that Mr. Umesh Patel was promoting for election for Ms. Kalaben Delkar. It did not happen that in the said speech given by Mr. Umesh Patel, he spoke like "*Administrator Mr. Praful Patel is the killer*". What do you want to say ?

**Ans.**

**Q.33** It has come in the evidence of P.W.8 – Hareshkumar Kanjibhai Patel that on 10.12.2021, he is on the post of Programme Executive in All India Radio at Daman. On that day, he received letter from Silvassa Police Station for recording the voice of the person at their

studio. They further told him that they will come on 13.12.2021 alongwith the said person. What do you want to say ?

**Ans.**

**Q.34** It has further come in the evidence of P.W.8 - Hareshkumar Kanjibhai Patel that accordingly, police persons alongwith the said person i.e. Umeshbhai (accused) came on 13.12.2021 at Daman. Then, they went in the studio. Already, police came with the script. What do you want to say ?

**Ans.**

**Q.35** It has further come in the evidence of P.W.8 - Hareshkumar Kanjibhai Patel that the police told to the accused that you have to speak as per the script. Accordingly, the accused read the said script and he recorded it in his voice. What do you want to say ?

**Ans.**

**Q.36** It has further come in the evidence of P.W.8 - Hareshkumar Kanjibhai Patel that the police also came alongwith two blank CDs. They told him to copy the recorded version in both the CDs. After copying the recording, he handed over both the CDs to the police. The written script vide Exh.64 shown to him is the same. What do you want to say ?

**Ans.**

**Q.37** It has further come in the evidence of P.W.8 - Hareshkumar Kanjibhai Patel that police also told him to issue certificate accordingly. The certificate vide Exh.65 shown to him is the same. It bears his signature. The contents therein are true and correct. What do you want to say ?

**Ans.**

**Q.38** It has further come in the evidence of P.W.8 - Hareshkumar Kanjibhai Patel that the CD recorded by him shown and played in the Court. After playing the contents of CD, the script given by the police is recorded in the said CD in three times. The contents under the CD vide Exh.66 is as per the script supplied by the police. What do you want to say ?

**Ans.**

**Q.39** It has further come in the evidence of P.W.8 - Hareshkumar Kanjibhai Patel that he can identify the person whose speech was recorded in the studio, if shown to him. What do you want to say ?

**Ans.**

**Q.40** It has come in the evidence of P.W.9 - Dr. Rakesh S/o. Dr. Anup Kumar Minhas that in the year 2021, he was posted as Collector in U.T. of D&NH at Silvassa. As Collector, Silvassa, he was served about 10 to 11 months. He was also holding charge of District Election Officer (D.E.O.) of D&NH. What do you want to say ?

**Ans.**

**Q.41** It has further come in the evidence of P.W.9 - Dr. Rakesh S/o. Dr. Anup Kumar Minhas that at that time, the Government declared by-election of Parliamentary of U.T. of D&NH. The photocopy of letter dated 24.10.2021 shown to him is the same. It bears his signature. The contents therein are true and correct. What do you want to say ?

**Ans.**

**Q.42** It has come in the evidence of P.W.10 - Charmie Kamal Parekh that in the year 2021, she was posted as Resident Deputy Collector (S)/SDM at Silvassa. On

21.10.2021, she received application for permission for holding a public meeting. What do you want to say?

**Ans.**

**Q.43** It has further come in the evidence of P.W.10 - Charmie Kamal Parekh that on 22.10.2021, she issued permission order for holding a public meeting with certain conditions. The photocopy of permission order dated 22.10.2021 shown to her is the same. The contents therein are true and correct. It bears her signature. What do you want to say ?

**Ans.**

**Q.44** It has come in the evidence of P.W.11 - Suraj Kantu Dayat that on 27.10.2021, he was called by police to act as a panch at village Dapada, Sadakpada. Another panch Rajesh Navsa Dongarkar was also present with him. What do you want to say ?

**Ans.**

**Q.45** It has further come in the evidence of P.W.11 - Suraj Kantu Dayat that accordingly, police prepared the spot panchnama in his presence. The panchnama vide Exh.78 shown to him is the same. It bears his signature at sr. no.01. The contents therein are true and correct. Police also prepared rough sketch map of the spot. What do you want to say ?

**Ans.**

**Q.46** It has come in the evidence of P.W.12 - A.S.I. - Somnath Ratan Warkar that on 26.10.2021, he was posted at Rakholi Police Outpost. On that day, he was called by PSO - Mr. P. C. Patel at Silvassa Police Station and handed over investigation in cr. no.207/2021 to him. What do you want to say ?

**Ans.**

**Q.47** It has further come in the evidence of P.W.12 - A.S.I. - Somnath Ratan Warkar that the said complaint was filed by Mr. Gautam Mistry, Sector Officer, Dapada. The complaint shown to him is the same. Alongwith FIR, there was one letter of Collector, Silvassa. The FIR shown to him is the same. What do you want to say ?

**Ans.**

**Q.48** It has further come in the evidence of P.W.12 - A.S.I. - Somnath Ratan Warkar that on 27.10.2021, he visited the spot of incident and prepared spot panchnama. Then, he recorded the statement of witnesses. Then, he obtained voice sample of the accused. He obtained the certificate of 65-B of The Indian Evidence Act of the officer of All India Radio, Daman. What do you want to say ?

**Ans.**

**Q.49** It has further come in the evidence of P.W.12 - A.S.I. - Somnath Ratan Warkar that then, he recorded the statement of Manish Mishra and obtained copy of recording of speech alongwith certificate u/s 65-B of The Indian Evidence Act vide Exh.80. What do you want to say ?

**Ans.**

**Q.50** It has further come in the evidence of P.W.12 - A.S.I. - Somnath Ratan Warkar that then, he forwarded the pen-drive and CD to FSL, Surat for confrontation. Then, he received the FSL report. The report vide Exh.81 shown to him is the same. What do you want to say ?

**Ans.**

**Q.51** It has further come in the evidence of P.W.12 - A.S.I. - Somnath Ratan Warkar that after completion of investigation, he filed charge-sheet in the Court. He identified the accused present in the Court. What do you want to say ?

**Ans.**

**Q.52** Why said witnesses are depositing against you ?

**Ans.**

**Q.53** Do you want to examine yourself on oath or adduce any evidence ?

**Ans.**

**Q.54** Do you want to say anything more ?

**Ans.**

**Signature of accused**

Before me,

**Place :- Silvassa.**

**[Jaydeo Y. Ghule]**

**Date : 15/10/2025.**

CJM, D&NH, Silvassa.

The above statement of accused is recorded by me in my presence and hearing and its contents true and full account of statements made by the accused.

**Place :- Silvassa.**

**[Jaydeo Y. Ghule]**

**Date : 15/10/2025.**

Chief Judicial Magistrate,  
D&NH, Silvassa.