

**DEPOSITION OF WITNESS NO.07 FOR THE  
PROSECUTION**

I do hereby on solemn affirmation state that -

**My name is : Ramesh Savji Mahala,**  
Age : 50 Years, Occu.- Agriculturist,  
R/o.: Dapada.

**Examination-in-chief by I.d. A.P.P.**  
**Mr. P. G. Patel, for U.T. -**

**1]** In the year 2021, I 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. I 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. I 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. Police has recorded my statement. One video was also shown to me, wherein I was seen as sitting on the dais. I have seen the entire video. 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*".

***The witness is not supporting the prosecution case and hence, Ld. A.P.P. seeks permission to cross examination of witness.***  
***Permission granted.***

**Cross examination by Ld. A.P.P.**

**1]** It is not true to say that on 08.11.2021, police recorded my statement at Rakholi Police Outpost in writing. However, police inquired with me orally. It is true that I stated to the police that I am the Member of District Panchayat, Dapada and I am connected with Shiv Sena Party. It is true that I stated to the police that one permission was granted in favour of Shiv Sena Party for holding the election campaign on 22.10.2021 at Dapada. It is true that one stage was made near the road and stage was also prepared and chairs were kept on the stage. It is true that near the stage, two loudspeakers and the banner of Shiv Sena party were affixed. In the banner, there was photograph of Ms. Kalaben Delkar and Late Mr. Mohanbhai Delkar and the election sign as cricket bat. It is true that I stated to the police that I sat on the dais. Electric lights were also fixed near the stage. It is true that at around 8 p.m., Mr. Umesh Patel also joined the said campaign. It is true that Mr. Umesh Patel also delivered the speech in the said campaign meeting.

**2]** It is true that police shown me one link of YouTube on Kamy News Network as <https://youtu.be/E2itkggnas>. It is true that in the video of the said link, myself, Firoz Vadia, Chhagan Mahala and Nita Tumda were seen sitting on the dais. It was also seen that Mr. Umesh Patel from Daman was seen while giving the speech. It is not true to say that in the said speech, it was also seen that Mr. Umesh Patel said "*Gramjano, Matao, Behno, Yuva Mitro, Vadilo, aa to dharamyudha chali rahiyo che*". It is not true to say that in the said speech, it was also seen that Mr. Umesh Patel said "*chutni na samajta kem ke chutni to paanch varshe aave, ketla varshe aave ?*". It was seen in the said video that Mr. Umesh Patel then said "*aapne tyo be varsh baaki che ne ?*". "*Aapna pase chutni aavi gayi kem ? Be-adhi varsh mate kem aavi gayi chutni ? Badha kahe ke Mohanbhai aatmahatya kari, nahi Mohanbhai aatmahatya nahi kari, Mohanbhai ni hatya karva ma aavi cha and je hatyaro Administrator Praful Patel che*". It is not true to say that I witnessed the said speech from the said stage and it was also shown to me on the said YouTube link. It is not true to say that in order to save the accused, I am deposing false.

**3]** On the request of Ld. APP, the pen-drive submitted by I.O. alongwith the charge-sheet is connected to the TV set. In the said pen-drive, one video file of size 48.36 MB-format.MP4 and date as

09.11.2021 is seen. The said video is played on the TV screen. In the said video, it is seen that present accused Mr. Umesh Patel is delivering a speech from stage. It is also seen that in his speech, on the mike, he is saying "*Gramjano, Matao, Behno, Yuva Mitro, Vadilo, aa to dharamyudha chali rahiyo che*". "*chutni na samajta kem ke chutni to paanch varshe aave, ketla varshe aave ?*". "*aapne tya be varsh baaki che ne ?*". "*Aapna pase chutni aavi gayi kem ? Be-adhi varsh mate kem aavi gayi chutni ? Badha kahe ke Mohanbai aatmahatya kari, nahi Mohanbai aatmahatya nahi kari, Mohanbai ni hatya karva ma aavi cha and je hatyaro Administrator Praful Patel che*".

**4]** The length of the total video is 12.31 minutes. In the said video, I am also seen as sitting on the stage on the first chair, behind Mr. Umesh Patel. It is not true to say that I am deposing false.

**Chief complete.**

**Cross-examination by Ld. Adv. Mr. V. K. Shrimali, for accused -**

**1]** Police has shown me directly the video. Police had not shown me the said video through link <https://youtu.be/E2itkgnas>. The video which is played in the Court today of the pen-drive, was not shown to me in the police station. From the stage, I was looking to the crowd and I was disturbed as the crowd as expected was not gathered. It is true that as less crowd was gathered, I was under tension and I was not

paying any attention to the speech delivered by Mr. Umesh Patel. The speech which is shown today in the Court, I had not heard it. It is true that after the alleged suicidal of Mr. Mohanbai Delkar, there was no incident of riot or disturbing the law and other took place in D&NH or Silvassa. After the alleged speech of Mr. Umesh Patel, there was no disturbance of law and order in the U.T. of D&NH. It is true that in the bye-election, Ms. Kalaben Delkar was victorious. It is true that till today, there is no question of law and order took place in respect of the said speech. It is true that the crowd which had gathered also did not disturb any law and order after the alleged speech. It is true that after the alleged speech of Mr. Umesh Patel, the gathered crowd were not annoyed and the public was not incited.

**Cross complete.**

**No Re-examination.**

**R.O.A.C.**

**Before Me,**

Date : 27/02/2025.  
Silvassa.

**(Mr. A. A. Bhosale)**  
Chief Judicial Magistrate,  
D.&N.H., Silvassa.