

**DEPOSITION OF WITNESS NO.08 FOR THE
PROSECUTION**

I do hereby on solemn affirmation state that -

My name is : Hareshkumar Kanjibhai Patel,
Age : 58 Years, Occu.- Programme Executive -
AIR, Daman,
R/o.: Abrama, Valsad (Gujarat).

Examination-in-chief by Ld. A.P.P.
Mrs. P. R. Rajput, for U.T. -

1] On 10.12.2021, I am on the post of Programme Executive in All India Radio at Daman. On that day, I received letter from Silvassa Police Station for recording the voice of the person at our studio. They further told me that they will come on 13.12.2021 alongwith the said person. Accordingly, police persons alongwith the said person i.e. Umeshbhai (accused) came on 13.12.2021 at Daman. Then, we went in the studio. Already, police came with the script. The police told to the accused that you have to speak as per the script. Accordingly, the accused read the said script and I recorded it in his voice. The police also came alongwith two blank CDs. They told me to copy the recorded version in both the CDs. After copying the recording, I handed over both the CDs to the police. The written script now shown to me is the same. (**It is marked as Exh.64**). Police also told me to issue certificate accordingly. The certificate shown to me is the same. It bears my signature. The contents therein are true and correct. (**The certificate is marked as**

Exh.65). The CD recorded by me now 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 is as per the script supplied by the police. **(The CD is now marked as Exh.66).** I can identify the person whose speech was recorded in the studio, if shown to me.

Chief complete.

Cross-examination by Ld. Adv. Mr. S. S. Modasia, for accused -

1] I am educated upto M.Sc. (Mathematics), B.Ed. Since 1994, I am working in All India Radio. Since the year 2016, I am working as Programme Executive at All India Radio, Daman. I do not possess any specific qualification for the post of Programme Executive or recording. I have not checked the identity card of the person whose voice was recorded. It is true that police had identified the said person to me. It is true that there is one live room / recording room. Firstly, we recorded the voice on microphone. The recording was saved in the computer system. It is true that the computer system was kept separately in another room. It is true that the voice of live room was not heard in the control room. I was sitting in the recording room, where the computer was kept. It is not true to say that I personally not heard the voice of the said person while recording.

2] It is true that CD and DVD are two different things. Now, I was shown with Exh.66. It is DVD.

Exh.66 doesn't bears my handwriting and signature. Now, I am shown with Exh.65. It is signed by me. Exh.65 was brought by the police. Police obtained my signature on Exh.65. It is not true to say that I have not knowledge about Sec.65-B of The Indian Evidence Act certification. I have not mentioned in Exh.65 that how many times, the script was recorded. It is true that there is variation in the recording of statement at three times. I had not verified the CDs whether there is some contents in that CDs or not. I have not sealed the CDs at the time of handing over to the police. At the time of recording the CD, I used "*soundforge*" software. The computer system of recording is in my control. I have knowledge of soundforge software upto editing. It is true that the speech recorded on our computer may be editable. I do not have knowledge of burning of CD. I do not know by using which software, I close the CD. I do not know that the CD given by the police is rewritable or close. Before handing over the CD, I have not played the same. Our computer system was not verified by the police before or after recording the voice.

3] I am unable to tell about the file name, size and duration of recorded file. I started recording of script at about 11:00 a.m. and concluded the same at around 01:00 p.m. Before recording of voice, resersal for about 2 - 3 times were carried out. No panchnama was drawn by police in my presence. No panch witnesses were brought by the police at the studio. It is

true that if the same script video clip was played in front of microphone, then it may be recorded. It is not true to say that the voice recorded by me is not of accused. It is not true to say that it is recorded by playing the video before microphone. At the time of recording the script, one police was present in the recording room. I do not know in the said recording, there is voice of police. It is not true to say that I have edited the recoding at the time of preparation of CD. It is not true to say that DVD played before the Court is not same which I handed over to police. It is not true to say that I have not recorded the script. It is not true to say that readymade recorded contents was handed over to the police. We have not maintained the inward and outward register about the coming of police and outgoing. I had not given any covering letter to the police alongwith CD. It is not true to say that I am not authorized to recording the speech. It is true that I do not have any proof that the recording of speech was given to me by All India Radio, Daman. It is not true to say that today I am deposing false.

Cross complete.

No Re-examination.

Before Me,

R.O.A.C.

Date : 04/09/2025.
Silvassa.

(Mr. Jaydeo Y. Ghule)
Chief Judicial Magistrate,
D.&N.H., Silvassa.