

DEPOSITION OF WITNESS NO.05 FOR THE
PROSECUTION

I do hereby on solemn affirmation state that -

My name is : Ms. Nita Sandeep Tumda,
Age : 39 Years, Occu.- Dy. Sarpanch, Dapada,
R/o.: Dapada.

Examination-in-chief by Ld. A.P.P.
Mr. P. G. Patel, for U.T. -

1] In the year 2021, I 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. At that time, one speech was delivered from Mr. Umesh Patel in the said meeting. He delivered the speech in Gujarati language. 175 - 200 persons were gathered for the said meeting. I was also sitting on the dais in the said meeting. Mr. Ramesh Salkar, Mr. Chhagan Mahala and Mr. Firoz Vadia were also on dais. I didn't understand speech delivered by Mr. Umesh Patel as it was in Gujarati language. I am educated in Marathi medium and understand only Marathi language. I do not understand Gujarati language in total. Police has recorded my statement. I do not remember whether police had shown me any video on YouTube. It did not happen that police shown me one video on YouTube in

which it was pictured that the present accused was saying that *"abhi dharma yudha chal raha hai"*.

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.

It is not true to say that police shown me on video on YouTube wherein it was seen that the present accused Umesh Patel said against the Administrator Mr. Praful Patel that *"abhi dharma yudha chal raha hai"* and after sometime, he said in his speech that *"chutani na samajhta kem ke chutni to paanch varshe aave, ketla varshe aave ?"*. It is not true to say that then, in the video, it is seen that public replied as *"paanch varshe aave"*. It is not true to say that then, it is seen in the video that Umesh Patel again said that *"aapne kyaa be varsh baaki che ne ?"* *"aapna paase chutni aavi gayi kem ?"*, *"be adhi varsh mate kem aavi gayi chutni ?"* and the public replied that *"Mohanbhai e aatma hatya kari nahi, Mohanbhai koi aatma hatya kari nahi, Mohanbhai ni hatya karva ma aavi che, ee hatyaro prashasak Prafulbhai Patel"*. It is not true to say that portion marked as "A" now read over to me from my police statement is as per my say. It is not true to say that in order to save the accused, I am deposing false.

Chief complete.

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

1] It is true to say that the contesting candidate against Ms. Kalaben Delkar was from Bharatiya Janta Party. Mr. Mohanbhai Delkar was also elected as Member of Parliament from the ticket of Shiv Sena Party. Ms. Kalaben Delkar won the by-election with the heavy majority. It is true that thereafter, in the general election, in the year 2024, Ms. Kalaben Delkar again won the election from the Bhartiya Janta Party. After the alleged speech from the accused, there was no disturbance in the society within the territory of D&NH. At present, accused is the elected candidate for the Daman & Diu constituency in the election of the year 2024. It is true that I have come to know from the newspaper that the present accused Umesh Patel has addressed his grievance against the Administrator Mr. Praful Patel in the parliament.

Cross complete.

**No Re-examination.
R.O.A.C.**

Before Me,

Date : 03/10/2024.
Silvassa.

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