

DEPOSITION OF WITNESS NO.03 FOR THE
PROSECUTION

I do hereby on solemn affirmation state that -

My name is : Chhagan Somabhai Mahala,
Age : 46 Years, Occu.- Agriculturist,
R/o.: Chinchpada.

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

1] In the year 2021, I was Sarpanch of Group Gram Panchayat of village - Chinchpada, Vasona, Dapada and Pati. I was independent candidate (*apax*). On 22.10.2021, one meeting was called by Ms. Kalaben Mohanbhai Delkar. She was candidate from Shiv Sena Party for the Member of Parliament for U.T. of D&NH. 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. I was also present in the said meeting. There were public of about 200 to 300 persons gathered for said meeting. Accused - Umesh Babubhai Patel also attended the said meeting. He delivered one speech before the crowd. At that time, I was looking after whether the persons from my village and surrounding villages are attending or not. I do not know as to what speech was delivered by Mr. Umesh Babubhai Patel.

2] After 4 - 5 days of the meeting, I was called at the police outpost at Rakholi. At that time, police

asked as to what speech was given by Mr. Umesh B. Patel. But, at that time also, I told to the police that I have not heard the speech of Mr. Umesh B. Patel as I was looking after as to whether the persons from my village are present or not for the meeting. It did not happen that some people have shown me the YouTube link of the said speech given by Mr. Umesh B. Patel. It is not true to say that thereafter I also watched the said video on YouTube link.

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 one link on YouTube of Kamya News Network i.e. <https://youtu.be/E2itkgnas> was shown to me by the police. It is not true to say that in the said video available on the said YouTube link, I alongwith Mr. Firoz Vadia, Mr. Ramesh Mahala, Ms. Nita Tumbda were also seen on the stage. It is not true to say that in the said video, it was also seen the present accused Mr. Umesh B. Patel was giving speech on the stage. It is not true to say that portion marked as "A" now read over to me from my police statement, was given by the present accused as speech. 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] After the alleged speech, there was no disturbance in the public which had gathered for the meeting. There was no any discussion on the alleged speech in the citizens of the U.T. of D&NH. In the said election, Ms. Kalaben Mohanbhai Delkar was elected as Member of Parliament for the U.T. of D&NH. It is true that thereafter, Ms. Kalaben Delkar left the Shiv Sena party and joined Bharatiya Janta Party. In the general lok sabha elections, Ms. Kalaben M. Delkar is elected as Member of Parliament from Bharatiya Janta Party for the election of 2024. Mr. Prafulbhai Patel was the Administrator in the year 2021 and also still Administrator for the U.T. of D&NH and DD. The present accused is elected as Member of Parliament for the Daman & Diu constituency as an independent candidate.

Cross complete.

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

Before Me,

Date : 19/09/2024.
Silvassa.

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