

DEPOSITION OF WITNESS NO.12 FOR THE  
PROSECUTION

I do hereby on solemn affirmation state that -

**My name is : Somnath Ratan Warkar,**  
Age : 60 Years, Occu.- Retd. A.S.I.,  
R/o.: Silvassa.

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

**1]** On 26.10.2021, I was posted at Rakholi Police Outpost. On that day, I was called by PSO - Mr. P. C. Patel at Silvassa Police Station and handed over investigation in cr. no.207/2021 to me. The said complaint was filed by Mr. Gautam Mistry, Sector Officer, Dapada. The complaint now shown to me is the same. Alongwith FIR, there was one letter of Collector, Silvassa. The FIR now shown to me is the same.

*(At this juncture, the Ld. APP is tracing the documents in the Court file. But the documents couldn't be traced out. Hence, the witness is directed to come out from the witness box).*

**Before Me,**

Date : 09/10/2025.  
Silvassa.

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

**Further examination-in-chief of P.W.12**  
**- Mr. Somnath Ratan Warkar, resumed on oath by**  
**Ld. A.P.P. Mr. P. G. Patel, for U.T. -**

**2]** On 27.10.2021, I visited the spot of incident and prepared spot panchnama. Then, I recorded the statement of witnesses. Then, I obtained voice sample of the accused. I obtained the certificate of 65-B of The Indian Evidence Act of the officer of All India Radio, Daman. Then, I recorded the statement of Manish Mishra and obtained copy of recording of speech alongwith certificate u/s 65-B of The Indian Evidence Act. **(The said certificate is marked as Exh.80).** Then, I forwarded the pen-drive and CD to FSL, Surat for confrontation. Then, I received the FSL report. The report now shown to me is the same. **(The said FSL report is marked as Exh.81).** After completion of investigation, I filed charge-sheet in the Court. Witness identified the accused present in the Court.

**Chief complete.**

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

**1]** I had given intimation letter to the accused for recording of sample voice at AIR, Daman. Now, I am shown with letter dated 10.12.2021 given to the accused. **(As it is shown in cross-examination, it is marked as Exh.82).** It is not true to say that the intimation letter doesn't bears the signature of accused. The office bearer of the accused signed at Exh.82 and also mentioned in mobile number. The name of said officer bearer is Mr. Rajesh Patel. It is not true to say that Mr. Rajesh Patel is not office bearer of

the accused. I have not recorded statement of Mr. Rajesh Patel. It is true that only Exh.82 is the evidence for calling accused for voice sampling. It is not true to say that I have no any documentary evidence that the accused had attended AIR, Daman on 13.12.2021 for voice sampling. It is not true to say that I have no any documentary evidence to show the presence on 13.12.2021 at AIR, Daman. As I stated Mr. Haresh Patel, Officer of AIR, Daman issued CD alongwith 65-B certification. It is not true to say that I have prepared the voice sample script as per the uploaded video. It is true that the voice sample script and the speech in video are same version. It is true that at the time of preparing of script, I have not prepared the panchnama of script. I obtained two pen-drive from Mr. Manish Mishra (P.W.6), news reporter. After obtaining the pen-drive from news reporter, it was kept with me. It is true that I have not sealed the pen-drive. It is true that I have not deposited the said pen-drives to the muddemal clerk or muddemal room of Police Station. It is true that when I obtained video in pen-drive, I have not prepared any panchnama. Mr. Manish Mishra, news reporter himself handed over the pen-drive to police in Police Station alongwith 65-B certification.

**2]** The voice sample was recorded in CD in All India Radio, Daman. It is true that the CD is also within my custody. It is true that at the time of obtaining CD from AIR, Daman, it was not sealed. I have not

prepared panchnama at the time of recording CD in AIR, Daman. It is true that before recording the speech in CD, I have not prepared panchnama of empty CD. It is not true to say that at the time of filing charge-sheet, I have not submitted the pen-drive and CD alongwith charge-sheet. The CD placed by AIR, Daman is not CD, it is DVD. It is true that I have not collected any documentary evidence to show that the accused is campaigning for Shiv Sena Party or for Ms. Kalaben Delkar. I have not recorded the statement of Ms. Kalaben Delkar. I do not know at the time of incident, the police persons were available at the spot. I do not know that after the alleged incident, there was any communal riots, dispute between two community or different classes of citizen. It is true that I have not seized the mobile device from the alleged video was recorded. It is true that I have not seized the original device from which the video was uploaded. It is not true to say that I have created the video available in the pen-drive. It is not true to say that the video is not the date of alleged incident. It is true that I have not attached the custody of sample form alongwith CD and pen-drive. Police Constable went towards the office of FSL, Surat alongwith CD and pen-drive. I have not recorded the statement of said police constable. It is not true to say that I have not recorded statement of witnesses as per their say. It is not true to say that I have not prepared the panchnama alongwith sketch map in presence of panch witnesses. It is not true to

say that I filed false charge-sheet against accused. It is not true to say that I am deposing false.

**Cross complete.**

**No Re-examination.**

**Before Me,**

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

Date : 09/10/2025.  
Silvassa.

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