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DEPOSITIONS BY THE WITNESSES IN NIYOGI MURDER TRIAL

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SHAHEED NIYOGI MURDER TRIAL

ENGLISH TRANSLATION

OF

DEPOSITIONS BY THE WITNESSES IN THE TRIAL COURT
OF SECOND ADDITIONAL SESSIONS JUDGE, DURG (M.P.)

(Presiding Officer, Mr. T.K. Jha)

Sessions Case No. 233/92

(The Judgement in this case was delivered on 23.06.1997)

NOTE:

This is not an official translation. It contains the English translation of depositions by 83 witnesses out of a total of 192 public witnesses. The number of public witnesses is given both in the Index and at the beginning of each deposition. The Chattisgarh Institute of Law has arranged for this document for limited use of those who may find it difficult to read in Hindi.

Errors and omissions are regretted. Thank You!

September, 1997

- CIL Collective

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Witness No1, On behalf of Prosecution

Dated: 9.8.94 Age of Witness: 40 years.

Name of witness: Roopram Sahu S/o. Shri Brijlal Sahu

Occupation: Head Constable No.1144, Address : Police Line
Distt Durg, M.P.

On oath :

1. I have been posted at Police Station Jamul from June 1988 to December 1991 as A.S.I. I have brought with me the General Diaries of the year 90, which are maintained at Police Station. Head Constable Dansingh, Town Inspector Salam, SI Suresh Singh, ASI V.P.Banjare, ASI Jagpal Singh have been posted with me at Police Station Jamul.
2. I can recognise the hand writing and signatures of the aforesaid persons because I have seen them signing and writing.
3. Daily diary, Sanha No.936 dated 17.9.90, has been written by the Head Constable Daan Singh whose true copy I am submitting today which is Ex.P.1 and which has been signed by me. Daily diary Sanha No.937 has been written by T.I. Salam whose true copy is Ex.P.2 which is signed by me. Daily diary Sanha No.1825 dt.3.10.90 has been written by the Head Constable Daan Singh whose true copy is Ex.P.3 which has been signed by me.
4. Daily diary Sanha No.928 dt.14.11.90 has been written by Head Constable Daan Singh whose true copy is Ex.P.4 which has been signed by me.
5. Daily diary Sanha No.1319 dt.22.12.90 has been written by Head Constable Daan Singh whose true copy is Ex.P.5 which bears my signature. According to this daily diary Bharat Kumar has submitted an application to T.I. Salam in which it was alleged that on 22.12.90 in the night at 10 O'Clock some unknown persons got down from the Car No.CIR-12 at HUDCO and threatened to beat him and

abused Bharat Kumar and said that if any report has been registered against Moolchand it should be withdrawn.

6. The enquiry of this application was handed over to me. Since the case needed no interference by the police this report was filed.

7. Daily diary Sanha No.56 dt.1.1.91 is written by S.I. Suresh Sen whose true copy is Ex.P.6 which bears my signature. Daily diary Sanha No.1462 dt.23.1.91 has been written by T.I.Salam which bears my signature on the true copy Ex.P.7. Daily diary Sanha No.1544 dt. 26.6.91 has been written by the Head Constable Daan Singh whose true copy is Ex.P.8 which bears my signature. Daily diary Sanha No.989 dt.15.11.90 has been written by Head Constable Daan Singh whose true copy is Ex.P.9, which bears my signature and I am submitting. Daily diary Sanha No.287 dated 4.7.91 has been written by T.I.Salam whose true copy is being submitted which bears my signatures and is Ex.P.10. Daily diary Sanha No.420 dated 7.8.91 has been written by T.I.Salam whose true copy is being submitted which bears my signatures and is Ex.P.10. Daily diary No.420 dt.7.8.91 has been written by T.I. Salam whose true copy is Ex.P.11 which bears my signatures and is being submitted. Daily diary Sanha No.509 dated 9.8.91 has been written by ASI V.P.Banjare whose true copy is P.12 which bears my signature and is being submitted. Daily diary Sanha No.789 dt.13.8.91 has been written by V.P.Bnanjare on whose true copy there is my signature and is being submitted which is Ex.P.13. Daily diary Sanha No.928 dated 15.8.91 has been written by TI Salam whose true copy is P.14 which bears my signatures is being submitted. Daily diary Sanha No.1193 dt.20.8.91 has been written by ASI V.P.Banjare whose true copy is Ex.P.15 which bears my signatures and is being submitted. Daily diary Sanha No.1295 dt.21.7.91 has been written by

Head Constable Daan Singh whose true copy is Ex.P.16 which bears my signatures and is being submitted. Daily diary Sanha No.1328 dt.22.7.91 has been written by ASI Banjare whose true copy is Ex.P.17 which bears my signatures and is being submitted.

8. Daily diary Sanha No.1575 dt.26.8.91 has been written by TI Salam whose true copy is Ex.P.18 which bears my signatures and is being submitted. Daily diary Sanha No.1723 dt. 28.8.91 has been written by TI Salam whose true copy is Ex.P.19 which bears my signatures and is being submitted. Daily diary Sanha No.278 dt.4.9.91 has been written by TI Salam whose true copy is being submitted by me which bears my signatures which is Ex.P.20.

9. All the aforesaid diaries are of Police Station Jamul, district Durg.

10. Simplex Engineering & Foundry Works and Simplex Castings, Kedia Distilleries fall under the jurisdiction of Police Station Jamul.

NOTE: It is 2 O'Clock now, it is time for tea. Therefore the examination in chief of the witness is adjourned till tea time.

IIInd Addl. Sessions Judge
Durg, M.P.

After Tea-time the witness was administered an oath and on oath the cross-examination of the witness was commenced.

Cross-examination by Shri Rajendra Singh, Adv. for Accused Moolchand Shah and Navin Shah.

11. I have been working at Police Station Jamul since last about three years. I had the occasion to know Neogiji very well. I do not know that there were many criminal cases against Neogiji. The witness himself said that there was no case against Neogiji at Police Station Jamul.

Most of the industrial area of Bhilai is under the jurisdiction of Police Station Jamul. Kedia Distillery is situated under the jurisdiction of Police Station Jamul. Bhilai Wires, B.K.Engg. Works, General Fabricators, Jaiswal Iron Steel Works, Vishwa Vishal Engg., Nagpur Engg. Bhilai Auxiliary Industries, A.C.C.Co., Rana Industry, Maheshwari Industry, Gyan Rolling Mills, and Golechha Chemicals are situated in Jamul Area.

12. The workers of Neogi used to launch movement in the aforesaid industries. This fact is not known to me. There was no movement concerning the Naxalite in my Police Station area. At Bastar there is Naxalite movement. I do not know that the Naxalites are known as People's War Group. I do not know that the Naxalites have the Red Flag.

13. I am not aware of the fact that C.M.Morcha ^{had} ~~has~~ the membership of 25-26 thousand. I cannot tell what is the strength of C.M.M. The leader of C.M.M. was Neogi. The flag of this Mukti Morcha was Red-Green coloured. I have no knowledge to the effect as to when the colour of this flag became red-green. I do not know that prior to this the colour of the flag was green. I do not know that when they had ~~connections~~ ^{connections} with Naxalite People's War Group, CMM converted the colour of the flag to red-green.

14. I have no knowledge to the effect that there is a Union in Simplex Industries. I know this that the workers of Neogi used to go to Kedia Distillery to launch the strike and used to raise slogans.

15. I do not know that Neogi used to raise filthy slogans against the Police Officials when Neogiji used to launch the agitation. At one time, I had been to Bhilai Wires, Kedia, Simplex, Nagpur Industries, B.E.C., and B.K. Industries. I had gone on Law & Order duty. About 40-50

to 500 workers of Neogi used to be in groups. Ram Gopal, Janak Lal, N.R.Ghoshal, used to lead these workers. I do not remember to have seen Neogi with these persons.

These people used to ^{spread} ~~raise~~ the slogan of Jindabad for their demands. I do not know that they used to use abusive language. I did not see them pelting and sabotaging. I did not see any such activity which could create anomycity between the agitators and the owners of the factories.

16. I had been to these industries at different times. I had been to these industries for a good number of times at different periods. I do not know as to where TI Salam has been posted.

17. I cannot tell as to what is true or false in regard to report in daily diary Ex.P.1. I cannot tell as to who is Gautam son of Gulalchand and as to where he resides. In Ex.P.2 it is written "Gundaism of Kedia will not be tolerated". There might have been about 1000 people in the procession. In Ex.P.2 it is written - "Workers were loitering about". In Ex.P.3 it is written - "Seventy eighty apprehension of quarrel". It is written in Ex.P.4 "Shankar Guha Neogi had been banned". In Ex.P.5 the name which has been mentioned as Shantilal is the peon of CMM. I do not know as to who is Bharatkumar whose name has been mentioned in Ex.P.5. This report was given for enquiry to Sahu but he did not enquire. It is written in P.6 * - "Shankar Guha Neogi came in front of the indutry and addressed about 200-250 workers and raised the slogans against the owners of the factories and their administration". The ground of Kailash Nagar, is in our area. In Ex.P.7, it is also written that on that ground the people of Mukti Morcha assembled and it has been said in it that Police administration will not withstand before us and it is said that the workers are prepared to crush

the attitude of the Police. Addressing the assembly, Janaklal Thakur said that one day red-green flag would show the consequences to police for crushing their agitation and it is also written that we shall have to keep this going on till the owners kneel down. It is also written that Neogiji delivered ^{as per voice} ~~the instigating~~ speech to the workers which could lead to breach of peace. It is also written in it * - "I.G.Singh is a big officer of the police treat him as a servant". It is also written that S.I. Bhujbal ... has said". It is also written in it that we shall not back out.

19. In Ex.P.8 it is also written - "We Moolchand Shah can kill". In Ex.P.10 it is also written - "Shankar Guha Neogi resort to beating". It is also written in it - "Neogi instigated the workers and deliveredspeech". It is also written - " Neogi addressed could be done". It is also written ... "their instigated". Ex.P.10 is written by TI Salam. Ex.P.11 is written by TI Salam. In Ex.P.11 it is written "15th August delivered a speech". In Ex.P.12 it is written .. "Kedia Distillery raised slogans". As mentioned in Ex.P.12 whether the striking workers were of Mukti Morcha or not, I cannot tell. I do not remember that whether I know Ravindra Shukla, Sulab Prajapati, Sahendra Singh, Bhulan Rai. In P.13 it is written - "it is of this kind ...

NOTE: The examination of the witness could not be completed today, therefore, the witness is asked to continue tomorrow on 10.8.94.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg, M.P.

Dated: 10.8.94.

NOTE: The witness was administered oath and on oath the cross-examination was commenced.

20. In Ex.P.14 it is also written * - about 800 men,

500 women started raising slogans". It is also written in this - "in the form of rally B.I.W. converted into a military town. About 250-300 workers worked in Bharat Industrial Works. I have heard the name of a person B.R.Jain. I do not know that B.R.Jain is the owner of this factory. I had heard the name of B.R.Jain in connection with the industrialists. It is in Jamul area. I do not know as to which industry is run by B.R.Jain. In P.14 it is also written "the ^{General} ~~main~~ meeting started at 12.30 Shankar Guha Neogi rally ... alerted by calling English. I cannot tell as to who is B.R.Jain as mentioned in the Sanha. It is mentioned in the Sanha - "At last Shankar Guha Neogi ... will be taught". In Ex.P.14 it is also written - "At present delivered a speech". I have read in the newspaper that terrorist put fire, kill people and do the looting."

21. In P.20, it is written - "If our demand instigated the workers".

Cross-examination by Shri Dhurandhar, Adv. for accused Palton

22. Nothing.

Cross-examination by Shri Trivedi, Adv. for accused Chandrakant Shah:

23. Nothing.

Cross-examination by Shri Ashok Yadav, Adv, for accused persons Gyanprakash, Awadhesh Rai, Abhaykumar, Chandrabux, and Baldeo.

24. Nothing.

Readover and explained to the witness.

Found to be correct.

Typed under my instructions.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg, M.P.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg, M.P.

Witness No.2 on behalf of Prosecution.

Dated: 10.8.94 Witness's apparent age: 31 years,

Name: Rajesh Bajaj son of Shri R.N.BAJAJ,

Occupation: Printing Press, Dalli Rajhara, Bajaj Printers
Main Road, Dalli Rajhara.

On oath:

1. I am the Proprietor of Bajaj Printers, Main Road Dalli Rajhara. I have ^{published} ~~published~~ the ^{pamphlets} ~~pamphlets~~ of Chhattisgarh Mukti Morcha in the year 1991. I had received the matter of pamphlets of Ex.P.21 on the basis of which I had ^{published} ~~published~~ ten thousand copies. This pamphlet (Ex.P.21) was ^{published} ~~published~~ after 19.8.91. I had received a sum of Rs.1450/- being the expenses for printing of Ex.P.21. Some men of CMM had come with a matter and he had paid me but as to who was I cannot tell his name. I had handed over the copies of Ex.P.21 to the same man in the month of August.

2. The pamphlet of Ex.P.22 was published by me after receiving the draft from CMM after ~~19~~ 17.9.90. About five thousand copies of Ex.P.22 were ~~published~~ printed by me and it was handed over to the worker of CMM. I had received a sum of Rs.550/- as printing charge of Ex.P.22.

3. Similarly, I had received the draft of pamphlet of Ex.P.23 from CMM on the basis of which I had printed the ~~pamphlets~~ pamphlets of Ex.P.23 from my Printing Press. I cannot tell as to how many copies of the ^{pamphlets} ~~pamphlets~~ of Ex.P.23 were printed at my press. I am not in a position to tell as to how much charges were received by me in connection with ~~me~~ the printing of Ex.P.23.

Cross Examination by Shri Rajendra Singh, Adv. for accused Moolchand Shah and Navin Shah.

4. I cannot tell as to when Ex.P.23 was printed. Ex.P.23 could be printed in 89 and 90 also because I had started my Press in March 89. The slip of Ex.P.22 is

printed in Sept.90. The first para in the pamphlet of Ex.P.22 where the names of the factories have been mentioned, I had printed on the basis of the original draft. I had printed on the basis of the original draft the portion of Ex.P.22- "today in Bhilai are according facilities".

5. The portion mentioned in Ex.P.21 was published on the basis of the original draft - "the day Monday made him half dead". The mentioned portion has been published on the basis of the original draft "that all of a sudden goondas and contractors etc. of Kailashpati Kedia." The portion of Ex.P.21 too has been printed on the basis of original draft, "wire rod mill attacked." The portion of Ex.P.21 has been published on the basis of original draft, " in reality the duty of TI Salam was there". The portion of Ex.P.21 has been published on the basis of original draft, "labour leader Shankar Guha Neogi ". The portion in Ex.P.21 has been published on the basis of the original draft "these industrialists ruin."

Cross-examination by Shri Trivedi, Adv. for accused Chandrakant Shah.

6. Nothing.

Cross-examination by Shri Hasim Khan, Adv. for accused Abhaykumar Singh.

7. Nothing.

Cross-examination by Shri Dhurandhar, Adv. for accused Palton.

8. Nothing.

Cross-examination by Shri Ashok Yadav, Adv. for accused Gyanprakash, Awadhesh Rai, Chandrabux and Baldeo.

9. Nothing.

Readover and explained to the witness. Found to be correct.

Sd/ J.K.S.Rajput
IInd. Addl. Sessions Judge

Typed under my instructions.

Sd/ J.K.S.Rajput
IInd Addl. Sessions, Judge, Durg

Witness No. 3, On behalf of Prosecution

Dated: 10.8.94 Witness's apparent age: 35 years,

Witness's name: P.C.Tiwari, son of Shri G.P.Tiwari,

Occupation: S.I. Police Station, Lalbaug.

On oath:

1. I am Incharge of the Police Station, Lalbaug, Distt. Rajnandgaon, from 29.7.90 today. There are three industries of Simplex Group under the jurisdiction of Police Station, Lalbaug. Their names are Simplex Engg. & Foundry Works, Sangam Forgings and Simplex Metals.

2. The Director (Proprietor) of Simplex Metals is Hemant Shah. Today I cannot tell who are the Proprietors of the rest, two firms. I know this that all these three industries are affiliated to Simplex group situated at Durg. Simplex Engg. & Foundry Works is the third unit of the Simplex group whose parent factory is situated at Bhilai.

3. On 15.12.90, the FIR u/s. 318, 341, 323, 506/34 Cr.P.C. by Ataulah Khan was registered at Police Station Lalbaug. The enquiry of this case was conducted by ASI M.S.Rajput and I had submitted the Charge-sheet before the Court. I am submitting the certified copy of FIR and charge-sheet which are Ex.P.24 and 25.

4. S.N.Singh Dy.General Manager, Simplex Engg. & Foundry Works had sent a complaint dt.14.12.90 to S.P.Rajnandgaon. That complaint is Ex.P.26. S.P. had sent that complaint to me for investigation. Along with this complaint, there was the carbon copy of the letter written by Tempo driver ~~xxxx~~ which is ^{Ex P-28} Ex.P.27. Along with this complaint, there was attached ~~Ex.P.28~~ pertaining to slogans. On behalf of Simplex Engg. & Foundry Works, a complaint dt.5.5.1991 was sent to S.P.Rajnandgaon which is signed by G.Gopal Swamy and a copy of which was received by me. The copy which was received by me is Ex.P.29. A complaint dated

23.11.90 was sent to the Collector, Rajnandgaon by Sangam Forgings whose copy was sent to S.P.Rajnandgaon. S.P. Rajnandgaon had despatched it to me for action which is Ex.P.30. Ex.P.26 to P.30 were seized by CBI from me on 8.1.92. Ex.P.31 is the seizure memo which bears my signature. My signature is in A to A portion of Ex.P.31.

5. I had taken no action on the basis of Ex.P.26 because prior to it on the basis of P.24 offence was already registered on the basis of same facts. Police action was taken against Yawantika Kumar Chandrakar, Ashok Kumar Tirathkar, Satruhan Prasad Nirmalkar, Shiv Shankar Vishwakarma as per Ex.P.24. The facts in the documents of Ex.P.27 are incorporated in the facts of Ex.P.24. Yawantika Kumar, Chandrakar, Ashok, Satruhan and Shiv Shankar were the workers of CMM. Those persons used to work in Simplex Engg. & Fdy. Rajnandgaon. The name of that place is Tedesara.

6. Since preventive action was taken against the names mentioned in P.29, I took no action in regard to Ex.P.29. Ex.P.30, is the complaint of Sangam Forgings. According to which that firm was sustaining the loss of 1,18,930/- rupees for which Pragatisheel Shramik Sangh has been ^{said} set to be responsible. On the complaint of Ex.P.30 no action

was taken. 7. The agitation of Chhattisgarh Mukti Morcha or the Union affiliated to it, Pragatisheel Shramik Sangh etc. was against mainly Simplex group of industries, whose names have been told hereinabove. I have told today that the agitation was against Simplex Engineering group is on the basis of my personal knowledge.

Cross-examination by Hri Rajendra Singh, Adv. for accused Moolchand Shah and Navin Shah.

8. About 30 workers might be working in Simplex Metal Works. In Sangam Forgings, about 40 workers might be working but I cannot tell definitely about it. In Simplex

about 150 workers might be working but I cannot tell definitely. There are about 20-30 industries in my area. The demands of the workers of the CMM are against all industries whose number used to be between 20-25. They

There ~~are~~ used to be strikes by the workers of CMM against other industries besides Simplex Industries. The witness himself says that ~~they~~^{there} are used to be continuous strikes at Simplex Engineering.

9. In daily diary, the entry of strikes has been mentioned. Today I have not brought the daily diary Sanha pertaining to strikes, maintained at the Police Station. In the statement of my diary, I have not mentioned that the workers of CMM used to resort in continuous strikes at Simplex group.

10. Preventive action against the workers of CMM was taken u/s. 107, 116(3), under Cr.PC. These sections were applied against these for assaulting and goondaism. At our police station we maintain village offence book. There are names of the main workers and Shankar Guha Neogi of CMM in this book. It is not correct to say that in this book ~~often~~^{whenever} the names of offenders is noted down. This book is in four parts - in the first part, there is introduction of village, in the second part - the names of such persons are mentioned against whom challans are submitted in the court and in the third part, there are names of the persons sentenced and in the fourth part, at the end of the year, only Incharge of the Police Station writes down his notes. The name of Shankar Guha Neogi has been noted in the fourth part as a agitator.

11. According to my information, a challan was submitted under section 109 of Cr.PC against Shankar Guha Neogi for instigating to assault. I know this that Shankar Guha Neogi was imprisoned for about two months at Durg Jail. Neogi was given bail by the Hon'ble High Court, copy of

that order is in the record of the police station.

12. He was arrested for the offence committed in connection with riot (agitation). He was granted bail for the same. I have no knowledge to this effect that as Neogi did not used to attend the court on the date of hearing, the warrant was issued to him. I have no knowledge to the effect of extermination of Neogi from the district. Rajnandgaon is affected by Naxalites. The effect of people's war group, connected with Naxalite movement extends to Rajnandgaon, Balaghat, Mandla and Bastar. In view of Naxalite activities, the post of I.G. Naxalite eradication has been ~~posted~~ ^{cancelled}.

13. The membership of CMM could be round about twenty five thousand. CMM has such a majority that their own man is elected as M.L.A. I treat such slogans as filthy which are filthy in hearing. It is correct to say that the workers of CMM used to abuse Collector, S.P. and other police officials.

Cross-examination by Shri Trivedi, Adv. for accused Chandrakant Shah.

14. Nothing.

Cross-examination by Shri Hasimkhan, Adv. for accused Abhaykumar Singh.

15. Nothing.

Cross-examination by Shri Dhurandhar, Adv. for accused Palton.

16. Nothing.

Cross-examination by Shri Ashok Yadav, Adv. for accused Gyanprakash, Awadhesh Rai, Chandrabux and Baldeo.

17. Nothing.

Readover and explained to witness. Found to be correct.

Typed under my instructions.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge
Durg, M.P.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg, M.P.

Witness No.4 on behalf of Prosecution

Dated: 11.8.94 Witness's apparent age: 42 years

Name: Vishnu Prasad Soni son of Shri Shivnath Prasad Soni
Occupation, Reader, Distt. Court Durg (M.P.), IIIrd Addl.
Sessions Judge, Durg.

On oath :

1. As on date I am working in the post of Reader, third Addl. Sessions Judge, Durg. Civil Suit No.1-A/91 and 2-A/91 were transferred from the court of Ist Addl. Sessions Judge to IIIrd Addl. Sessions Judge, Durg. I have brought with me Civil Suit filing register of the Court of Ist Addl. Sessions Judge. Both the suits are pending and their next date of hearing is 13.8.94. Civil suit No.1-A/91 has been filed on behalf of Shri Vinod Shah, General Manager, M/s.Simplex Engg. & Foundry Works, Bhilai, in which there are 18 defendants.

2. The deceased Shankar Guha Neogi is Defendant No.18 in this case. This Civil suit was filed on 7.1.91. The certified copy of this plaint is Ex.P.32. The application submitted by M/s.Simplex Engg. & Fdy. works under order 39 rule-1, 2 CPC is Ex.P.33 and the connected order letters ~~are dat~~ from 7.1.91 to 23.12.91, its certified copy is Ex.P.34.

3. In para-4 and 5 of case no.1-a/91 it is written "due to illegal activities of the defendants company is sustaining the loss of lacs of rupees and is running at the loss of lacs of rupees". Shri Rajendra Singh, Adv. had objection to this. Objection is ruled out.

4. I can tell the above facts after seeing Ex.P.32 in which it is mentioned.

5. On 17.1.91, prohibitory interim order was passed. In that order, it was ordered that the defendants should not put any obstruction at the main gate of the plaintiff and in area about 200 metres from it. After seeing my

Cross-examination by Shri Dhurandhar, Adv. for accused Palton.

12. Nothing.

Cross-examination by Shri Hasim Khan, Adv. for accused Abhaykumar Singh.

Readover to the witness and explained.

Found to be correct.

Typed under my instructions.

Sd/ J.K S.Rajput

Sd/ J.K.S.Rajput

IInd Addl.Sessions Judge,

IInd Addl.Sessions Judge,

Durg, M.P.

Durg, M.P.

Witness No.5, Onbehalf of Prosecution

Dated: 12.8.94 Witness's apparent age: 32 years.

Name: A.K.Tiwari, son of Late Shri S.M.Tiwari

Occupation: Distt. Engr., Tele-communication Deptt. Durg.

On oath :

1. I am posted at Telecom District Centre in Tele-communication deptt. since June 1990. In the year 91, I was Tele-com Distt. Engineer, Durg. I had received a letter from S.P., CBI No.35/3/9(S)91, S.I.U.5 C.B.I., dated 4.10.91, in which they had asked for the telephone numbers of Durg and Bhilai, that in whose names those telephones are and what ^{are} is their addresses. At that time, Shri Shailendra Agrawal and A.C.Gorkar were post^{ed} under me as J.T.O. and S.D.O., Durg and Bhilai respectively. I had ordered them to collect the demanded information in regard to the address and telephone on the basis of office records.

2. The information about the address and telephone of Durg have been written by Shri Shailendra Agrawal and it bears his signature which I recognise. It is Ex.P.38. The address and telephones of Bhilai have been written by Shri A.C.Gourkar which has been signed which I recognise and which is Ex.P.39. On the basis of Ex.P.38 and 39, I sent the information Ex.P.40 to S.P., CBI, Camp-Bhilai which bears my signature in A to A portion.

3. Before despatching the aforesaid information, I had determined from my official documents that the information is correct.

4. Telephone number 22056 was not at all in existence at that time. The reason being that at that time only four digits were in existence at Durg and Bhilai.

Cross-examination by Shri ^{Sanghi} J.P. ~~Sandhi~~, Adv. for accused Moolchand Shah and Navin Shah.

case, I can say that this order holds good even as on date.

6. Case No.2_A/91 has been filed by Vinod Shah, General Manager, M/s. Simplex Engg. & Fdy. Works, No.1, in which there are twenty defendants. The deceased Shankar Guha Neogi was defendant no.20. The plaint of the case is Ex.P.35 and application for interim prohibitory order is P.36 and the certified copy of the order letter from 7.1.91 to 23.12.91 is Ex.P.37.

7. In para 5 of this plaint it is written that due to the illegal activity of the defendants the plaintiff is sustaining the loss of lacs of rupees. This case was also filed on 7.1.91 and on 17.1.91 interim prohibitory order was issued against the defendants that they should not go inside the factory or ~~vicinity~~ ^{vicinity} illegal by vicinity. This interim prohibitory order stands as on date. I have brought with me Civil Case register, Class-A. On the basis of this register, I can say that beside this, no case has been filed against Shankar Guha Neogi and no person or firm has filed any case in the year 91 in the court of Ist Addl. Distt. Sessions Judge, Durg.

8. The cases valued at one lakh to 1.20 thousand are filed in the court of Ist Addl. Distt. Sessions Judge, Durg. Cross-examination by Shri Rajendra Singh, Adv. for accused Moolchand Shah and Navin Shah.

9. Whatever I have told to the Court today, I donot have the personal knowledge about it. Whatever I have said in the court is on the basis of the documents. No document had been written by me.

Cross-Examination by Shri Trivedi, Adv. for accused Chandrakant Shah.

10. Nothing.

Cross-examination by Shri Ashok Yadav, Adv. for accused Gyanprakash, Awadhesh, Chandrabux and Baldeo.

11. Nothing.

5. In Ex.P.38 and 39, the telephone in the name of Moolchand Shah has not been shown in ^{existence} his personal name. Shailendra Agrawal and A.C.Gourkar are still in the Govt. service.

Cross-examination by Shri Trivedi, Adv. for accused Chandrakant Shah.

6. Nothing.

Cross-examination by Shri Ashok Yadav, Adv. for accused persons Gyanprakash, Abhaysingh, Chandrabus and Baldeo.

7. Nothing.

Cross-examination by Shri Dhurandhar, Adv. for accused Palton.

8. Nothing.

Readover and explained to the witness. Found to be correct.

Typed under my instructions.

Sd/ J.K.S.Rajput

Sd/ J.K.S.Rajput

IInd Addl. Sessions Judge

IInd Addl. Sessions Judge,

Durg, M.P.

Durg, M.P.

Witness No.6, On behalf of Prosecution

Dated: 25.10.94 Witness's apparent age: 37 years.

Name: Suresh Sen, son of late Shri B.L.SEN

Occupation: Sub-Inspector, P.S. Bhilai Bhatti, Distt. Durg

On oath :

1. I was posted as Sub-Inspector at Police Station Jamul Distt. Durg, from Nov.90 to May 93. At that time, Shiv Lal Salam Inspector was the Officer Incharge, Police Station. Most of the industrial units of Durg and Bhilai are under the jurisdiction of P.S.Jamul. A.C.C., Simplex group, B.K., Bhilai Wires and Kedia group industries are under the jurisdiction of police station Jamul.
2. There are three units of Simplex groups. Simplex Engineering is the first unit, and Simplex Castings second unit. Simplex unit-II is known as Simplex Engineering . The owner of unit no.1 and 2 of Simplex was Moolchand Shah who used to look after its works and the work of Simplex Castings was looked after Navin Shah. I know them by face. Today they are present in the court. I do not know their brother Chandrakant Shah.
3. The deceased Shankar Guha Neogi was the leader of CMM. The members of CMM had ^{launched} ~~done~~ the labour agitation at industrial units. I was posted in these agitations.
4. On 1.1.91 I had gone for duty near Simplex industry. I reached there about 6 O'clock. The workers of CMM were raising slogans near Simplex industry No.2. When I had reached there, about 30 to 40 workers were raising slogans, later on the number increased. Round about 130 in the afternoon, the leader of CMM Shankar Guha Neogi, reached there. At that time, about 200-250 workers had assembled. Shankar Guha Neogi had addressed the workers. This slogan raising was against the industrialists. I have no knowledge as to what was said ~~at~~/by Neogi

5. The workers of CMM have raised the demand for taking back the workers turned out from Simplex Group. On the same day, at about 7.30 in the evening, I returned to the police station Jamul and made its entry in G.D.No.56. The ^{Original} ~~real~~ daily diary has been written by me which is ~~in~~ ~~front~~ of me and its true copy is Ex.P.6.

6. On 6.9.91, at about 22.45 Arjun A.Kumar, Mangiram, came to me who resides in Qtr.No.2 of Simplex Colony and reported that his neighbour had abused him after taking liquor. Arjun is a member of CMM who was abused for they used to abuse the persons of the company. It's entry is made in G.D.No.4 to 9 which is before me and whose true copy is P.41.

NOTE: The witness signed the copy in the court.

7. The agitation of leader Shankar Guha Neogi of CMM was specially against Simplex group.

8. After the murder of Shankar Guha Neogi, the agitation against Simplex group slowed down.

Cross-examination by Shri Rajendra Singh, Adv. for accused Moolchand Shah and Navin Shah.

9. I do not know as to who is the owner of A.C.C. There are three units of B.K.Industries ~~in~~ under the jurisdiction of Jamul Police Station. Who are the owners of these three units is not known to me but Vijay Gupta is the owner. I do not know as to ^{or} which particular unit Vijay Gupta is the owner.

10. One unit of Kedia Industries is under the jurisdiction of police station Jamul. The owner of this unit is K.P.Kedia. The movement of CMM was against ACC Simplex, B.K.Industries, Bhilai Wires and Kedia Industries.

11. I have no personal acquaintance with Moolchand Shah and Navin Shah. At one time, I had seen Moolchand Shah in Unit-I and therefore, I say that Moolchand is the

owner. While on duty I had not seen Moolchand Shah in Unit-II. I had seen during my duty, Navin Shah visiting Simplex Castings. On the basis of this only, I say that they are owners.

12. In Ex.P.6, I have not mentioned that the workers of CMM were demanding to take back the workers turned out from the Simplex Group. Since I have been questioned today, I could recollect the same after three and half years. It is wrong to say that I was ~~explained~~ ^{taught yesterday} to say this thing in the court ~~yesterday~~. In my Ex.P.6 I have written about the slogan raising in connection with the demands. Shankar Guha Neogi was not there when 30-40 persons were demanding after raising the slogans.

13. The rooms (quarters) behind Simplex Castings is known as Simplex colony. Since the report of Ex.P.41 was uncognizable² offence, I did not investigate it. I do not know as to who is Kayyum. On 1.4.91, there were slogans against the administration before the arrival of Neogi and even thereafter. The slogans ^{were} ~~there~~ police administration 'murdabad', district administration 'murdabad', and these people have been sold in the hands of industrialists?

Question: Whether the slogan that 'police administration is sold' is true or false?

NOTE: Administration has objection to it. This question is merely opinion. Objection accepted.

14. I was not sold. They are free to say anything while raising the slogans. It is not to my knowledge whether any police official was sold. In Ex.P.6 I have written that Shankar Guha Neogi was specially against the Simplex and in Ex.P.41 I have not written this.

15. I have attended a good number of agitations, launched by CMM. I have made its entry also. It is wrong to say that whatever I had said today that the

agitation of Neogi was specially against Simplex, ^{has} ~~has~~ been taught to me.

16. I do not know as to what was the agitation of Neogi against Kedia. I do not know as to what was the agitation of Neogi against ACC. The witness says that the agitation of the workers was against all industrialists so as to run the factory as per labour laws and to accord them better facilities. Since mostly the workers used to sit in front of Simplex group, I say that the movement of the workers of CMM was against Simplex factory. ACC square is before the Simplex factory. This square is in front of Simplex factory and from this very square, the road runs to ACC, Bhilai Wires, Kedia Industry and other industries.

17. After the death of Neogi, the movement of CMM against all industries has slowed down substantially.
Cross-examination by Shri Dhurandhar, Adv. for accused Palton

18. Nothing.

Cross-examination by Shri Trivedi, Adv. for accused Chandrakant Shah.

19. Nothing.

Cross-examination by Shri Hasim Khan, Adv. for accused Abhaysingh.

20. Nothing.

Cross-examination by Shri Ashok Yadav, Adv. for Accused Gyanprakash, Awadhesh, Chandrabux and Baldeo.

21. Nothing.

Read over and explained to the witness.

Found to be correct.

Typed under my instructions.

Sd/ J.K.S.Rajput

Sd/ J.K.S.Rajput

IInd Addl. Sessions Judge,

IInd Addl. Sessions Judge,

Durg, M.P.

Durg, M.P.

Witness No. 7 on behalf of Prosecution

Dated: 25.10.94 Witness's apparent age: 46 years.

Name : S.L.Salam son of Shri K.R.Salam, Inspector,
Control Room, Raipur.

On oath :

1. I was posted as Inspector at Police Station Jamul, district Durg, from 15.8.90 to 30.7.1994. I was the Officer Incharge of the Police Station. When I was there, S.I. Suresh Sen and ASI Banjare etc. were there. They were sub-ordinates to me. Main industrial units of Durg and Bhilai fall under the jurisdiction of Police Station Jamul. ACC, Simplex, B.K., Bhilai Wires and Kedia Distilleries are under the jurisdiction of Police Station Jamul.
2. The biggest industry is ACC followed by Simplex. Simplex has three factories under the jurisdiction of Jamul. They are Simplex Engg., Simplex Castings and Simplex Engg. and Foundry Works.
3. I know Moolchand Shah, Navin Shah and Chandrakant Shah and also Gyanprakash. Moolchand Shah used to sit in Simplex Engineering. Navin Shah used to look after the work of Simplex Castings. Chandrakant Shah used to look after the work of Oswal Industries. Chandrakant Shah had a separate industry, Oswal Industry.
4. There had been movements by CMM in 90-91. Its main leader was Shankar Guha Neogi. Chhattisgarh Mukti Morcha had red-green flag. CMM started the first agitation against ACC. According to my information, there was a settlement between them. There was a settlement between CMM and ACC.
5. Thereafter, there were agitations against Simplex, Bhilai Wires, B.K., and Kedia. The agitation against Simplex was to take back the workers turned out and for very small demands like Medical Allowance etc. The movement of CMM was in existence in my Jamul area prior to my posting.

6. Due to the agitation of CMM there used to be obstructions in the work of industry and there was the problem of Law & Order. At this time, I along with my sub-ordinates had been there.

7. On 17.9.90, I had gone to the ground of Kailash Nagar in connection with the procession and meeting of CMM. At about 2 O'clock in the afternoon the procession appeared on the ground. There were about 1000-1200 workers in this procession. I had seen that the gate of the Simplex Co. was closed. I saw a few workers and Gyanprakash standing inside the gate. Gyanprakash is today present in the court.

8. Shankar Guna Neogi, Janaklal Thakur and Hari Singh Thakur were the Chief Guests of this procession. Neogi delivered a speech in this meeting. In his speech, Shankar Guha Neogi had asked to take back the workers turned out from the work and to regularise the contract labour. This general meeting concluded at about 7.25 in the evening. During this period, I was there on duty. After returning I made the entry. I made the entry in G.D.No.937. The ~~real~~ ^{original} daily diary is before me and its true copy is Ex.P.2. NOTE: The witness signed Ex.P.2 in the court.

9. On 17.9.90 a person named Suryadev came to Police Station to report. He reported before me that he works in Bhilai Wires and on the same day at about 2 O'Clock, when he was in the procession of CMM near Simplex Engg. unknown persons resorted to beating by lathi. The ~~real~~ ^{original} daily diary is before me whose true copy is Ex.P.42. The witness also signed Ex.P.42 in the court.

10. On the basis of this report, I had sent Suryadev to hospital for examination and I had registered offence no.190. The photo copy of FIR of this case is Ex.P.43. This bears the signature of ASI Gajpal which I recognise. After the investigation of the case, the matter was reported

under 173 whose photocopy is Ex.P.44 which bears my signature.

11. This incident^e was found to be true but since the accused persons could not be identified, this report was filed. This report is Ex.P.44.

12. On 14.11.90, after receiving the order of court, a ban was imposed for ^{assembly} ~~assembling~~ of more than five persons at Bhilai Engg. Corporation, Simplex Industrial group, Casting Industries, and Shankar Guha Neogi and his co-workers were also prohibited and section 144 was imposed in that area. In general diary, No.928 dt.14.11.90, it has been entered in police station whose true copy is Ex.P.4. This prohibition was to remain effective from the night of 15.11.90 10 O'clock to 40'clock.

13. On 22.12.90, Shantilal Shrivastava submitted a written report at police station in which he has stated that at ~~about~~ about 9 in the night, while coming from HUDCO, a few persons got down from Car No.CIR 12, and they threatened him to assault and said that the report against Moolchand be withdrawn. I handedover this report for investigation to ASI Sahu. The ^{original} ~~real~~ report is before me and its true copy is Ex.P.5.

14. On 23.1.91, I was on duty when there was a meeting of CMM at Kailash Nagar. In this meeting, besides others Shankar Guha Neogi had delivered a speech. His speech was ^{provocative} ~~investigating~~ one and could create breach of peace. In his speech Shankar Guha ^{have} Neogi has said that I have never learned to get defeated, I ~~had~~ always won. I shall rest only when demands are fulfilled, otherwise my dead body will be before the gate of the Simplex. Shankar Guna Neogi also said this that I will take rest only after Moolchand Shah, Navin Shah and Arvind Shah kneel down. After returning to the police station, I made the entry of this in the daily diary which is

1462. The original is before me and its true copy is
Ex.P.7.

NOTE: In view of tea-time, the examination of witness is
adjourned till tea-time.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg, M.P.

After tea-time, the witness was administered oath
and the examination commenced.

15. On 14.11.90, after the night shift, I had received
the information that the workers of CMM would organise a
meeting and on 15.11.90, there would be strike in all the
industries of Bhilai, and I received the information of
this decision that the workers would be on strike in all the
three factories of Simplex Company and Bhilai Wires and at
4 O'clock, solgans would be raised in front of the companies
and there would be a procession, and if somebody opposes it
workers would use the force. Looking to all such situations,
administration had imposed section 144 in that area and had
drawn the line with lime. Shri Shankar Guha Neogi was also
present in this agitation.

16. Shankar Guha Neogi had not violated section 144.
The workers had violated section 144 and therefore, they
were imprisoned and workers kept on instigating at Simplex
Casting, Simplex Industry, Simplex Engineering and Bhilai
Wires.

17. This procession assembled in the evening at about
4.45 in the evening on the ground of Kailash Nagar whose
route was from ACC square to Nandini Road. Shankar Guha
Neogi had also addressed the meeting. Shri Neogi had said
in his speech that the pendal of Navin Shah and Moolchand
Shah was erected and the line of lime has been drawn by them.
And this line has been drawn to safeguard the factories of

Simplex group. He said this also that this line has been drawn by the administration and he called it as 'Laxman Rekha' and he addressed the Simplex group industries as 'Sita'. He said this also that he does not want to abdicate these 'Sitas'.

18. In his speech, Shankar Guha Neogi, said this also that ~~he has come to Bhillai~~ ^{said} the industrialists and the administration ~~said~~ that he has come to Bhillai to create breach of peace. He said this also that he had not come to disturb the peace. If at all they want that there should not be any chaotic situation, they should talk to me only. Shankar Guha Neogi said this also that he hopes that a day would come when those who are backing out from talking to him, would come to him kneeling down and would ask for the settlement. He said this also that our battle is with the owner of Simplex and not with Small Industries. And he said that Navin Shah and Moolchand Shah should ponder and then they should talk. I give them five days time for talking otherwise we will close down their factories After that we will see those who are industrialists today. They shall have to go back by becoming small. In his speech Shankar Guha Neogi had ~~said~~ said many things besides these things which have been written in this which I personally had heard and after returning I made the entry in G.D.No. 989 dt.15.11.90. The original G.D. is before me and its true copy is Ex.P.9.

19. On 26.6.91, there was a meeting of CMM at Union office at Ghasidas Nagar where I had gone. Prior to this meeting, a day before, on 25.6.91 a procession had passed in front of the Police Station. Shankar Guha Neogi had used the wrong words against me and my sub-ordinates Banjare and Gajpal. ~~He~~ He described us as the servant of industrialists. On return, I made the entry at police station in .G.D.No.1544. The original is before me whose

true copy is Ex.P.8.

20. On 4.7.91, Shankar Guha Neogi etc. and other persons delivered the speeches at Ghasidas Nagar. Similarly, the same day in the evening Shankar Guha Neogi and Janaklal Thakur etc. had addressed the meeting in which they had given ~~provocative~~ ^{provocative} ~~instigating~~ speech, and instigated the workers to assault and to sabotage Simplex Castings Industry, Bhilai Wires and Kedia. I was present in this meeting and I had heard the speeches of all and according to me, any untowards incident could have taken place. After returning to police station, I entered all these things in G.D.No.287 dt.4.7.91. The original daily diary is before me whose true copy of Ex.P.10.

21. On 7.8.91, at about 3 0'clock in the evening the persons from different mohallas in the group of 50-60, 100-100, assembled at Ghasidas Nagar. In all, there were about 2500 persons and children. In this meeting, besides others, Neogi delivered a speech and said that Collector had given a notice to Neogi to exterminate him from the district. By such an act this agitation would not pacify and if the action of extermination from district is done, in that case, Collector and the leaders of B.J.P. government will not be allowed to enter Bhilai. Neogi said, what will be the line of action after 15th August is not known to us. On 15th August, in group of 100-100 we will stage the 'dharna' in big factories, on that day we will not allow any worker, owner or the employees of office to enter whatever ~~may~~ be the consequences. Thereafter this agitation will assume aggressive form and it will be given the form of 'Die or Kill'. There would be Bhilai Band and there would be 'Gherao of Thana'. We will resort to sabotaging. In this way, he gave the speech instigating the workers to take recourse to violence by indulging in sabotage. After returning to police station, I noted down all these things in G.D.no.420 dt.7.8.91. The original is before me and its true copy is Ex.P.11.

22. On 21.8.91, a person named Ramnath came to police station and reported verbally that he works in Simplex Industry and Arun Tiwari etc. of CMM called him ~~with~~ Dalal of Simplex and they tell him that he should not remain there and he should join union. This information has been noted down in police station in G.D.No.1295. Original is before me and its true copy is Ex.P.16.

23. G.D.No.1558 dt.26.8.91 has been written by Munshi Shivcharan Sahu whose writing I recognise. Original is before and its true copy is Ex.P.45. This report was entered in presence of ASI Banjare.

24. On 26.8.91 there was a meeting of CMM and Chhattisgarh Shramik Sangh at Ghasidas Nagar in which I had gone to this spot. In this meeting, a decision was taken to celebrate RIGHT DAY (Adhikar Diwas) and there was a call for Bund for three days. After returning to police station, I entered those things in G.D.No.1575 dt.26.8.91. Original is before me and its true copy is Ex.P.18.

NOTE: 4.30 @'clock;

It is not possible to complete the examination of the witness today, therefore, under these circumstances, date for tomorrow is fixed.

Typed under my instructions.

Sd/ J.K.S.Rajput

IIInd Addl. Sessions Judge,
Durg, M.P.

Today, on 26.10.94, the witness is administered oath and examination was commenced.

25. On 15.8.91, I had gone on duty in connection with the agitation of CMM. I reached the gate of Simplex at about 8 AM. People were coming towards the Simplex gate from every locality. They staged a 'dharana' in front of Simplex gate. There were 1000 men, 500 ladies and about 50 children. All of them belong to CMM. Later on, they organised a meeting on

the ground of Kailash Nagar. Shankar Guha Neogi was present in this meeting. Neogi and other leaders delivered speeches. Neogi said that despite the fact, that we have obtained independence 40 years back, but the workers have not reaped the benefit of independence. The workers will not be independent unless industrialists are taught the lesson. Recalling the revolutionary steps of Subhash Chandra Bose, he said that the workers celebrate the independence day in their own way. Quoting that at present the government is not able to control Punjab, Kashmir and LITTE and this government wants to crush us at the behest of these industrialists. We too will have to adopt the attitude of these terrorists then only our demands will be fulfilled. He gave ^{provocative} ~~instigating~~ speech. After returning to Police Station, I noted down all those things and other things in DD No.928 dt.15.8.91. I had in brief noted down what Neogi had said. The original daily diary is before me and its true copy is P.14.

26. On 28.8.91, CMM and Chhattisgarh Shramik Sangh celebrated 'Dhikkar Diwas'. And on that day, the workers at different colonies assembled at different places and in different localities at Laxmipara Jamul and celebrated Dhikkar Diwas. Rawanbhatha, Laxmi Para, Shivpuri, Chhaoni, were ~~xxx~~ under my jurisdiction. On that day, I had been to these localities. This agitation was against Moolchand Shah and Kailashpati Kedia. Janaklal Thakur, Neogi and N.R.Ghoshal etc. were also ^{The} participants in this movement.

Neogi had said that 11 months had elapsed and these industrialists are not conceding to the demands of the workers. Therefore, we are to administration industrialists and Government of Patwa. Neogi instigated the workers by giving the examples of Punjab, Kashrir, Tamil Nadu and Bastar. He asked the workers that out of 100 one leader be chosen and they should submit a memorandu

to the President. If despite this memorandum, no action is taken, we will not allow Patwa, Leelaram Bhojwani, Ved Prakash Pandey and Jagmohan Agrawal to enter. We will see as to how this Patwa Govt. runs. If it is not settled peacefully we will get it settled by revolution. After returning to police station, I made these entries of all those things in G.D.No.1723. The original daily diary is before me whose true copy is P.19.

27. On 4.9.91 I had gone in the meeting of CMM and Chhattisgarh Shramik Sangh. This meeting was held ^{on} in the ground of Kailash Nagar. In this meeting, Neogiji had come. In his speech Neogi had said that Police Administration and Patwa's government and district Collector are sold to the industrialists. ² ~~3~~ Industrialists, Moolchand Shah, Kedia, and B.R.Jain, ⁹ in order to crush the labour movement, want to use knife, swords. Neogi said that on the ~~new~~ ^{11th} we will go to the President from Bilaspur, Raipur, Bhilai and Rajnandgaon. At present, we have to give importance to our ^{Daily} ~~daily~~ programme. On 11th we have to meet and make complaints to Labour Minister, Prime Minister, Home Minister and President against Police and Patwa Government and Industrialists. At Delhi, we have to take out the procession with full enthusiasm. If our demands are not fulfilled, we will make Punjab out of Bhilai. We will take our own action and let TI Salam take his action. We will adopt the path of revolution, we will ~~play~~ play the revellery of blood and this will be our last battle. We will tell the TI of this place and police administration that what the workers can do. Neogi said very soon there is going to be situations like Punjab. After returning to Police Station, I entered all those things which I had seen and heard in G.D.No.278, dated 4.9.91. The original daily diary is before me and its true copy is P.20.

28. On 19.8.91, at 18.15 O'clock, Uma Shankar Rai lodged a report ~~with~~ which bears the signature of Suresh Sen. This first information report is P.46. Its original copy along with the challan has been submitted to the Court. Investigation of this case was done by Sub-Inspector Suresh Sen and Manoj alias Vidyut Kumar, Baldeo Singh were Challaned. The true copy of charge-sheet is Ex.P.47.

29. Bharat Bhushan Pandey had submitted a written application for the safety of his life at police station Jamul which was received by Sub-Inspector Suresh Sen on 1.9.91. The photocopy of this is Ex.P.48. I recognise the endorsement of Suresh Sen which is in A portion.

30. I know Moolchand Shah, Navin Shah, Chandrakant Shah and Gyanprakash Mishra who are present today in the court. Under the jurisdiction of police station Jamul, after ACC the biggest industrial group is Simplex Industries. According to my information maximum number of workers were retrenched from Simplex group.

Question: The agitation of GMM and Neogi was against specially which particular industry?

The Advocate of the accused had an objection that this is an opinion question, and therefore, permission should not be accorded to ask this question. Objection accepted.

31. In my police station, such reports have also been made that the workers and supporters of GMM refrain the workers at Simplex group and other indutries from going.

32. ^{For} Fifteen days after the death of Neogi, the workers remained agitated but thereafter, that agitation lessened.

33. The original letter of Chhattisgarh Mines Shramik Sangh Ex.P.49 which was received from Police Station Rajhara to my police station along with the photocopy of a letter Ex.P.50. I had sent this to S.P.Durg for information. This photocopy was in regard to conspiracy to kill Neogiji. This letter was

forwarded to Dy.S.P. Agrawal.

Cross-examination by Shri Rajendra Singh, Adv. for accused Moolchand Shah and Navin Shah.

34. Ex.P.49 has been not written by me. As to who had the received in police station I cannot tell. It was sent to Agrawal for action. I have no knowledge as to what was the result of the investigation of Agrawal Saheb. Agrawal Saheb is still in ^{Service} ~~survey~~ in police department but he is in some other district. I do not know as to who has written this letter. I cannot say whether whatever is written in this letter is true or false because I have not conducted any enquiry.

35. I had seen the pamphlets of Ex.P.21 which was published by Neogi. It is written in this that when Umashankar was being stabbed with knife, at that time T.I.Shivlal, Salam of Jamul Police Station was seeing it. This is totally false. It is also false to say that for the safety of his favourite goondas, Kailashpati Kedia had got the ^{duty} ~~responsibility~~ of Salam allotted at that place. Uma Shankar Rai was the special man of the organisation of Neogi. In this pamphlet Neogiji had got written the names of the persons who had assaulted Uma Shankar. It is correct to say that in this pamphlet there is no name of Baldeo Singh as an offender. He himself said that later on during investigation his name came in. I did not investigate this case. Today I cannot say that on the basis of whose statement Baldeo was found to be offender.

36. I know that where this incidence^t took place there a man by the name of Kamaluddin resides. The investigator ^{has} ~~have~~ recorded the statement of Kamaluddin u/s. 161.

Question: Kamaluddin had given the statement that the squabble started as the scooter Uma Shankar dashed with the scooter of some other man. Thereby, Uma Shankar sustained injuries?

Since it is a statement under 161, the question was objected to and question cannot be asked. Objection accepted.

37. Neogiji used to say in his speeches that industrialists have taken the police on their side by giving them money. This allegation is totally false. Similarly, the allegation of Neogi that industrialists have brought district administration and Patwa Sarkar to their side by giving money. This is also totally false. There was no case against Neogi under my police station. I have no knowledge to the effect that some action was taken against Neogi to exterminate him from the district. In this proceedings reports from my police station was also called for.

38. Neogi used to say that we would create the situations like Punjab or LTTE. Thereby I ~~only~~ could understand that he may create the situation of the terrorist. The workers were mostly simple and illiterate. Due to ~~investigating~~ ^{provocative} speech of Neogi the workers used to get agitated. During ~~night~~ ^{my tenure} times, he never Gheraoed my police station.

39. The name of accused Gyanprakash is noted down only in one daily diary No.957, Ex.P.2. Uma Shankar had not identified the persons who had assaulted as per Ex.P. 46. Present in the court the accused Baldeo Singh is a long man. In the report, Uma Shankar had not written that a long man had attacked him.

40. When Neogi used to say that we will create the situations like Bastar, I could understand from it that he will do the activity just as Naxalites do because there is the effect of Naxalites in Bastar. I do not know that Neogi was imprisoned for two months. Bharat Bhushan and Uma Shankar Rai were the leaders of the groups of 100-100

workers. 15.8.91 was a holiday on account of Independence day and industrial units were also closed. On 15.8.91 the workers from all the ^{industries} ~~industries~~ had come and they had come from different places and different directions.

ACC square is adjacent to Simplex Castings. These workers assembled at the ACC square, ~~on~~ ^{at} about the incident of 15.8.91, I have said that the workers had staged Dharana, thereby I mean that the workers scattered there because there is ACC square also.

41. I do not know whether Kailash Nagar have been named after Kailashpati Kedia. In the meeting of 15.8.91, a warning was issued on behalf of the workers that if their demands are not fulfilled upto 20th August, they would close down all the industrial units for a week. And it was in this very connection, Neogi had said that if the demands are not fulfilled, they would take recourse to terrorist activities. Terrorist attack with bomb, dynamite and weapons.

42. There are about ~~xx~~ 2500 workers in ACC. In Kedia there are about 500-600 workers. The work of bottling is carried out at Kedia. If sabotage is resorted to, there would be a big loss because goods are of glasses. In Ex.P.20, in speech on 4.9.91, Neogi had said that if our demands are not fulfilled, we will make Punjab out of Bhilai and will play the ^{revenue} ~~rebelry~~ of blood. And he said also this that very soon there is going to be Punjab-like situation. When I heard this, I concluded that at any time there can be very explosive situation.

43. In Ex.P.8 Neogi had abused and addressed the police as 'Dog'. And he had said also that we can kill Kedia, Moolchand Shah, Khetawat Jain, as and when we ~~resire~~ ^{or} by catching hold of them. In Ex.P.20 on 4.9.91 Neogi had said that they want to break off the Union with knife, sword. In this connection, the workers had ~~ladged~~ ^{ladged} ~~▲~~

reports and challans were also submitted. These reports were that of CMM. For example, Uma Shankar Rai had reported the matter. Unless I see the records, I cannot tell the name of any other worker.

44. Ex.P.19 dated 28.8.91, is the speech of Neogi in which there is reference to Patwa Chief Minister, Pandey, Bhojwani and Agrawal Minister. Neogi had said that if the Government does not concede to the demands peacefully it will be done by revolution. "Dhikkar Diwas" celebrated on 28.8.91 was due to the fact that demands were not fulfilled. ^{Barring} ~~Barring~~ Bhilai Steel Plant all the members of all the industries were present. On meeting on 7.8.91, at Ghasidas Nagar, Rajendra Sail was also present. He is from Raipur. In that meeting it was said if the action exterminating Neogi from the district is taken, the agitation would be more grave and Collector and BJP leaders will not be allowed to enter Bhilai. And it was also said that if demands are not fulfilled, the agitation will assume the serious form and the slogan of 'Die or Kill' will be adopted. There would be Gherao of police station and workers would be compelled to resort to sabotage. This is how, Neogiji and others gave the speech, instigating the workers to resort to violence and sabotage.

45. After seeing Ex.P.9, dated 15.11.90, I can say that Neogi had said that by becoming 'Shankar' he has come in the 'Andher Nagari' to distribute (Amrit) and he also said that he will not rest till the industrialists come to him kneeling down. He said this also that we are suggesting to small industrialists that by organising themselves they should tell Moolchand Shah that he should talk to Shankar Guba Neogi and for this, I give five days time to small industrialists to talk to us ^{else} ~~as~~ their factories would be closed and those who have become ~~pr~~

industrialists today will be sent back to the same place with 'Lota' from where they had come.

46. After seeing the original daily diary Ex.P.8 dated 26.6.91 the witness said that Neogi had said that on 25.6.91 when their procession was going the TI Salam forcibly entered in the procession and started beating ~~out~~ workers and ladies. Whatever he had said I have written the same but they are totally false.

NOTE: The copy of Ex.P.8 which has been submitted to the court is incomplete, therefore, the full copy be submitted.

In this Neogi has said that TI Salam gets the iron stolen and ^{recently} ~~during the last days~~ he had been instrumental for the murder of a Chaukidar. All this is totally false as alleged by Neogi.

NOTE: As it is tea-time, the cross-examination of the witness is adjourned upto tea-time.

Readover and explained to the witness. Found to be correct. Typed under my instructions.

Sd/ J.K.S.Rajput

Sd/ J.K.S.Rajput

IInd Addl. Sessions Judge,
Durg, M.P.

IInd Addl. Sessions Judge,
Durg, M.P.

47. In Ex.P.2 dated 17.9.90, in the daily diary it has been mentioned that the goondalism of Kedia will not be permitted, which used to be raised along with other slogans. All ~~this~~ ^{these} members of CMM who used to work in factories were present in this. That procession was going through the square of Housing Board. It is correct to say that prior to this procession, antisocial elements hired by Kedia company were loitering about in the housing board square with five to seven Jeeps, Metadors, Maruti Cars with the object to obstruct this procession. Ramesh

Singh was laced with Rifle and rest were loitering with weapons. On behalf of Kedia a few boys were called from Durg to assemble at Housing Board square whom I had arrested and sent to police station along with the Matador. Pradip Devda and Dr. Shrivastava were roaming about in the car to take stock of the situation. ^{at} At the same place, where the persons of Kedia were roaming about, laced with weapons. Later on, I came to know that Pradeep Devda is the Manager of Kedia and Dr. Shrivastava is a Director.

48. Neogi started his leadership from Rajhara and after that he went to Rajnandgaon also and then came to Bhilai. The settlement between ACC and Neogi is a thing prior to my taking up charge of police station. At Simplex the CMM had more membership. Next membership was that of AITUC. The main leader of AITUC was Sambal Chakraborty. There were 100-200 workers of AITUC at Simplex group. In ACC also there were more members of CMM. There were less numbers of ~~AKK~~ INTUC. The membership of CMM at Rajhara, Raipur and Durg should be about 25,000.

49. Due to this membership, politically CMM had a good effect, In Rajhara region, the ^{man} ~~man~~ supported by CMM was elected. I do not know whether the ^{important} ~~man~~ political leader, used to visit Neogi or not who used to live at Rajhara.

50. Section 144 was imposed as per order of DM. I have no information about the order of the High Court. When the members of CMM violated this order, (Section 144) they were arrested. In Ex.P.5 the name mentioned of Shantilal was the office workers of CMM. I cannot tell as to who had written the report brought by Shantilal. I do not know as to who is Bharatram. ~~What~~ I cannot tell what was the result of this report. I cannot say whether this report was true or false.

Witness No.8, For Prosecution

Dated : 27.10.94

Witness's apparent age: 39 years.

Name: M.S.Pareshwar son of Shri S.S.Pareshar,

Occupation S.I. Thana Arjuni, Distt. Raipur.

On oath :

1. I was posted as Incharge of Urla Chauki from 6.2.91 to 3.1.92. There are many factories under our police station in which the biggest factory is Simplex Casting which is situated at Sarona. On 17.4.91, I received a written report from Simplex Casting which is Ex.P.51. I marked this written report for investigation to Head Constable No.86 Ranjit Singh. In this connection, my endorsement on this report is on portion 'A'.

2. After the investigation, the Head Constable told that Simplex has refused to talk to striking workers. Thereafter I myself went for the investigation. I went for investigation on 20.4.91. This report is Ex.P.5 from D.B.Singh, General Manager, Simplex Castings and in which the main allegation is that in his factory Simple x Casting there is ~~xxxx~~ strike from 18.12.90. The leadership of striking workers is being done by Shri Shankar Guha Neogi and on being instigated by their leader, the wtriking workers are obstructing the willing workers and staff members from entering for the work forcibly and abused them.

3. I investigated this. On investigation, I found the allegation of resorting to strike, of giving instigating speeches and raising slogans. In investigation, I did not find assaulting and obstructing and abusing. After going to police station I entered this investigation in G.D.No.489 This entry was made on 20.4.91. Its true copy is Ex.P.52. The original daily diary is before me. The witness signed Ex.P.52 in the court. CBI personnels seized Ex.P.51 and 52 on 7.1.92 against seizure memo, Ex.P.53 which bears my signature. My signature is in A to A portion.

4. Police guards were posted at Simplex Casting, Sarora, Urla on the gate for maintaining peace and security. This posting was done prior to my posting at the Chauki. This posting was done at the requisition of the Manager of Simplex Casting.

5. Besides Simplex Casting under the jurisdiction of my Chauki, no arrangement for guards were made in other factories. Neogi along with his workers of Simplex Casting was on strike in front of the gate of Urla, and he was not doing any strike in any other factory. These strikers were of Neogi group.

Cross-examination by Shri Rajendra Singh, Adv. for Moolchand Shah and Navin Shah.

6. B.E.C. is under the jurisdiction of my Chauki. During the tenure of my office, there was no strike in BEC. The intention of the written report was that the Pandal erected by the strikers in front of the factory be removed. There was no such things as - the strikers of pandal used to obstruct the workers from going to work. The daily diary dated 11.4.91 is before me and according to which Addl.S.P. (Rural), ~~QRS~~ CSP Mana, and Incharge (Rural) had also gone there. I also reached there for investigating the case. Lest there is breach of peace the officers had come there.

7. Striking workers used to Tau u vi, used to spit and used to raise slogans. In slogans they used to say that 'You are dog,' 'Haramjade' and 'Sweeper'. At Simplex Castings the guards were posted, Prior to my posting at Chauki. When I took charge, there was one Head Constable and two constables in front of the factory. Despite the incident of eleventh the number of guards were not increased. The witness said that there was no incident on 11th. Later on also the number of guards were not increased.

8. In Ex.P.52 it is written that there is public agitation due to the incident at Kedia Distillery, Kumhari. I do not know anything about the incident at Kedia Distillery that the strikers resorted to sabotage and there was ~~fire in the air~~ ^{air firing}. The incident which had taken place in Kedia could be the probable cause of the such incidents ^{at} ~~at~~ Simplex also. Striking workers were delivering the ~~insti-~~ ^{provocative} ~~gating~~ speeches in Pandal. Other striking workers used to get agitated by these speeches.

9. There was no effect on the guards on duty at Simplex due to these strikers. In the Ex.P.1 these things have not been written that besides Simplex guards were not posted elsewhere. In Ex.P.1 this is not written that besides Simplex Neogi was not resorting to strike elsewhere. It is wrong to say that today I am saying these two things because I have been taught to say so in the court.

Cross-examination by Shri Dhurandhar, Adv. for accused Palton

10. Nothing.

Cross-Examination by Shri Trivedi, Adv. for accused Chandrakant Shah.

11. Nothing.

Cross-examination by Shri Hasim Khan, Adv. for accused Abhaysingh.

12. Nothing.

Cross-examination by Shri Ashok Yadav, Adv. for accused Gyanprakash, Awadhesh Rai, Chandrabux and Baldeo.

13. Nothing.

Readover and explained to the witness.

Found to be correct.

Typed under my instructions.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge,

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge,

Durg, M.P.

Durg, M.P.

Witness No.9, For Prosecution

Dated: 27.10.94 Witness's apparent age: 41 years.

Name : Vishram Prasad Banjare son of Shri M.S.Banjare,
Asstt. Sub-Inspector, Traffic Branch, Bhilai.

On oath :

1. I was posted at Police Station Jamul as A.S.I. from Sept.90 to May 92. Our Incharge of the police station was Shri S.L.Salam. A.S.I. Suresh Sen, ASI Gajpal etc. were posted along with me. The main leader of CMM was deceased Shankar Guha Neogi. I was posted for duty in connection with the meeting of CMM, rally, movement etc. and for maintaining Law and Order.

2. On 9.8.91, I had gone to Kedia Distillery for Law & Order duty. There I saw that 80 men and 30 ladies were raising slogans in front of the gate of the Distillery against the administration in which Ravindra Shukla, Satender Singh etc. were the participants. And thereafter all the striking workers went towards Simplex Engg. & Castings, raising provocative slogans. The walls of Kedia Distillery and Simplex Casting are joined together and Simplex Engineering is about 100 ft. away from there on the other side of the road.

3. After returning to Police Station, I made an entry to this effect in G.D.No.509, dt.9.8.91. The original daily diary is before me and its true copy is Ex,P.12.

4. On 13.8.91, at about 8 AM I had gone to Kedia Distillery on duty. There I saw that about 35 women and 40 men (workers) were raising slogans. I remained there upto 9.30. Thereafter, striking workers went towards Simplex Casting in a rally. I cannot tell as to what the strikers did near Simplex Casting. After returning to police station I made entry in G.D.No.789. Original is before me whose true copy is Ex.P.13.

5. On 20.8.91 when I was present at police station, Pawan Kumar son of Fandi Sahu, age 35 years, resident of Kandarka submitted a written report that the workers raise the slogans every day in front of the Simplex gate and they obstruct the willing workers ^{from} going for work, and he also told the names of such persons. In the report it has been stated that they staged 'Dharna' on the gate. I made entry in G.D.No.1229. Original is before me whose true copy is Ex.P.54.

6. Since this report was non-cognizable³, they were advised to go to the court of law.

7. On 20.7.91, I had gone to Simplex Industry for Law & Order duty along with my staff. I reached there at about 8.45 AM. There 40 workers were raising slogans in front of the gate. This raising^{of} slogans was being done in front of the gate of Simplex Industry. Thereafter, they went towards Simplex Castings where they raised slogans and conducted a meeting. This meeting was in connection with the assault of Uma Shankar. This meeting was called to arrest the persons who had assaulted him.

8. It was demanded that the offender must be hauled up within a week else all the units will observe the 'bund for three days. After returning to police station Jamul I made an entry at 11.05 AM in G.D.No.1193 dt.20.8.91. The original is before me and its true copy is Ex.P.515.

9. On 22.8.91, I had gone to Simplex Industry on duty at about 7.45 AM along with my staff. There I ^{saw} was 40 workers raising slogans in front of the gate. They were being led by Ramlakhan, Sudama, Ajayablal. Sudama is one of the main workers of CMM. After forming the rally they reached the gate of Simplex Castings and conducted a meeting. They demanded the arrest of the persons who had assaulted Uma Shankar and to take strict action against

the management of Simplex and Kedia. This meeting ended at 9.45 AM. After returning to police station I made an entry in G.D.No 1328, dt.22.8.91. The original is before me and its true copy is Ex.P.17.

10. On 26.8.91 I was present at P.S.Jamul. On that day at 7.20 Pawankumar son of Fandi Sahu, age 35 years, village Kandarka, a Peon of Simplex Engg. Co. reported that the striking workers are abusing the workers of the first and 2nd shift of the Simplex Engg. Co. and are raising slogans whose main leaders are Mangal Singh, Ram Nath Rao etc. and they are connected with CMM. I made the entry of this report at P.S. in G.D.No.1558. Original is before me whose true copy is Ex.P.45.

11. After receiving this application, I sent it to the Incharge Police Station for further action.

12. On 28.8.91, the aforesaid Pawankumar, the Guard of Simplex reported that striking workers are raising slogans in front of the gate of Simplex from 19.8.91 to 25.8.91 and obstruct the workers and officials who go ^{giving a call} and come in. He got ^{wrote} ~~read~~ down the names of many leaders in which the name of Sudama Prasad was also told. Sudama Prasad is one of the leaders of CMM. In this report, it was also got written that the aforesaid leaders should do as directed by the court but in violation of the order of the court they sit in front of the gate. Its entry was made in G.D.No.1686. The original is before me and its true copy is Ex.P.55.

13. That day Bisahin Bai w/o. Dhanush Kumar, resident Sharda Para, Camp-II, personally came to police station and reported verbally that Dularibai, a worker of CMM told her that on 28.9.91 they have to go on strike, no one should go on work. She told me this also only due to you their demands are not being fulfilled. She reported that

Dularibai caught hold of her hair and beat with fist.

This report was entered in G.D.No.1693, dt.28.8.91.

The original is before me whose true copy is Ex.P.56.

Since the offence was noncognisable³ it was advised to take recourse to court of law.

Cross-examination by Shri Rajendra Singh Adv. for accused Moolchand Shah and Navin Shah.

NOTE: Since this is time for tea, the cross-examination of the witness is adjourned till tea-time.

Readover and explained to the witness.

Found to be correct.

Typed under my instructions.

Sd/ J.K.S.Rajput

Sd/ J.K.S.Rajput

IInd Addl. Sessions Judge
Durg, M.P.

IInd Addl. Sessions Judge,
Durg, M.P.

14. After tea-time the witness was administered oath and the cross-examination of the witness was commenced.

15. on 1.7.92 the members of CMM had staged a dharana at railway line Durg, leading to stoppage of all the trains. The workers of CMM pelted and assaulted leading to death of one Inspector K.P.Singh. Thereafter, there was a police firing. After firing the strikers left the railway line.

16. I do not know that Janaklal Thakur, Bhimrao Bagde, Anup Singh and Ghoshal had been prosecuted for murdering a Sub-Inspector. ^{The way} ~~Just~~ like these people used to come along with the crowd at Simplex, similarly these people used to come along with the crowd at Bhilai Wires, Kedia, Vishwa Vishal, B.E C., Bhilai Auxiliary, General Fabricat^ons. At all places their demand was to increase the salary and to give facilities just like B.S.P. and the workers who have been turned out be taken back on the job.

17. The workers of CMM used to go in front of Kedia factory. They used to give filthy abuses to Kedia and administration,

18. I do not know as to who had written the report brought by Pawankumar. Investigation was done in connection with the assault of Uma Shankar. I had not investigated it. Even after the death of Neogi, raising slogans, meetings, dharana, provocative speeches, and movements kept on running which lessened later on.

Cross-examination by Shri Dhurandhar, Adv. for accused Palkhan.

19. Nothing.

Cross-examination by Shri J.P. Sandhi, Adv. for accused Chandrakant Shah.

20. Nothing.

Cross-examination by Shri Hasim Khan, Adv. for accused Abhaysingh.

21. Nothing.

Cross-examination by Shri Ashok Yadav, Adv. for accused Gyanprakash, Awadhesh Rai, Chandrabux, and Baldeo.

22. Nothing.

Readover and explained to the witness. Found to be correct.

Typed under my instructions.

Sd/ J.K.S. Rajput

Sd/ J.K.S. Rajput

IInd Adl. Sessions Judge,

IInd Adl. Sessions Judge,

Durg, M.P.

Durg, M.P.

Witness No. 10 For Prosecution

Dated: 27.10.94 Witness's apparent age: 32 years.

Name: Suryadeo Verma son of Shri Jaibandhan Verma,

Occupation: Service in Bhilai Wires, resident of

Labour Colony, Khursipar, Sector-11, Zone-3, Bhilai.

On oath :

1. Since 1990 I used to work as Operator in Bhilai Wires. I was the member of CMM. From Nov.1990, I am not the member of CMM. 17th Sept.90 was Vishwakarma Pooja Day due to which there was holiday. The factory was closed. I had gone to participate in the procession of CMM. On 17.9.90 I reached near Simplex Engineering at about 1.15 PM. I was carrying red-green flag. Ten metres away from Simplex Engg., a few unknown persons attacked me. I could not see as to where they flew away.

2. In the attack I sustained injuries in my leg and near my ^{nose} mouth. I could not see the assaulters. Since I had become unconscious I could not see the assaulters. Some persons lifted me upto Durg where I was treated. Thereafter I was dropped at Power House.

3. I had gone to police station Jamul along with ~~xxx~~ 2-3 persons where I had lodged the report.

4. I cannot tell as to why I was attacked. I ~~flew~~ away the flag. I left the membership because I desired so. Cross-examination by Shri Rajendra Singh, Adv. for accused Moolchand Shah and Navin Shah.

5. The holiday of Vishwakarma was in all the factories. All the workers of all the factories, Kedia, Simplex etc. were participants in this procession. While we were going singing there was assault all of a sudden. I could not see as to from which direction the assaulters had come. In the crowd I could not see as to who had assaulted.

Cross-examination by Shri Bhurandhar, Adv. for accu. Paltan.

6. Nothing.

Cross-examination by Shri Sandhi, Adv. for accused
Chandrakant Shah.

7. Nothing.

Cross-examination by Shri Hasim Khan, Adv. for accused
Abhaysingh.

8. Nothing.

Cross-examination by Shri Ashok Yadav, Adv. for accused
persons Gyanprakash, Awadhesh, Chandrabux, and Baldeo.

9. Nothing.

Readover and explained to
the witness.

Found to be correct.

Sd/ J.K.S.Rajput

IInd Addl. Sessions Judge,
Durg, M.P.

Found to be correct.

Typed under my instructions.

Sd/ J.K.S.Rajput

IInd Addl. Sessions Judge,
Durg, M.P.

Witness No.11, On behalf of Prosecution

Dated: 19.12.94 Witness's apparent age: 37 years.

Name: Mannubhai Boda Son of Shri Bailji Boda,

Occupation: Service, address: Plot No.31-A, Baba Deep Singh Nagar, Bhilai-23.

On oath :

1. I am working as Junior Executive Purchase Office at Simplex Castings since 1981. Arvind Shah and Ketan Shah are the Managing Directors of this firm. Besides them, there are 1-2 persons whose names I do not remember. Navin Shah was the Director in 1991 but he is not Director since 94. In 91-92 Navin Shah used to look after the work of Simplex Castings. Navin Shah is present today in the court. They are seven real brothers. Moolchand Shah, Navin Shah, Deepak Shah, Prasanna Shah, Mahesh Shah, Chandrakant Shah and Hemand Shah.
 2. The other factories of Simplex Group are Simplex Engineering and Foundry Ltd., and Sangam Projects at Bhilai. There are three units of Simplex Engg. & Foundry Works. Chandrakant Shah owned Oswal Iron factory at Bhilai. Today Chandrakant Shah is also present in the court.
 3. In the capacity of Purchase Office my duty was to purchase the raw materials for the factory. Our production department used to prepare a report every month as to what goods are to be manufactured and which raw materials are to be purchased. On the basis of this, I used to purchase raw materials.
 4. Cutting of rejected goods of M/s. Simplex Castings was done at Oswal Industries and the cutting was done manually. I used to keep the records of Oswal Industries of the incoming goods. Today I have not come along with the documents.
- NOTE: CBI submitted an application for bringing the documents due to which the examination of the witness is adjourned.

51. As mentioned in Ex.P.7, Neogi had said that he would teach the lesson to Police administration and management and he had said this also that police administration will not withstand before them. He had also said this that the workers are prepared to crush the attitude of the police.

52. In Ex.P.10, in his speech dated 7.4.91, Neogi had said that now we have to resort to sabotage because the owners of factories are not conceding to our demands. Kedia is not caring a straw for the same. We will do the jamming of the gate and after going to bottlery and boiling our colleagues will start sabotaging. In the meeting Neogi had said that the members of Mukti Marcha are asking him as to when their demands would be fulfilled because the workers are breaking off. And in the same meeting Neogi had also said this that TI ^{has} ~~have~~ become our brother-in-law and he said about getting him transferred. All these things are mentioned in P.7. He has also said this that I treat I.G. Shri Singh and S.P. ^{was} as a servant. All these speeches was given by Neogi to instigate the workers.

Cross-examination by Shri Dhurandar, Adv. for accused Palton.

53. Nothing.

Cross-examination by Shri ^{Sarangi} ~~Sarangi~~, Adv. for accused Chandrakant Shah.

54. Inspector Dhankad was present in the court during my statement. It is wrong to say that whatever Neogiji had said in his speech was misunderstood by us.

Cross-examination by Shri Hasim Khan, Adv. for accused Abhaysingh.

55. Nothing.

Cross-examination by Shri Ashok Yadav, Adv. for accused persons Gyanprakash, Awadhesh Rai, Chandrabux and Baldeo.

56. Nothing.

Readover and explained to the
witness.

Found to be correct.

Sd/ J.K.S.Rajput

IInd Addl. Sessions Judge.
Durg, M.P.

Typed under my instructions.

Sd/ J.K.S.Rajput

IInd Addl. Sessions Judge,
Durg, M.P.

Readover and explained to
the witness.

Found to be correct.

Typed under my instructions.

Sd/ J.K.S.Rajput

Sd/ J.K.S.Rajput

IInd Addl. Sessions Judge,
Durg, M.P.

IInd Addl. Sessions Judge,
Durg, M.P.

That witness is administered oath on today
20.12.94 and examination was commenced.

On oath:

5. We do not have the records of the rejected goods
of 90-91 sent to M/s. Simplex Castings because account
gets closed on return of the goods.

NOTE: The court time is ending, therefore, the witness
~~is~~ be instructed to give evidence tomorrow.

Readover and explained to
the witness.

Found to be correct.

Typed under my instructions.

Sd/ J.K.S.Rajput

Sd/ J.K.S.Rajput

IInd Addl. Sessions Judge,
Durg, M.P.

IInd Addl. Sessions Judge,
Durg, M.P.

The witness was administered oath on 21.12.94 today,
and his examination was commenced.

6. The name of the father of Moolchand Shah, ~~Na~~ and
Navin Shah, Chandrakant Shah is Ramji Bhai Shah. Mool
Chand Shah and Navin Shah etc. write Shah after their
names and that of their father. I know the accused
Gyanprakash Mishra who is today present in the court.
Gyanprakash Mishra used to come to Simplex Castings
along with the broken goods of Oswal to our firm. I do
not know whether Navin Bhai knows the accused Gyanprakash
Mishra or not. Navin Shah had not told to give contract
to Gyanprakash Mishra. I had talked to Gyanprakash
about this contract of the sand.

NOTE: Shri Saxena, Special Public Prosecutor declared
the witness as hostile and sought permission to

cross examine him. The statement of case diary seen.

Permission accorded.

7. CBI Official had enquired about this case. I can read English. In A to A portion of Ex.P.63 I had not given the statement that "Gyanprakash sand". I do not know as to why it has been written so, must have written of his own will. Gyanprakash Mishra had met me in 91 in connection with the contract. Our factory requires sand. Whether Gyanprakash had the experience of contractor or not is not known to me. Gyanprakash has not been given any such contract. From Simplex Castings the rejected goods in bulk quantity used to go to the factory of Chandrakant. Since the records of 91 (90-91-92) have been destroyed in regard to M/s. Simplex Castings, they are not available therefore, I will not be able to tell that as to how much quantity of rejected iron was sent from M/s. Simplex Castings to M/s. Oswal Iron & Steel Pvt. Ltd. which was sent to us.

8. I know that the murder of Shankar Guha Neogi took place in September, 91. I know that police ~~xx~~ was suspecting Moolchand Shah, Navin Shah and Chandrakant Shah for the murder. I know that Shankar Guha Neogi was murdered on 28.09.91. I know this also that after murder Chandrakant Shah had absconded in the first week of ~~1991~~ October 91. According to my information, after the abscondance of Chandrakant Shah M/s. Oswal Iron & Steel Pvt. Ltd. did not close down. Sometimes I used to go to M/s. Oswal factory.

9. It is wrong to say that after the abscondance of Chandrakant Shah the work of M/s. Oswal Iron & Steel Pvt. Ltd. was stopped. It is wrong to say that due to closure of M/s. Oswal factory goods were not sent there and therefore, I am telling that the records of 90-91 have been destroyed. As on date I am the employee of M/s. Simplex

Castings. It is wrong to say that as the records go against Moolchand Shah, Navin Shah and Chandrakant Shah ~~xxx~~ I am not producing the same.

Cross-examination by Shri Rajendra Singh, Adv. for accused Moolchand Shah and Navin Shah.

10. About 15-20 officials of CBI had come to our factory in connection with the investigation of this case. They were shown the records which they wanted to see. CBI personnels did not ask for the outgoing goods from Simplex Castings to M/s.Oswal. We keep the incoming and outgoing records for our convenience so as to know how much has come in and how much has gone out. This record is concerning with only our department. It has no concern with any other department nor it use to go for checking.

11. M/s.Oswal Iron & Steel Pvt. Ltd. is near to Simplex Casting. The meaning of abscondance of Chandra Kant Shah was his leaving Durg. The way Chandrakant Shah left Durg, he could obtain anticipatory bail from the High Court. After obtaining anticipatory bail, Chandra Kant Shah returned to Durg. The goods from M/s.Simplex Casting used to be sent to Oswal factory for breaking. The reason for making the small pieces is that big pieces cannot be melted easily. After melting the same iron was recycled in Simplex Castings.

12. In 91 Chandrakant Shah had a factory Oswal Industries. In 91 Chandrakant Shah commissioned yet another factory M/s.Oswal Iron & Steel Pvt.Ltd. In Oswal Industries there used to be work of breaking the big pieces of iron into small pieces. Besides Simplex Castings the goods for breaking to M/s.Oswal factory used to be sent from other factories as well.

13. At M/s.Oswal Iron & Steel P.Ltd. Chandrakant Shah

had started the work of processing of iron in addition to breaking of iron. After starting the work of processing Chandrakant Shah had started purchasing the iron directly from Bhilai Steel Plant and had started purchasing scrap iron. This is how the work of M/s.Oswal Iron & Steel Pvt. Ltd. had increased considerably. The turnover of this factory ran into crores. Many of the works of M/s. Oswal Industries were transferred to M/s. Oswal Iron & Steel Pvt. Ltd. M/s. Simplex Castings used to purchase cast iron skull from Bhilai Steel Plant. One piece of cast iron skull weighs from 5 to 20 tons. These skulls were sent to M/s.Oswal Iron & Steel Pvt. Ltd. for breaking. Sometimes, the skulls used to be available at Bhilai Steel Plant and sometimes not. Skull was available from Bhilai Steel Plant on being indented. The purchaser of skull of Bhilai Steel Plant was no other factory except Simplex Castings. Those goods are available to different companies from Bhilai Steel Plant on quota basis. The process of Simplex Casting kept on changing every year. By change I mean the progress, with the progress there was paucity of rejected goods as the quantity of rejected goods was less it was sent to M/s.Oswal factory for breaking.

15. When any one wants to supply goods to our M/s.Simplex Castings, we ask for his experience, the price of the goods and the sample of the goods. The sample of goods is sent to the testing department for testing and if it is passed/^{it goes to}~~the~~ finance department for approval.

16. In July-August 91, Gyanprakash Mishra had applied for the contract of sand at ours. We had told him that in this connection he should give his experience, price and sample. Thereafter, Gyanprakash Mishra did not return and the contract was not given to him.

17. CBI personnel kept on investigating at ^{Durg}our for

1 1/2-2 months. At the end of each year, record of incoming and outgoing goods is destroyed. This process is

in vogue ~~invoked~~ at ours since 1988, because there is no need to maintain the register. After the murder of Neogi, there was suspicion against all the industrialists ~~of the~~ ~~murder~~ and investigation was carried out against all.

18. Two employees of Kedia Distillery were kept under custody for 20 days after the murder of Neogiji. Due to agitation of GMM, the work of Simplex Casting used to run properly. Due to this movement the work was not affected.

Cross-examination by Shri Ashok Yadav, Adv. for accused Gyanprakash, Abhaysingh, Awadhesh, Chandrabux and Baldeo.

19. Since I was the Purchase Officer of Simplex Casting, any person could meet me. For meeting me, such a person had no need of any permission or recommendation. Cross-examination by Shri Trivedi, Adv. for accused Chandrakant Shah.

20. Nothing.

Cross-examination by Shri Tiwari, Adv. for accused Palton

21. Nothing.

Readover and explained to the witness. Found to be correct. Types under my instructions.

Sd/ J.K.S.Rajput

Sd/ J.K.S.Rajput

IInd Addl. Sessions Judge,

IInd Addl. Sessions Judge,

Durg, M.P.

Durg, M.P.

Witness No.12, For Prosecution.

Dated: 20.12.94 Witness's apparent age: 40 years.

Name : R.L.Tiwari son of Shri S.D.Tiwari,

Occupation: Service, Regional Industrial Office, Bhopal.

On oath :

1. I was posted as Manager, District Industries Centre, at Durg, from 4.8.90 to 3.7.93. All the records pertaining to land allotment in the Industrial Area of Durg are maintained through me. The records of M/s.Simplex and industries and Foundry Works Ltd. in the Industrial Estate, Bhilai, M/s. Simplex Casting Ltd., Industrial Area Bhilai, M/s.Oswal Iron & Steel Pvt. Ltd., Industrial area Bhilai, M/s. Oswal Industries, Bhilai, and M/s. Lohawala Processors, Bhilai were put up by me in my office. I have brought those records of the office.

2. The following persons were the Directors of M/s. Simplex Engg. & Foundry Works Ltd. in 90-91, 91-92. It is written in this ~~xxx~~ -- Shri H.B.Shah, New Delhi, Shri A.K.Shah, Durg, Shri M.R.Shah, Durg, Shri N.R.Shah, Durg, Shri V.H.Shah, New Delhi. The address of Shri A.K. Shah, Shri M.R.Shah and N.R.Shah is written as Simplex Colony, Malviyanagar, Durg.

3. In the Board of Directors of M/s.Simplex Castings Ltd., the following were the Directors in the year 90-91, 91-92: Shri H.B.Shah, New Delhi, Shri A.K.Shah, Durg, Shri M.R.Shah Durg, Shri N.R.Shah Durg, and Shri B.Bala Chandran, Ghatkopar Bombay. Except Shri H.Balachandran rest four were the Directors of the Board of Director of aforesaid industrial units.

4. In M/s.Oswal Iron & Steel Pvt. Ltd. in 90-91, and in 91-92 there were two Directors Shri Chandrakant Shah Nehrunagar, Bhilai and Mrs.Prafulla Shah, Vaishali Nagar, Bhilai.

5. There were four partners in M/s.Oswal Industries

in the year 90-91, 91-92:

1. Shri Ratanchand Jain, Camp-II.
2. Shri Chandrakant Shah, Padmanabhpur, Durg.
3. Shri Manish Kumar Shukla, Bhatapara, Raipur,
- and, 4. Mrs. Prafulla Shah, Vaishalinagar, Bilal.

6. The owner of M/s.Lohawala Processors, Industrial Area is Chandrakant Shah. Shri Chaddrakant Shah had applied for the allotment of land for this unit.

7. CBI had sent a letter to office for the information of the aforesaid Director and partner.

NOTE: U/s. 161 and 162 of Cr.PC objection was raised in taking the documents which was rejected.

8. Its reply to CBI was sent vide letter dt.9.12.91, Ex.P.57, along with which the information of Ex.P.58 was also sent. These two documents bear the signature of S.K. Mishra, the then General Manager, and I recognise his signature being a sub-ordinate to him,

9. On 16.12.91, CBI official seized from my office records the photocopy. Seizure memo is Ex.P.59 which bears my signature. And in the seized photocopy there are two photo copies which are Ex.P.60 and P.61. On comparing the Ex.P.60 and 61 on the basis of original, it was found to be correct.

Cross-examination by Shri Rajendra Singh, Adv. for accused Moolchand Shah and Navin Shah.

10. The records of Simplex Engg. & Fdy. Works, and Simplex Castings Ltd. were not available in the office. After the letter of the CBI, they were obtained from the Unit, and thereafter they were sent to CBI. M/s.Oswal Steel Industries and M/s.Oswal Iron & Steel Pvt. Ltd. are different units. Similarly, M/s.Lohawala Processors is the third unit. In the year 1976, Oswal Steel Trunk Industry was in existence whose owner was Ratanchand Jain.

11. On 12.6.84 new partners were inducted in M/s. Oswal Steel Trunk Industry, whose names are :-

1. Shri Ratanchand Jain.
2. Shri Chandrakant Shah,
3. Shri Manish Kumar Shukla,
4. Smt. Prafulla Shah.

As per the original documents, Oswal Steel Trunk Indus. is in existence. The word Trunk was omitted due to the mistake of the typist.

12. M/s. Oswal Steel Trunk Industry was allotted the land for Steel Almirah, Water Tank Trunk. The land was allotted to M/s.Oswal Iron & Steel Pvt. Ltd. for C.I. scrap processing. M/s.Oswal Iron & Steel Pvt. Ltd. was given the possession of the land on 29.8.88.

13. Unless I see the records, I cannot tell as to when the production of M/s.Oswal Iron & Steel Pvt. Ltd. commenced. On behalf of the accused, the document of Ex.D.2 was shown to the witness, on the basis of which the witness told that the production of this unit started on 11.1.90. Ex.D-2 is the document given by our department. It bears the signature of the then General Manager but I do not know as to whose signature it is.

14. The land allotted to M/s.Oswal Iron & Steel Ltd. was given for the purpose in which the job mentioned in Ex.D-2 is also included. M.S. means mild steel and C.I. cast iron. In our department officials go for survey to the units. Every unit should give us as a rule every year the production of the unit. Statistics connected with the production of the unit shall be available from registration room and departmental convenience room. The witness himself said that in the normal course the unit should give the statistics of the production to the office but they do not give.

15. After seeing the original Ex.D-3, the witness

himself says that it bears the signature of the General Manager, on the photocopy of which after noting down D-3 original was taken back. Our department issues orders exempting some industrial units from the Sales Tax. I cannot tell whether after 11.1.90, the production in unit of M/s.Oswal Iron & Steel Pvt. Ltd. had increased. Cross-examination by Shri Trivedi, Adv. for accused Chandra-Kant Shah.

16. As per the document brought by me the residence of Chandrakant Shah is 19/5, Nehrunagar, Bhilai. Similarly, the address of the 2nd Director is Mig-71, Vaishalinagar, Bhilai. The address of the partner of Oswal Industries is Ratanchand Jain, Camp-II and the address of Chandrakant Shah is mentioned as H-52 Padmanabhpur, Durg, and the address of Shri Manish Kumar Shukla is Sadar Bazar, Bhatapara, District Raipur and the address of M/s. Prafulla Shah is MIG-71, Vaishalinagar, Bhilai. I have no knowledge as to where Simplex colony is situated. Malviya Nagar, Durg, is situated on G.E.Road. The addresses of the partners of Oswal Industry as told by me are situated at different place at Malviyanagar, Durg.

17. It is wrong to say that I had told it wrongly that the word ~~ix~~ trunk has been omitted due to mistake of the typist. It is correct to say that the existence of M/s.Oswal Industry is not on the basis of the records brought by me. The question as to who are the partners of M/s. Oswal Industries was not permitted to be asked.

18. Police had recorded my statement. Police had taken my signature. The statement given to Police was on the basis of the documents of my office and only after ^{verifying} ~~studying~~ it I had given the correct information. Unless I see the statement given by me, I cannot tell as to what I had said. The information given in the 4th number of Ex.P.58 is correct, but the word trunk is missing. The names of

the partners given in para-4 are in fact, the names of the partners of Oswal Trunk Industries. It is not correct to say that on the request of the partners, the name of Oswal Trunk Industry has been changed into Oswal Industries. In Ato A portion of Ex.D-4 I had not given the statement - "On the industries". I had signed the statement given to the investigating officer.

Question: There is no signature in Ex.D-4. On being asked this question the Prosecution raised an objection. Objection was rejected.

19. I had not given the statement in my own writing. I cannot say whether the statement of D-4 was given by me or not. On being shown, Ex.D-4 to the witness, the Prosecution raised an objection. ~~xxx~~ It was rejected.

Cross-examination by Shri Dhurandhar, Adv. for accused Palton.

20. Nothing.

Cross-examination by Shri Ashok Yadav, Adv. for accused Baldeo, Chandrabhx, Abhaysingh, Gyanprakash and Awadhesh.

21. Nothing.

Readover and explained to the witness. Found to be correct. Typed under my instructions.

Sd/ J.K.S.Rajput

Sd/ J.K.S.Rajput

IInd Addl. Sessions Judge,

IInd Addl Sessions Judge,

Durg, M.P.

Durg, M.P.

Witness No.13, On behalf of Prosecution

Dated: 20.12.94 Witness's apparent age: 55 years.

Name: Swamy Agnivesh son of Swamy Dayanand Saraswati,

Occupation: Swamyji, 7 Jantar-Mantar Road, New Delhi.

On Oath :

1. I know Shankar Guna Neogi, leader of CMM very well. Shri Neogi used to work for the betterment of the workers affiliated to CMM, and used to work for the ~~somk~~ solution of their problems. The workers of CMM under the leadership of Shankar Guha Neogi were fighting for ending the exploitation and ^boppression and for the establishment of their ^{rights} ~~lives~~ under the constitution and for human rights. This battle was against liquor mafia, especially Kedia Distillery and the industrialists of Bhilai industries.

2. On 11.9.91 myself along with Shankar Guha Neogi and other leaders like Bhimrao Bagade and ^ahis sister have met the Hon'ble President. At that time, Shri Venkatraman was the President. Neogiji had handed^over a memorandum duly signed by 50,000 workers. I had seen that memorandum. That memorandum contained the problems of the workers which was given to the Hon'ble President whose copy is Ex.P.62.

3. Neogiji ^{had} ~~have~~ mainly told the President that we are fighting for the right to livelihood and fundamental rights. The rights which are conferred under reasonable wages and Contract Labour Act are being snatched away from us and workers are fighting in a peaceful way, and Neogi had said this also that with a view to break the solidarity of the organisation the owners are organising fatal attacks on the workers and he had said that there is peril to his life also.

4. In a decent way the President assured that he will have no danger and he said this also that I will send that memorandum to the Prime Minister and he advised him to meet the Labour Minister. Since Labour Minister had resigned,

and the work of labour ministry was being looked after by the Minister for Coal Shri P.A.Sangama, he advised us to meet him. We told him this also that that memorandum be sent to the Chief Minister of Madhya Pradesh as well ~~as~~ so that he may provide us security. We had told for the security of especially Neogiji and his colleagues who were fighting the battle. The witness himself said, I have no danger to my life.

5. Shankar Guha Neogi met the Prime Minister Shri Narsingh Rao and handed over the copy of the same memorandum to him which was addressed to the Prime Minister. Besides this, Neogiji met Ex-Prime Minister V.P.Singh and Lal Krishna Advani. He had met George Fernandez also. We had given the information of our problems to these leaders under the leadership of Shri Neogi.

Cross-examination by Shri Rajendra Singh, Adv. for accused Moolchand Shah and Navin Shah.

6. Shri Neogi was stout and healthy man. After seeing Neogiji nobody could have said that he is hunger stricken or he does not have clothes to wear and sleep. Shri Neogi was not the leader of Janata Dal. I too ^{do} did not belong to Janata Dal. At Delhi, I do not reside in the office of Janata Dal. Seven Jantar-Mantar is a very big building where I have been given place to live by Sardar Patel Trust. This is a very big building which has many offices.

7. So far as I remember, the police had taken my statement on 22.12.91. I do not recollect that my first statement was taken by the police on 21.10.91. In my statement I did not tell police that I reside in the office of Janata Dal. I remember that my statement was taken only on 22.12.91. I do not remember about the statement of 21.10.91

8. My birth place is Shakti tahsil, district Bilaspur.

Question: Did Neogiji ever worked for the bonded labour

Answer : For workers like bonded labour, Neogiji had dedicated his entire life.

9. At Dalli Rajhara, I have not done work for the freedom of bonded labour. I had intimate relations with Neogiji. As and when Neogiji used to come to Delhi, he used to stay with me. Neogiji had started the movement at Rajnandgaon Cloth Mill. In this movement, police had to fire, later on I too had gone there. In the year 87-88 I was at Rajnandgaon, in this connection. In the year 84 Neogiji had sponsored me for election as M.P. from Rajnandgaon. Later on, he said that Neogiji had assisted him. At that time I was in Janata Party. I had not fought the election, On the insistance of Neogiji.

10. I know Rajendra ^{Sayal} Sayal of Raipur. Rajendra Sayal was the Organising Secretary of People's Union for Civil Liberty. I keep on visiting Rajendra ^{Sayal} Sayal at ^{Rajnandgaon} Rajnandgaon. I lost the election at Rajnandgaon. Vir Narayan Singh Day is celebrated on 19th December at Dalli Rajhara by CMM. ^{of} ^{assume} ^{the} This day is celebrated after 77-78. I used to go ^{to} Dalli Rajhara, Balod, Raipur, Bhilai etc. wherever this day is celebrated.

11. On 21.10.91 if police had recorded my residence at the office of Janata Dal, it is wrong. In Ex.D-5 in A to A portion office of Janta Dal, New Delhi has been wrongly written. In Bto B portion of Ex.D-5 the statement is not remembered by me :-"1984.... had gone" but the word 'Agraha' mentioned in it is wrong.

12. I have knowledge that Rajendra ^{Sayal} Sayal is connected with Bandhuwa Mukti Morcha. On the permission of President, any person can meet the Prime Minister. If any organisation wants to meet the President by giving an application they cannot meet. The meeting between

the President and Neogiji was arranged through me. About 7-8 persons had goneto meet the President along with Neogiji.

13. I do not remember as to how many workers were the members of CMM in 91. On the basis of bundle I had assumed that there must have been the signatures of fifty thousand workers. I had seen the bundle after opening it. Today, I cannot tell as to how many pages were there in the bundle. In these bundles, I had observed the pages 2-4-6-10. I had mostly seen the signatures not the thumb impressions. I do not know whose signatures were these. More than hundred workers had come to Delhi along with Neogiji. They had stayed in some Dharmashala.

14. In the statement of 22.12.91, I had not got recorded my residence at the office of Janata Dal. In A to A portion of Ex.D-6, I had not got recorded the office of Janata Dal. It is correct to say that we had gone to meet V.P.Singh because he was the leader of Janata Dal. At that time, George Fernandes was also the leader of Janata Dal. We had gone to Advani to complaint against Patwaji

15. I do not know that Neogiji was the bonafide resident of Siligudi. I know that Neogiji belong^{ed} to West Bengal. I do not know that in West Bengal Neogiji had ^{done} some work for the workers. I have no knowledge to the effect, that Neogiji had ever ~~returned~~ written a letter to World Human Rights Organisation. It is not to my knowledge that Neogi had filed a writ in the Supreme Court in this connection. It is not to my knowledge that looking to the interest of the workers Neogiji had filed some writ in the High Court. During talks Neogji had told that the workers are not getting even minimum wages. I know that if the workers are not paid the minimum wages they can take action at Labour Court. I have no knowledge to the effect whether any worker

had taken some action in the Labour Court, in this connection. k k

16. It is not to my knowledge whether Neogiji had met some other Minister or not besides President and the Prime Minister, but he had gone to meet the Labour Commissioner. It is wrong to say that Neogiji had not told the Prime Minister and the President about danger to his life. The witness himself says Neogiji ~~himself~~ treated him as a worker. Neogiji never did the work in any factory. Neogiji started his social life in the year 1977 in the capacity of a worker at Dalli Rajhara. I do not have any personal knowledge about the work of Neogiji. In 1991 Neogiji was not a worker.

17. I do not know as to why in Ex.D-5 and 6, the danger to life of Neogiji has not been written.
Cross-examination by Shri Trivedi, Adv. for accused Chandrakant Shah.

18. Nothing.
Cross-examination by Shri Dhurandhar, Adv. for accused Palton.

19. Nothing.
Cross-examination by Shri Ashok Yadav, Adv. for accused Baldeo, ~~Awadhesh~~, Chandrabux, Abhaysingh, Gyanprakash and Awadhesh.

20. Nothing.
Readover and explained to the witness. Found to be correct. Typed under my instructions.

Sd/ J.K.S.Rajput

IIInd Addl.Sessions Judge,
Durg, M.P.

Sd/ J.K.S.Rajput

IIInd Addl.Sessions Judge,
Durg, M.P.

Witness No.17, On behalf of Prosecution.

Deposition taken on 1.2.95, Witness's apparent age 52 yrs

States of affirmation : my name is Vijay^{Shukla}~~Kumar~~ son of Shri S.K.Shukla, Occupation: Town Inspector, Thana, Bhilai Bhathi.

On Oath :

1. On 30.9.91 I was posted at Police Station Rajhara as Incharge, P.S. On that day, at 15.40 I had received a letter duly signed by Smt.Asha Guha Neogi. On the basis of this report I have made entry of Daily Diary Sanha no.2298. I have brought the original copy of the Daily Diary Sanha, the true copy of which is being submitted today to the court. It is Exh. P-110 and the application letter is Ex.P.111. Both bear my signatures.
2. Since the case of Neogi's murder was registered at P.S.Bhilai, I had send this application letter and a copy of Daily Diary to Bhilai.
3. The application letter marked as Ex.P.49 was given to A.S.I. Yogendra Mishra by me to enquire and report. Ex.P.49 bears my signature. A.S.I.Yogendra Mishra reported ^{back} ~~abck~~ that the threatening letter has come from Jamul Police Station area from where Neogiji was being threatened. I sent this letter to police station Jamul.

Cross-Exam. by Advocate Shri Rajendra Singh for Accused Moolchand Shah, Navin Shah :

4. I had received the letter which has been mentioned in item-2 of Exh.P.104 but unless I see the letter, I cannot tell whether it was the same letter seized by me or not?

Cross-examination by Advocate Shri Trivedi for accused Chandrakant Shah:

5. Nothing.

Cross-examination by Shri Ashok Yadav, Advocate, for accused Abhaykumar Singh, Gyanprakash, Awadesh Ray, Chandra Baksha and Baldev.

6. It has been mentioned that Ex-P.49 that the original copy is sent to S.P.Durg, and photocopy was sent to police station.

Cross-examination by Shri Tiwari, for accused Palton :

7. Nothing.

Read-over to the witness, explained.

Found to be correct.

Typed under my instruction.

Sd/-J.K.S.Rajput
IInd Addl. Session Judge
Durg, M.P.

Sd/J.K.S.Rajput,
IInd Addl. Sessions Judge,
Durg, M.P.

on behalf of ~~Prosecution~~
Witness No.18, for/~~Accused~~, Deposition taken on 1.2.95

Witness's apparent age: 42 years.

States on affirmation: my name is Gokaran Gajpal S/o.

Shri R. Gajpal, Occupation A.S.I., Thana-Purani Bhilai.

On Oath :

1. I am posted at Old Bhilai as Asstt. Sub-Inspector.

On 17.9.90, I was posted at P.S. Jamul. Today I have brought the original Daily Diary No.944 dt.17.9.90 whose copy is Ex.P.42. The case has been registered on the basis of this. Enquiry was made and when nothing was found ~~on~~ the enquiry, the case was closed.

Cross-examination by Advocate Shri Rajendra Singh for accused Moolchand Shah, Navinchand Shah.

2. The reporter Suryadeo Varma used to work in Bhilai

Wires. Bhilai Wires is not at all concerned with the Simplex Group. There was a strike in all the industries (of Jamul). On that day, there was a strike in B.K. Industries, B.E.C. Industries, Kedia Distilleries, Vishwa Vishal General Fabricators, and Bhilai Wires. All the roads coming from these industries meet at a ground in front of Simplex Castings. Normally the persons working in different industries assemble on this ground and form the procession. None of the witnesses told me that who was the person who assaulted and therefore, I sent the case to be closed. Suryadeo had ~~the post~~ ^{deposed} in daily diary that he got himself treated in a private hospital. He did not tell me as to in which hospital he was treated. There was a plaster in the leg of Suryadeo.

4. A good number of beggars limp after getting the legs plastered and beg.

Cross examination by Shri Trivedi, Advocate, for accused Chandrakant Shah;

5. Nothing.

Cross examination by Shri Ashok Yadav, Advocate for accused Abhaykumar Singh, Gyanprakash, Awadeshrai, Chandra-

Baksh and Baldev.

6. Nothing.

Cross-examination by Shri Tiwari, Advocate, for accused
Palton :

7. Nothing.

Readover to witness, and explained.

Found to be correct.

Typed under my instruction.

Sd/- J.K.S.Rajput
IInd Addl. Sessions Judge

Sd/-J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg, M.P.

Witness No.19, for, on behalf of accused, Deposition taken on 1.3.95, Witnees's apparent age: 44 yrs., States on affirmation: my name is P.B.Nair Son of Shri P.K. P.Nair, Occupation Service, Address: Qtr.No.16-F, Str. 20, Sector-2.

On oath :

1. I am working ^{since} ~~in~~/1973 in Town Engg. Deptt.(Civk1) of B.S.P. The Estate Deptt. allots the quarters of the B.P. After the allotment of the quarter, to give possession is the responsibility of T.E.D.(Civil). After allotment acquisition report is made by the deptt. TED in favour of the allottee and is given the physical possession by us and in that connection, signature of the allottee is obtained. By allotment order No.Ex-P-112, quarter No.7G, Labour Camp No 1, was allotted to helper Latalooram. In Ex-P.112 'A to A' portion bears the signature of Rajkumar Hans, Estate Manager, which I recognize because I had seen his signatures in other documents.
2. On the basis of this allotment order, our office prepares the Occupation Repprt which are in three copies, traced from the carbon, out of which Ex-P-113 is the office copy. Ex.P.113 bears the signatures of Ramrup Ram in A to A portion which I recognize. He works with me ~~in~~ whom I have ~~been~~ putting his signatures. Siganature of Latalooram was also obtained in Ex.P.113 in connection with giving possession to him. Ex.P.113 is of 26.4.88. Latalooram was given the possession of that quarter on the same day.
3. Qtr.No.6-F, Labour Camp-I of B.S.P was allotted to C.I.S.F. The report prepared on this Occupation Report is Ex.P.114. My signature appears in A to A portion. The possession of this quarter was given on 28.1.91. The possession of this qtr. was given to an Officer of

C.I.S.F. whose name I donot know.

Cross-examination by Advocate Shri Rajendra Singh, for accused Moolchand Shah and Navin Shah:

4. While handing over the possession of the quarter, I personally go. After showing the quarter, I give the physical possession. By C.I.S.F., I mean Central Industrial Security Force. This Force is of Sepoys. A group of 4-5 persons (Sepoys) of CISF had come to me for the quarter. One Sepoy out of these 4-5 persons, acquired the possession of the quarter and had put his lock. In quarter No.6-F my lock was not locked, the police was summoned and it was given to CISF by force. Today, I am not in a position to tell how long CISF occupied the quarter. I cannot tell whether is in possession of CISF or not as on date.

5. I do not know whether the person whom the quarter is allotted can sublet it to some other person or not. I had gone to give possession to Latalooram. After giving possession, whether Latalooram resided in the quarter is not verified.

Cross examination by Shri Pateria, Advocate, for accused Chandrakant Shah :

6. Nothing.

Cross-examination by Shri Tiwari, Advocate for accused Palton:

7. Nothing.

Cross-rexamination by Shri Ashok Yadav, Advocate for accused Abhaykumar Singh, Gyanprakash, Awadesh, Chandrabaksh and Baldeo.

8. I do not know the person nor his name from whom the quarter no.6 was ^{vacat} vacated for handing over the possession to CISF. I do not know whether the person from the Electricity Deptt. goes to this quarter every month for Meter reading or not. It is correct that the persons who notes the meter reading every month sends it to the Personnel Deptt. from where the deductions are made for the bill from the salary of the allottee personnel.

9. It is correct to say that if allottee person does not reside ⁱⁿ ~~then~~ his own house and if deductions of electricity bill is done from his salary, he would definitely object to the same.

Readover and explained to Witness.

Found to be correct.

Types under my instruction.

Sd/- J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg, M.P.

Sd/- J.K.S.Rajput,
IInd Addl. Sessions Judge,
Durg, M.P.

Cross-examination by Shri Ashok Yadav, Advocate for accused
Awadhesh, Abhay Singh, Gyanprakash, Chandrabaksh & Baldeo.

7. Nothing.

Reavover and explained to
Witness.

Found to be correct.

Typed under my instruction.

Sd/- J.K.S.Rajput
IInd Addl. Sessions Judge
Durg (M.P.)

Sd/- J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg, M.P.

Witness's apparent age: 44 years.

States on affirmation: my name is D.P.Bhattacharya, S.O.
Occupation Service, Simplex,
address: 65, Industrial Estate, Bhilai

On oath :

1. I am working in Simplex Engg. & Foundry Works since 1971. Previously, it was a Private Co. (Firm), now it is a Public Limited. M/s. S.E.&Foundry Works has three units, out of which, two units are in Bhilai and one unit is in Tedesara, Rajnandgaon.

2. H.B.Shah is the Chairman of M/s. S.E.& Foundry Works Ltd. and Moolchand Shah and Navin Shah are the Vice-Chairmen. Moolchand Shah and Navin Shah are brothers. Both of them ^{are} present in the court today. Navin Shah owns Simplex Castings Firm. Navin ~~is~~ Shah is the Director of the firm.

3. H.B.Shah resides at Delhi. The work of both the units of S.E. & Foundry Works, situated at Bhilai was being looked after by Moolchand Shah, Simplex Castings is situated at Urla. This is also the company of this group. D.V.Singh used to work in the year 90-91 at Simplex Castings, situated at Urla.

4. I know Chandrakant Shah. Chandrakant Shah is the brother of Moolchand Shah and Navin Shah. Chandrakant Shah owns Oswal Iron & Steel Co., situated at Bhilai. I cannot tell as to what work is done in the company. I know Rajesh B.Shah. Previously Rajesh B.Shah used to work in Simplex Engg. & Foundry Works Ltd. He is the nephew of Moolchand Shah etc.

5. H.B.Shah had shifted to Delhi in the year 1983-84. Simplex Engg. has its Sales Office there.

6. I have worked as P.A. to Moolchand Shah. I have worked with him for about 4-5 years. I was with him ⁱⁿ since 90-91.

7. I do not know Gyan Prakash Mishra. Daily report in regard to raw materials received at our M/s. S.E. & Fdy. Works Ltd., and its production was prepared. The witness now says that the daily report was not prepared, the report was prepared in ^a month. And Entry of the raw material was made. A statement in regard to production of goods manufactured was maintained every month.

8. There is a Planning Deptt. in our factory. There used to be the planning as to how much quantity is to be manufactured and as to how much has to be kept in reserve. I have no knowledge of the fact whether the planning section used to maintain the monthly report or not. This report was not channelised through me for being put up before the Director.

NOTE : At this stage, Shri Saxena of C.B.I. expressed the view that as the witness was not supporting their stand, he be declared as a hostile witness.

On the basis of perusal of the case diary, permission to cross-examine is accorded.

Cross-examination by Shri Saxena, Special Public Prosecutor, C.B.I.

9. CBI Officer had made an enquiry in this case.

In A to A portion of Exh.P.115 I have not given the statement -- 'I know Gyan Prakash Mishra --- Sept. 1991. Gyan Prakash Mishra is present in the court today. I recognise him now. In B to B portion of Ex.P.-115 to CBI Officer, I have not given the statement/- 'I know --- Gyan Prakash Mishra'. Prior to this case, I had been summoned three-four times. In every summons, it was written to be present along with the despatch and production statement, monthly planning report. I had verably informed Omprakash of CBI that these documents are not available with

me but I did not inform the court.

10. Since I have not seen the Monthly production report, I cannot tell the quantum of production. It is wrong to say that the monthly production report, monthly planning section report, despatch report were submitted for perusal of Moolchand Shah by me. In C to C portion of Ex.P.115 I have not given the statement 'all these statements through me'.

11. I knew Shankar Guha Neogi. C.M.M. used to function under the leadership of Neogi. The workers from our factory were not thrown out. There was no retrenchment from Unit-1 where I work. I am not aware of the retrenchment from Unit-II - III. C.M.M. had launched the agitation against our factory as well as against other factories. Slogans used to be raised against our factory for handsome salary, to take back on job and for medical facilities and there used to be abuses against our factory. I am not aware of the fact whether any memorandum to this respect was submitted or not.

** 12.

NOTE: Para-12 is in the next page. Please type it before Para-13.

12. During the tenure of my working, A.S.Natrajan was the General Manager. He was in Unit-I & II. Vinod Shah was the commercial ^{General} Manager. His work was to look after the Purchase matters. I recognise the signature of Vinod Shah. I am not aware of the fact whether Vinod Shah had filed two Civil Suits. I am not aware of the fact that in those suits, it was written that due to Shankar Guha Neogi and C.M.M., his factory is running at the loss of lakhs of rupees every day. In D to D portion of Ex.P.115/2 'On the basis -- 50 lakhs'. I do not know as to how the CBI Officer has recorded this statement, it is possible that he might have written the same to make out this case.

tied to a cot, as I did not know him. I have seen there a few persons tied separately to the cots, I had seen a man hanging on a hook of a fan. We were not kept in a closed room for 3-4 days. I was called for enquiry twice.

Cross-examination by Shri Pateria, Advocate, for accused Chandrakant Shah :

17. Nothing.

Cross-examination by Shri Tiwari, Advocate for accused Palton :

18. Nothing.

Cross-examination by Shri Ashok Yadav, Advocate, for accused Abhay, Awadhesh, Gyanprakash, Chandrabaksh and Baldeo.

19. Nothing.

NOTE : Mr. Saxena asked for recross-examination. For the ends of justice, permission granted.

20. I recognise the writing of Moolchand Shah. Ex-P-116 is a half written letter to Kailash Chawla. Q-1 rounded off with the red ink is by the hand of Moolchand.

Cross-examination by Shri Rajendra Singh, Advocate for accused Moolchand Shah, Navin Shri.

21. I do not know whether this draft was sent or not. This is a half written letter.

Cross-examination by Shri Pateria, Advocate, for accused Chandrakant Sha.

22. Nothing.

Cross-examination by Shri Tiwari, Advocate for accused Palton :

23. Nothing

Cross-examination by Shri Ashok Yadav, Advocate for accused Gyanprakash, Abhay, Awadhesh, Chandrabaksh, Baldeo.

24. Nothing.

Readover and explained to
Witness.

Found to be correct.

Sd/- J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg (M.P.)

Typed under my instructions.

Sd/- J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg (M.P.)

Witness No.23 Deposition taken on 24.3.95

Witness's apparent age: 40 years.

States on affirmation : my name is G.R.Morghade son of Shri M.G.Morghade, occupation: Inspector, C.I.S.F. unit, B.S.P., Bhilai.

On oath :

1. I am posted since 1994 with C.I.S.F., BSP.

P.B.Barman was also Quarter Master here who has gone out. Today I have come along with the records of the allotment to the employees of CISF by the Estate Office BSP. Quarter No-6-F, Camp-I Bhilai was allotted on 20.1.91 through Exh.P.114. The possession of this quarter was taken by CISF. This quarter was allotted to constable Rama Reddy by CISF.

2. Rama Reddy never took possession of this quarter.

The key of this quarter was with CISF. In 1991 this quarter was not allotted to any one by our department. In the year 1993, this quarter was allotted to Constable Raju Sharma.

Cross-Examination by Shri Awasthi, Advocate for accused Moolchand and Navin Shah:

3. As per records, the possession continued to remain with CISF.

Cross-examination by Shri Pateria, Advocate, for accused ~~for~~ Chandrakant Shah :

4. Nothing.

Cross-examination by Shri Tiwari, Advocate for accused Palton :

5. Nothing.

Cross-examination by Shri Ashok Yadav, Advocate for accused Gyanprakash, Abhay Kumar Singh, Awadhesh Rai, Chandrabaksh and Baldeo.

6. Nothing.

P.T.O.

Readover and explained to
Witness.

Found to be correct.

Sd/- J.K.S.Rajput
IInd Addl. Sessions Judge
Durg, M.P.

Typed under my instruction.

Sd/- J.K.S.Rajput
IInd Addl. Sessions Judge
Durg (M.P.)

Witness No.25, for On behalf of Prosecution, Deposition taken the 24.3.95 day Witness's apparent age: 53 yrs. States on affirmation : my name is S.Vishwanathan son of Shri T.R.Subramanyam, occupation: Service, address: E.W.S.-65, Vaishalinagar, Bhilai.

On oath:

1. I had joined Simplex for the first time in 1978. I served there upto 1980. Thereafter I joined Bhilai Engineering Corporation Ltd. I again joined Simplex Castings Bhilai 1990. There can be some difference in whatever I have stated just now about my services. At the initial stages when I had joined, Simplex was a partnership firm but when I joined later on 1990, it was a Public Limited. Moolchand Shah and Navin Shah were Directors in this and who else were the Directors is not known to me. In 90-91 I was the Personal Secretary to Navin Shah.

2. Moolchand and Navin Shah are present in the Court today. In 90-91 day-to-day work of Simplex Castings was looked after by Navin Shah. Navin Shah was the Vice-Chairman of this Firm (Simplex Castings.) Simplex Industries Group had Simplex Engg. Foundry Works Ltd., Bhilai, Simplex Castings Ltd., in which I used to work. There was yet another factory of Simplex Group at Tedesara.

3. Simplex Castings used to manufacture different types of castings which were used in Cement, Fertilizers and Railways etc. Mainly pig iron was procured ^{from} from Steel Authority of India, because it was a controlled item. Scrap material was also purchased from the Steel Authority of India. I do not know whether the Simplex used to get the scrap materials cut from outside or not.

4. I know Chandrakant Shah, the brother of Moolchand Shah and Navin Shah who are present in the court

today. Chandrakant Shah owned a factory by the name Oswal Engineering. What work was done there is not known to me.

NOTE: Shri Saxena ^{Public} Special Police Prosecutor, declared the witness as hostile and prayed for cross-examination.

Case diary of the witness was pursued. After declaring the witness hostile, permission is accorded for cross-examination.

Gross examination by Shri Saxena, Special Public Prosecutor for Govt.

5. C.B.I. had noted down my statement. In A to A portion of Exh.P-117 I had not given the statement to CBI - 'Simplex casting ... Navin Shah'. In A to A portion of Exh.P-117 deposition made by me was correct which is in my knowledge. I did not use to maintain any diary to note down the name of the persons who used to come to see Navin Shah nor I used to make entries of other documents. I have not made entries to the effect on which ^{these} Navin Shah had ^{worked} ~~was~~/by remaining present in the factory and on which dates he ^{has} have been out of the factory.

6. Records as to on which dates Navin Shah has been present in the factory and as to when he had been out, cannot be available in the factory.

NOTE: Ques: Before the murder of Neogiji/^{what was} Navin Shah on Sept. 1991, ^{was} in the 1st and 2nd week ⁱⁿ Bhaili and did he attend the Simplex Casting-~~s~~ factory?

Ans : The witness is pondering over to reply to the query. The witness said that in the 1st week Sept.91 Navin Shah was at Bhilai. But in the 2nd week, he was on leave. As such, he is not in a position to tell whether

Navin Shah was at Bhilai or not.

7. I do not know Gyanprakash Mishra, Awadhesh Rai
Abhaykumar etc.

Cross-examination by Shri Awasthi, Advocate, for accused
Moolchand Shah, Navin Shah.

8. Nothing.

Cross-examination by Shri Pateria, Advocate for accused
Chandrakant Shah.

9. Nothing.

Cross-examination by Shri Tiwari, Advocate, for accused
Palton.

11. Nothing.

Readover and explained to
Witness.

Found to be correct.

Typed under my instruction.

Sd/- J.K.S.Rajput
IInd Addl. Sessions Judge
Durg M.P.

Sd/- J.K.S.Rajput
IInd Addl. Sessions Judge
Durg, M.P.

Witness No.27 for on behalf of Prosecution Deposition
taken on 25.3.95 Witness's appaerent age: 41 yrs.

States on affirmation: my name if Deepnarayan Pande
son of Shri Ragho Pande, occupation: Teacher,
address: Camp No.1, 18 No. Road, Bhalai.

On Oath :

1. I reside at Road No.18 of Camp No.1. I know well Prabhunath Mishra and Gyan Prakash Mishra. Both of them are real brothers. They reside in a house in front of my house. Gyanprakash is present in the court today. I know Abhay Singh who is present in the court today. Abhaysingh is from UP. Gyanprakash Mishra and Prabhunath Mishra are from Gorakhpur (UP). Gyanprakash Mishra is my distant relative.

2. I am a teacher in Baba Raghavdas Vidyalaya, situated at Khursipar. I have not seen Abhaysingh visiting the house of Gyanprakash Mishra. I do not know Chandrabax and Baldeo. I know Awadhesh Rai, Awadhesh Rai is present in the court today. I do not know Tony Punjabi. I do not know Ravi alias Palton Mallah.

NOTE: Mr.Saxena, Special P.P., declared the witness hostile and sought permission for cross-examination.

Statement of the Case Diary persued. After declaring the witness a hostile, permission accorded for cross-examination.

Cross-examination by Mr.Saxena, Special PP, for Govt.

3. Durg Police had enquired from me about this case. The statement in A to A portion of Exh.P-118 has not been given by me to the police - 'Abhaysingh....
... used to come'.

4. I know that Neogiji had been murdered. I did not see Abhaysingh immediately after the murder of Neogi. The witness himself says that he cannot say as he goes to school from the morning. I have not given the statement to the Police that Ravi alias Palton Mallah is absconding after the murder of Neogiji.

In B to B portion of the statement has not been given by me to the police - 'Ravi alias Palton Mallah is absconding'. I cannot tell as to how the police has recorded my statement from A to A and B to B. It is wrong to say that since Gyan Prakash Mishra is my relative, to defend him I am not giving the correct evidence.

Cross-examination by Shri Awasthi, Advocate, for accused Moolchand Shah, Navin Shah.

5. Nothing.

Cross-examination by Shri Pateria, Advocate for accused Chandrakant Shah.

6. Nothing.

Cross-examination by Shri Ashok Yadav, Advocate, for accused Gyanprakash, Abhay, Awadhesh, Chandrabaksh and Baldeo.

7. I go to school to teach at 7.00 AM. I return at 5.00 PM. Khursipar School is 5 Km away from my house. Abhaysingh's house is about half Km. away from my house.

Cross-examination by Shri Tiwari, Advocate, for accused Palton.

8. I do not know Ravi alias Palton Mallah.

Readover and explained to witness.

Found to be correct.

Types under my instructions.

Sd/- J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg, M.P.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge
Durg, M.P.

Witness No.28 for On behalf of Prosecution. Deposition taken on 25.3.95 Witness's apparent age: 39 years.

States on affirmation: my name is Naidu Maaran son of Shri V.T.Raju, occupation: Tailor address: Camp-1, Bhilai.

On oath :

1. I know Prabhunath's Mishra's brother, Gyan Prakash Mishra who is present in the court today. I do the work of tailoring. The name of my shop is Paradise Tailors which is situated in Camp-1, Prabhunath Mishra's complex. I give Rs.500/- every month as rent to Prabhunath Mishra.

2. I do not know Abhaysingh, Chandrabaksh, Baldeo, Awadhash and Tony. I know Deepnarayan. I have no knowledge about the plank in front of his house.

NOTE: Mr.Saxena, SPP, declared the witness as hostile and sought permission to cross-examine.

Case Diary seen, permission granted.

Cross-examination by Shri Saxena, SPP , for Govt.:

3. Durg police had not made any enquiry from me in connection with this case. CBI enquired after the murder of Neogiji. I do not know Ravi. I had not identified the photo of Ravi before CBI. In A to A portion of Exh.: -119 I had not deposed - ' Gyanprakash Mishra used to sit'. In B to B portion I had not given the statement that - 'with Gyan Prakash used to visit'. In C to C portion I had not given the statement - 'Neogiji's murder ... is absconding'.

4. I am the tenant of Prabhunath Mishra and therefore, with a view to defend Gyanprakash Mishra I am not giving the false statement.

Cross-examination by Shri Awasthi, Advocate, for accused Moolchand Shah, Navin Shah.

5. Nothing.

Cross-examination by Shri Pateria, Advocate for accused

Chandrakant Shah.

6. Nothing.

Cross-examination by Shri Ashok Yadav, Advocate for accused Gyanprakash, Abhay, Awadhesh, Chandrabaksh and Baldeo.

7. Nothing.

Cross-examination by Shri Tiwari, Advocate for accused Palton.

8. Nothing.

Readover and explained to the witness.

Found to be correct.

Types under my instructions.

Sd/- J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg (M.P.)

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge.

Witness No.29 for On behalf of Prosecution. Deposition taken on 25.3.95. Witness's apparent age: 56 years.

States on affirmation: my name is Ajaab Rao son of Shri Arjun, occupation: Service, address: Camp-1, Bhilai.

On oath :

1. I am a Senior Technician in General Maintenance Department in BSP. I reside at Quarter No.6-G in Camp-1. Ever since the construction of this quarter, I am living in this quarter since 1974-75. Qtr.No.6-F is by the side of my quarter. In 1990 as to whom Qtr.No.6-F was allotted is not known to me. If at all anybody resided in this quarter, I have no knowledge of it.

2. I know Abhay Singh. I do not know Gyan Prakash Mishra. Abhy Singh's quarter is in block no.7. Abhaysingh's quarter is not in front of my quarter. Abhay Singh never lived in the quarter in front of my quarter.

NOTE: Mr.Saxena, SPP, declared the witness as hostile and sought permission for cross-examination.

Seen the statement of Case diary and accorded the permission.

Cross-examination by Shri Saxena, SPP, for Government.

3, Durg Police and CBI has made enquiries from me in connection with this case. I do not remember that on 28.10.91 and 21.11.91 my statement was recorded. In A to A portion of Exh.P-120 I have not given the statement to the police - 'I had heard used to visit'. In B to B portion of the statement I had not given the statement - 'Neogi murder case is absconding'. I had not given such statement, the police might have recorded as per their wishes. Police used to come to my house, and as such they might have written my statement and made me the witness. At that time, police used to come to my house, but now they do not come. It is wrong to say that Abhaysingh used to live in my neighbourhood and used to

work in BSP and therefore, in order to defend him I am giving the false statement. There is no anomisity with the police.

Cross-examination by Shri Awasthi, Advocate for accused Hoolchand Shah, Navin Shah.

4. Nothing.

Cross-examination by Shri Pateria, Advocate for accused Chandrakant Shah

5. Nothing.

Cross-examination by Shri Ashok Yadav, Advocate for accused Gyanprakash, Awadhesh, Abhay, Chandrabaksh and Baldeo

6. Abhay Singh used to work in BSP but he did not work in my department.

Cross-examination by Shri Tiwari, Advocate for accused Palton.

7. The doors of my quarter No.6-F opens towards the lane, had somebody been visiting quarter no.6-F, I could have known because I used to live by the side of it. In 1990-91 I did not see anybody living in quarter no.6-F.

Readover and explained to the witness.

Found to be correct.

Typed under my instructions.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg, M.P.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg, M.P.

basis of token, Incharge of the employee makes D.B.R. and on the basis of token, marks their attendance. These DPRs are given to the computer operator and through the computer the attendance of the employee is certified. On the basis of this, master attendance register is made. On the basis of this attendance register, the employees get their payments.

4. On 1.9.91 Abhay Kumar Singh was in B-shift and from 2 to 5.9.91, he was in A-shift and 6.9.91 was his weekly rest day and 7 to 8.9.91 in A-shift and 9 to 10.9.91 in C-shift, on 11.9.91 he was on casual leave, on 12.9.91 in C-shift, 13.9.91 weekly rest, 14.9.91 and 15.9.91 in C-shift, 16.20 19.9.91 in B-shift, 20.9.91 weekly rest, 21 - 22.9.91 B-shift, 23 to 26.9.91 in A shift, 27. weekly rest, 28.9.91 to 29.9.91 in A-shift and on 30.9.91 in S-shift.

5. In Oct.91 the aforesaid Abhay Kumar Singh was absent on ~~1.10.91~~ 1.10.91 and 2.10.91 was the national holiday, on 3rd in C-shift, 4.10.91 weekly rest and from 5.10.91^{was} continuously absent.

Cross-examination by Shri B.L.Jain, Advocate for accused Moolchand, Navin Shah.

6. Nothing.

Cross-examination by Shri Trivedi, Advocate for accused Chandrakant Shah :

7. Nothing.

Cross-examination by Shri Ashok Yadav, Advocate for accused Cyanprakash, Abhay, Awadhesh, Chandrabaksh and Baldeo.

8. I have not brought D.P.R. I do not know whether on 4.10.91/5.10.91 Abhaykumar Singh had given any application for leave at his department. Master Attendance Register is made from the DPR. I have seen DPR. Without DPR this register cannot be prepared.

9. We have staff under us who are given DPR who do the work of computer. I do not feed ~~in~~ the computers.

Cross-examination by Shri Tiwari, Advocate for accused
Palton.

10. Nothing.

Readover and explained to
the witness.

Found to be correct.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge
Durg, M.P.

Typed under my instructions.

Sd/ J.K.S.Rajput
IInd. Addl. Sessions Judge,
Durg, M.P.

Witness No. 51 for On behalf of Prosecution. Deposition taken on 4.4.95. Witness's apparent age: 49 yrs.

States on affirmation : my name is Atulchandra Paul son of Shri Rameshchandra Paul, Occupation: Service, address: Sector-6, Bhilai.

On oath :

1. I am still the employee of M/s.Oswal Iron & Steel Ltd. Bhilai. The aforesaid factory is situated in the Industrial area. In 1991 I knew Chandrakant Shah as the owner of M/s.Oswal Iron & Steel Ltd. Today Chandrakant Shah is present in the court. I am working in the factory since 1984. My job is that of mechanical and A.S.Cutting and welding. In 1965-66 I used to work in BSP. After being ~~re~~ retrenched from there, I did the work of breaking the iron in Tata Company situated at inside the Plant. Somani Sahab purchased the Tata Co. but I continuously worked in that company upto 1979.

2. Thereafter I did the work of breaking iron at Bhilai Foundry. Chandrakant Shah's goods used to come there for being broken. I met him there. He told me that he was going to establish the factory in which I should work. In 1984 I started working in M/s.Oswal Iron & Steel Ltd. Bhilai. In the beginning, prior to 1991, the material of 5-7 companies used to come for breaking. Simplex Casting Bhilai was one of them. M/s. Oswal Iron & Steel Ltd. Bhilai never closed down.

3. Chandrakant Shah had erected a brick [✓] ~~W~~lin in my name at village Sonpur, Tahsil Patan, District Durg. It pertains to 1988. This clin was registered in my name. The expenses of the clin was taken by me from Chandrakant Shah and I used to take the income. This ~~W~~lin used to run at loss and therefore, there was no question of any income. This ~~W~~lin was closed down in 91. Police sealed this. There was loss upto 91.

4. I know Gyanprakash who is not present in the court today. Gyanprakash Mishra used to transport coal etc. to that ~~V~~lin. Devendrakumar Dey was engaged to keep the accounts of the ~~V~~lin. In connection with the expenses of the clin, the amount with Gyanprakash Mishra used to take from me was accounted for by him. Sometimes, I used to keep the workers for ~~V~~lin and sometimes I used to ask Chandrakant Shah.

5. There was a factory by the Name of Oswal Steel on Nandini Road owned by Chandrakant Shah. This factory was closed down before 1990. Hammer machine was at first in the Oswal Steel but later on, it was shifted to Oswal Iron. Oswal Steel is an old factory. Oswal Iron & Steel factory stated in the year 1988-89.

6. I know about the murder of Neogi. I do not know the month but murder took place in 91. Prior to one and half months of Neogi's murder, Chandrakant Shah used to come to the factory sometimes but after the murder of Neogi, he did not come to the factory.

Cross-examination by Shri B.L.Jain, Advocate for accused Moolchand Shah, Navin Shah:

7. Nothing.

Cross-examination by Shri Trivedi, Advocate for accused Chandrakant Shah :

8. On being asked by Chandrakant Shah, I started working with him in 1984. I worked in Oswal Industries in 1984. Chandrakant Shah, Manish and other 1-2 partners were in the factory. In this company the work of breaking iron was done only through hammering machine. In this factory the work of breaking iron was done ^{Only through hammering} ~~though one handed~~ machine. In 1989 Chandrakant Shah and others retired from ~~this~~ factory and Manish became the owner. Thereafter Chandrakant Shah installed a private limited co. Oswal Iron & Steel Pvt.Ltd. This factory was started at a separte place in

Nandini Road. Since I had gone with Chandrakant Shah to work in Oswal Iron & Steel Pvt. Ltd., I do not know as to what happened to Oswal Steels.

9. In 1990 the commercial production of Oswal Iron & Steel P.Ltd. started. In this factory from 1990 we used to purchase raw materials from Bhilai Steel Plant Stockyard and after processing it, we used to sell it to other persons. In spare time after doing the aforesaid jobs, we used to take the goods of other companies and after breaking used to do the job work.

10. M/s.Oswal Iron & Steel Pvt.Ltd. never closed down either due to paucity of the materials or lack of work.

11. I had purchased the brick ~~Q~~lin for my own profession with my own money. In this work, the statement of taking expenses from Chandrakant Shah has been said that ^{it was removed} it was by way of loan from him. Later on I used to pay him back the amount.

12. I know that later on this brick ~~Q~~lin was attached as per the order of the court. For its possession I had submitted an application and filed an affidavit and last year I got back that ~~Q~~lin.

Cross-examination by Shri Tiwari, Advocate for accused Palton.

13. Nothing.

Readover and explained to the witness.

Found to be correct.

Typed under my instructions.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge
Durg, M.P.

Sd/- J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg, M.P.

~~Riya~~

Witness No.32, for On behalf of Prosecution.

Deposition taken on 5.4.95. Witness's apparent age: 28 yrs

States on affirmation: my name is : K.C.Mary

son of Shri K.L.Narayan, Occupation: Service

Address : Nandini.

On oath :

1. Since 1991 I have worked with M/s.Oswal Iron & Steel Pvt. Ltd. as Accounts Asstt. The owner of this factory is Chandrakant Shah who is present in the court. K.S.Bhatia was the Accountant in this factory. In this factory a hammering machine was installed to break big size iron into small iron. Bills used to come which were entered into registers. The name of the factory, the amount of the bill and the names to whom the brokers goods were sent, their names, were written in the register. Exh.P-122 and Ex.P-123 are the job registers for the year 90-91 and 91-92 respectively, which are maintained in the aforesaid factory. Out of them, two entries are by my hand.

2. In page no.8 of Exh.P-122 in bill no.116 to the last entry of this page dt.15.10.90 all the entries have been done by me which has been rounded off with the red ink today, and have been marked as Exh.P-122/3. In page no.9 all the entries from 16.10.90 to 30.10.90 have been made by me which today have rounded off with red ink and have been marked as Ex.P-122/4. In page no.10 bill no.148 to 156 dt.6.12.90 to 15.12.90 are the entries made by me which has been rounded off with red ink today and have been marked as 122/5. In page no.11, all the entries are done by me and have been marked as Ex.P-122/6. In page no.12, the entries of bill nos.182 and 183 dt.28.1.91 have been done by me which today has been rounded off with red ink and has been marked

as Ex.P-122/7. In page no.13, all the entries from bill no.188 dt. 1.2.91 to bill no.197 dated 12.2.91 are done by me which today have been rounded off with red ink and has been marked as Ex.-122/9.

122/7

=122/9.

3. All the entries of Job Register Ex.P-123 from 27.4.91 to 25.11.91 which are written from page no.1 to page no.8, are made by me which is marked as Ex.P-123/1. According to the Job Register Ex.P-122, most of the goods for breaking has come from Simplex Castings. In this Job Register totalling has been done with a pencil in regard to the amount to be realized from the company where the goods have been despatched. According to this, as per the entry of the pencils, Rs.32,322/- had to be recovered from the Simplex Castings for the materials received in November. Similarly for the goods received from MR Simplex Castings during December, a sum of Rs.41,728/- was the balance to be taken. Similarly, the sum of Rs.34,260/-, 22421/- and 5685/- for January, February and March resp. were balance in lieu of breaking the goods.

123/1

4. According to the Job Register Ex.P-123, M/s.

Oswal Iron & Steel Pvt.Ltd., had to receive the amount of Rs.13,172/- in May 1991, Rs.13,022/- in June, Rs.8613/- in July, Rs.9107/- in August, Rs.3575/- in September, Rs.15,406/- in October, Rs.18,109/- in November, 91 for breaking the firms whose names are written against each. In Job Register, Ex.P-123 there are 44 entries whose goods have been despatched after breaking. Out of these 39 entries pertain to Simplex Castings Bilal.

Cross-examination by Shri B.L.Jain, Advocate for accused Meelchand, Navin Shah.

5. Nothing.

Cross-examination by Shri Trivedi, Advocate for accused Chandrakant Shah:

6. I had received the summon for 23rd March. In this connection, I had applied that in view of my examination I may be summoned after May. This application has been granted by the court. CBI personnels gave me the summons for today. The day CBI personnels had come, I have gone to appear in the examination.

7. M/s. Oswal Iron & Steel Pvt. Ltd. is a Private Ltd. Company. There are many Directors of this company, Chandrakant Shah is one of them. It is correct to say that the work of this company was being looked after by Chandrakant Shah, Hemant Shah and Manager Rajesh. At that time K.S.Bhatia was the Accountant and Atulchandra Paul was the Supervisor in our Company. Paul used to look after the work of processing and job work. Main work of our co. of mine was that of processing. For this work, the company used to purchase the raw materials from Bhilai Steel Plant Stockyards and other places and after processing it, used to sell to other parties.

8. I have worked in this company from August 90 to Nov. 91. I have no knowledge to the effect that at a time ~~when~~ when I was working there, the company used to purchase the goods to the tune of Rs.1/- crore. K.S.Bhatia had the knowledge of prices of purchased goods and the sell price of the processed goods as he used to look after this work.

9. On 20.7.90, as per page no.4 of Ex-P-122, the job work of Bhilai Engineering Corpn. was executed whose bill amount was Rs.2181/-. Similarly, the job work was done for Bhilai Engg. Corpn. on 23.7.90 whose bill amount is

1689/- . Again on 25.7.90, the job work of Bhilai Engg. Corpn. was done for Rs.1764/- . Again on 26.7.90, the job work of Bhilai Engg. was done whose bill amount is Rs.1901/- . On 26.7.90, the job work of New Mechanical Engg. Corpn. was done whose bill amount is Rs.2162/- . This entry is in page no.5 of Ex-P-122.

10. The job work was done for B.E.C. on 28.7.90 whose bill amount is Rs.1687/- . Again on 6.8.90 the job work of B.E.C. was done whose bill amount is Rs.1132/- . On 7.8.90 the job work of B.E.C. was done whose bill amount is Rs.1031/- . On 9.8.90, the job work of BEC was done for which three separate bills were made whose bill amount is Rs.1703/-, Rs.1914/-, and Rs.1547/- . In page no.6 of Ex-P-122 on 13.8.90 two bills were prepared whose description is in page no.6 whose amount is respectively Rs.1374/- and 2024/- . On 17.8.90, again two bills were prepared for BEC whose bill amounts Rs.1762/- and 1420/- .

11. The job works shown in Ex.P-122 and 123 shows that beside Simplex Castings, the job work of other companies too have been done by our company. It is correct to say that the main work was of Oswal Iron & Steel P.Ltd. have been to purchase the goods, to sell it after processing and breaking the goods and returning it to other companies was the subsidiary work.

Cross-examination by Shri Ashok Yadav, Advocate, for accused Gyanprakash, Abhay, Awadhesh, Chandrabaksh and Baldeo.

12. Nothing.

Cross-examination by Shri Tiwari, Adv. for accused Palten.

13. Nothing.

Read over and explained to the witness.
Found to be correct.

Sd/ J.K.S.Rajput,
IInd Addl. Sessions Judge,
Durg, M.P.

Typed under my instructions.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg, M.P.

Witness No. 33, for On behalf of Prosecution. Deposition taken on 5.4.95. Witness's apparent age: 31 years. States on affirmation: my name is Ashamma Vergese, W/O. Shri George Vergese, Occupation: Service, address: Sector-5, Bhilai. ⁶

On oath :

1. I am working ~~xxxx~~ in M/s.Oswal Iron & Steel P.Ltd. since 1990 as a Typist. Chandrakant Shah, present in the court, is the owner of the factory. I have not brought today the Stock Register in which entries are made for breaking the goods because the factory remain^d closed for two years ~~in~~ and for this reason a good number of documents ^{a^e} have lost and despite the search, the registers could not be found out. This factory remains^d closed from May 92 to April 94.

2. I did not use^d to make entries of the incoming rejected goods. CBI personnels did not enquire from me about the stock register.

NOTE: Carbon copy of the case diary is available. The original is not available.

Mr. Saxena SPP, declared the witness as hostile and on the basis of carbon copy ~~xxxx~~ ^{as} sought permission to cross-examine the witness.

Seen, the statement of case diary, permission accorded.

3. The statement in A to A of Ex.P-125 was not given by me to CBI - 'from Simplex Castings ... was received'. I do not know as to how the CBI noted down this statement. Even on this day, I am working with M/s.Oswal Iron & Steel P.Ltd., Bhilai. It is wrong to say that the stock register is available even today and the entries have been made by me and it is also wrong to say that as the entries are against Chandrakant Shah, I have not brought the register today. It is wrong to say that in order to defend Chandrakant Shah, I ~~am~~ giving the false statement.

Cross-examination by Shri B.L.Jain, S.P., for accused Meelchand, Navin Sha.

4. Nothing.

Cross-examination by Shri Trivedi, Advocate for accused Chandrakant Shah :

5. It is correct to say that M/s.Oswal Iron & Steel P.Ltd. Co. is a Private Limited Co. Chandrakant Shah, Hemant Shah, R.B.Shah and many others are Directors of this company.

6. Bhatia Sahab was the Accountant in this Company and Atulchandra Paul was the Supervisor. Bhatia Sahab had all the knowledge about the goods purchased, processing and sold to others persons. Bhatia Sahab used to maintain the accounts of the company. Bhatia Sahab used to deposit the Sales Tax with the Sales Tax Advocate in connection with the goods of our company. Atulchandra Paul had the knowledge of purchased goods and processed and sold because this work was done under his supervision.

7. Entries were made in the register of the goods purchased, processed and sold by the company. Today I have brought two registers, which contain the description of goods purchased in the year ⁹⁰⁻⁹¹~~1990~~ and 91-92.

8. Stock register, Ex.D.11 is concerned with processing. Ex.D-11/1 is the Index in which there is description of the goods purchased by the company. In page nos. 1/51, 81, 111, 131, 171, 201, 224, 231, 241, 141, 151, 153, 159, 167, 180, 194, 199, 274, 275, 276, 277, 279, 280, 281, of Ex.D,1 there is description of the goods purchased for processing for the year 90-91. Sales Tax returns are submitted on the basis of this register.

9. Ex.D-12 is the stock register of Oswal Iron & Steel Pvt.Ltd. for the year 91-92. Ex.D-12/1 is the index of goods entered into the register. These goods were purchased by the company for processing. Sales tax returns

have been submitted on the basis of this register. There is description of goods purchased for processing in page Nos.1, 51, 69, 71, 75, 115, 125, 131, 135, 151, 171, 175, 181, 201, 159.

10. The main source of income for our company was from the goods purchased from BSP Stockyard and other parties, it was processed and sold. As and when there was spare time, the job work was done by the company. From 90 to 92 our company did not remain closed for want of goods or other reasons. After the murder of Neogiji CBI personnels had come to our company's office and took away the documents by saying that they had got to be enquired into.

Cross-examination by Shri Ashok Yadav, Adv. for accused Gyanprakash, Awadhesh, Abhay, Chandrabaksh and Baldeo.

11. Nothing.

Cross-examination by Shri Tiwari, Adv. for accused Palten.

12. Nothing.

Readover and explained to the witness.

Found to be correct.

Sd/- J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg, M.P.

Typed under my instructions.

Sd/- J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg, M.P.

Witness No. 34 for On behalf of the Prosecution

Deposition taken on 18.4.95 Witness's apparent age: 59 yrs.

States on affirmation: my name is : C.P.Radhakrishnan

Occupation: Retired Postmaster, address: Sector-10 Bhilai.

On oath :

1. I have retired in June 1992 from the post of Sub-Post Master, Industrial Estate. Upto 1992 I was posted in that Post Office as a Sub-Post Master. There is a seal of the post office on the Bhilai Times paper which is ~~not~~ illegible. 15 paise stamp is affixed on Bhilai Times paper and the seal is ~~not~~ illegible. Ex.P-126 is Bhilai Times paper on which Simplex Castings Engg. Works., Light Indus. ~~Area~~ Area, Bhilai, M.P. is written. Sorting of the paper is done by my subordinate employees. I have never seen this paper during my service period.

2. Authorised Manager of the company take away the paper or dak. I have heard that there is a factory by the name of Simplex Engg. Casting. and Simplex Industry. I know this because there used to be incoming and outgoing daks in this name. From 89 to 92 I have worked in the Post Office.

Cross-examination by Shri Surendra Singh, Advocate for accused Moelchand Shah, Navin Shah :

3. My post office used to receive the daks directly from RMS. Daks used to come in bags. After the ~~is~~ receipt of the daks at the post office, bags are opened and these daks are sorted out on the tables. In sorting the daks all the sub-ordinates are deployed, including me 11 employees used to work in my post office. The sorting of daks was done by all.

4. It is necessary to put seal on the first class daks but in second class daks seals can be put even the next day, not necessarily the same day. Ex.P-126 is not registered in my department and as such, I cannot say that this paper was distributed through us. I cannot

Page P.P.
Sambayan

say this also that Ex.P-126 was received by this office.

5. We used to distribute daks to authorised messengers only. Owners of the factory authorise their Managers in the name of the post office. It came to my knowledge that Simplex Industry Group had three factories. The first out of these being, the Simplex Engg. Foundry Works, second being Simplex Castings and third was Simplex Industry. I do not know the name of the authorised messenger of the Simplex Industry group. In 1989 according to my information, Shah had authorised a messenger. I am not in a position to say whether that authority letter is in my office or not.

6. During investigation, CBI officials did not ask me to produce this authority letter. CBI officials had not come to me also.

Cross-examination by Shri Awasthi, Advocate for accused Chandrakant Shah.

7. Nothing.

Cross-examination by Shri Ashok Yadav, Adv. for accused Abhay, Awadhesh, Gyanprakash, Chandrabaksh and Baldeo.

8. Nothing.

Cross-examination by Shri Tiwari, Adv. for accused Palten.

9. Nothing.

Readover and explained to the
Witness.

Found to be correct.

Typed under my instructions.

Sd/ K J.K.S. Rajput
IInd Addl. Sessions Judge
Durg, M.P.

Sd/ J.K.S. Rajput
IInd Addl. Sessions Judge,
Durg, M.P.

Witness No.35, for On behalf of Prosecution. Deposition
taken on 18.4.95. Witness's apparent age: 60 years.

States on affirmations ~~my name is K.J. Pathak~~
son of Shri Janardan, Occupation: Retired Postmaster,
address: Sector-6, Bhilai.

1. I have retired as Sub-Postmaster from SAF line
Bhilai on 30.4.94. In April 91 I was Sub-Postmaster
in Sub-Post Office, Supela. Bhilai Times paper of Exh.P-126
had come to our Sub-Post Office which is registered in our
Post Office. We had sent this paper to RMS Durg from here.
The address Simplex Castings Engg. works Light Industrial
Area, Bhilai, is written on this. 15 paise ticket is
affixed on it and there is a round seal which is illegible.
Cross-examination by Shri Surendra Singh, ~~MR~~ Advocate,
for accused Moolchand Shah, Navin Shah;

2. Registrar Newspapers RM 50211/89 is written on
Ex.P-126 whose entry has been done in our office.
The messenger of Bhilai Times paper used to drop this paper
at our office. I have no knowledge as to who is the messenger
Seal on the paper is illegible. On the basis of registra-
tion number I can say that this paper had come to my office.
The daks received at our office are sent to RMS after sorting
them out. Dak is closed first and when the mail van comes
takes away the daks to RMS Durg.

3. The distance between RMS Durg and our Sub-Post Office
is about 7 Kms. Industrial Area Sub-Post office is
8-9 Kms. away from RMS Durg.

Cross-examination by Shri Awasthi, Advocate for accused
Chandrakant Shah.

4. Nothing.

Cross-examination by Shri Ashok Yadav, Advocate for accused
Awadhesh, Abhay, Gyanprakash, Chandrabaksh and Baldeo.

5. Nothing.

Cross-examination by Shri Tiwari, Advocate for accused Palten.

Readover and explained to
the witness.

Found to be correct.

Sd/ J.K.S.Rajput
IInd Adl. Sessions Judge,
Durg, M.P.

Typed under my instructions.

Sd/ J.K.S.Rajput
IInd Adl. Sessions Judge,
Durg, M.P.

Witness No.36, for On behalf of Prosecution. Deposition
taken on 18.4.95 Witness's apparent age: 40 yrs.

States on affirmation: my name is Smt.Christina Kumar
son of : Shri Younas Kumar, occupation: Housewife, address
Camp-1, Bhilai.

On oath :

1. I used to do the office work in Bhilai Times in
the year 1991. The office of Bhilai Times is
situated at Pardeshi Chowk, Ramnagar, near Jalaram Hotel.
The Chief Editor and owner was Dr.Devidas. Some two years
ago Dr.Devidas had died. I left Bhilai Times in 1993.
The writing on Ex.p-126 - Simplex Casting Engg. Works,
Light Industries area, Bhilai (M.P.) is written by me.
With this address this paper is despatched. I have stamped
15 paise ticket on this paper.

Cross-examination by Shri Surendra Singh, Adv. for accused
Moolchand Shah, Navin Shah.

2. In our office we have a subscriber register. In
our office, we have a despatch register also.
Dr.Devidas had given me a list and asked me to note down
the names and addresses in the despatch register. I had
written about 40-45 names in the despatch register. After
distribution of Bhilai Times, I used to mention this in the
despatch register. A lady peon used to take these paper
to post office and in her absence, I used to take to post
office.

3. After publication of paper, good many copies were
left in our office. By looking to the address of
Ex.P.126 it cannot be said that as to on which date it was
written. It is wrong to say that CBI personnels got me to
write this address.

Cross-examination by Shri Awasthi, Advocate for accused
Chandrakant Shah :

4. Nothing.

Cross examination by Shri Ashok Yadav, Advocate for accused Awadhesh, Abhay, Gyanprakash, Chandrabaksh and Baldeo.

5. I do not know that though the Chief Editor Devidas used to write doctor but in fact, he was not a doctor. Devidas did not use to treat. I do not know whether the history-sheet of Devidas was opened in the police. It is wrong to say that Devidas used to blackmail the big people by publishing news against them. I do not know this. I do not know that in this murder C.S.P., T.I., Civil Surgeon of Durg and one industrialist were the accused.

Cross-examination by Shri Tiwari, Adv. for accused Palton.

6. Nothing.

Readover and explained to the witness.

Found to be correct.

Sd/ J.K.S.Rajput
IInd Adl. Sessions Judge,
Durg, M.P.

Typed as per my instructions.

Sd/ J.K.S.Rajput
IInd Adl. Sessions Judge,
Durg, M.P.

Witness No.37 for On behalf of Prosecution. Deposition taken on 18.4.95. Witness's apparent age: 27 years.

States on affirmation: my name is Anit Bose son of Journalism,
Shri A.C.Bose, Occupation : / ~~Residence~~ address: Risali Sector, Bhilai.

On oath :

1. At present I am writing in newspaper and doing the work of insurance as well. I was the Editor in Bhilai Times in 91. The owner and Chief Editor of Bhilai Times was Dr. Devidas. Devidas had died. He died in 1993. After his death Bhilai Times is closed down.

2. Paper of Ex.P-126 has been sent to Simplex Castings Engg. Works. This paper is dated 30/4.91. This paper is despatched normally the next day after its publication. At that time Madam Kristina Kumar was in our staff. I cannot tell who has written the address on paper.

Cross-examination by Shri Surendra Singh, Advocate, for accused Moolchand Shah, Navin Shah.

3. Nothing.

Cross-examination by Shri Awasthi, Adv. for accused Chandrakant Shah:

4. Nothing.

Cross-examination by Shri Ashok Yadav, Adv. for accused Awadhesh, Abhay, Gyanprakash, Chandrabaksh and Baldeo.

5. Nothing.

Cross-examination by Shri Tiwari, Adv. for accused Palton

6. Nothing.

Readover and explained to the witness.

Typed under my instructions.

Found to be correct.

Sd/ J.K.S.Rajput,
IInd Addl. Sessions Judge,
Durg, M.P.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg, M.P.

Witness No. 38 for On behalf of Prosecution. Deposition taken on 19.4.95 Witness's apparent age: 37 years, States on affirmation: my name is : Lingsmath son of Raidhannath, occupation: Tea Stall, address: Sec-9 Bhilai.

On oath :

1. I am a bonafide resident of Orissa. As there was squabble with my father, I came to Bhilai to earn my livelihood. Tiwari Hotel is situated at Sector-9. I worked in the hotel for 4 years. Thereafter I used to pull Riksha. After this profession of Riksha, at the instance of my friend by name Narayan, we started the profession of selling tea. We used to run a Tea-shop on Thela. This Thela used to remain inside the compound. Since last five years, we are doing this job on Thela. In 1991 also, we used to do the same job. I used to keep bread and biscuits with tea. The timings of this Thela was from 7 am to 8 pm.

2. My friend Narayan too used to run Tea-Thela. I have heard the name of Neogiji. I have heard that he has been murdered. Anil Kumar also used to run Thela who is the son of Narayan. On the night of Neogiji's murder, ^{a few} ~~xxxxxx~~/persons had come to my Thela for taking tea. The page of photo of Ex-P-127 bears my signature. On the page of the photo dated 18.12.91, is written by me. The police personnels in civil dress had shown me this photo. At a time when I signed the photo, the photo was not there. The witness himself says that his signatures were obtained in connection with the licence.

3. The police personnels took my statement, made enquiries from me. That night no stout man came to my Thela to smoke a cigarette.

NOTE: After declaring the witness a hostile, Mr. Saxena Special Public Prosecutor sought permission to cross examine ;

Ex The statement of case diary, seen, permission accorded.

Cross-examination by Shri Saxena, Special Public Prosecutor for Government :

4. In A to A portion of Ex.P-128 I have not given the statement that - 'from amongst those persons has signed'. The night Neogiji was brought to hospital, I had seen his dead body that night in the hospital.

5. I am an illeterate. I cannot say whether for licence signature and photo is necessary. I run my Thela without a licence. I had gone to Municipality to find^{out} about the licence where I was told that ~~would~~ licence would reach me. Since last five years, I have not received the licence. The person who had obtained my signatures in connection with the licence did not see me again.

6. I am not aware of the fact that the licence is given by the Municipality.

Ques: Why did you go to Municipality when you did not know that the licence is made by the Municipality.

Ans : Sahab had told me that you have to spend a little and you will get the licence, therefore, I had been to Municipality.

7. After seeing Abhaysingh, present in the court, this witness said that he does not know him. I have never seen Abhaykumar Singh and therefore, it is wrong to say that due to his pressure I am giving the false evidence.

Cross-examination by Shri ^{Sanghi} Santhi, Adv. for accused Mool Chand Shah, Navin Shah:

8. Nothing.

Cross-examination by Shri Trivedi, Advocate for accused Chandrakant Shah :

9. Nothing.

Cross-examination by Shri Ashok Yadav, Advocate for accused Gyanprakash, Abhay, Awadhesh, Chandrabaksh and Baldeo.

10. I did not recognise the photographs of any person - Awadheah, Chandrabaksh, Baldeo. On a plain paper, my signatures were obtained at 2-3 places. After seeing the signatures today, I can say that it is just possible that after keeping the photo on the blank paper, my signatures might have been obtained, behind it.

Cross-examination by Shri Tiwari, Advocate for accused
Palton :

11. Nothing.

Readover and explained to
the witness.

Found to be correct.

Typed under my instructions.

Sd/- J.K.S.Rajput
IInd Addl. Sessions Judge
Durg (M.P.)

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg, M.P.

Witness No.40, for On behalf of Prosecution. Deposition taken on 19.4.95 Witness's apparent age: 53 yrs., States on affirmation: my name is: Mithulal son of Shri Jagdeo, Occupation Service, BSP, address Camp-1, Bhilai.

On oath :

1. I am the bonafide resident of Pratapgarh (UP).
I do not know as to which place Gyanprakash Mishra belongs to. I am a Sr.Operator in Slug Granulation Plant of BSP. I have been working in BSP for about 30 years. I reside in Qtr.No.E, Block no.7, allotted by BSP. I am residing in this quarter since last 25 years.
2. I know Abhaysingh, he is present in the court.
Abhaysingh works in BSP. Abhaysingh resides in a quarter which is second from my quarter. I cannot tell the number of Abhaysingh's quarter. I have two sons whose names are Jaswant Kumar and Manojkumar. Quarter No.6 in block no.6 is towards East in front of my quarter. I do not know to whom the quarter no.6 was allotted. I had seen this quarter locked. I have not seen anyone breaking open the lock. I have not seen Palton residing in this quarter.
3. In connection with this case and Police Durg had made enquiries from me. This enquiry was made twice at different times. I know Akeel who used to live in quarter No.6 long ago. Later on, I saw the quarter locked. It is wrong to say that after breaking open the lock Abhaysingh kept Palton in this quarter. Palton was shown to the witness who said that he had not seen him residing in that quarter.

NOTE: Special Police Prosecutor declared this witness as hostile and sought permission to cross-examine him.

Statement of case diary seen, permission accorded.

4. The statement in A to A portion of Ex.P-129 was

not given by me. - 'about 2-3 months before knew the name of Palton'. The statement in B to B of Exh.P-122 was not given by me - 'Abhaysingh Palton's house used to visit'. In C to C portion I had not given the statement that Palton is absconding after the murder of Neogi. I had not given the statement in M to D portion that Abhaysingh is also absconding after that murder.

5. In A to A portion of Ex.P-130 I had not given the statement - 'Gyanprakash Mishra used to come.' I did not give the statement 'whom I did not know'. In B to B of Ex.P-130 I had not given the statement - '3-4 months a boy was kept there', in C to C portion of Ex-P-130 I did not give the statement - 'this house CISF... is Palton'. In D to D portion I had not given the statement - 'Abhaysingh had been going to house.' In E to E portion of Ex-P-130 I did not give the statement - 'Shankar Guha Neogi also did not come to house.'

6. I do not know Shankar Guha Neogi. After his death I came to know through paper and people told me that Neogiji has been murdered. I do not know the fact that Abhaysingh is an accused in case of Neogi murder case. After a month or two of Neogi murder, I came to know through papers that Abhaysingh has been ~~xx~~ hauled up. I met Abhaysingh after he was released on bail after Neogi's murder. When police had taken away Abhaysingh, I was not in the locality. I did not ask Abhaysingh as to why he has been implicated in the case. After the murder of Neogi when I asked him where ^{had} have you been, he told me that he had gone to his home. I do not know the quarter of Abhaysingh. I donot know the house in which he resides ~~and that~~ it has not been allotted to him. I have seen only this much that Abhaysingh used to live in that house all ^{alone.} around. I

did not ask Abhaysingh as to why the police had made a case against him.

7. Even now Abhaysingh lives in that house. I had received summons to attend this case. I had told Abhaysingh that summons had been sent in my name. I did not ask him as to what evidence should be given. Police has shown me the photos of Palton and I had told that I do not know him. Why the police personnels took my statement is best known to them. I have never been tried for any case in the court. As I have never been tried, my name and that of my father have not been noted down at police station.

Question: - Your name is not noted in police station, police or CBI did not know you, how is it ~~this~~ that they came to you to record your statement?

~~Answer~~

Answer: What cannot be done forcibly.

8. I did not go to CBI of my own. Police took me to them. Inspector had taken me. I do not know as to which police station, Inspector belongs to. Inspector was in dress. That Inspector belong^{ed} to Chhavni.
NOTE: The witness is replying after thinking.

I did not remember, therefore, previously I had said that I do not know as to from where the Inspector has come. I do not know the day, date and year when the Inspector visited me. I do not remember ^{weather} whether. That day I had come in the morning after duty. When I asked the Inspector as to where I have to go, he told me that I have to go to CBI personnels. I do not remember the name of the Inspector. When I asked the Inspector as to why I have to go, he told me that in my locality there had been an untowards incident and Abhaysingh belongs to this locality. Krishna Kumar and Akil Kumar were also taken along with me.

NOTE: Advocate Rajendra Singh has objected that with a view to idle away the time of the court, unnecessary questions are being asked. Objection over-ruled.

9. I was taken to Sector-4. In sector-4 enquiry of all three was done separately. I was not beaten. CBI personnels did not compel me to give such^a statement. The statement which has been recorded has not been given by me. I cannot tell as to why such a statement of mine has been recorded. It is wrong to say that since I am a colleague of Abhaysingh, in order to defend him, and on being asked by him, I am giving this false statement. I have never seen Palton.

Cross-examination by Shri Rajendra Singh, Advocate, for accused Moolchand Shah, Navin Shah ;

10. Nothing.

Cross-examination by Shri Trivedi, Advocate for accused Chandrakant Shah ;

11. Nothing.

Cross-examination by Shri Ashok Yadav, Advocate, for accused Abhay, Awadheesh, Gyanprakash, Chandrabaksh and Baldeo.

12. Nothing.

Cross-examination by Shri Tiwari, Adv. for accused Palton;

13. Nothing.

Readover and explained to the witness.

Found to be correct.

Typed under my instructions.

Sd/- J.K. S.Rajput
IInd Addl. Sessions Judge,
Durg (M.P.)

Sd/ J.K. S.Rajput
IInd Addl. Sessions Judge,
Durg (M.P.)

Witness No.41 for On behalf of Prosecution. Deposition taken on 19.4.95 Witness's apparent age: 24 years. States on affirmation: my name is Jaswant Kumar son of Mithulal, occupation: Studying, address: Camp-1, Bhilai.

On oath :

1. I am doing the course of Engg. Stud of Metals from Calcutta. I reside at Camp-1 7-E. In 1991 I was doing Diploma from Govt. Polytechnic, Durg.
2. I knew Abhaysingh, present in the court today. I do not know Awadhesh. I do not know Gyanprakash Mishra. When the witness was shown the photo of Ravi alias Palton Mallah, the witness told that he has not seen this photo. Quarter No.6 is in front of my quarter. Akeel used to live in that house but later on it was under lock. I have not seen anyone residing there. After opening or breaking open the lock I have not seen Palton residing in that house, whose photo has been shown to me.

NOTE: Mr. Saxena Special Public Prosecutor declared the witness as hostile and sought permission for cross-examination.

Statement in case diary seen, permission accorded.

3. The police had enquired from me about this case. In A to A portion of Ex.P-131 I had not given the statement - 'in front of my quarter this is the photo of Ravi'. In B to B portion of this statement, I had not given the statement - 'this quarter where Ravi Abhaysingh had given'. In C to C portion I have not given the statement - 'of 2-3 days used to come'. In D to D portion I have not given the statement - ' Ravi is absconding'.

4. Police has made enquiries from me in Sector-6, At police station Tiwariji, ^{and} an old looking man were making enquiries from me. Tiwariji was T.I. I was studying in the house when somebody knocked the door. When I opened the door, I found Shri Tiwari T.I. who took me to police

station. I didnot know Tiwariji before hand, but his name plate was there in his dress. It was about 12 in the day. My enquiry lasted for about 10-15 minutes. There was no co-action or beating with me. They kept on asking and whatever I knew, I kept on telling.

5. I had told that I know nothing, despite this, they took me away deliberately. About Ex-P-131 the police did not tell, only such statement has to be given. On that day, my father was in the quarter, he has not accompanied me. After enquiry, lasting for 10 to 15 minutes, I returned home. When I reached the home, I found my father had gone to see me. ~~After~~ I met my father after half an hour. He told me that he had gone to see me. I told him that I was taken away to Police Station and they were making enquiries from me.

6. Neogiji was murdered in 1992. The witness now says that Neogiji was murdered in 1991. Abhaysingh used to live in quarter no.7-G. Before the murder of Neogiji some time Abhaysingh was seen by me on the road. After the murder of Neogiji, Abhaysingh was seen in that locality upto 4-5 days. Thereafter I did not see Abhay Singh. After being released on bail, I saw Abhaysingh . I had read in newspapers that Abhaysingh is also the accused in this case. I never told Abhaysingh that the police has recorded my statement in this case, because he is elder to me in age. The police recorded the statement of my father but I do not know the date when police took me away. When police took me away my father was in the house. After searching me when my father came back he remained in the house.

7. I have received the summon of the court. I did not tell the messenger as to why he was giving me summons, I knew nothing. My father is a witness to this effect. Myself or my father did not give any application to any officer as to why we are being made witnesses.

When I and my father received the summons, there was no cause to seek advice as we knew whatever had been seen. I had presented myself before the court yesterday but my evidence was not taken. I did not ^{submit my evidence} authorise in the court that I knew nothing. It is wrong to say that I am giving the false evidence to defend Abhaysingh as he happens to be my neighbour.

Cross-examination by Shri Rajendra Singh, Advocate for accused Moolchand Shah, Navin Shah :

8. Nothing.

Cross-examination by Shri Trivedi, Adv. for accused Chandrakant Shah :

9. Nothing.

Cross-examination by Shri Ashok Yadav, Advocate for accused Abhay, Awadhesh, Gyanprakash, Chandrabaksh and Baldeo.

10. Nothing.

Cross-examination by Shri Tiwari, Advocate for accused Palton :

11. Nothing.

Readover and explained to the Witness.

Found to be correct.

Typed under my instructions.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg, M.P.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg, M.P.

Witness No.42 for On behalf of Prosecution. Deposition taken on 20.4.95 Witness's apparent age: 42 yrs., States on affirmation: my name is Krishna Kumar son of Shri Udhaavrao, Occupation : BSP service, address: Camp No.-1, Bhilai.

On oath :

1. I am a vehicle operator in BSP, since 86. I have been allotted quarter no.7-C by BSP. I am residing in that quarter since 87. I know the accused Abhaysingh. Abhaykumar Singh is present in the court today, who does the work of Crane Operator in BSP. If we stand in front of my quarter, the quarter of the accused Abhaysingh is in the right direction, which is fourth quarter leaving three quarters. I do not know Gyanprakash Mishra.

2. I know this that in Sept.91, Neogiji was murdered. Before the murder of Neogiji I had seen Palton Mallah residing in quarter No.6-F. I recognise Palton Mallah who is present in the court today. I had seen Palton Mallah living in that quarter before a month of Neogiji's murder. I had seen Palton's red coloured scooter. I understand the difference between the scooter and the motor cycle. Now he says that Palton had a motor cycle. I had ^{perhaps} probably seen Palton Mallah once or twice in quarter no.6-F. I did not see any other persons either coming or going to his quarter.

Cross-examination by Shri Rajendra Singh, Advocate for accused Moolchand Shah, Navin Shah :

3. When I was going for duty, once the police had asked my name, department and telephone number. Besides this, no other enquiry was made. Later on, police did not record my statement. I did not know the name of Palton Mallah. In newspaper I had read the name of Palton Mallah and therefore, I knew the name of Palton Mallah. Palton Mallah was not identified by me through police along with 2-4 persons.

4. I had seen Palton Mallah once-twice during day time. I had not seen him in the night. In A to A portion of Ex.B-15 I had not given this statement to the police & - 'he used to come and go in the night and during day time'. He used to mostly loiter about.' I had no concern with Palton, there was no occasion for me to talk to him. I cannot tell as to why the Police has written my statement that I used to see him during day. Since quarter no.6-F and my quarter confront each other, I had seen Palton at a sight.

5. CBI personnels had shown me the photo of a man and asked me to recognise him. CBI personnels had shown me 4-5 photos but did not tell whose photographs were being shown. In my statement in B to B portion I did not tell - 'the photo you have shown me is'. Reality is this that the police had not shown me any photo.

Cross-examination by Shri Awasthi, Adv. for accused Chandra Shah :

6. Nothing.

Cross-examination by Shri Ashok Yadav, Advocate for accused, Abhay, Awadhesh, Gyanprakash, Chandrabaksh and Baldeo :

7. Nothing.

Cross-examination by Shri Tiwari, Adv. for accused Palton:

8. I know Mithulal and Jaswant who are my neighbour. Jaswant Singh is the son of Mithulal. I have no animosity with Jaswant or Mithulal. In 1990 one Miyaji used to live in quarter No.6-F who used to do some profession whose name is not known to me. Miyaji was not the employee of BSP. In 90 Miyaji might have lived in quarter No.6-F for 2-3 months. My quarter and quarter No.6 are the quarters of BSP. I did not ask Miyaji that despite not being the employee of BSP how was he residing in that quarter. I am residing in this quarter 7-C since

1987. I do not know to which place Palton Mallah belongs to and what occupation is done by him, nor did I care to collect information about it.

9. There are 3 shifts in BSP, first is A in which duty is from 6 am to 2 pm, second shift is B in which the duty is from 2 pm to 10 pm and third is C shift, in which the duty is from 10 pm to 6 am. I do not remember the day, date, month and year of murder of Shankar Guha Neogi. I had seen Palton Mallah last prior to a month or two of Neogi's murder. Quarter no.6-F is exactly in front of Mithulal's quarter No.6-C. Quarter No.6-F is clearly visible from the quarter of Mithulal. In the year 91 quarter no.6-F was not allotted to CISF. In 91 the quarter no.6-F did not have the lock of BSP, it was only latched.

10. It is wrong to say that in 91 Palton Mallah did not use to live in quarter no.6-F. It is wrong to say that on being told by CBI I am telling today that Palton Mallah used to live in quarter no.6-F. I am not the worker CMM. I am a member of INTUC. I am not even the member of CMM.

Readover and explained to the witness.

Found to be correct.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge
Durg M.P.

Typed under my instructions.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg, M.P.

Witness No. 43, for On behalf of Prosecution. Deposition
taken on 20.4.95

Witness's apparent age: 42 yrs.

States on affirmation: my name is : Asitkumar Purkait
son of late Shri J.K.Purkait, occupation: Service,
address: Camp-1, Bhilai.

On oath :

1. I am lab technician in Higher Secondary School No.1
Khursipar of BSP. At present, I reside in quarter
No.170-A. I have lived in quarter no.6-I, Camp-I from
88, For a year - year and half. At the time of murder of
Neogiji I used to live in qtr.No.6-I camp-I.

2. I know Abhaysingh who is present in the court.

Abhaysingh used to live in block No.7 in front of
my house. I do not know his quarter. Leaving two quarter
from my quarter, quarter no.6-F is situated. Before the
murder of Neogiji I did not see anybody living in quarter
6-F, this house remained locked.

NOTE: Mr. Saxena, Special Police Prosecutor declared the
witness as hostile, and sought permission to cross
examine him.

3 The statement of the case diary seen, permission
accorded.

Cross-examination by Shri Saxena, Special Public Prosecutor:
for Government :

3. In connection with this case, police and CBI made
enquiries from me. I donot know Gyanprakash Mishra.
In A to A portion of Exp.P-132 I have not given the state-
ment- 'Abhaykumar Singh used to visit the quarter'.
In B to B portion I have not given the statement x - 'Palton
.... had kept'. In C to C portion, I have not given the
statement - 'Abhaykumar and Palton did not muster
courage'. I had not told the name of Palton to police but
had told that a man with sun-goggles used to come and go
in red colour ^{ca} motor cycle. In D to D portion I had not
stated - 'Palton used to visit'.

4. In A to A portion of Ex.P-133 I have not stated
- ' Abhay singh and Gyanprakash kept in July 91!
Similarly, in Ex-P-133 I had not mentioned the name of
Palton in connection with his visits on motor cycle but
it was got written that a man used to visit in a red colour
motor cycle. I had seen Abhaysingh two days after the
murder of Neogiji, thereafter I did not see him. Later
on I saw him when he was released on bail. I had not told
the police about the identification of motor cycle rider.
Today also I cannot recognise him. I do not talk to my
neighbour nor do I visit to them and therefore, I did not
ask Abhaysingh as to where he had been ^{all} on these days.

5. Police personnels know me as the question papers
of the schools are deposited at Police Station.
Two-starred Mishraji of police station Chhaoni came to
my house and sat down and got my signatures in one paper.
I knew Mishraji as I used to go to police station. Mishraji
asked me to tell whatever I knew, I told him that I know
nothing. Mishraji told me that I should tell whatever I
knew and got my signatures. I had told Mishraji that I
know nothing. I do not know about this case. I only know
Abhaysingh. I have signed on blank paper. This is the
incident of 1991. I have not reported the matter to the
Collector or the court to the effect that my signatures
were obtained on the blank paper.

6. I have seen my statement in Ex.P-132 and 133 which
does not bear my signatures. It is wrong to say
that in order to defend Abhaysingh I am speaking lie.
Cross-examination by Shri Rajendra Singh, Advocate for
accused Moolchand Sha, Navin Shah :

7. Nothing.

Cross-examination by Shri Awasthi, Adv. for accused
Chandrakant Shah :

8. Nothing.

Cross-examination by Shri Ashok Yadav, Advocate for
accused Abhay, Awadhesh, Gyanprakash, Chandrabaksh and
Baldeo :

9. Nothing.

Cross-examination by Shri Tiwari, Advocate for accused
Palton :

10. Nothing.

Readover and explained to
the witness.

Found to be correct.

Sd/- J.K.S.Rajput
IInd Add. Sessions Judge,
Durg, M.P.

Typed under my instructions

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg, M.P.

Witness No. 47 for On behalf of Prosecution. Deposition taken on 20.4.95 Witness's apparent age: 52 yrs.

States on affirmation: my name is : S.C.Sarkar son of Late Shri S.K.Sarkar, Occupation : Service, address: Maroda Sector, K-30A.

On oath :

1. I work in Blast Furnace , Highline of BSP. I am working since 1963. In 1990 I was promoted as Jr.Executive. I used to distribute the employees in shifts and take work from them. Applications of leave of the employees were forwarded by me. Abhaysingh, present in the court, used to work at ~~it~~ mine. Abhaysingh used to do the work of Operator in 1990.

2. Leave book of employees is kept at ours. Ex.P-134 is the leave book of Abhaysingh which is for the period from 1987 to 1991. Entries of casual leave and earned leave are made in this book. In this book, the leave taken by Abhay Singh and forwarding by me and my senior officers and signatures have been entered. G.N. Singh is my senior officer. I recognise the signature. Entries before my entries are that of the employee who write themselves or get it written by someone else. *else*

3. There is signature of Abhaysingh in two entries for 20.5.91. I recognise the signature and it bears my signature also. This is Ex.P-135 which today has been rounded off with red ink. In this, the accused Abhaysingh has been on earned leave from 5.3 to 22.3.91. There is Abhaysingh's signature before these entries which is Ex.P-136 which today has been rounded off with red ink. In this book, the last entry is that of 19.9.91. I recognise the signature of Abhaysingh. I cannot recognise his handwriting with certainty. The writing in diary Ex.P-~~12~~ 71 cannot be recognized by me that it has been written by Abhaysingh.

4. I cannot recognise the writing of Ex.P-70 that it

is of Abhaysingh.

Cross-examination by Shri Rajendra Singh, Adv. for accused Moolchand Shah, Navin Shah :

5. About the signature of Abhaysingh, as stated by me,

I cannot say whether his handwriting is like that of an illiterate man or educated man who write with set writing. The signatures in Ex-P-136, 137 and 138 appear to be that of Abhaysingh. As regards that these signatures are not ^{identified} identified, I would say that I am not an expert. It does not appear to me that these three signatures are the signatures of different persons. In the first signature, SKS is written while in the second K is with S.

Cross-examination by Shri Awasthi, Advocate for accused Chandrakant Shah :

6. Nothing.

Cross-examination by Shri Ashok Yadav, Advocate for accused Abhay, Awadhesh, Gyanprakash, Chandrabakash and Baldeo :

7. In our department Darshanand Tiwari also works as Attendant. A.A.Fazli Chargeman also works in my department. If any employee wants to proceed on leave all of a sudden, he send, the leave application through his colleague and such a leave is granted also. Ex.B-16 had come to me which was sent by Abhaysingh. About this, I had informed the senior officer on telephone and this application was forwarded for grant of leave.

8. ^{Mostly} Abhaysingh used to take leave mostly. I did not know that his wife used to remain ill and lived in a village for which he used to take leave for going. We have D.P.R. in which the attendance of the employee is marked. Entry of leave is not made in DPR, it is entered separately. Time Office is quite far away from our department. A certificate of DPR is sent to Shift Manager who sends it to Time Office. Mistakes occur in the

certificates made on the basis of DPR which are corrected while checking.

Cross-examination by Shri Tiwari, Advocate, for accused

Palton :

9. Nothing.

Readover and explained to

the witness.

Found to be correct.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg, M.P.

Types under my instructions.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg, M.P.

True copy.

Sd/-

Chief Copier,
Copying Section,

Witness No. 48, for On behalf of Prosecution. Deposition
taken on : 20.4.95 Witness's apparent age: 31 yrs.

States on affirmation: my name is : Rajkumar Pandey
son of Shri Ramswaroop Pande, Occupation: Hotel,
address: Camp-1, Tata Line, Bhilai.

On oath :

1. I am Matric pass. I have passed Matric from
Higher Secondary School in 1984. I know Gyan
Prakash Mishra and Awadhesh who are present today in the
court. I knew Abhaysingh also, present in the court.
I have a hotel in Camp-1. Gyanprakash and Awadhesh used
to come to my hotel sometime. Abhaysingh did not use to
come to my hotel. I do not know Hitesh alias Tony. I
know Gyanprakash since 84 when myself and Gyanprakash
appeared in the High School Examination. ~~Abhaysingh~~
Awadhesh is my neighbour. I know him since then. Abhay
Singh used to come to my hotel sometime. I know him since
last one year.

Cross-examination by Shri Rajendra Singh, Advocate for
accused Moolchand Shah, Navin Shah:

2. Delicious food is cooked at my hotel and therefore
a good number of persons visit my hotel to take
food there.

Cross-examination by Shri Awasthi, Advocate for accused
Ahandrakant Shah :

3. Nothing.

Cross-examination by Shri Ashok Yadav, Advocate for
accused Gyanprakash, Abhay, Awadhesh, Chandrabaksh & Baldeo

4. Nothing

Cross-examination by Shri Tiwari, Advocate for accused
Palton :

5. Nothing.

Readover and explained to
the witness.

Typed under my
instructions.

Found to be correct.

Sd/ J.K.S.Rajput
IInd Adl. Sessions Judge
Durg, M.P.

Sd/ J.K.S.Rajput
IInd Adl. Sessions Judge,
Durg, M.P.

Witness No. 50, for On behalf of Prosecution. Deposition
taken on 21.4.95 Witness's apparent age: 32 yrs.

States on affirmation: my name is : Hitesh Kumar Bhasin
son of Shri Satyapal Bhasin, Occupation: Transport,
address: Teen Darshan Mandir, Camp-1, Bhilai.

On oath :

1. Two years ago I used to work at Jai Bharat Transport
Co., near Teen Darshan Mandir, Camp-1 Bhilai. Mr.Harjeet
Singh was my partner. I had a truck in this company.
I know Gyanprakash Mishra, who is present in the court
today. People call me by name Tony. My childhoold name
is Tony. There was the office of Prabhunath Mishra,
brother of Gyanprakash Mishra, in front of my company.
I know Awadhesh Rai. I do not know Abhaysingh. I do not
know Vikramsingh Thakur. I know Devendra Patni. I do
not know Palton alias Ravi.

NOTE : Mr.Saxena, Special Public Prosector declared the
witness as hostile and sought permission to cross
examine him.

Statement of case diary seen, permission accorded.

Cross-examination by Shri Saxena, Special Public Prosecutor
for Government :

2. In connection with this case, FBI enquired from me
for two months. In A to A portion of Ex.P-139,
I had not given the statement - 'I Gyanprakash Mishra
know him well'. In B to B portion I had not given the
statement - 'besides this know him also very well'.
In C to C portion I had not given the statement - '6-7
months got it done and told are their collea-
gues'. In D to D portion I had not given the statement -
'with me came to know'. In E to E portion, I have
not given the statement - 'I Gyanprakash ... used to go'.
In F to F portion I have not given the statement - 'Neogi's
murder closed'. I have not gone to the house of
Gyanprakash Mishra on 27.9.91. In G to G portion I had

not given the statement - 'dated 27.9.91 did not know'. In H to H portion I had not given the statement - 'there we did not meet us'. I have seen Mourya Talkies Cinema. I do not know as to whom the contract of cycle stand was given in 1991. I have not given the statement to the Police in J to J portion - 'Gyanprakash have met', As shown in Ex.P.140. At the time of opening of account of Gyanprakash Mishra in Syndicate Bank I had appeared as an introducer. My signatures are in A to A portion. Gyanprakash Mishra did not sign before me. I had an account at Syndicate Bank. On being asked by Gyanprakash Mishra, I had signed the documents as Gyanprakash Mishra is known to me.

4. It ~~was~~ was not known to me that the account was being opened to deposit the income of Mourya cycle stand. The date mentioned as 4.10.91 has not been written by me. I had signed as an introducer. I do not put up date under my signature. When Saheb ^{asked} ~~asked~~ for it, I put it. I cannot say this also that the ^{matter} ~~thing~~ of opening the account was of 91 or not.

Ques: Do you deny that on 4.10.91 as per Ex.P-140, you introduced the accused Gyanprakash for opening the account in Syndicate Bank?

Ans: As I have not put any date beneath my signature, how can I say it ~~is~~ in the court. Date 4.10.91 can be or cannot be.

NOTE: The witness was questioned whether the police recorded his statement ^{witness} ~~immediately~~ denied. Police did not take my statement nor made any enquiry.. CBI personnels made enquiries for two months. This is my correct statement. The witness himself says that he was tortured.

5. In K to K portion of Ex.P-139 I have not given the statement - ' On 4.10.91 should have'.

In L to L portion I had not given the statement - ' the same evening ~~the~~ assistance of Debu is necessary'. Debu's Dal Mill is in Ganjpara. I do not know where his office is situated. I deploy my truck in his Mill. I do not know where is Shivnath Minerals. In M to M portion of Ex.P-139, I have not given the statement - 'I and Abhaysingh ---- left him at his house'. On 10.10.91, I had not come to Durg Court. In N to N portion I have not given the statement, - 'I after ~~that~~^{10.10.91}/.... had come'. In O to O portion, I have not given the statement - 'there Gyanprakash Mishra police raided.'

6. On 1.12.91 CBI personnels did not record my statement, they wrote the statements many a times and tore it off. I cannot say as to why ~~any~~ such^a statement has been recorded. Form of Ex.P-140 was shown to me by CBI personnels. I do not remember my account number of Syndicate bank. I had gone to withdraw the money and therefore I put my account number in the account. Account No.4128 has been written after seeing the Pass Book. In A to A portion of Ex.P-141 I have not stated - 'this year 1991 expressed desire'. I have not given the statement - 'today you is in the name of'. As shown in B to B portion. In C to C portion, I have not stated - 'on my behalf got done'. I do not remember whether my signatures are taken in pay-in slip or not. I cannot say this that on 4.10.91 I had deposited 501/- in account no.5405 in the name of Gyanprakash.

7. CBI personnels are God. They reach every where and therefore they reached me also. I had apprehension of being beaten up by CBI for the second time. Therefore, I did not lodge any complaint. It is wrong to say that since Gyanprakash Mishra and other accused are my friends, in order to defend them I am giving the false statement today.

Cross-examination by Shri Rajendra Singh, Advocate for accused Moolchand Shah, Navin Shah :

8. Signature in Ex.P-142 and P-140 do not appear to be identical.

NOTE: Objection was raised that this is an opinion question. Objection rejected. The witness said that the signatures are not identical

Cross-examination by Shri Awasthi, Advocate, for accused Chandrakant Shah :

9. Nothing.

Cross-examination by Shri Ashok Yadav, Advocate for accused Abhay, Awadhesh, Gyanprakash, Chandrabaksh and Baldeo :

10. CBI personnels had taken me to Visakhapatnam hostel, Sector-4 Bhilai Nagar for enquiry. They used to call me daily for 2 months and used to let me off in the evening. And in alternate days or two they used to record my statement regularly. I was beaten also. My house was searched. On my birthday, I was beaten very badly. This incident is that of 17 November. I was told that if I gave a statement under section 164 of Cr.P.C. we will leave you. When asked, whether my record was bad, I told that it is not. I was threatened that in order to make that record ^{bad} I could be imprisoned u/s.154.

11. Despite all this, I was so frightened that I could not demand for my safety.

Cross-examination by Shri Tiwari, Adv. for accused Palton.

12. Nothing.

Readover and explained to the Witness. Found to be correct.

Typed under my instructions.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge
Durg, M.P.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg, M.P.

Witness No. 51, for On behalf of Prosecution. Deposition
taken on 21.4.95. Witness's apparent age: 42 yrs.

States on affirmation: my name is : Reshami Bai
wife of Palton, Occupation: Housewife,
address: Bhilai-3.

On oath :

1. I know Palton who is present in the court. I
know him since last 7 years. Palton is the
resident of Devaria (Bihar). Palton is my husband, I
am not married to him. Name of my married husband was
Rantilal, Once when Palton returned from his native
place, police arrested him no sooner he entered the
house. I do not remember the year but it is an incident
of some 3-4 years ago. I arranged for his bail and he
was released on bail.

2. I have no knowledge that Neogiji has been
murdered. I am an illiterate and therefore, I
cannot tell the year. Four years back from today, Palton
used to remain with me. Before 2 months of this incident,
Palton had gone to Bombay. I do not know as to what
incident took place. I do not know as to in ^{which} ~~this~~/case,
Palton has been arrested.

NOTE: Mr. Saxena, Special Public Prosecutor declared the
witness hostile and sought permission to cross-
examine her.

Seen the statement of case diary, permission
accorded.

Cross-examination by Shri Saxena, Special Public
Prosecutor, for Government.

3. CBI had made enquiries from me in connection
with this case. In A to A portion of Ex.P-143,
I have not given the statement - 'of Palton Mallah
used to live'. I have not given the statement - 'Neogiji
.... could not give'. It is in B to B portion. In C to
C portion I had not given the statement - 'after murder

.... has gone somewhere'. I know the CBI has come to me in connection with the murder of Neogiji. As first, CBI had not come, but police had come. Personnels of police station took me away at one O clock in the night and beat me and asked where Palton had gone. Upon this I told them that he has gone to Bombay. Police kept on making enquiries from me for 8 days and kept on beating me and kept on saying that Palton has been hidden by me. My leg was also fractured. I came to know from CBI that Palton is being searched in connection of murder of Neogiji. I was not married to Palton. I do the manual work. I earn about Rs.20/- per day.

4. After the murder of Neogiji, Palton has not met me for a year. Again after a year, he did not meet me. I did not care to find out Palton of my own accord, what else could be done. Palton lived with me at Bhilai for 7 years. Palton used to do the work of cycle shop. It is at Khursipar but I do not know the place. I have not seen the shop.

Cross-examination by Shri Rajendra Singh, Advocate, for accused Moolchand Shah, Navin Shah :

5. Nothing.

Cross-examination by Shri Awasthi, Advocate, for accused Chandrakant Shah :

6. Nothing.

Cross-examination by Shri Ashok Yadav, Advocate, for accused Abhay, Awadhesh, Gyanprakash, Chandrabaksh and Baldeo.

7. Nothing.

Cross-examination by Shri Tiwari, Adv. for accused Palton:

8. Nothing.

Readover and explained to the witness. Found to be correct.

Typed under my instructions.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge.

Witness No. 52, for On behalf of Prosecution. Deposition
taken on 21.4.95 Witness's apparent age: 42 yrs.

States on affirmation: my name is : Darshanand Tiwari
son of Shri Tungnath Tiwari, Occupation: Attendant,
address: Camp-1, Dhilai.

On oath :

1. I joined BSP as a Khalasi on 28 Feb.1987. Before
that I was in Army. After serving for 15 years,
after retirement I came here. I know Abhaysingh who is
present in the court. Abhaysingh also used to work in
BSP. Abhaysingh joined in March 1987. Abhaysingh was ~~x~~
in Rajput regiment and had taken the discharge a little
before me. Abhaysingh was also a Khalasi. At the
beginning I used to live in Quarter No.39 in Camp-1.
My sister Bindli Devi used to live there in quarter no.69A
In my sister's quarter, myself and Abhaysingh lived
together for some time. Later on, Abhaysingh ~~was~~ lived
with Radheyshyam and after that he got a quarter.

2. Abhaysingh is living in a rented block no.7.

Despite living apart, myself and Abhaysingh have
been meeting each other. I have seen Abhaysingh writing
and putting his signature. I can recognise the writing
of Abhaysingh ^{to some extent} a little after seeing it.

3. On 3.10.91 Abhaysingh had given me his leave
application Ex.P-144 which I recognise and which
has been rounded off as Q-18. On 3.10.91 when I was
sitting outside my house, Abhaysingh came and told me
that he has some urgent work at home, he is going to his
home, give this application. Abhaysingh also told that
his brother-in-law has brought a message, he has to go
to village. I reached my duty with that application at
10 PM. When we were standing near Time Office, Abhaysingh
also reached. I asked Abhaysingh as to why he had come,
he told me that as money has not been arranged he would go
either tomorrow or day after tomorrow. I gave ~~to~~ his

on 5.10.91, 3 has been converted into 5 by me. In this application duration of leave or dates have not been mentioned.

4. I have met Abhaysingh on fourth evening. He had told that I am going and therefore, the application was given on fifth.

5. For the leave availed by us, leave book is maintained.

Leave book is maintained and leaves are entered into it. While proceeding on leave, leave book has to be presented along with the signature of the Inspector or signed. On submission of this book, application is not necessary. In case of refusal of leave, reason is stated in the book. When the application is sent through some one else and leave book is not submitted, then, on return the leave has to be entered into leave book again. Abhay Singh had not given ~~my~~ me the leave book Ex.P-134. In leave book, ~~in~~ column of initials, is signed by the person ~~whom the leave belongs to~~. After seeing Ex.P-71, the witness could not tell whose writing it was, which is marked as Q-16. After seeing the writing of Q-21 to Q-23 of Ex.P.70, the witness could not tell as to whose handwriting it was. After 14.10 I met Abhaysingh when he was released on bail.

Cross-examination by Shri Rajendra Singh, Advocate, for accused Moolchand Shah :

6. Nothing.

Cross-examination by Shri Awasthi, Advocate, for accused Chandrakant Shah :

7. Nothing.

Cross-examination by Shri Ashok Yadav, Advocate, for accused Abhay, Awadhesh, Gyanprakash, Chandrabaksh and Baldeo :

8. I used to visit Abhaysingh. I knew this thing that

a person named Krishna Kumar used to live two houses away from the house of Abhaysingh. Wife of Abhaysingh remained with him for a few days, then went to village. I asked Abhaysingh as to why he has left his family in the village, he told me that she keeps on fighting with the house of Krishna Kumar and her health is also bad. I had heard that very often[✓] the wife of Krishnakumar used to throw the dust of her house in front of Abhaysingh's house. That is why, mostly two wives used to fight. Disgusted with this, he sent his wife to his village. Abhaysingh's brother-in-law Abhavind Singh resides at Raipur. I have a faint knowledge to the effect that after going to village, Abhaysingh had send^d a message through his brother-in-law that as her wife is not well, there may be delay in return. Father of Abhaysingh who had come from village told me that he had send^d the telegram and registry for extention of leave. It is correct to say that sometimes we leave the leave book in shopping house and when required, we take it back. If we do not have the leave book, we send the leave application[✓] to some co-worker.

9. Sometimes when application for leave is submitted all of a sudden, the ~~duration~~ duration of leave is not mentioned.

Cross-examination by Shri Tiwari, Advocate, for accused Palton :

10. Nothing.

Readover and explained to the witness. Found to be correct.

Typed under my instructions

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg, M.P.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge
Durg, M.P.

Witness No. 53 On behalf of Prosecution. Deposition taken on 16.10.95. Witnesses apparent age: 31 yrs. States on affirmation: my name is Jacob Kurian son of Shri M.K.kurian, Occupation: Personnel Officer, Bhilai Steel Plant, Bhilai, Distt. Durg, M.P.

On oath :

1. At present I am working as Deputy Manager (Personnel) in BSP, Bhilai. In 1991 I used to work as Assistant Manager (Personnel) in the Blast Furnace. At that time my work was to look after the establishment and to preserve the records pertaining to the employees. If any employee ^{had} have to proceed on leave, he used to apply in the prescribed leave book. Such an application (leave) with the recommendation of higher authorities used to be sent to Shopping Section from where it used to go to Time Office. Leave slips of the employees used to be kept in Time Office. After filling up the leave in Time Office, the leave book is against sent to Shopping Section and individual employee used to collect it. In leave book they ^{there are} ~~are used to be~~ signatures of recommending officer and granting authority. All the employees of BSP are given a personnel number. Beside this, every employee is given the token number of the department where he works.
2. The accused Abhaysingh used to work as an operator in transformer section of Blast Furnace. Present in the court, Abhaysingh is well known to me. I had submitted the documents of leave pertaining to leave to CBI. Its receipt memo is Ex.P.145 dated 4.12.91. A to A portion bears my signature. This letter was taken to CBI officer in my presence. In B to B portion, Mr. Prabhakar has signed in my presence. CBI Officer was submitted with the leave book of accused Abhaysingh and two medical certificates.

3. Along with this memo I had submitted the documents which are Ex.P-134, 137 and 138. I have also signed on those three documents. At present the accused Abhaysingh does not work in BSP. Accused Abhaysingh absented from work from 5.10.91 ~~to~~ thereafter he did not join the duty.

Cross-examination by Shri Rajendra Singh, Advocate for accused Moolchand Shah, Navin Shah :

4. Accused Abhaysingh's services were terminated on 23.1.92, I have not brought with me the order of dismissal. Since I was transferred from that department I cannot tell whether accused Abhaysingh had challenged the order in Labour Court or not. It is wrong to say that Abhaysingh's dismissal was at the instance of CBI. It is correct to say that the entry in Ex.P-134 was not done in my presence. I do not have personal knowledge as to which officer made that entry. Besides the entries of officers, I cannot tell as to who did rest of the entries.

Cross-examination by Shri Awasthi, Advocate, for accused Chandrakant Shah and Abhaykumar Singh.

5. Nothing.

Cross-examination by : accused Gyanprakash Mishra, Awadresh Rai, Chandrabakash and Baldeo :

6. Nothing.

Cross-examination by accused Palton :

7. Nothing.

Readover and explained to the witness.

Found to be correct.

Typed under my instructions.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge
Durg, M.P.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg, M.P.

Witness No.54 On behalf of Prosecution. Deposition
taken on 16.10.95 Witness's apparent age: ³⁰ 30 yrs.
States on affirmations: my name is Sudama Prasad son of
Shri Kalisewak Occupation : Service in Simplex
but not now.
Ghasidas Nagar, MP Housing Board, Bhillai.

On oath :

1. Since 1984 I used to work on the post of Potter
in Simplex Industries. I am on strike from
23.12.90. I do not remember whether I am on strike
from ~~Nov~~ Dec. 90 or Nov.90. Strike was launched by CMM.
Now the witness says that the strike was not resorted to
but the master had turned out from the work. We used to
work for 8 and half hours, our demand was that we should
be made to work for 8 hours. Our demand was this also
that the temporary employees be made permanent and the
workers be given living wages. I had ~~z~~ gone to Moolchand
Shah and Arvind Shah along with the demand letter. They
refused to receive the demand letter. We were about 10-12
persons had gone with the demand letter but rest of the
persons were not permitted to go. They told that whatever
talks you want to tell us, tell us verbally, not in
writing. They told that if we talked with papers, they
too would talk ~~to~~ ^{with} papers. We asked them to read whatever
we had written but they refused to read it.

2. We came back and sent the demand letter through
registry. The refusal of demand letter is of
Sept-Oct.1990. The labour engaged under supply were
turned out within 6 months. When we said that why do you
turn them out, they told us that if you resort to take
unionism you too would be turned out. I do not remember
as to what happened on 21.12.90. We had start ^{ed} working
for 8 ~~and half hours~~ and after working for 8 hours, we
used to come and stand at the gate. This is of 20.12.90.
Next day on 21.12.90 a few outsiders whom we did not

recognise, came inside the factory. They assaulted me, Gopchand Maheswari and one another man whose name I am not able to recollect. At that time, the Manager of Simplex, S.K.Jain, was also present there. We reported the matter to Police but it took no action against them and police acted against us. We were sent to jail and were released on bail after 3-4 days. Now the witness says that they were released ~~by~~ on 21st by police station. When we went for the work on 22nd, we were not given the work. At that time, about 290 workers were not given the work. About 50 permanent workers were also with us. The accused Moolchand Shah said that only such workers would be taken back on work who signed that they shall have no concern with CMM and those who keep the relations shall not be taken back on work. About 10-20 workers signed the papers, rest did not do so. When we went for work on 23rd, a lock was locked.

3. I know worker Ramashray. I know accused Gyan Prakash Mishra. On 17 Sept.1990, Ramashray had introduced me with Gyanprakash Mishra, that he is the man of antisocial elements. Ramshray had told me this also that Gyanprakash Mishra keeps on visiting Simplex regularly. Ramashray had told that these persons are of Gunda mentality and are on the side of master, you should be alert from them.

Cross-examination by Shri Rajendra Singh, Advocate for accused Moolchand Shah, Navin Shah :

4. I am Inter pass and also BA pass. I am on strike from 23.9.90 and am doing no work. I am married. I have 3 children. One son goes to school. I am getting ration from the organisation (CMM) and for clothes and other expenses, the amount come from my home. My home is in UP. I live in village Deeghat,

P.S. Bhatani, Distt. Devaria. The money from village comes by mone-order. It is sent by cheque also. Once I had asked for Rs.5000/- from the house and once for Rs.2000/- and Rs.17,000/- was bank deposit in my name. The bank deposit of Rs.17000/- was the amount earned by me from the factory. I had worked in that factory for 6 years, from 1984. In some months I used to deposit the entire amount and sometime only Rs.100/-.

5. I have no knowledge to the fact that if services of any worker is terminated, he can file his case in the labour court or not. I had filed the case in the Labour Court. I had applied in 1990. Some 2-3 days back Labour Court has given the order that either I should be taken back on the work or should be paid wages. I had told CBI that the workers were made to work for 8 and half hours instead of 8 hours. If this has not been noted down in Ex.P-17, I cannot explain the reasons thereof. It is correct to say that in Ex.P-17 this thing has not been written.

6. It is correct to say that I was the man of the contractor. The witness himself says that his P.F. was deducted in the company. Name of my contractor was Lotan Prasad. It is correct thing that anti-social elements had assaulted us and we were injured and the police had got us examined.

7. It is wrong to say that myself, Gopchand, Chandan, M.A.Khan, Bhagwandas and Naresh had all assaulted Ramnarayan with rod and pelted stones inside the factory. I do not know whether Ramnarayan had reported against us or not. It is correct to say that police had arrested us on 23.12.90. It is just possible that this incident could be of 24.12.90. At that time the contractor of company was not present. In A to A portion, I had not

given the statement that - 'assault took in presence of contractor'. Now the witness after seeing the statement says that he does not remember whether the assault took in presence of the contractor or not.

8. At that time, I was a member of CMM. At that time, I was a Mukhia of the Union. The copy of demand letter could be in the union office. I myself sent the registry. I had deposited the receipt in the office. Today I cannot recollect whether I had told the thing of registry of demand letter to CBI or not. Now witness says that he had told CBI. I cannot explain the reason as to why it has not been written in Ex.D-17. I had told CBI that in demand letter one of our demand has been to make temporary employee permanent. If this has not been noted down I cannot explain the reason. I had also told that in the demand letter this has been written that the worker should be given living wages. If this too has not been written in Ex.P-17 I cannot explain the reasons thereof.

9. In 1990 I used to get Rs.850/- per month. Wednesday was a weekly off. It is correct to say that the Government had determined as to how much wages should be given to the workers. It is incorrect to say that we were paid wages as determined by the Govt. At that time Govt. had fixed Rs.21/- per day for temporary workers. Now the witness says that he ~~was~~^{does}/not remember the wages fixed by the Govt. At that time, the workers working in the market were paid @ Rs.15/- per day. It is correct to say that the masters were prepared to keep us on work but they said this that you should sever off our connections with red-green flag. It is correct to say that ever since I started working, I worked as the man of the contractor.

10. I had told in Ex.D-17 that Ramashray had told that the accused Gyanprakash Mishra is an anti-social element. I cannot explain the reasons as to why this fact was not recorded. I told CBI that Gyanprakash Mishra is the person of the masters and keeps from visiting the factory. If this fact has not been written in D-17 I cannot explain the reasons for the same.

11. On 23.9.90 the gate of the factory was locked.

While standing at the gate, we used to tell that we have come for the duty. It is correct to say that I did not go to duty after 23.9.90. It is wrong to say that the quarrel took place outside the factory.

Quarrel had taken place inside the factory. Quarrel did not take place on 21.12.90 but on 21.9.90. It is correct to say that on 21.9.90 there was no restriction in our entry to the factory. On 21.9.90, when we went to work in the factory, we were beaten. Since we were forming union at that time, we were assaulted. Assault was done against those who were prominent ⁱⁿ information of the union. I was also one of the prominent worker. We used to conduct meetings outside the factory, not inside.

Cross-examination by Shri Awasthi, Advocate, for accused Chandrakant Shah, Abhaykumar Singh:

12. Nothing.

Cross-examination by accused Gyanprakash Mishra, Awadhesh Rai, Chandrabaksh and Baldeo.

13. Nothing.

Cross-examination by accused Palton:

14. Nothing.

Readover and explained to the witness. Found to be correct.

Typed under my instructions.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge
Durg, M.P.

Sd/ J.K.S.Rajput
IInd Addl. Sessions Judge,
Durg, M.P.

Witness No.56, for Prosecution. Deposition taken
on 17.10.95. Witness's apparent age: 42 yrs.

States on affirmation: my name is : Kriparam Dhawale
Son of Shri Raghoji Dhawale, Occupation: Peon, Dena
Bank, Power House, Bhilai.

On oath :

1. At present, I am working as a Clerk in Dena Bank.

On the post of clerk I am working since 93.

Before that I was a Peon in 83. At present I am living in
Mother Teresa Colony, Camp-II. Before that I used to live
L.C.Qtr.No.E, Camp-I. I lived in that quarter from 89 to
8th May 95. On one side of my quarter is Qtr.No.6-B and
on the other side is 6-F. In Aug-Sept. 91, nobody lived
in quarter no.6-F. I do not recollect whether somebody
lived in that quarter or not.

2. I know the accused Abhaysingh. He used to live
in quarter in front of my quarter. I do not know
as to who used to visit the place of accused Abhaysingh.

NOTE: After seeing the statement of the case diary,
Special Public Prosecutor declared the witness
as hostile and sought permission.

Statement of case diary seen, permission accorded.

3. When in 89 I came to quarter no.E at that time,
in quarter no.F, a muslim family used to live.

That muslim family lived in this quarter for a year and
they had left the quarter probably when I came to that
quarter. Before that accused Abhaysingh used to live in
front of my quarter. So long as I lived in that quarter
accused Abhaysingh used to live in the quarter in front of
that quarter.

4. I came to know through papers that Neogiji was
murdered. I have never seen the photos of murderers
of Neogiji in newspapers. Probably I had read the
news of the murder of the Neogiji in the first week of

Readover and explained to
the witness.

Found to be correct.

Sd/-T.K.Jha
IInd Addl. Sessions Judge,
Durg, M.P.

Typed under my instructions

Sd/- T.K.jha
IInd Add. Sessions Judge,
Durg, M.P.

Oct. 91. Prior to 2-3 months of murder of Neogiji, no body came to live in the quarter 6-F by the side of my quarter. There used to be a lock in that quarter. I can recognise Suzuki motor cycle. I have never seen the red coloured Suzuki in the quarter by the side of my quarter. I have not seen anybody visiting the house of accused Abhaysingh on red coloured Suzuki.

5. It is correct to say that CBI people had come to me at Bank to enquire about. CBI personnels did not show me the photo of any person. CBI personnel had asked me in Hindi but I donot know what they had recorded as statement. I have not given the statement in A to A portion of Ex.D-106 - 'in it is not present'.

Cross-examination by Shri Sandhi, Advocate, for accused Moolchand Shah, Navin Shah :

6. Nothing.

Cross-examination by Shri Yadav, Advocate, for accused Gyanprakash, Awadhesh, Abhay, Chandrabaksh and Baldeo.

7. A person named Krishna Kumar used to live in my neighbourhood with his family, 3-4 quarters away. I have no knowledge to the effect that Krishna Kumar, and accused Abhaysingh were not in good terms. It is wrong to say that last night CBI officer had taken away me with him. It is wrong to say that in the night CBI personnels took me to Visakhapatnam hostel. It is wrong to say that CBI people were pressurising me that I should give such a statement.

Cross-examination by Shri Sharma, Adv. for accused Chandrakant Shah.

8. Nothing.

Cross-examination by Shri Sharif Ahmed, Advocate, for accused Palton.

9. Nothing.

Witness No.58 for Prosecution Deposition taken
on 18.10.95 Witness's apparent age: 39 yrs.

States on affirmation: my name is : Bankebihari Yadav
son of Shri Chandradev Yadav, Occupation: Chowkidar,
village Hathkhoj, district-Durg.

On oath :

1. I am resident of Azamgarh, U.P. After studying I entered in the Home-guard. I entered in 80-81 and upto 87-88, worked as Home-guard. In 88 I came to Bhilai from there and got ^{recruited} appointed as Security Guard in Senmen Association. B.K.Singh was Guard at first, but later on, he became an Officer. As an officer, it was the duty of B.K.Singh to recruit the guards and to inspect their duties.
2. On 28th Sept. we were sleeping in the barrack. I don't remember the year. In the morning, we received the information that we should come to BEC gate. We came on duty in the morning and after sometime, there was a propoganda that Neogiji is dead. Thereafter the BEC factory got closed. Probably this is a matter of 91.
3. 3-4 days after my duty was in the IInd shift on BEC gate. My duty that day was from afternoon 1.30 to 9.30 at night. During my duty B.K.Singh came and checked the guards all around. At about 9.30 Singh called me and told me that these 3 LG Cartridges should be given to Satyanarayan Singh. ~~At~~Joining to BEC Co., there was another company B.I.W. in which Satyanarayan was Gunman, whom I handed ^{over} ~~over~~ 3 LG cartridges the same night and told that these have been sent by B.K.Singh. I returned to my barrack. B.K.Singh is dead. I do not know where is Satyanarayan Singh. At present, I am working with Sharma Engg. Corporation, Bhilai Hathkhoj.

Cross-examination by Shri Rajendra Singh, Advocate,
for accused Moolchand Shah, Navin Shah.

4. B.K.Singh used to work in BEC (Bhilai Engg.
Corpn.). Satyanarayan Singh used to work in
B.I.W. (Bharat Ind. Works). The owner of BEC Co. was
B.R.Jain and the owner of BIW Co. was B.R.Jain.

Cross-examination by Shri Awasthi, Adv. for accused
Chandrakant Shah :

5. Nothing.

Cross-examination by Shri Yadav, Adv. for accused Gyan
Prakash, Abhay, Awadhesh, Chandrabaksh and Baldeo.

6. Nothing.

Cross-examination by Shri Sharief Ahmed, Adv. for accused
Palton.

7. Nothing.

Readover and explained to
the witness.
Found to be correct.

Typed as per my instruc-
tion.

Sd/ T.K.Jha
IInd Addl. Sessions Judge
Durg, M.P.

Sd/ T.K.Jha
IInd Addl. Sessions Judge,
Durg, M.P.

Witness No. 59, for Prosecution Deposition taken

on 18.10.95

Witness's apparent age: 50 yrs.

States on affirmation: my name is Rajbahadur son of
Shri Jagbhansingh, Occupation: Armourer

Police Line, Raipur.

On oath :

1. ~~x~~ I am working as Armourer since 1979 at Police Line Raipur. By virtue of being an Armourer I have knowledge of weapons. I was recruited in Madhya Pradesh Police in the year 1965. I have a 12 bore gun which I had purchased from the shop of Badruddin Raipur.
 2. Rambahadur was a constable who was posted at Police Line Raipur. I do not know his son. I do not know the name of his son. Later on, I did not know the name of Rambahadur's son.
 3. Constable Rambahadur told me that his son has been granted a licence and he has to purchase a gun. Rambahadur and a man came to me. Rambahadur told that he is his son. He did not tell me his name. We all three went to the shop of Badruddin's gun shop beyond city Kotwali. After ^{selecting} choosing a 12 bore I got Rambahadur purchase a gun. After that I returned. I do not remember as to what amount was paid for purchasing. Rambahadur had given the licence of gun to the shop. At that time, the shop-keeper did not make entry of the purchase of the gun in register in my presence.
 4. The shop keeper gave along with a gun cartridges and the material for cleaning. I cannot tell as to how many cartridges were given. Rambahadur left me back in the police line by a Hero Honda motor cycle.
- Cross-examination by Shri Rajendra Singh, Adv. for accused Moolchand Shah, Navin Shah :
5. I don't know whether the name of that man who had purchased the gun and the cartridges was B.K.Singh.

6. CBI personnels had taken my statement. I have not given the statement in A to A portion of Ex.B-20 to CBI - 'I also purchased'.

Cross-examination by Shri Awasthi, Adv. for accused Chandrakant Shah;

7. Nothing.

Cross-examination by Shri Yadav, Adv. for accused Gyan Prakash, Awadhesh, Abhay, Chandrabaksh and Baldeo.

8. Nothing.

Cross-examination by Shri Sharif Ahmed, Adv. for accused Palton.

9. Nothing.

Readover and explained to the witness.

Found to be correct.

Typed under my instructions.

Sd/ T.K.Jha
IInd Addl. Sessions Judge,
Durg, M.P.

Sd/ T.K.Jha
IInd Addl. Sessions Judge,
Durg, M.P.

Witness No. 60, for Prosecution Deposition taken
on 19.10.95 Witnesses apparent age: 61 yrs.

States on affirmation: Shripad Jagannath Mategaonkar
son of Shri Jagannath Mategaonkar, Occupation: BSP
retired.
MIG-I/66, HUDCO, Bhilai.

On oath :

1. I am living in MIG-I/66, HUDCO, since October 86.
My wife Mrs. Sudha Mategaonkar, son Hemant,
daughter-in-law Bhagyashree and grand-daughter Chhoti
live in my family. At present, the age of my son Hemant
is about 35 years. He works in a private company. I
own a Bajaj Scooter. MIG-I/55 is exactly in front of
my quarter. The distance of the middle road is 30-35 ft.
away. The design of both the quarters is basically one.
In MIG-I/55 and in my quarter I have done some modifi-
cations. The distance between the compound of my house
and the road in front is about 9-10 ft. There is an
iron gate fixed in compound wall whose width is about
4½ ft. There is a compound wall and a gate in MIG-I/55
also.
2. Neogiji used to live in MIG-1/55 from May 1991.
One or two attendants used to live with Neogiji.
I had slept at about 11 PM in the night of 27.9.91. My
family member had also gone to sleep. At about 3.45 in
the night I ^{woke} hop up when I heard the noise of gate of the
compound wall which was being knocked. My son, my wife
and my ^{son} immediately came out. One man was knocking
the gate whose name is Bahalram, which I came to know
later on. That man was terribly frightened and was not
in a position to speak properly. He somehow or other
told that something has happened to Neogi Baba. Please
come and see him.
3. Myself and my son went along with that man to
quarter no. MIG-1/55. That man carried us to the bedroom

of Neogiji. We saw that Neogiji was sleeping taking turn towards right side and there was plenty of blood on his back. Neogiji was turning turtle and had kept his hand on his chest. Thereafter Neogiji became unconscious.

4. The man who had come to call us asked me that what is to be done. Then I told that ambulance has to be called for and police has to be informed. He started saying how would he go. Upon this, I said that my son would leave you to your office. Their office is in MIG-2/. My son carried that man to MIG-2 on my scooter. I kept on standing at the gate of MIG-1/55. After sometime, a Ambassador car came in which there were few persons of of Neogiji's office. They shifted Neogiji to Ambassador Car and carried him away. I did not go with them.

5. At about 6 am I came to know that Neogiji is dead.

Cross-examination by Shri Sandhi, Advocate, for accused Moolchand Shah, Navin Shah:

6. I did not use to visit the house of Neogiji.

At that time, I was in service and I did not know who were the persons ^{who} ~~to~~/visit his house. I do not recognise even the Attendants who used to live in the house of Neogiji. I used to see always 2-3 persons living in the house of Neogiji.

Cross-examination by Shri Yadav, Adv. for accused Gyanprakash, Abhay, Awadhesh, Chandrabaksh and Baldeo.

7. I used to live in that house before coming of Neogiji. The house in which Neogiji lived was the house of Mohd.Koya. I have no knowledge to the fact that Mohd. Koya used to live with his brother in Sector-1 I had heard that one of the sons of Mohd.Koya had

murdered the brother of Mohd. Koya. I have knowledge to the effect that, that boy was not sentenced. I have no knowledge that a few days prior to the murder of Neogiji, that boy had come out of the jail after being released.

8. Such employees whose retirement was due for two years more, such employees of Bhilai Steel Plant were given the houses in HUDCO. My house has not been registered but whether the registry of others has been effected or not, is not known to me.

Witness No.60, Page : 2.

I have no knowledge whether the ^{houses of} other employees in my street have been registered or not. There is possibility that had there been registry of the houses of my street, then I would have known it.

9. The price of that house in which Neogiji used to live could be 4-5 lakhs. MIG-2 type houses are bigger than MIG-I, therefore, its price is more. A few persons have sold their houses without registration. Since Mohd.Koya had gone and Neogiji had come, it shows that the house must have been sold. I do not know whether Mohd.Koya had sold the house to Neogiji without the consent of his son. I have no knowledge to the effect that the boy wanted to take back the house.

10. Two houses of MIG-1 type are joined together and there is a common wall in between them. In our street all the houses are in pair of 2-2 joined by a common wall and people are living in all.

11. I sent my son with that man at about 3.45 in the night to the Union Office and thereafter, I did not wake up any neighbour. I did not tell about the incident about Neogiji to anyone. As Neogiji was lying,

I kept on standing at the gate and I did not think it proper to tell by knocking somebody's gate.

Cross-examination by Shri Awasthi, Adv. for accused Chandrakant Shah.

12. Nothing.

Cross-examination by Shri Sharif Ahmed, Adv. for accused Palton.

13. Nothing.

Readover and explained to the witness.

Found to be correct.

Sd/ T.K.Jha
IInd Addl. Sessions Judge,
Durg, M.P.

Typed under my instructions.

Sd/ T.K.Jha
IInd Addl. Sessions Judge,
Durg, M.P.

Witness No.61 for On behalf of Prosecution. Deposition
taken on 19.10.95 Witness'es apparent age: 78 yrs.
States on affirmation: Jakruddin son of
Shri Badruddin Occupation: Business
Sadar Bazar, Raipur.

On oath :

1. I have a shop of Gun and cartridges at Sadar Bazar Raipur. This Shop is owned by us ever since our grand father, ^{since} since last about 100 years. I am sitting in the shop since 1936. The name of my shop is Badruddin Mulla Shamshuddin & Sons. In our trade, we have 5 partners. My son Nuruddin is also partner in my trade. My three other sons are also partners in my trade. I have obtained the licence for selling the guns and cartridges from the Govt. Licence is in my name. Through licence, we sell Rifle, Rifle cartridges, revolver, .20 bore ~~xxx~~ cartridges, guns and cartridges. ^{We have} Shot-gun ^{or} ~~is~~ single barrel and double barrel bore. bolt.

2. The guns and cartridges sold by us through licence are first entered into sale register. The man who is on the counter makes the entry in the register. The name, father's name, concerning police station, address, and licence number, district etc. of the purchaser is noted down whom guns and cartridges are sold. In the register we obtain the signature of purchaser. Thereafter ~~the~~ we make memo/bill in the name of purchaser. We number the licence. The gun or cartridges sold, its description is noted down through numbering in the licence of the purchaser. We also maintain the stock register. As and when we receive new guns and cartridges, we add them into stock register and the guns and cartridges sold are subtracted from the stock register. Day to-day entry is made in the stock register. ~~Exx Licence-Ex.P.147 is in the name of Satyanarayan Singh Son of Ram Nagina Singh.~~

3. Licence, Ex.P-147 is in the name of Satyanarayan Singh son of Ram Nagina Singh. On this licence I have numbered it on 14.9.91. ~~I~~ A to A portion bears my signatures. According to this numbering, I have sold 13 cartridges. Ex.P-148 is the sale register of our shop. Entry has been made in this register by me on 14.9.91. Licence no. 2208/1562 has been entered by ~~me~~-148. me. This licence is of Satyanarayan Singh (Ex.P-147) whose number is 2208/1562. The entry made on 14.9.91 is in the name of Satyanarayan Singh son of Ramnagina Singh. According to sale register I have sold thirteen cartridges to Satyanarayan Singh. In the sale register Birendra Kumar has signed. It was Birendrakumar who had come to purchase cartridges. Birendrakumar has signed in my presence. In page No.29 of Ex.P-148, entry has been made by me in A to A portion.

4. Bill No.205 has been prepared by me. It has been signed by me. The original copy of the bill was given to the purchaser Birendra Kumar. This is the carbon copy of the bill. Through this bill, 13 cartridges were sold. These cartridges were short-gun cartridges sold at Rs.289. Bill book is Ex.P-149. My signatures are in A to A portion.

5. On 14.9.91 in Ex.P-148, I have made the second entry in the name of Birendra Kumar. Through this entry one single barrel B.L.Gun was sold and 5 cartridges were sold. I have sold the aforesaid gun and cartridges through licence No.44/3/91. Birendra Kumar himself had taken away this gun cartridges. Birendrakumar had signed the sale register in my presence. The entry in this register in B to B portion has been done by me. Bill no.206 has been prepared by me. Its original copy has been given to purchaser Birendra Kumar. The carbon copy is left in this bill wherein in A to A portion my

signatures are there. This bill was given in the name of Birendra Kumar. Through this bill Birendrakumar was sold one single barrel gun and 5 cartridges and one refilling chain and one filling and (illegible).

Rupees 2601/- was realised through this bill. Bill no.205 is Ex.P-149A and bill No.206 is P-149B. P-149A P-149B

Witness No.61

Page No.2.

I purchased the material from different towns, Dewas, Indore, Bombay etc. Ex.P-150 bill book (through Ex-P-150) I had purchased from Dewas on 27.7.91 short gun .4, .12 bore cartridges, cartridge 150. I had given the order in writing for purchasing the cartridges. The cartridges came to me through transport and the bill came by dak. I had sent some materials to Dewas and I had received this from Dewas. The difference ~~in~~ money was mutually adjusted.

6. The material reached at our works from Dewas on 12.8.91. Stock register is Ex.P-151 in whose P-151. page no.56 in A to A portion entry has been done by me. The entry in the stock register of dt.13.9.91 has been done by me. On the day the closing balance was 37 short gun (B.L.), cartridges were 4963. There were other items also.

7. The entry in the stock register on 14.9.91 has been done by me. On that day I had subtracted one B.L.Gun and 23 cartridges but that evening the balance on that date was 36 BL guns and 4930 (illegible). This entry is in A to A portion.

8. All these documents were ^{seized} ~~seized~~ by CBI from me. They had given me the receipt of this ^{seizure} ~~measure~~.

The witness was shown ~~xxx~~ seizure memo Ex.P.152. The witness said that in A to A portion his signature appear and this seizure memo was ~~xxxx~~ written in his presence.

9. Entry dt.30.10.91 in P148 was shown to the witness which is in page 31. Upon seeing this the witness said that this entry has been made by him. That entry is in the name of Jainarayan Tripathi. Licence no. is B-178/80. Through this I sold ten cartridges. There were 3 cartridges and 7 were blank cartridges. The purchaser had signed in the register in my presence. In C to C portion of this register, I have made entry.

10. In bill No.318 (Ex.P-149) bears my signature.

Through this, I have sold ten cartridges, three cartridges and 7 blank fires. I had taken Rs.171.25. The original copy of the bill was given to the purchaser.

11. In page no 59 of stock register (Ex.P-151) entry dated 2.10.91 has been done by me. On that day the closing balance of cartridges was 4332. The entry of the sale dated 3.10.91 has also been done by me. On that day I had sold 38 cartridges and closing balance had become 42941. In this, in B to B portion entry has been done by me.

12. I do not recognise Birendra Kumar. I know Thakur of Raipur police line. Birendra Kumar had come along with Thakur. Birendra Kumar said that he would purchase the gun as may be selected by Thakur. Besides Birendrakumar and Thakur, there was yet another man. I do not recognise that man.

13. CBI Officer had noted my statement. Later on

I could not know the name of that person. On 30.10.91 Jainarayan had purchased cartridges from our shop and at that time, there were 3-4 friends were with him. I do not know the persons who had come along Jainarayan and I do not recognise Jainarayan. They had come at mine for two minutes.

14. This witness was shown the photographs Ex.P-153 and ~~153~~ 154. In A to A portion of said photographs

my signatures appear and I had signed on 11.12.91.

The man who had come with the photo, I have not met him. These two photos were given to my son and told that some Saheb had come and he has asked to sign behind the photo. I do not recognise the person of Ex.P-153 and 154. ^{P-153} P-154.

Cross-examination by Shri Sandhi, Adv. for accused
Mulchand Shah, Navin Shah :

15. Police has not taken my statement twice but only once. The persons who had come to purchase gun and cartridges from me, I do not recognise them personally. In any of the bills I have not written the make of the cartridges. With Tripathiji 4-5 boys had come who were standing outside the shop. They have come on foot. 4-5 persons who had come with Tripathiji, out of which only 2 persons came inside and rest kept on standing outside. I did not say that two persons had come along with Tripathi. In Ex.D-21 in A to A portion I have not given the statement - 'that time were'.

Cross-examination by Shri Madav, Advocate for accused
Abhay, Gyanprakash, ~~Abhay~~, Awadhesh, Chandrabaksh, Baldeo.

16. The belt of hanging the gun is called ^{Carrying} Sealing.

Buttshuit is used under the gun. There is need to clean the gun because the barrel of the gun gets rusted.

Witness No.61 Page No.3

Merely by glancing at bill no.203 it cannot be told that to whom this cartridge has been sold unless concerning sale register is seen. Similarly, by looking at bill no.205 it cannot be told to whom the cartridge have been sold. I have not written the quality of cartridges, I have only written the number.

17. On 14.9.91 I have sold 5 cartridges with a gun to Birendrakumar. According to Ex-P-149A I have sold 13 cartridges. On 14.9.91 I have sold 23 cartridges.

18. It is correct that in the stock register also I have not mentioned the quality of cartridges. The receipt of Dewas which I have submitted in this case pertains to the that material which I have purchased. Cross-examination by Shri Awasthi, Adv. for accused Chandrakant Shah.

19. Nothing. Cross-examination by Shri Sharif Ahmed, Adv. for accused Palton.

20. Nothing.

Readover and explained to the witness.
Found to be correct.

Types under my instructions.

Sd/- T.K.Jha
IInd Addl. Sessions Judge
Durg, M.P.

Sd/ T.K.Jha
IInd Addl. Sessions Judge
Durg, M.P.

Witness No.63 On behalf of Prosecution. Deposition
taken on 20.10.95 Witness's apparent age: 44 yrs.
States on affirmation: my name is : S.P.Singh
son of Shri C.P.Singh Occupation: Asstt.Jailor
Sub-Jail, Sanjari, Balod, Distt. Durg.

On oath:

1. I am posted at Sub-Jail Balod since 92. I was as a Sub-Jailor at Durg Jail, from 28.8.88. In the capacity of Sub-Jailor my duty at Jail was to make arrangements for the prisoners, their securities and to send them to the court for attending the cases.
2. At Durg jail there used to be prisoners under trials and prisoners sentenced. Prisoners under trial were kept in separate barracks. Barracks are opened at 6 am and prisoners are asked to come out after ^{for toilet and bath.} ~~doing their being fresh.~~ ^{locked back in} They were ~~sent back to~~ their respective barracks at 8 am. After that, barracks were opened at 10.30 am and prisoners after taking their bath and after taking their food were again ^{locked} sent back at 12 O' Clock. Prisoners used to remain in the barracks upto 4 PM. Prisoners were taken about 4 pm and after feeding them they were again locked at 6.30 pm. As and when for ~~bath daily routine and food they could meet with each other.~~ ^{they were taken out for toilet, bath or food, they could meet each other.}
3. I recognise the accused Gyanprakash, Palton Mallab and Awadhesh Rai present in the court. It is correct to say that these three accused remained at Durg Jail from 85 to 88 as prisoners under trials and their period was different.
4. In the court when any person is admitted in the jail, ~~ix ix~~ his name is registered in the jail. As and when any person is released on bail or released, his entry is made in the register. Ex.P-155 and P-155A is a letter by Dy.Jailor K.P.Ahirwar. On this, his

signatures are there which I recognise well. The description of Ex.P-155A has been prepared by me on the basis of records. ~~The persons who are imprisoned in jail the persons who visit, Advocates and for the members of the family, there are separate registers.~~

5. I knew Shankar Guha Neogi. In March 1991 Shankar Guha Neogi was a prisoner under trial at Durg Jail. Today, I have come with the concerning records.

Cross-examination by Shri Yadav, Adv. for accused Gyanprakash, Awadhesh, Abhay, Chandrabaksh and Baldeo.

6. There are 6 sheds in Durg jail. The number of Barracks in different sheds are different. In shed no.1 there are five barracks, In block no.2,3 barracks block no.3 - 5 barracks, block no.4 - meeting place, block no.5 - there is industrial section, block no.6 - is hospital, block no.7 - cell, block no.8 - starts from the main gate. Besides cell, the prisoners live in block no.1 to 3. When the prisoners is imprisoned in the barrack he cannot go from one block to another. If a prisoner of one block wants to go to the other cell, he has to seek permission of the jailor or subjailor but no such register is maintained of such permission. It is correct to say that in Ex.P.155A accused Awadhesh Rai was in jail only for a day in the year 85 from 23.7. to 24.7. Accused Awadhesh Rai in the year 91 was in jail from 26.10. to 29.10.91.

7. It is correct to say that food is supplied to the prisoners in their blocks. It is correct to say that by seeing Ex.P-155A, it cannot be said that accused Abhaysingh, Awadhesh and Palton remained sometime in one block or not. I do not have any proof to the effect that all these three accused had at some time lived in one block.

8. On the date of hearing in the court all the prisoners are brought collectively in a van to the

Separate registers are maintained for the prisoners who are imprisoned in the sheds. The prisoners who visit the prisoners are imprisoned in the sheds.

court and are taken back the same day.

Cross-examination by Shri Tiwari, Adv. for accused Palton.

9. Today I have brought with me the register of the jail which does not show as to which prisoner was imprisoned in which barrack or which block. It is correct to say that every day prisoners are counted blockwise.

Witness No.63

Page No.2.

The accused Palton Mallah was in Durg Jail between 29.1.91 to 27.3.91 in connection with section 457, 380, 379, 394, of I.P.C. and 25 Arms Act. This accused was in jail from 7.10.86 to 10.10.86 u/s.107/116 IPC. It is correct to say that the accused Palton Mallah was a prisoner from 1.3.88 to 10.8.88 u/s.353, 307, 397, 341, 294, 506B, 323 under IPC and u/s.25 and 27 of Arms Act.

10. In between 1986 to 1991 the accused Palton Mallah was not imprisoned in Durg Jail for any murder case.

Cross-examination by Shri Sandhi, Adv. for accused Moolchand Shah, Navin Shah.

11. Nothing.

Cross-examination by Shri Awasthi, Adv. for accused Chandrakant Shah.

12. Nothing.

Readover and explained to the witness. Found to be correct.

Typed under my instructions.

Sd/ T.K.Jha
IInd Addl. Sessions Judge
Durg, M.P.

Sd/ T.K.Jha
IInd Addl. Sessions Judge
Durg, M.P.

Witness No. 65, for Prosecution. Deposition taken
on 30.10.95 & Witness's apparent age: 39 yrs.

States on affirmation: my name is R.G.Pandey, son of
Shri Chandrabhusan Prasad Pandey, occupation: Asstt.
Labour Commissioner, Bhopal, Old Secretariat.

On oath :

1. At present I am posted as Deputy Labour Commi-
 ssioner Bhopal. From 25.6.90 to 29.7.94 I was
 posted as Asstt. Labour Commissioner, Raipur. My duties
 are to get various labour legislations like Minimum
 Wages Act, Contract Act, Payment of Bonus Act, Equal
 Remuneration Act implemented. The complaints and
 disputes raised by Registered Trade Unions is brought to
 us, after hearing both the parties to amicably settle
 the issues and if necessary, to enquire into complaints
 and to take necessary action in this connection, are
 also my duties. Registrar of Trade Unions registers
 the trade unions. Its registration is not done in ~~my~~
 ~~at~~ our office. We receive the list of recognised unions
 from the Registrar of Trade Unions. In undertakings
 where 20 or more labour is engaged through contractors,
 there the contractors ^{have} had to take a licence and the
 undertaking have got to be registered. Registration
 of the undertaking and licence to the Contractor is
 done by our office. Establishment have to maintain
 attendance register, Payment Register and Employment
 Register. The employees have to be given Employment
 Card and wage start.

2. If Labour Legislations are violated, the esta-
 blishment can be prosecuted. In our office,
 Chhattisgarh Shramik Sangh, Pragatisheel Engg. Shramik
 Sangh and Pragatisheel Cement Shramik Sangh were
 registered. The registration of Pragatisheel Engg.
 Shramik Sangh has been done by the Registrar of Trade
 Unions for Engineering Industries. The Trade Unions

of Simplex Groups were registered by the Registrar of the Trade Unions whose list is with us .

3. A charter of demand was submitted by Pragatisheel Shramik Sangh on 15.10.90. Prior to this, a charter of demand by Chhattisgarh Shramik Sangh was received on 21.8.90. At first, there was simply the charter of demand but later on, list was given of such employees who were turned out of work. After charter of demand there was ~~an~~ industrial unrest at Simplex Castings and Bhilai Wires for which we arranged a meeting. In this meeting, the representatives of the Unions came. The management side was absent. This meeting was held on 21.10.90 and second, third and fourth meeting were held respectively on ~~21.11.90~~ 14.11.90, 27.11.90 and the final meeting was held on 10.12.90. In all the five meetings, the union representatives used to come but the management party remained absent.

4. Since the trade unions had not completed legal procedures, we did not register it in concilia-^{tion} tion. Since the Trade Union has complained that Labour Laws are not being followed, we inspected and establish-ments were prosecuted.

5. At that time, 32 inspections were conducted in Simplex groups, out of which 27 cases have been filed in the court. In regard to Contract Act nine prosecutions out of 11 inspected, were filed against Simplex Groups. I have no knowledge about as to what action has been taken in the court. In Bhilai Wires five cases of Minimum Wages Act were inspected and in 3 cases Prosecution has been filed. Under Contract Act out of 4 cases inspected, 4 Prosecutions have been submitted against Chhattisgarhi Distilleries. In BEC 12 inspections were done, out of which 12 cases have

been filed against BEC. In General Fabricators, out of 4 inspections, 4 cases have been filed under Minimum Wages Act. In Vishwavishal out of one case, under Minimum Wages Act, one has been prosecuted and under Contract Act, out of 3 inspections, 3 have been filed. In Khetawat Cables, and Khetawat Wires one case each of Minimum Wage and Contract Act was inspected and prosecuted accordingly.

6. I have the list of employees who have been retrenched from Simplex Groups, Kedia Groups, BEC, B.K. and Bhilai Wires. I am submitting it before the court.

NOTE : The timing of the court is ending therefore, the cross examination of the witness is adjourned.

Readover and explained to the witness. Found to be correct.

Typed under my instructions.

Sd/ & T.K.Jha
IInd Addl. Sessions Judge,
Durg, M.P.

Sd/ T.K.Jha
IInd Addl. Sessions Judge,
Durg, M.P.

witness No.65, Page No.2.

7. Cross-examination by Shri Awasthi, Advocate for accused Moolchand Shah, Navin Shah.

NOTE: The witness was again administered oath on today on dt. 31.10.95 and/oath cross-examination was started.

Since during that period I was posted at Raipur, on the basis of records I have all informations. It is correct that under the provisions of Contract Act, to get the work done by the employees through the contractor is legal. It is correct to say that Food Corporation is an undertaking of the Central Govt. where on the basis of Contract Act, the work is being done. The contractor who employs 20 or more is given licence from our department. It is correct to say that the employees of

contractor employs them and he alone can terminate their services. It is correct to say that licence puts a restriction on the contractor to follow the rule. It is correct to say that the responsibility of the management or the establishment is controlled by Section 20 of the Contract Act. It is correct to say that it is the responsibility of the establishment or the management to see that contractor follows the rules.

8. Chhattisgarh Shramik Sangh is a registered Union but it is not recognised. It is correct to say so. It is correct to say that we have not received the notice of change from the Trade Union. Therefore, we did not make arrangements for conciliation. It is correct to say that due to existence of disputes I had called the formal meeting between Trade Unions and Management. I had not registered any case. At that time I had called the meeting of the Management of Simplex and Bhilai Wires. Nobody came from Bhilai Wires.

9. The charter of demand by the Trade Unions were not in the form of notice of change. For different employers, different charter of demands were given but there was similarity in the charter of demands. If as a rule, the conciliation proceedings would have conducted and if it would have been fair work, we inform the Govt. Besides this, at our level no other action is taken. I had informed the Govt. because the representatives of Simplex and Bhilai Wires had not come. In Nov-Dec.94 in the meeting called by me, the representatives of Simplex and other industries have been coming.

10. There was no meeting prior to Nov-Dec.91. After calling five meetings and a meeting between Nov-Dec. I had not called them all for meeting in regard to all the industries of Bhilai region. We kept on trying that there should be some agreement between the Management

and the Trade Unions. Beside this, no other action has been taken at our level, only this action is taken.

11. It is correct that those who are licenced contractors, they can get their work done at places where they have their employees. It is correct to say that the contractors appoint his employees, pays them wages and terminates them from the services. It is correct to say that contractor ~~empka~~ enjoys the liberty to take work wherever he wishes to. It is correct to say that the charter of demand received by us, was connected with the employees and the contract labour working in that particular factory. But mostly it was concerned with the contractor under Contract Act.

12. It is correct to say that for payment of less wages than Minimum Wages no case was registered. The irregularities which I had found was in regard to not giving the wage slip, register, absence of employment records, not sending the returns, not maintaining the notice etc. There were irregularities but they were serious or not, is the duty of the court. Normally, for such irregularities there is provision of fine. It is correct to say that in Simplex & Bhilai Wires wages were paid as per the norms of Minimum Wages Act. Since this Act was being followed, it shows that they were getting more wages than this.

13. I do not remember as to what was the daily wages of unskilled employees. I do not remember what was the daily wage of semi-skilled employees. Semi-skilled employees get Rs.4/- per day more than the unskilled category. I do not remember that at that time what was the daily wages of skilled employees.

14. It is correct to say that I have asked for clarification from Simplex which they had replied.

This letter is Ex.D-24 which has been written by S.N. Sharma, General Manager (Commercial). In that letter the management have clarified.

Witness No.65 : Page No.3.

15. Ques.: All the cases filed against Simplex Group were against contractors ?

Ans. : The cases were against both contractor and Simplex.

Today, I have not brought with me the files of all such cases. Today, I am telling on the basis of my memory that cases were filed against both contractor and Simplex. It is correct to say that today I do not have any record to submit Prosecution on the basis of which I could say that management is also a party. It is wrong to say that I only remember submission of Prosecution not the minimum wages. It is wrong to say that I have been brought after being instructed that I have to speak against the management of the Simplex.

Cross-examination by Shri Ashok Yadav, Advocate, for accused Gyanprakash, Abhaysingh, Awadhesh, Chandrabaksh and Baldeo.

16. I have no knowledge that at Rajhara Chhattisgarh Mukti Morcha owns 17-18 co-operative societies. I know this that at Rajhara, Iron Ore is extracted. Since Rajhara region is not under my jurisdiction and I have not gone there, I have no knowledge to this effect that extraction of iron ore and to collect it is the work of contractor. I do not have the knowledge to the effect that the Societies of Chhattisgarh Mukti Morcha do the work of extracting iron ore and its collection. I have no knowledge that contractor get this work done through the employees. In Simplex, inspections have been done more and Prosecutions have also been done more but I cannot tell that as compared to other establishment

whether it is less or more. I cannot tell on the basis of percentage.

Cross examination by Shri Awasthi, Advocate, for accused
Khandrakant Shah :

17. Nothing.

Cross-examination by Shri Tiwari, Advocate, for accused
Palton :

18. Nothing.

Readover and explained to
the Witness.

Found to be correct.

Typed under my instructions.

Sd/-

Sd/

Witness No. 66 for On behalf of Prosecution. Deposition
taken on : 31.10.95 Witnesses apparent age: 40 yrs.
States on affirmation: My name is : Nuruddin
son of Haji Jakiuddin, Occupation : Gun shop,
address: Raipur.

On oath :

1. At Sadar Bazar Raipur, we have Arms shop, the name of which is Badruddin Mulla Shamsuddin. Myself and my father sit in the shop. In Ex.P-148, register, the entries in page no.1 in portion A to A and B to B dt.14.9.91 had been made by my father. I recognise the signature of my father very well. At the time of entry I was sitting in the shop. Birendrakumar had come along with a boy to purchase the material. These people may have come between 12.30 to 1 in the day. He (Birendra Kumar) showed the licence and asked for the gun to be purchased. Thereafter Birednra Kumar said that one armour is his acquaintance whom he is going to call. Birendra Kumar left that boy in our shop and he himself went by motor cycle to call armourer. He had left the licence with us. After 15-20 minutes Birendra and Armourer came. Armourer selected one gun. We knew armourer Thakur because he had purchased a gun from our shop before that. Armourer selected one 12 bore gun single barrel. The price of the gun was settled and its entry was made. My father made entries in the same register and made entries in the licence of Birendra Kumar. My father made entries in the name of Birendra Kumar. Birendra Kumar has signed the register. At that time, I was present there. Birendra Kumar purchased 5 cartridges shot along with a gun.

2. Birendra Kumar showed us the licence of a person named Satyanarayan Singh and purchased a few shots and a few LG Cartridges, the entry of which was made by my father and register was signed by Birendra Kumar.

3. When Birendra Kumar returned ^{with} the armourer, that boy

was ^{S. Gill} sitting in our shop. When the gun and the cartridges were purchased that boy was sitting. Birendra Kumar had purchased 3 LG Cartridges and 10 shot cartridges in the licence of Satyanarayan. In A to A and B to B portion, it is Birendra Kumar who had signed. After purchasing the material Birendra Kumar went to ^{shop} return the armourer and that boy kept on sitting in our shop. After leaving the armourer Birendra Kumar came and went away with that boy. They remained in our shop between 1.30 - 1.45. I can recognise that boy who had come along with Birendra Kumar. The witness recognised the accused Palton present in the court, by touching and said he is the boy who had come along with Birendra Kumar in my Shop.

4. CBI officials had recorded my statement. CBI officials had shown me the photo of that person who had come along with Birendra Kumar to my shop. The entry and signature behind Ex.P-159 - licence - have been done by my father. This licence is in the name of Jai Narayan Singh. Writing has become little faint. P-159.

Cross-examination by Shri Tiwari, Adv. for accused Palton:

5. I am sitting in the shop since last 15 years. In some months depending on the licence, we sell ^{issued} 8-8, 10-10 guns and in some months not even a single ~~is~~ gun is sold. I cannot tell approximately as to how many cartridges are sold from our shop in a month. CBI had seized the sale register of guns on 14.9.91. This register commences from 1.4.91. According to this register in April 91, nine guns were sold from our shop. In May 9, in June 11, in July 11, in Aug. 3, guns were sold. In Sept.91, 8 guns have been sold. It is correct to say on an average 11-12 guns are sold from our shop. In August 52 purchasers had purchased cartridges, dynamite etc.

Witness No.66. Page No.2.

In Sept.91 about 100 persons had purchased cartridges,

dynamites, etc. from our shop. I can recognise all such persons those who have purchased cartridges etc. from my shop in Aug-Sept.91. I can recognise the man by seeing him. Besides this, I have no other basis of recognition.

6. I have not seen that photo which CBI had shown me while taking my statement. That boy had not come to my shop before 14.9.91. After 14.9.91, the boy who had come with Birendra Kumar did not come to our shop. I ^{have seen} saw that boy when he came to the court. I did not have any occasion to see that boy ^{face to face} before coming to the court, and after 14.9.91. The local police of Bhilai did not get the boy identified by me. CBI had not got identified that boy amongst 10-12 persons but had shown the photo of that boy. About 2 months after 14.9.91 CBI personnels had recorded my statement. CBI had taken my statement at Bhilai. CBI personnels had shown me the photo of the boy who had come along with Birendra Kumar at Raipur. I was shown the photo first and thereafter my statement was recorded. My statement was recorded the next day after showing the photo. Today I have not seen the photo which was shown by CBI personnels to me.

7. Today I am not in a position to tell as to what dress was ^{worn} borne by Birendra Kumar and that boy. I did not mark any special sign of identification on the face of that boy on the basis of which that boy could be recognised. I can read the entry in A to A and B to B portion of Exhibit.P-148. In page no.19, this is correct that in the entry, there is no mention which would show that a boy had come along with Birendra Kumar. It is not a fact that CBI officials had taken my statement the very day they had shown me the photo.

9. CBI personnels had shown me the photo of that boy twice. It is correct that I am recognising that

boy whose photo was shown to me by CBI, by saying that he is wearing Kurta-Pajama. I did not tell the police that I had recognised that boy whose photo had been shown ^{to day}. I have not given the statement to CBI as mentioned in portion A to A of Ex.D-25 - 'today ~~shown~~shown '. I cannot explain the reasons as to why CBI has written that photograph has been shown me today. After that statement till today CBI have not shown me the second photo of that boy. CBI had shown me the photos of two persons. Out of them, I recognise only one. The second boy of the photo never came to our shop to purchase the material. I had told CBI that Birendra Kumar and that boy had come to our shop at 12-12.30 and they remained at our shop upto 1.30 - 1.45. If the timings have not been mentioned in Ex.D.25, I cannot explain the reasons ~~thereof~~ thereof.

10. I had not told the police that when Birendra Kumar had gone to send back the armourer, during that period that boy kept on squatting in my shop. This thing I am telling for the first time. I had not told CBI that after leaving Thakur armourer Birendra Kumar came to our shop again. I am telling this thing for the first time. I had told police that after leaving armourer Birendra Kumar came to our shop and went away with that boy.

NOTE: Due to tea time, the cross-examination of the witness is adjourned.

Readover and explained to the witness. Found to be correct.

Types under my instructions.

Sdp- T.K.Jha
IInd Addl. Sessions Judge
Durg, M.P.

Sd/ T.K.Jha
IInd Addl. Sessions Judge
Durg, M.P.

NOTE: After tea-time the oath was administered to the witness and on oath cross-examination commenced.

On oath :

Witness No.66

Page No.3.

11. The boy who had come along with Birendra Kumar in

in Ex.P-148 in Hindi is done by me. It means, that I was present in the shop because this entry has been made by me in the register. On 1.4.91 entry has been made by me for selling the materials to two persons. I cannot tell the identification of those persons today. Similarly entries pertaining to Vijaykumar Verma dt.2.4.91 and dated 3.4.91 all four entries have been made by me. I am not in a position to tell the identification and signs of identification of the persons whom I had sold the material on 1.4.91, 2.4.91 and 3.4.91. The witness says that if the person ^{comes} comes before him, he can recognise. I cannot tell that the persons who had come to purchase the materials on 1.4.91 and 2.4.91 and 3.4.91 had come along with other persons or they had come all alone. I cannot tell this also whether they had come on foot or on motor cycle or on other vehicle. On 20.4.91 entry has been made by me for selling the cartridges to Ram Iqbalsingh. Today I cannot tell this identification. According to this register the address of Ram Iqbalsingh is written as Bhilai Wires Ltd., Nandini Road, Bhilai. I cannot tell the identification of Pilmohan Toak whose entry for selling ten cartridges on 4.5.91 has been done by me. According to register his father's name is Reksingh and address is written as Kawardha, Tahsil & district Rajnandgaon.

15. My father was shown two photographs and on the back of it, signatures of my father were obtained in my presence. I do not remember whether the photo shown to me have been signed by me or not. I donot remember whether in my statement I had told CBI that whether I had signed behind the photo or not.

16. I know to write and read hindi. In B to B portion of Ex.D-25 I have not stated ~~it~~ - 'I signed'. I cannot tell the reason as to why and how this fact has been written. After writing the statement CBI personnels had

a-k

not read over the statement to me. I also did not ~~say that~~ ^{out} read ~~over~~ the statement written by them. If there is signature behind the photo, it must be false.

17. It is a fact that I had come in the last 3-4 dates of hearing but my evidence could not be taken and after staying for the whole day, I have gone back.

Witness No.66 Page: 4.

18. When in 3-4 dates of hearing I had come to the court I had the occasion to see all the accused of this case. Two photographs shown to me were in black and white. Both the photos were big ^{small in size} ~~size and small size~~. The photo, in which I have recognised the boy who had come along with Birendra Singh, was bigger one. That big photo was bigger than passport size. It is wrong to say that in connection with this case CBI personnels did not show me any photo. It is wrong to say that when I came to the court in the last 3-4 dates of hearing, on being asked by CBI I had recognised that boy who today is ^W wearing Kurta-pajama in this court.

Cross-examination by Shri Ashok Yadav, Adv. for accused Gyanprakash, Abhay, Awadhesh, Chandrabaksh and Baldeo.

19. Whatever materials we sell ^{we sell} to the licence-holders only. If a man without licence comes to our shop and if he wants to purchase cartridge or a gun, we will not sell gun or cartridge. It is correct to say that if we sell gun or cartridge to a person who does not hold licence, it will be an offence. It is correct that on 14.9.91, Satyanarayan Singh had not come to our shop, despite this, on the basis of licence of Satyanarayan we sold the cartridges to Birendra Kumar. We sold the Cartridges to Birendra Kumar Singh on the licence of Satyanarayan Singh on being introduced by the Armourer. It is correct to say that one who purchases gun or cartridges only

licence is necessary not recognition. Had the armourer brought some other man and would have asked to sell the cartridges and if that man would have had no licence, we would not have sold him the cartridges. It is wrong to say that police has said that selling without the presence of Satyanarayan to Birendra Kumar on the basis of his licence is an offence. It is wrong to say that police personnels have said that he should give the statement as told by them and in that case, he will not be prosecuted. It is wrong to say that before coming to the court today my statement was readover.

20. It is correct that police has not registered any case against us for selling the cartridges to Birendra Singh on the basis of licence of Satyanarayan. It is a fact that in the year 92-93, police had raided our shop. It is wrong to say that police had alleged that there was irregularity in the records of our shop. After this raid there ~~was~~ ^{was made} no case against us.

Cross-examination by Shri Awasthi, Adv. for accused Moolchand, Navin Shah :

21. We have to get renewed the licence of our shop every year. It is correct to say if the police department writes any adverse remarks against our shop, licence cannot be renewed again. It is wrong to say that due to fear of police, I am giving the false statement.

Readover and explained to the witness.

Found to be correct.

Typed under my instructions.

Sd/ T.K.Jha
IInd Addl. Sessions Judge
Durg, M.P.

Sd/ T.K.Jha
IInd Addl. Sessions Judge,
Durg, M.P.

Witness No. 71 On behalf of Prosecution

Dated: 28.11.95

Witness's apparent age: 44 yrs.

States on affirmation: my name is Narendrakumar Singh
son of Late Shri Sheetalprasad Singh Occupation: Journalist
244, Supreme Enclave, Mayurvihar, Phase-1,
New Delhi.

On oath :

1. I am in Journalism since 1972. I am BA. I did my B.A. 1970. At present, I am the special correspondent of India Today. I am working in India Today since 1986. I used to work in Indian Express, Nai Duniya, Hitavada, Secular Democracy and Pratyaksha from 1972 to 1986.

2. By virtue of being a correspondent, my job is to collect the news and to write the reports. Generally we go to the spot of incidents and ^{gather} illicit informations from the people to make news. Generally we have a photographer with us. Prashant Panjaryar was previously a photographer of India Today and at present, he is the auditor photographer in Outlook. In 92 Prashant Panjaryar was working in India Today. In Sept.91, I wanted to make the report on the issue of ^{grabbing} land ~~graveing~~ in district Bastar of Madhya Pradesh and pollution due to distilleries in Chhattisgarh. At that time, I was in Bhopal, therefore I used to give the news of Madhya Pradesh and Rajasthan for publication in India Today. Generally, we choose the subject matter for reporting and on receiving the consents of the Editor, we proceed ahead for preparation of the report.

3. So far as I remember, on 21.9.91, I was in Rajasthan and near about 24.9.91 I had reached Bastar (M.P.) Photographer Prashant Panjaryar was with me. We ^{first} reached Raipur from Delhi first and from there we went to Bastar and on return, reached Durg via Dalli Rajhara. We reached Durg on 27.9.91, in the noon. When we reached Durg, it was time for lunch. We were touring with a

from Neogiji
hired taxi and we came back to Durg in the same taxi. We took our lunch in ~~front of~~ some hotel in front of railway station. Since we had to prepare the report on the pollution of distilleries, we rang up Chhattisgarh Distillery and Kedia Distillery but in both the places no responsible man was available. After that, we rang up the office of Chhattisgarh Mines Shramik Sangh to Neogiji. ~~Mr Mr~~ Neogi was there and he called us to his office for talks. Myself and Panjkar went to Neogiji. At that time, it must have been 2-2.30 O'clock. We met Neogiji. At that time, Neogiji was organising the labour movement. He told us about it and he told us also that labour movement is going on in those factories where we proposed to write on pollution. Neogiji's movement have been continuing since last one year and he was very anxious about it. The way violence was taking place, he was ^{worried} anxious about it. He told us that the owners of these factories are creating lot of problems. He told us that these people ^{including} beat the workers and threaten them. He told us the industrialists here have organised their own private force and they are utilising goondas to crush the labour movement. Neogiji had also told this that there was danger to his life. He told us that he has heard that the industrialists have hired goondas to kill him. In this connection, when I wanted further information, Neogiji told that Shah of Simplex and Kedia want him to be killed. Our talks with Neogiji lasted for 45 minutes to one hour. Since we were in a hurry to visit the factory, we started early from there.

4. We started from Neogiji at about 3 to 3.30. Photographer Prashant Panjkar was with me. Since we were not acquainted well with this region, Neogiji sent one of his workers with us to show the factory. At first we reached Kedia Distillery. The Manager permitted our

photographer to enter inside. After seeing that factory we went to Chhattisgarh Distillery. There we did not get permission to go inside, therefore, after coming out of the factory, we saw the polluted ~~water~~^{water}/flowing in the village. For the second time, when we returned to Chhattisgarh Distillery, at that time Kailashpati Kedia had come. On that day, we could not talk to him, and he said that he would talk the next day morning.

5. From there, at about 7 O'clock, we went to Picaddily Hotel, Raipur. I do not remember the room no. we had stayed at hotel Piccadilly. After reaching Raipur, I rang up my ~~son~~^{friend} Rajendra Sayal for ticket. Some three days back when I had reached Raipur on tour, I had told Mrs Sayal on phone from the ~~aerodrome~~^{airport} for the ticket.

6. When I rang up from Picaddilly hotel, I had a talk with Rajendra ~~Sayal~~^{Sai}. He told me that my ticket is in the waiting list, but there is full probability of its being confirmed. He gave me this information that Neogiji has also come to Raipur. Upon this, I told him that he and Neogiji both should come to the hotel to have a dinner with me. Thereafter, at about 9-9.30 Rajendra Sayal and Neogiji came to Picadilly hotel. For some time, we all four, myself, Panj~~ar~~^{ar}, Rajendra ~~Sayal~~^{Sai} and Neogiji, kept on talking in our room. After that we went to the dining hall for dinner.

7. Since Neogiji was running the labour movement, at times and again he used to talk about it. Neogiji had some talks on political subjects with Prashant Panj~~ar~~^{ar}. During discussion in the night, Neogiji again repeated the same things which he had said in the afternoon. He again said that in order to suppress his movement, goondagardi is being resorted to.

He described as to how the industrialists are making conspiracy to kill him. During dinner at dining hall, the same talks continued. On the night, about 11-11.30 Neogiji left. Myself and Panji^{ar} have~~d~~ booked separate rooms in hotel Picadilly. After the departure of Neogiji and Sayal^{Said}, myself and Prashant came back to our respective rooms.

8. Very early in the morning, there was a phone from Rajendra Sayal^{Said} in which he said that it is heard that somebody has shot Neogiji. He was very much frightened on the phone. He said, that he would go to Bhilai. Upon this, I said that if he is going, myself and Panji^{ar} would accompany him. I told this thing to Prashant Panji^{ar} after waking him up. When Prashant Panji^{ar} was getting ready, there was yet another call of Rajendra Sayal^{Said} that Neogiji is no more. He was weeping bitterly on the phone. After some time, Sayal^{Said} reached hotel Picadilly, and myself and Panjiar came with him to Bhilai. We came to Sector-9 hospital. Since the dead body of Neogiji was kept in mortuary, it was not possible to see the dead body. After staying at Bhilai for sometime, we returned to hotel Picadilly

9. I knew Shankar Guna Neogi, since 77.

Cross-examination by Shri Rajendra Singh, Adv. for accused Moolchand Shah, Navin Shah, Chandrakant Shah.

10. It is correct to say that I had come to make the report of landgrab in Bastar and pollution of distilleries in Bhilai. During this tour, I had prepared the report on pollution. He had expressed that there is danger to his life from Kedia and Shahs. I do not remember which ~~xxx~~ name of Shah was taken by Neogiji or not but Neogiji has said Shah Log.

11. CBI had recorded my statement. CBI had read over the statement to me. It is correct to say that Neogiji had said 'Shah Log', he did not name any particular ~~name~~. So far as I remember, Neogiji had ~~said~~ ^{sent} only one worker with us to show the factories.

12. Next day, I met Kallashpati Kedia at his house in Bhilai. I did not go to the factory. Since we became busy in coverage of the news of the murder of Neogiji, we could not go to the factory. Thereafter, I have never gone ~~either~~ to Chhattisgarh Distillery or Kedia distillery. After this, I have never come to Kedia Distillery or Chhattisgarh distillery to report on environment or pollution.

13. It is correct to say that at Picadilly hotel Neogiji had said that he would give me the cuttings of newspapers in connection with Kedia Distillery and his labour movements. I did not tell CBI that Neogiji had told to give the cuttings of only Kedia Distillery. Neogiji had said to give the cuttings of Kedia Distillery and labour movements both. If in the statements of Ex.D-029, the fact about labour movement has not been mentioned, I cannot tell the reason thereof. Documents with Neogiji had said to be given, was not only in regard to pollution, but it was in connection with his labour movement. If in Ex.D-30 the fact about labour movement has ~~been~~ not been written I cannot tell the reason thereof.

14. When we reached Picadilly hotel, Raipur from Bhilai about ^{after} half an hour ~~after~~ director of Kedia Distillery Dr. Shivendra Shrivastava had reached. I can not tell the timing of arrival of Dr. Shrivastava at Picadilly hotel at random. Dr. Shrivastava did not sit with us but after talking for 5 to 10 minutes, he left my

my room. He had come to fix up time as our programme was to visit Kedia Distillery the next day. The timing of next day was fixed between 9 to 8.30 for visit to Kedia distillery. I had told him that I have to write an article on the pollution arising out of Kedia distillery and I had told him also this that we will take the photographs of the factory. We did ^{not} tell Dr. Shrivastava that from their factory, very dirty and polluted water flows out. Besides, distillery we did not visit any other factory from where the polluted water flows.

NOTE: Since it is tea time, the cross examination of the witness is adjourned.

Readover and explained to the witness.

Found to be correct.

Typed under my instructions.

Sd/ T.K.Jha

Sd/ T.K.Jha

IInd Addl. Sessions Judge,
Durg, M.P.

IInd Addl. Sessions Judge,
Durg, M.P.

NOTE: After tea-time the witness was again administered oath and cross-examination of the witness commenced.

Cross-examination by Shri Tiwari, Adv. for accused Palton.

15. Six editions of India Today ^{are} ~~are~~ published, out of which one is in Hindi and one is in English also.

It is not necessary that the articles sent by us should be published in all the editions. It is correct to say that the articles published in English edition of India Today are published in Hindi Edition.

16. I had written an article about the danger from the industrialists and ^{organising} ~~collecting~~ goondas as told by Neogiji. I had written a special ~~maxa~~ article on the discussions at Bhilai and Picadilly hotel Raipur with Neogiji.

17. I know Dr. Devidas. I have met him once-twice. Dr. Devidas had neither given me any interview nor any statement. Therefore, the question of publishing any

article with reference to Dr. Devidas does not arise.

Today, I do not ^{to connect} remember whether I had published any article in India Today or not with reference Dr. Devidas that there is no hand of Kedia in the murder of Neogiji.

18. It is correct to say that I had visited Bhilai on 27th. ^{9/9/91} whose object was concerned with the pollution arising out of Kedia distillery and Chhattisgarh distillery. It is correct to say that Kailashpati Kedia is one of the owners of Kedia distillery and Chhattisgarh Distillery. We were not allowed to go to Chhattisgarh distillery on the ground that at that time, no responsible officer was there. We first went to distillery (Kedia D.) which is first in the city, and later on, we went to Chhattisgarh distillery. It is correct to say that Chhattisgarh distillery is situated near village Kumhari on the Raipur road. We got permission to go in in Kedia distillery. I kept on sitting in the office and our photographer Panjiar went inside. I do not remember today whether Panjiar had taken photographs of Kedia distillery on 27.9.91 or not. Only Panjiar can tell about it. It is wrong to say that we did not get the permission to go inside the Kedia distillery and to take photo on the ground that Kedia was not there.

19. I had not given the statement of A to A portion of Ex.D-29 to CBI. The witness said that it is just possible that there might have been some confusion in telling the name of Kedia distillery and Chhattisgarh distillery. It is correct to say that Panjiar had taken photographs of the polluted water flowing outside from the factory of Chhattisgarh distillery. At that time, I was also present. I cannot tell whether the water flowing outside was polluted or not. This fact can be ^{de} determined by Pollution Control Board. The sample of that water was not collected by Shri Panjiar. It is correct to say that

when we returned to Chhattisgarh distillery for the second time, we met Kailashpati Kedia, but today I do not recollect whether Kailashpati Kedia had given us the time for meeting the next day at 1.00 o'clock in the afternoon. It is correct to say that when we met Kailashpati Kedia he had the knowledge that we are going to write an article in India Today on pollution arising out of his distillery. When we met Kailashpati Kedia, Dr. Shivendra Shrivastava was also standing. It is correct to say when Dr. Shrivastava came to Picadilly hotel, prior to it he had knowledge that we were going to write an article on pollution arising out of the distillery. Dr. Shivendra Shrivastava had come to Picadilly hotel to tell us that we have to go Kedia distillery in the morning. Today, I cannot recollect that when I met Kailashpati Kedia in Chhattisgarh Distillery, he had given me the appointment to meet at one O'clock or not. The talks we had with Kediaji were of two types, - the programme of meeting and ~~to~~ go round the factory and to take photographs. ~~Our programme~~ ^{It} was the first programme and the second programme was to meet Kedia personally. The witness was shown B to B portion of Ex.D-29. The witness said at the time he gave his statement to CBI, he rember^{ed} the time therefore, this statement was given. It is correct to say that when we met Kediaji, he had consented to make arrangements for our round in the Plant and to take photographs.

20. ^{Sayal} When on 27th night Sayal and Neogi have come to my room, I had asked Rajendra ^{Sayal} whether Dr. Shrivastava had met him or not, means whether they have seen him or not. Rajendra Sayal had said that Dr. Shrivastava was not seen. It is correct to say when Dr. Shrivastava met me at Picadilly hotel after a few hours before at Bhilai Neogiji had told me that there is danger to the life from Shahs and Kedia.

It is correct to say that when Rajendra Sayal and Neogiji had come to me, Neogiji had asked me as to in what connection Dr. Shrivastava had come? I told Neogiji about the object with which Dr. Shrivastava has come.

It is correct to say that after the departure of Dr. Shrivastava Neogiji had discussed about labour movements and specially about Kedia. I do not know whether Neogiji was satisfied or not? When I told him the object of Dr. Shrivastava's coming.

21. In the night when Neogiji and Rajendra Sayal left hotel at 11.30 I was assuming that Neogiji would return back to Bhilai. I did not advice Neogiji that in view of danger to his life, and since it is 11.30 in the night, he should stay at Raipur and should leave for Bhilai the next morning. In my presence, in Picadilly hotel, Rajendra Sayal too did not give any such advice to Neogiji. I do not know that Neogiji had to go with Rajendra Sayal to Babar ⁴ banglow. It is correct to say that in Picadilly hotel, Sayal had given me this information that the Hon'ble High Court has passed on a stay order in regard to Kedia distillery. I demanded a copy of that order from Sayal. I do not rember whether Neogiji had asked for the copy of that order and had said the next day he would submit that order to Ist class Magistrate Durg, and S.P. It is correct to say that on 28th we could not go to distillery nor could we take photographs nor could we make contacts with the persons in connection with the article. On 28th, afternoon, we met Kailashpati Kedia. We told him that due to murder of Neogiji, we could not go to the factory in the morning. On the ~~same~~ murder of Neogiji Kailashpati Kedia was ~~sorry~~. *unhappy*

22. In Oct.91, I had written an article in

connection with the murder of Neogiji. On behalf of the accused India Today Hindi Edition, of 15th Oct.91 was submitted which has been marked as D-30. It is correct to say that in article Ex.D-31 in page no.36, I have written that the next day means on 28.9.91, I met Kediaji at his ^{house} banglow. In this article, I have not written that Kediaji had said that he was unhappy but it is written that it is a matter of anxiety.

23. It is correct to say that in 91, I was a member of P.U.E.E. I do not remember today whether ^{of course get} the copy ^{of} of the order of the High Court which Rajendra ^{Said} Sayal had told about ~~could be got by me or not?~~ I did not interfere in regard to the writ petition pending in the High Court regarding environment and for which the stay order was given.

Cross-examination by Shri Ashok Yadav, Adv. for accused Gyanprakash, Chandrabax and Baldeo, Awadhesh, Abhaysingh.

24. Nothing.

Readover and explained to the witness.

Found to be correct.

Typed under my instructions.

Sd/ T.K.Jha

Sd/ T.K.Jha

IInd Addl Sessions Judge,

IInd Addl. Sessions Judge,

Durg, M.P.

Durg, M.P.

Witness No.72

On behalf of Prosecution.

Dated: 28.11.95

Witness's apparent age: 44 yrs.

States on affirmation: my name is Jainarayan Tripathi son of Shri Hargovind Tripathi, Occupation: Social worker. Bilaspur.

On oath :

1. We were two brothers. My elder brother had died. ~~Or~~ I am married to the family of Prabhunath Mishra. Prabhunath Mishra and accused Gyanprakash Mishra are my Brother-in-laws. The accused Gyanprakash Mishra is present in the court.
2. I reside at Bilaspur. I am living in Bilaspur since my childhood. My father had migrated to Bilaspur from Uttar Pradesh. At Bilaspur, I have the work of getting the shops constructed and to give them on rent. This work ~~and~~ I am doing ^{since 75} since 75 after Emergency.
3. I have ^a double-barrel 12 bore gun, the licence of which is from 1980. I had obtained this licence from District Magistrate, Bilaspur. At the beginning, this licence was for both the States, M.P. & U.P. At a time when Gyaniji became the President of India, this licence was valid only for M.P. On my application, this licence was again converted for both the States. Ex.P.159 is the licence of my gun. My photo is affixed in this. I used to purchase cartridges for the gun from Bilaspur and when they were not available; I used to purchase from Raipur. I have purchased the cartridges once or twice from Bilaspur and on its non-availability, I have purchased twice-thrice from Raipur. I had purchased the cartridges at Raipur from 2-3 shops. Last purchase made by me was from that of shop of Mullaji. It is correct to say that I used to go with the licence as and when I used to go to purchase the cartridges. It is correct to say that the shopkeepers used to make entries in my licence as and when

I used to purchase the cartridges. Probably for the last time, I had purchased the cartridges in Nov.91 from the shop of Mulla at Raipur. I do not know the name of the shop of Mulla. The shop is in the middle of Raipur locality. At Raipur, I had purchased 7 blank and 3 ^{live} cartridges from the shop of Mulla at Raipur. The shopkeeper of Mulla shop had made the entries of the cartridges purchased by me. It is correct to say that there is entry in my licence Ex.P.159, dated 3.10.91. After that entry, licence remained with me only. The shopkeeper of the gun had got my signature in his register. In C to C portion in Page No.33 of register Ex.P.148 my signature is there. I had signed at that very time when I had purchased the cartridges. Just possible that I might have been given the bill for purchasing the cartridges. On 2.10.91, I had not purchased any cartridges. The shopkeeper sells the cartridges only once in a month and in a year one gets only 50 cartridges, and one cannot get more than 10 cartridges at a time. On 9.8.91, I had not purchased 8 cartridges.

4. It is correct to say that CBI personnels took away from me my gun, cartridges and licence. Approximately CBI personnels took away from me about 30-40 cartridges. CBI personnels had made the seizure memo of this and had given a copy of the same and had obtained my signature. In A to A portion of Ex.P-160, my signature is there. My signatures are there at two places in A to A portion. I used to purchase the live cartridges and blank cartridges both. The photographs of Ex.P.161 to 169 are the photographs are ^{of} the occasion of the marriage of my brother-in-law Prabhunath Mishra. The accused persons raised an objection that since these photographs do not have negative, it cannot be exhibited in evidence. These photographs have been exhibited temporarily for the convenience of the

passing time

evidence. Before the final order, the admissibility and the utility of these would be decided. Ex.P-161 is the photo of the accused Awadhesh Rai and myself. In Ex.P-162 there are photos of my brother-in-law and his family and neighbours. Ex.P.-163 is the photo of Awadhesh Rai and that of mine. Ex.P.164 is my photo. Ex.P-165 is the photo of myself and my family. I do not know whose photo is that which has been numbered as No.1. Ex.P-166 is the photo of my brother-in-law Prabhunath. I do not know whose photo is in P-167 which has been numbered 1. Ex.P.168 is my photo. In Ex.P-168 there is photo of accused Awadhesh Rai in No.5. I am not able to recognise the person in No.1 of Ex.P-169.

5. On 3.10.91, I had come to Raipur from Bilaspur for purchasing the cartridges. At that time, I had 10 or 12 cartridges left at my house. The witness himself said that Deepawali was in offing and only blank cartridges are fired on Diwali and it is for these reasons that I had come to Raipur to purchase the blank cartridges. On 3.10.91, I had come by train all alone from Bilaspur to Raipur. The accused Gyanprakash used to come often in 8 to 10 days to meet his sister or my wife. I cannot tell as to how many days prior to Diwali 91 the accused Gyanprakash had come to Bilaspur. I do not know the accused Abhaysingh but I have heard his name. I read the name of the accused Abhaisingh in papers after Neogi Murder Case, and later on, CBI also told me his name. In connection with the murder of Neogi I had read the names of accused Palton, Gyanprakash and others. After reading the name of accused Gyanprakash, I did not meet him.

6. I do not know the make of cartridges which I had purchased on 3.10.91. I can recognise the cartridges seized from me by CBI persons if they are in tact.

NOTE: Due to nonsubmission of cartridges, and the end of the court time, the examination of the witness was adjourned.

Readover and explained to the witness.

Found to be correct.

Typed under my instructions.

Sd/ T.K.Jha
IInd Addl. Sessions Judge.
Durg, M.P.

Sd/ T.K.Jha
IInd Addl. Sessions Judge,
Durg, M.P.

NOTE: Today, dt. 29.11.95, the witness is again administered on oath and his examination is commenced.

On oath :

7. The witness was ~~shown~~ shown 26 cartridges after counting. He says that CBI had seized 26 cartridges from him. Article Q(26) has been ^{marked} marked on these 26 cartridges. I cannot read what is written on the cap of cartridges.

8. CBI personnels had made enquiries from me. At Durg, my statement was recorded in presence of Judicial, ^{Magistrate} Magistrate. The written ^{statement} statement of the witness under section 164 of Cr.PC was opened ~~which was sealed~~ and it was taken into records. In A to A portion of Ex.P-170, my signature is there. In A to A portion of my statement P-171 my signature is also there. In A to A portion of P-171 I have signed at two places and I have put the date beneath it. In A to A portion of the backside page of P-171 my signature is there and I have written the date also. In A to A portions, in page no.3 of P-171 I have signed at two places and I have put the date beneath it. The statement of Ex.P-171 was typed in my presence. The witness himself said that CBI persons kept on ^{checking} telling my statement which the Judicial Magistrate got typed and obtained my signature. At a time, when my statement was recorded, at that time in the court of Magistrate, all the persons except evidence writer, myself and CBI persons were turned out. ^{An} A armed constable was present in the

court room. Magistrate Saheb kept on reading the statement and the evidence writer kept on typing it and after that my signature was obtained. I was asked nothing. Magistrate Saheb had asked my name. Magistrate Saheb asked my name only, he had not inquired about my address. On 3.10.91 Gyanprakash Mishra and the accused Abhaysingh had not come to my house at Bilaspur.

9. I had not asked them as to why they have come. On 3.10.91, the accused Gyanprakash had not come to my house to meet his sister. It is wrong to say that the accused Gyanprakash has said that he wanted three LG cartridges of 12 bore.

NOTE: Mr. Trivedi, Sp. Public Prosecutor, declared the witness as hostile and sought permission to cross examine him. The statement of case diary seen, permission accorded.

10. It is correct to say that the official of CBI had produced me before the Judicial Magistrate Durg. I do not know the name of that Officer. It is wrong to say that when I was produced before the court, there was none in the court room, excepting Judicial Magistrate and the evidence writer. It is correct to say that when the officer of CBI produced me before the Magistrate Saheb, I could understand that I am standing before the Magistrate Saheb. CBI personnels had not told me that I have to depose before the Magistrate Saheb. The Magistrate did not question me as to what I knew about Neogi murder. It is wrong to say that I had given the entire statement of whatever I knew about the murder of Neogi. It is wrong to say that Magistrate Saheb got typed the same statement which was given by me. When Magistrate Saheb got my statement typed, he gave that statement to a constable and said that it should be got signed after

Noting me
being taken to a little further distance. It is wrong to say that the statement was read ^{over} to me and after my acceptance, I had signed it of my own accord.

11. In B to B portion of Ex.P-177, the statement is correctly written but I have not given this statement - "I village Kohila has gone". In C to C portion of Ex.P.171, I have not given the statement - "dated 3.10.91 would be saved". It is wrong to say that this statement in C to C portion, has been written on being told by me. In D to D portion of Ex.P.177, I had not given the statement - 'then I went to Bilaspur'. At a time when my statement was recorded before the judicial Magistrate, my licence and the register of the gun shop were not there. It is wrong to say that I was shown my licence and the register of Mulla Jis ~~shop~~ gun shop. In E to E portion of Ex.P-177, I had not given the statement - 'police my signature is there'.

12. In F to F portion of Ex.P-171 I had not given the statement - 'when Gyanprakash has given 19,000/-'.

13. I had not told the Magistrate Saheb that I do not want to give any statement because the Magistrate himself had not asked me anything, from me. Before signing the statement I had told Magistrate Saheb that CBI personnels are teasing me and this is not my statement and justice should be done to me. Upon this, the Magistrate said that there can be no justice here, go to High Court. My statement was recorded by Judicial Magistrate, 1st Class, Mrs. Maitriyi Mathur. After six days of this statement, when CBI personnels released me I submitted an application to the Hon'ble High Court against the Judicial Magistrate. The Hon'ble High Court instructed me that I could avail ~~either~~ either criminal or civil procedure, either at Durg, Raipur, or Bilaspur. I had submitted the case at Bilaspur

in the court of C.B.Singh Saheb. After some time, Mrs. Mathur was posted in the same court. The proceedings continued and during that period there was a fire in that court and mostly all the records got burnt. After the records got burnt I could not carry on the further proceedings because I became busy in the election work.

14. The day the seizure of cartridges from me was made, the same day CBI personnels had arrested me from my house. CBI personnels asked me about my family about whom I had told them. It is correct to say that they ^{had} made enquiries from me about the murder of Neogiji. I had told nothing to CBI ^{personnels} persons about the murder of Neogi because I knew nothing.

15. CBI ^{personnels} persons had not shown me the photographs of the marriage of my brother-in-law Prabhunath Mishra. I have seen these for the first time in the court. In A to A portion of Ex.P-172 I had not given the statement to CBI - 'murder of Neogi lets go to Bilaspur, make you free'. In B to B portion of Ex.P-172 I had not given the statement - 'Gyanprakash were left'.

16. In 71-72 I was kept in jail for 7 months, at Bilaspur. I had the accusation u/s.402 of Cr.PC., but it is wrong to say that the Sessions Court had sentenced me for four months u/s.385, 511, 147/149. The cases registered against my brother Shriprakash Tripathi at Civil Lines Police Station, Bilaspur, were registered against my name after his murder. There was no case registered against me at Civil Lines Police Station, Bilaspur, It is correct to say that the cases registered against my brother were considered in the court. All the cases registered against me in City Kotwali Bilaspur were all due to political activities because I was the General Secretary of B.J.P. It is wrong to say that since Gyan

Prakash is my brother-in-law, I am giving the false statement today.

Cross-examination by Shri Ashok Yadav, Adv. for accused Gyanprakash, Abhay, Awadhesh, Chandrabax and Baldeo.

17. It is correct to say that all the cartridges are identical therefore, I am not in a position to say whether the cartridges of Article-226 are the same cartridges which CBI had seized from me. Ever since obtaining the licence I have never purchased LG cartridges. In my licence Ex. P-159 there is no entry of my ever purchasing LGcartridges. As per rule, the shopkeeper must enter as and when the cartridges are purchased. Just possible a few shopkeepers may not be making such entries but whenever I had purchased the cartridges I got the same entered in my licence. It is correct to say that in the gun shop of Mullaji at Raipur, there is such a partition where the purchaser of the cartridges has to keep standing in front of the shop. He cannot go inside and Mullaji makes the entry atleast at the distance of 10-12 feet from the customer. I cannot tell that whether the entry of purchasing the cartridges in my licence was done on 30.10.91. There is no entry of purchasing the LG Cartridges in the entry dt.3.10.91. In my licence there is over-writing on No.2 where 2.10.91 has been written. It has been made by over-writing. I cannot tell as to who has done this over-writing. Just possible that the entry which is appearing to be of 2.10.91 could be actually be of 3.10.91 which has been made as 2.10.91. Just possible that the entry of 3.10.91 could have been written afterwards. It is not necessary to enter in the licence the purchase of blank cartridges but I used to even get the entry of blank cartridges in my licence because the cartridges have to be accounted for.

18. CBI personnels took ^{my} away from my house at

at Bilaspur to Civil Line Police Station, Bilaspur. I was kept there for 4-30 hrs. and thereafter ^{then} brought me to Visakhapatnam hostel, Bhilai. After bringing I was locked in a dark room. There I was beaten and victimized. All my clothes were taken out. I was made to hear such noises and it was said that the way somebody is being beaten in the adjoining room, you too would be beaten up. I asked them as to what they expect from me. Upon this, CBI personnels told me that if I give the statement as told by them, they will return my gun and licence. They will give me a certificate and they will drop me back to my house. CBI personnels told me that I should state that I had given three LG Cartridges to Gyanprakash and from the same cartridges, Palton had murdered Neogi, but I did not agree to give this statement. Thereafter, CBI personnels teased me, gave ^{me some money} current and did not give me fooding and bedding.

19. At a time when I was brought to the court of Judicial Magistrate, Ist Class, Durg, I was very much frightened. The CBI personnels had released me after six days ~~of~~ after my statement was typed in the court. I was made to sign on typed statement in the court. For sixdays I was detained at Visakhapatnam hostel Bhilai and CBI personnels had threatened me that I should go to Uttar Pradesh from Madhya Pradesh. After being released by the CBI, I went to High Court Jabalpur after taking money from my friend. I filed a petition before the Hon'ble High Court, Jabalpur, against CBI personnels. In that petition I had made Mrs.Maitriyi Mathur, Judicial Magistrate, Ist Class, Durg, as a Party. I had made seven officers of CBI and TI Rajesh Tiwari as parties. When I filed the case, at Bilaspur court, CBI personnels lifted me up and told me that if I drop the case, they would give me six lakhs of rupees. At Bilaspur, Mrs.Maitriyi

Mathur has called for me through Advocate Biswas Ostwar, but I did not go due to fear.

Cross-examination by Shri Sanghi, Adv. for accused Navin Shah :

20. Nothing.

Cross-examination by Shri Awasthi, Adv. for accused Moolchand Shah :

21. On 7.12.91, I had filed Misc. petition No.3747/91 Jainarayan Tripathi Versus Union of India and nine others. I had filed my Affidavit along with this petition. In that petition, I had stated the real facts. I had prayed that my statements u/s. 164 and 161 of Cr.PC be ~~rejected~~ ^{considered} because those statements have been recorded by coercion and forcibly. This petition was presented u/s.482 of Cr.PC. It is correct to say that there was an order on this petition on 11.12.91. It was ordered that in the competent court, legal action be taken against the CBI officials.

22. On 16.12.91 I had filed a writ petition No.MP No.4342/1991 - Jainarayan Tripathi Vs. The Director General CBI and 4 others. In that I had made Mrs.Maitriya Mathur, Judicial Magistrate, as a party. This was decided on 17.12.91. In the order it was said that I should take ^{repose} ~~repose~~ to the ^{competent} Civil or Criminal Court. Thereafter, I proceeded in the matter by filing a case at Bilaspur Court which is still pending.

23. ~~Mixex~~ The photocopy of ~~the~~ certified copy of Misc. No.3747/91 has been marked as Ex.D-32* with the consent of Prosecution. The certified copy of writ petition no. MP-4342/91 is D-33. Ex.D.34 is the certified copy of the order dt.17.12.91 of this writ petition.

24. I had described the oppression done by CBI on me in this petition.

Cross-examination by Shri Tiwari, Ady. for accused Palton.

26. CBI personnels produced me before the court at Durg from Visakhapatnam hostel Bhilai. On 24.11.91, I was in that hostel. On 24.11.91, I was not at that hostel with ~~my all will~~ but was kept there on the point of gun. From 24.11.91 to the day I was brought to the court, My family members were not permitted to meet me. I had asked CBI personnels to inform my family members but they did not do so. I was brought from my house at 6 PM on 24.11.91. As to why I was brought and where I would be kept was not known to my family members. When SP Bilaspur asked as to where I was being taken, CBI official admonished the SP. CBI ~~persons~~ ^{personnels} had not told even SP Bilaspur as to where I was being taken. When CBI personnels were bringing me towards Bhilai they did not produce me before any Magistrate. I was taken out from Civil Lines Police Station Bilaspur, at about 11 PM in the night and by the time we reached ~~at~~ Bhilai, it was 3.40 in the morning. That day was 25th. On 25th from morning to evening, I was not produced before the court of any judicial magistrate or his residence. Before producing me before the magistrate it was not informed that I have been brought from Bilaspur to Bhilai for giving me statements u/s.164 of Cr.PC. CBI personnels had not given any information to any administrative or Police Officers about my being brought from Bilaspur to Bhilai. As to when I was brought from Bilaspur to Bhilai, ^{and} the public also did not know that I have to be produced for the statement in the court and they ^{also} did not know where I am and how am I.

27. When I was brought to Durg Court from Bhilai hostel there were 5-7 officials of CBI. ^{the} Jeep in which I was travelling. There were two jeeps ^{one over it} in the front and in the ^{same} rear upto Durg Court. The constable who was present in the court room at the time of typing of my statement

the ~~same~~ constable had come along with me in my jeep. When I was being brought from Bhilai hostel to the court, it was being shown that a very big criminal is being brought to the court. I was not a criminal. I was brought to the premises of Durg Court between 12.30 to 1 PM. On reaching Durg Court, Jeep was stopped in front of the ground in front of Sessions Court. After getting down from the jeep CBI officials got scattered in the court premises. I was made to sit all alone in the jeep. At Durg court there was one jeep in front of my jeep and the other jeep was in the rear. The officers who had got scattered in the court premises were the persons of the jeep in front of me and in rear. From my jeep only one officer had got down, rest were sitting in the jeep. I do not know as to where that officer went and whom did he meet after getting down. That officer came after some time and took me to the magistrate saheb. I was taken to the court after 45 minutes or an hour for the statement. When I was kept confined in the jeep, I could not meet any person and could not talk to anyone. During that period I could not go even for the call of nature. When I was produced before the Magistrate, what was the time I cannot tell but it could be round about 2-2.15 PM. The officer who had got down from my jeep had a file of documents in his hands. There were a few books and probably, my statement in that file. When CBI official returned to the jeep, he had no file in his hands and he told me to come along. On 28.11.91 when I was taken out from Bhilai hostel I was not told as to where I am being taken away and why. When I was taken out, I could not muster the courage to ask as to where I was being taken away and why. Till my jeep and two jeep accompanying reached the court premises, I was not told as to where I have been brought and why. At that time also I could not muster the courage to ask as to where I

have been brought and why. The officer who had returned to the jeep asked to his colleagues to go along with me. At that time also, I was not told where I was being taken and why. I do not know what was the reason as to why I was not told where I was being taken and why. I could not ask because I was terribly frightened.

28. Before producing me before the court Magistrate I was taken to the office of Public Prosecutor where at least 60 to 70 TIs and other police officials were present with machine guns and guns. I was terribly afraid after seeing the situation there. After seeing the tense situation there even my competence to speak had ended. I was not produced on that day or before the Magistrate Durg at Durg. I cannot tell correctly whether when my statement was got typed whether it was tea-time or not. Where I was produced for my statement, it was not the court-room but it was the chamber of a Judge. When I was produced before the Magistrate Saheb in his Chamber, there Magistrate and his typist were present and a typewriter was kept with some paper on it. Magistrate saheb did not ask me any question whether to give the statement or not. Magistrate Saheb did not tell me this also that CBI had produced me to give written statement. Magistrate Saheb did not tell me this also that if I will give the false statement, I would be liable for criminal prosecution. Magistrate Saheb did not administer the oath to me and did not say even this that whatever I will speak, I will speak the truth and nothing else. After the statement was fully typed, that statement was not given to me for reading. That statement was not read over to me. I was so frightened that I could not ask the magistrate as to what statement has been typed or the statement be given to me to read it out. The constable who got my signature, did not

tell me as to what has been typed in this paper. The constable did not give me the time more than the time taken by me for signing that paper. Therefore, I could not see what was written in it.

29. In both the petitions I had mainly ~~xxx~~ laid emphasis that the statements in which my signatures have been obtained, are not my statements. My Advocate had ~~all~~ my instructions filed both the both petitions in the Hon'ble High Court. At one time, CBI personnels have threatened me that they would kill me and put me in such a place where nobody would know. This threatening was given between 24.11.91 ~~to the~~ and the statement recorded before the Magistrate Saheb. In both the petitions before the Hon'ble High Court, I have specifically mentioned it.

30. I do not know N.K.Singh or Palton. At the time when I deposed before the Magistrate Saheb I did not know these persons. I do not know any B.K.Singh.

31. On 24.11.91, when I was brought at that time my gun and licence was also brought. I have not been given the possession of my licence from 24.11.91 to date. This licence was in possession of CBI and today only I have come to know that licence has been produced ^{the} in ~~the~~ court. If at all, there is some entry in my licence of purchasing LG cartridges, I cannot tell anything about it, only CBI personnels can tell about that.

Readover and explained to the witness.

Found to be correct.

Typed under my instructions.

Sd/ T.K.Jha
IInd Addl. Sessions Judge.
Durg, M.P.

Sd/ T.K.Jha
IInd Add. Sessions Judge,
Durg, M.P.

Witness No.73 On behalf of Prosecution

Dated: 29.11.95

Witness's apparent age: 56 yrs.

States on affirmation: Dr.Chandrasekhar Ghose, son of
Shri B.S.Ghosh, Occupation Senior Medical Officer,
Address: Sector-9 Hospita, Bhilai.

On oath :

Witness 5:

1. On 28.9.91 my duty at Jawaharlal Nehru hospital Sector_9 Bhilai was in Casualty Deptt. ^{As ~~SBI~~ ^{Senior} Medical Officer in the Night Shift. My duty was during the night of 27 to 28th. In the morning, at about 4 O'clock, the dead body of Shankar Guha Neogi was brought to the hospital. On examination, I found that Shankar Guha Neogi had died. Upon this, I prepared broad dead form, Ex.P.-173. This form had been filled up by me and in A to A portion my signature is there. The man who had brought the dead body of Neogi to hospital and had identified his name has been filled into form as N.L.Yadav. The dead body of Shankar Guha Neogi was sent to mortuary by me and I have mentioned this in that form. I had filled in a form giving information to police station sector-6, which is Ex.P-174 in which in A to A portion my signature is there. As ~~xxxx~~ there was a big assembly, we did not declare the body of Neogiji as dead immediately and took it to the intensive care unit. Thereafter, after due consultation with the ^{Senior} Sr.doctors probably the information of Neogiji's death was given to N.L.Yadav. In the casualty I had seen that probably there was injury on Neogiji's left shoulder.}

Cross-examination by Shri Ashok Yadav, Adv. for accused Gyanprakash, Abhay, Awadhesh, Chandrabax and Baldeo.

2. At about 4.15 in the morning, I had given the certificate of Shankar Guha Neogi's death. After shifting the dead body of Shankar Guha Neogi to Intensive Care Unit I had come back to the Casualty, therefore, I cannot tell definitely as to how long the dead body of Neogi was

kept in Intensive Care Unit.

3. Mortuary of Sector-9 is behind the hospital. It is correct to say that ^{and} before declaring any man dead his body is kept in mortuary. It is correct to say that at 5.30 after filling in the form Ex.P173, I had sent it to the police station. I cannot tell as to what time a copy of Ex.P.173 form was given to the person who had brought the dead body of Neogi. In case of abnormal death the information to the police is sent first and the dead body of the deceased is taken to the mortuary by his relatives and ward boy. I do not recollect whether in 91 outside the Casualty ward there was the phone of P&T or not. I do not recollect this also whether at that time there was STD or not. There is phone of BSP in Casualty and Police Station at Sector-6. From the phone of BSP, phone cannot be done to Raipur or outside.

Cross-examination by Shri Sandhi, Adv. for accused Navin Shah, ~~Moolchand Shah.~~ Sandhi

4. Nothing.

Cross-examination by Shri Awasthi, Adv. for accused Moolchand Shah :

5. Nothing.

Cross-examination by Shri Trivedi, Adv. for accused Chandrakant Shah:

6. Nothing.

Cross-examination by Shri Tiwari, Adv. for accused Palten

7. Nothing.

Readover and explained to the witness.

Found to be correct.

Typed under my instructions

Sd/ T.K.Jha

Sd/ T.K.Jha

IInd Addl. Sessions Judge

IInd Addl. Sessions Judge,

Durg, M.P.

Durg, M.P.

Witness No. 74 On behalf of Prosecution:

Statement on: 29.11.95

Witness's age : 37 yrs.

States on affirmation: my name is V.K.Bansal

son of Shri H.S.Bansal, Occupation: Sr.Medical Officer
Sector-9 Hospital, Bilal.

On oath :

1. On 28.9.91 my duty from 7 am to 2 pm was at Casualty. On the same day, in the afternoon at about 12 O'clock, the dead body of Shankar Guha Neogi along with Ex.P.175 was brought to the mortuary (Keeping safely) I accorded permission to keep the dead body in the mortuary. My signatures ^{is} are there in A to A portion.

Cross-examination by Shri Ashok Yadav, Adv. for accused Gyanprakash, Awadhesh, Abhay, Chandrabax and Baldeo.

2. Nothing.

Cross-examination by Shri Sandhi, Adv. for accused Navinshah

3. Nothing.

Cross-examination by Shri Awasthi, Adv. for accused Mool Chand Shah.

4. Nothing.

Cross-examination by Shri Trivedi, Adv. for accused Chandrakant Shah:

5. Nothing.

Cross-examination by Shri Tiwari, Adv. for accused Palton.

6. Nothing.

Readover and explained to the witness.

Found to be correct.

Typed under my instructions.

Sd/ T.K.Jha
IInd Addl. Sessions Judge.
Durg, M.P.

Sd/ T.K.Jha
IInd Addl. Sessions Judge,
Durg, M.P.

Witness No.75 On behalf of Prosecution.

Statement on: 29th Nov.95

States on affirmationL my name is Dr.V.R.Meshram
son of Shri M.L.Meshram, Occupation: Asstt. Surgeon,
Distt. Hospital, Durg.

On oath:

1. I am working as an Asstt. Surgeon in the Dist. Hospital, Durg since 1983.
2. On 28.9.91 my duty hour was 8 am to 5 pm for conducting post-mortem. I received at 10.20 AM a requisition for postmortem of deceased Shankar Guha Niyogi. This requisition was sent from Police. The requisition was in the prescribed form. It was special instruction that the P.M. was to be conducted by a Team of doctors in which there should be at least 2 doctors. The team was consisted of Dr.A.D. Orgaonkar, Dr.M.C.Manotte and myself. The dead body was lying the mortuary. We immediately went to the Mortuary. At 10.30 AM we started the post-mortem.
3. It was a dead body of a man. It was fresh. Good built and height. Eyes were closed. Pupil dilated. Mouth closed. Tongue inside the mouth. Rigor mortis was present on both the limbs. Blood stains on the left side of the back.
4. On examination we found there was gun shot injury, on the upper and medial part of the left scapular region., 12 CM from the middle part of the left clavicle and 14 cm from the tip of shoulder joint.
5. Six numbers of entry wounds of Gun shot were placed in the triangular area as shown in the diagram in the postmortem. I have shown this entry wounds as A B C D and F. Each wound was 3/4 cm. in diameter round in shape with inverted margins and having circular zone of abrasion and charring of skin. Blood trickling from the entry wounds.

6. 3 numbers of superficial burn semi lunar in shape $\frac{1}{2}$ " x $\frac{1}{4}$ " each present on the upper of the rangular with contavity towards the gun shot wound area.
6. Multiple marks of charred skin of pin head size blackish in colour present over the nape of the neck, upper thoracic region and left scuular areal
7. Gun shot wound Nos. B C & D are communicating with the left thorasic cavity through its posterior and upper part.
8. Injury No.B has penetrated through and through the body of the scupular bone. The direction of the wounds were forwards-downwards and medially. Wounds No. A E & F had penetrated the scupular and para-vertebreal muscle.
9. Muscles of the lape scupular region and neck contused with extra vassation of blood.
10. Left thorasic cavity was full of blood.
11. Two laceration present on the left upper pole of the lung measuring $\frac{1}{2}$ " cm x $\frac{1}{2}$ cm. with collapse of left lung.
12. Tear present in the posterior part of the pericardium with massive haemopericordium ($\frac{1}{2}$ cm x $\frac{1}{2}$ cm).
13. One punctured wound $\frac{1}{2}$ cm and $\frac{1}{2}$ cm x left ventricular cavity is present on the left ventricular of heart. All the chambers of the heart were empty.
14. 3 metallic pallets recovered from the left thorasic cavity lying in the lower part of the thorasic cavity.
15. All the above prescribed injuries were antemortem in nature and could be caused by fire arms. In our opinion the cause of death was haemorrhage and shock as

a result of antemortem gun shot injuries. Duration of death was within 24 hours from the time of post mortem. Injury No.B, C and D were sufficient to cause death in the ordinary course of nature.

16. 3 Metallic pellets round shape recovered from the body and handed over to the police under sealed and cover bottle advised to sent for Expert (Ballistic Expert).

17. Skin flat containing the gun shot wounds preserved and handed over to the police under sealed and cover with advise to be sent for Expert (Ballistic).

18. We have also preserved portion of the lungs, liver, spleen, Kidney, small gud and stomach which the contents preserved in rectified spirit advised to send to chemical Examination. Handedover to the police with duly sealed and covered with sample of spirit.

19. All the internal organs were pale.

20. I have prepared the postmortem report with my handwriting. Post mortem report is Ex.P.176. On page No.4 P-176, which bears my signature A to A. At the end of P.M.Report page 6 is signed from A to A.

Dr.M.C.Mannet and Dr.A.V.Urgaonkar also signed from B to B and C to C positively. Their opinion were concurring with me. Both the doctors signed in my presence and I am acquainted with their signatures. I started entering the injuries from Page No.3 in the prescribed column for want of space I attached a separate sheet and described further injuries in this separate sheet. All the three doctors have also signed in the separate sheet, I signed from A to A. Dr. M.C.Mannot and Dr.A.V.Urgaonkar also signed on this sheet from B to B and C to C respectively.

20. The bottle is same in which the pallets were sent. The separate seal covered with the cloth cover is not legible. Therefore I cannot say that the same seal was put on the bottle. I do not remember the seal with what marks were put on the bottle. Bottle, three pallets and broken seal were marked as Art.-R.

(Cross-examination is differed for want of time.)

This witness is administered on oath on 30.11.95.

Cross-examination by Shri Ashok Yadav for accused Gyanprakash, Awdeh, Abhay, Chandrabux and Baldeo.

21. If there are entry wounds in the dead body and there is no exit wound then it is definite that all the pallets must be in the body. We found 3 pallets in the body. We found only 3 pallets in the left thorasic cavity except that there were no pallets inside the body. I cannot say where the other pallets. They might be in the muscles of the body. The dead body should be X-rayed in order to find out other pallets if any in the body. The body of the deceased was not x-rayed. In the case of gun shot, it is necessary to ascertain the line of direction of the pallets. The line of the pallets going inside the body could be told only by the pallets Expert and not by me.

22. Rigor mortis is found in every type of dead body. In our country rigor mortis starts from 1 to 3 hours from the death. It commences in the dead body from proximal to distant end within 12 hours after the death. It is wrong to say that the rigor mortis starts after 2 hours and completes in 24 hours.

23. It is not correct to say that the direction of the pallets can be ascertained only with the help of X-ray. Superficial burns were not because of the gun

shot but by the flames of the pallets. I cannot say the flame of the pallets passing through the clothes will travel to what distance. If the pallets pass through the banian it would certainly burn the banian. The duration of the death cannot be ascertained from the presence of food in the body but can be ascertained only by rigor mortis.

24. Normally food is digested after 4 hours. If the semi-digested food is present in the stomach or in the intestine it is not necessary that the deceased would have taken food within 4 hours. It is sure that after the death digestion process ceases.

Cross-examination by Shri R.N.Tiwari for the accused Palten.

25. I was the leading doctor of the team who conducted the post-mortem. Dr.Urgaonkar and Dr.M.C.Mannur were not only observing but assisting me. Assisting does not mean that some of the organs of the body were post-mortem by me and rest was by other doctors. I had myself opened the entire body for the purpose of post-mortem and other doctors were assisting me. By the word assisting, I do not mean that in respect of every injury mentioned in the post-mortem we had discussions and thereafter same was mentioned in the post-mortem report. By the word assisting, I mean that every injury that I observed were also observed by other 2 doctors. By the word assisting, I mean that all the 3 doctors conducting the P.M. coincided their opinion with one mentioned in the post-mortem. And in respect of coinciding the opinion mentioned in the report. We all the doctors put their signature in the post-mortem report.

26. Doctor Urgan and Dr.Mannot have basic knowledge of fire arms. I also know the basic knowledge of fire arms. I agree that the doctor who conducts the PM should have some basic knowledge of fire arms if the injuries were said to be caused by fire arms. I do not possess any fire arms. I never used fire arms. I agree that in every fire arms there is barrel, there is a butt and a trigger and the same is used by Projectiles, like bullet or cartridges. It is not true to say that in case of bullets made of metallic substance, there is only one pallet of a big size. I cannot say the details of the pallets inside the bullets which is made of metallic substance. Similarly, I am not in a position to say anything about the dimension including the weight of such pallets of metallic substance. I cannot say anything about the number of pallets usually found inside the cartridge, it can only be said by ballistic expert. I cannot say that in case of projection of the fire arm the grip over the butt places an important role. I cannot answer the question that a person who uses a fire arm from the right hand will have the same or similar direction in comparison with another one who is a left hander and uses the fire arm from the left hand.

P.W. 75 : for Prosecution.

Looking to the diagram mentioned in the post-mortem report Ex.P.176, I cannot say anything about the angle of the barrel at the time of projection.

27. I have some basic knowledge of the injury caused by fire arms. The characteristics of the entry wound and exit wound differ from one another. If there is exit wound the margins are averted, in cases of entry wound the margins are inverted. cases of entry

wound the margins are inverted and never averted. In case of exit wound the margins are always averted and never inverted. It is true that the nature of inverted margins in a wound depends upon the distance from which the fire arm is projected. I cannot say from which distance the fire arm was projected after seeing the injuries mentioned in the post mortem report. It is true that in this case there was no exit wound found in the body of the deceased. In addition to the injuries we have mentioned in the P.M. report we had not found any other injuries on any part of the body including the muscular region.

Question : The injuries mentioned in your post-mortem report are or in the muscular region of the body?

Answer : The whole human body is muscular. Injury No.B, C and D are communicating with the thoracic cavity through its posterior and upper part. Injury No.B has penetrated through and through the body of the scapula bone.

28. The posterior and upper part of the thoracic cavity is the muscular region in a human body. From the injuries No.B, C & D shown in the diagram we had found 3 pellets which we had handed over to the police. It is true that from injury A, E & F no pellets were discovered or recovered by us. We had searched for the pellets in respect of injury No.A, E and F but we have not recovered any pellets from these injuries. When we had found 6 entry wounds and recovered only 3 pellets the question of ambeding the remain 3 pellets in any other portion of the body excepting the other portion does not arise. We did not consider it necessary ..8

to refer the body for the X-ray. It is not correct to say that because in respect of injuries No.B, C & D we had recovered 3 pallets and in respect of injury No.A, E and F we tried to search out for the pallets and they were not found and therefore the body was not sent for the X-ray examination. Injury No.A, E and F were only muscle deep and they had not penetrated inside the body, therefore we did not consider it necessary for X-ray examination. When I say that injury A, E & F were muscle deep the pallets who might have caused these injuries may be or may not be embodied in these muscles. It was the opinion of total team of the doctors.

29. In the requisition for Ex.P. 176 sent by the police it was specifically mentioned that the pallets found inside the body should be preserved and handover to the police. It is not true to say that from injury No. A, E & F there was no possibility of recovery of pallets was the only reason why the body was not sent for the X-ray examination.

30. From injury No. C to D the distance shown in the diagram is 2 1" and the distance of injury No.A to C is shown to be 2". Similar was the distance of injury No.A to D. Distance of injury No.E and F are shown to be 1" each from injury No.D. I cannot say from the Diagram that all these 6 injuries were within a circumference of 2.5". All these 6 injuries mentioned in the PM.. report were inside the shape of triangular area whose every arm was of the distance of 2" or 2 1/2".

31. By writing rigor mortis is present in both the limbs, we mean that the process of rigor mortis was not completed. When the process of rigor mortis is completed

we write rigor mortis was passed off. According to us the process of rigor mortis completes in both the limbs within a period of 12 hours. The process of rigor mortis completes from the body within 36 hours from the time of death. It is true that we found rigor mortis on the limbs therefore the death of deceased could have been within 12 hours prior to the time of commencement of post-mortem.

Because the rigor mortis was found present on both the limbs the period of which commences from 0 hours to 12 hours, therefore the time of death of the deceased could have been anything from 10.30 PM of the previous night to the time of conduction of post-mortem examination.

Cross-examination by Shri Sangi, Adv. for accused Navin Shah :

Nil.

Cross-examination by Shri Awasthy, Adv. for accused Moolchand Shah.

Nil.

Cross-examination by Shri Trivedi, Adv. for accused Chandrakant Shah.

Nil.

Readover and accepted to be correct.

Sd/ T.K.Jha

Sd/ D.K.Jha

IIInd Sessions Judge, Durg. IIInd Addl.S.Judge, Durg.

Witness No.76 On behalf of Prosecution;

Statement on 30.11.95

Witnesses apparent age: 30 yrs.

States on affirmation: my name: Sampurnanand alias S.N.Rao

son of Shri Jagannath Rao, Occupation: Labour Camp-1, Bhilai.

On oath :

1. I used to live in Uttar Pradesh and since 1980 I am living in Bhilai. At first, I used to work in Medical Stores and thereafter I worked as Security Guard with ~~Kedia~~, and thereafter, I worked in Bhilai Wires. I do not know the accused Gyanprakash, I do not know the accused Awadhesh Rai also.

2. When I was working as a Security Guard, at Bhilai Wires, at that time B.K.Singh was the field officer. The duty of B.K.Singh was to allot duties to the Security Guards. On 30.10.91, Gyanprakash had not called me. He had not given me any article. Police and CBI had enquired from me.

NOTE: Mr.Trivedi, Pub.Prosecutor declared the witness a hostile and sought permission to cross examine him.

The statement of case diary seen, permission accorded.

3. It is wrong to say that on ~~30~~³.10.91 the accused Gyanprakash had called me and had enquired about my duty. It is correct to say that my duty at Bhilai Wires on ~~30~~³.10.91 was from 9 O'clock in the night to 5 O'clock. It is wrong to say that on ~~30~~³.10.91 the accused Gyanprakash had called me and had given me 3 LG cartridges wrapped in a paper to be given to B.K.Singh and that I had given it to him. I had not given the statement to the police in A to A portion of Ex.P-177 - "dated 3.10.91 ... given to B.K.Singh". Similarly, I had not given the statement to the CBI in A to A portion of Ex.P-178 - "dated 3.10.91 had given".

10mm Witness

Cross Examination by Shri Sandhi, Adv. for accused Navin
Sareni
Shah:

4. Nothing.

Cross-examination by Shri Awasthi, Adv. for acc. Moolchand
Shah :

5. Nothing.

Cross-examination by Shri Trivedi, Adv. for accused
Chandrakant Shah:

6. Nothing

Cross-examination by Shri Tiwari, Adv. for accused Palton

7. Nothing.

Cross-examination by Shri Ashok Yadav, Adv. for accused
Gyanprakash, Abhay, Awadhesh, Chandrabax and Baldeo.

8. I do not know what is LG. I am an unarmed
Security guard. I have no knowledge about the weapons
and cartridges. I do not know any man by the name of
Gyanprakash.

Readover and explained to
the witness.

Found to be correct.

Typed under my instructions.

Sd/ T.K.Jha

Sd/ T.K.Jha

IInd Addl. Sessions Judge.

IInd Addl. Sessions Judge,

Durg, M.P.

Durg, M.P.

Witness No. 77 On behalf of Prosecution.

Statement on: 30.11.95 Witness's apparent age: 49 yrs.

States on affirmation: My name is : R.K.Mishra
son of Ram Gopal Mishra, Occupation: Serviced.
Thana: Purani Bhalai, Durg. Sub-Inspector.

On oath:

1. In September 91, I was posted as Sub-Inspector at Police Station Chhaeni.
2. On 30.9.91, S.P. M.K.Agrawal, had instructed that after the post-mortem of the deceased Shankar Guha Neogi, things which are available should be handed over to him. At hospital, Dr.Saheb gave me three bottles with seals which I gave to Agrawal Saheb. It seizure memo is Ex.P.179 in which in A to A portion, I had signed. I had handed over the bottles in the same condition with seal as given to me.

Cross-examination by Shri Sanghi, Adv. for accused Navinshah
Nothing.

Cross-examination by Shri Awasthi Adv. for accused Mohlchand Shah
Nothing.

Cross-examination by Shri Trivedi for accused Chandraprakash
Nothing.

Cross-examination by Shri Ashok Yadav, for Chandraprakash, Awadhesh, Abha, Chandrabak and Baldeo.
My statement was not recorded.

Cross-examination by Shri Tiwari, for Palton.
Nothing.

Readover and explained to the witness.

Found to be correct.

Typed under my instructions.

Sd/ T.K.Jha
IInd Addl. Sessions Judge,
Durg, M.P.

Sd/ T.K.Jha
IInd Add. Sessions Judge,
Durg, M.P.

Witness No. 79 On behalf of Prosecution

Dated: 1.12.95 Witness's apparent age: 40 years.

On affirmation stated : my name is Sant Kumar Sahu son of Shri Rajram Sahu, Occupation: Patwari, resident of Borsi.

On oath :

1. In Sept-Oct.94 I used to work as Patwari in the Estate Department of BSP. On 8.10.91, Manager Estate had asked me to draw the map of the spot of incidence. I was told to make the map of MIG-1/55, HUDCO. On 8.10.91, I reached the spot at about 12 O'clock. On the spot of incidence I drew the map as told by the Mategaokar and Bahalram. I had made the map of spot of incidence after taking measurements. That map is Ex.P-193. In A to A portion of the map, my signature is there.

I have put the date 8.10.91 under my signature. I have shown the distances of all places and shown the measurement.

2. In indication-1 there is the height and width of the door and there is height and width of the windows as well. The height of the door is 6'1" and width is 2'9". In indication-2 I have shown the height of the window as 4' and width 2'9".

3. In description-1 at place B, I have shown the deceased Shankar Guha Neogi sleeping on the wooden bed. Sleeping of the deceased has been shown on the bed 6x4' on the wooden plank. In description-2 the door has been described in place C which is open. At place-D driver Bahal was sleeping on the ground. From there the distance of B place was 26 ft. The main road in front of the house is in North-south direction. On the east direction of the road, there is a house of the spot of the incidence. On the western direction of the road, there are houses of other people, witness Mategaokar. I have shown 4 windows in all at quarter no.MIG-1/55.

All the windows are on the western side of the house. The courtyard on the western side of the house is 9 ft. wide. I have not shown the width of the door of the front door in compound wall of that ^{qu}arter. It's height is 4 ft. After drawing the map, I had sent that map to police station Bhilainagar at Sector-6.

Cross-examination by Shri Trivedi, Adv. for accused Moolchand Shah, Navin Shah:

4. Nothing.

Cross-examination by Shri Ashok Yadav, Adv. for accused Gyanprakash Mishra, Awadhesh Rai, Abhaysingh, Chandrabaz and Baldeo.

5. It is correct to say that where Bahalram has ^{been} ~~been~~ returned before it driver was returned which was deleted. It is correct to say ^{the driver was written} that in description No 1 where place-B has written ^{is} ~~overwriting~~ has been done. ^{is} Just possible that before writing place-B there might have been some ^{mistake} space which after correction has ~~been~~ made B. The ^{door of B} bed-room shown in the map by me, ~~its~~ door opens towards the kitchen and the door of the kitchen opens on the back portion of the house. It is correct to say that ^{from} in place-D where the position of sleeping driver has been shown ~~from there~~ the driver can reach in bed room no.2 which is the room of the deceased. It is correct to say that in this map, ^{also not have} ~~there are~~ no signatures of Bahalram and Mategaonkar. It is wrong to say that I had not drawn this map in presence of Bahalram and Mategaonkar, but had made it at police station.

Cross-examination by Shri Pateria, Adv for accused Chandrakant Shah:

6. It is correct to say that in B to B portion of Ex.P-193 I have written as told by Bahalram - "then in the night was murdered". The witness says that he had written as told by both the witnesses. It is correct

to say that in the map I have not shown the distance between the window of A place to the head of the deceased. It is correct to say that I have not shown whether the window was open or closed. I understand the difference between a bed and a plank. It is correct to say that in the map in C to C portion, I have written bed (Palang) which has been written as told by Bahalram. When I measured at that time there was plank. I cannot say whether there was a bed or the plank at the time of the incidence. When I went to draw the map at that time, plank was kept very close to the wall but I cannot tell as to where it was kept, at the time of incidence. The police Inspector had not asked me to measure the distance between the window and the plank.

Cross-examination by Shri Tiwari, Adv. for accused Paltors

7. It is correct to say that if any man has to go to the room of B place, from D place, he will ~~not~~ at first would go to hall and from there ^{through} ~~from~~ the door of the hall, he would go to kitchen and from the place C of kitchen on the shown door he will go to the room of B place. I too at the time of making the map went to the hall from the front door, then from hall to kitchen and from kitchen to the room of B place. The iron gate of MIG-1/55 is at a distance of 9 ft. from the main entry. It must have ~~take~~ ^{of course} me 10 to 15 minutes to go to main entry door from the front gate. In the map I have not shown the height of bed or plank from the ground level. In the map I have not shown the height of the windows of room B from the ground level. It is ~~is~~ correct to say that in the map I have not shown that who resided ^{or where where it was} ~~in~~ the quarters adjoining Mategaonkar's quarter 1/66, i.e. 65 or 67. I have not shown as to who used to live and who was the owner of the quarter no. 1/56 which is just by the side of MIG-1/55. I have not shown ^{the iron gate and} in the map the distance between ~~the~~ houses of Mategaonkar or other houses in the neighbourhood. In the map I have

written the timing at 3.45 of hearing the noise of the bullet as told by Bahalram. In no.2 and description-2 at first, the word driver was written which I had deleted and signed it, but as to when it was deleted its date is not beneath it. At that place at first the words Bahalram driver was written, out of which I had struck off the word driver. Today I do not remember as to why I have delted the word driver. Even otherwise Bahalram is a driver, ^{it} it is wrong to say that when I handedover the map to the police at that time, it was written as Driver son of Lakhan and his address was written. It is also wrong to say ^{that} at that time, the name of the driver was not written. It is also wrong to say that on being asked by the police, after deleting the word driver, I wrote the name of Bahal. In the map I have not shown as to at what distance from the window the deceased was sleeping.

8. Before drawing the map, I had received a memo from ~~pk~~ police station kotwali. That memo is with me. I had not submitted that memo. It is correct to say that the memo received for map ~~it~~ is kept in the file of the Estate Officer in safe condition. The original memo is filed by us. File is fully safe. If the court orders me to bring the original memo, I can bring that memo after searching it.

NOTE: As the time of court is coming to an end, the cross examination of the witness is adjourned.

~~XXXXXXXXXXXXXXXXXXXX~~

Readover and explained to the witness. Found to be correct.

typed under my instructions.

Sd/ T.K.Jha
IIInd Addl. Sessions Judge.
Durg, M.P.

Sd/ T.K.Jha
IIInd Addl. Sessions Judge
Durg, M.P.

cross-examination by Shri Tiwari, Adv. for Palton:

9. Today I could not find the memo of the police in

office in which I was asked to draw the map.

Readover and explained to
the witness.

Found to be correct.

Typed under my instructions.

Sd/ T.K.Jha

Sd/ T.K.Jha

IInd Addl. Sessions Judge
Durg, M.P.

IInd Addl. Sessions Judge,
Durg, M.P.

Witness No. 80 On behalf of Prosecution.

Statement on: 2.12.95 Witness's apparent age: 60 yrs.

States on affirmation: My name : G.N.Dubey

son of Shri Chandrabhan Dubey Occupation: Retired
141/497, Kanhaiyapuri, Subhashnagar, Sub-Inspector
Durg.

On oath :

1. I have retired in Feb 1994 from the post of Police Sub-Inspector. In Sept. 91, I was posted as Sub-Inspector Police Station, Bhilainagar. On 27.9.91, my duty at police station Bhilainagar, was from 10 O'clock in the night to 8 O'clock in the morning the next ^{day} officer as the Night Officer. The Head Constable Ramesh Kumar, No.1000, too had the duty with me. The constable Jaggannath No.500, was in duty. In the night, at about 4.45 Basantkumar, informed on phone that somebody has shot Neogiji with a bullet and he has been taken to Sector-9 hospital. I got that information entered into Sanha by Head Constable Ramesh Kumar. The writing and the signature in the Sanha was that of head constable Ramesh Kumar. Today I have brought the original sanha with me and its true copy is being submitted to the court. True copy is signed by sub-inspector V.K.Sharma. Original Sanha is Ex.P-194 and its true copy is 194-A. After comparing, the original sanha was returned. I immediately informed the control room Bhilai that the Sr Police Officers be informed about the incident immediately. Thereafter, I informed on phone Rajesh Tiwari, T.I. Police Station, at his house.

2. After sometime, TI Rajesh Tiwari also came. Myself Rajesh Tiwari and constable Jagannath, No.509 went to the quarter no.155 at HUDCO. There we came to know that Neogi has been shifted to Sector-9 hospital. This was told to us by Bahalram. We might have taken ten minutes time for going to HUDCO from police station. I was instructed by TI Rajesh Tiwari to register the offence and he himself

is starting for Sector-9 hospital. At the quarter of HUDCO, I entered the FIR on the basis of Primary Report 'Dehati Naalis', by Bahalram. I had recorded the primary report 'Dehati Naalis' Ex.P-156 as told by the witness Bahalram. It has been signed by me which is in C to C portion and in A to A portion, and B to B portion, Bahalram has signed in my presence. I sent the primary report 'Dehati Naalis' through constable Jagannath to Police Station to register the number offence at Police Thana Bhilai. In A to A portion, of first information report, Ex.P-195 there is ^{his} signature of B.L.Udabe whom I know very well. B.L.Udabe was at that time on the post of Assistant Sub-Inspector at P.S. Bhilainagar. Till the arrival of Forensic lab I kept the spot ^{of} the incidence safe. At about 6 in the morning, Dr.Methyl, photographer and his party reached the spot of incidence. ^{After} When forensic lab observed the spot of incidence ^{at} minutely and completed their proceedings, they told me that now I could make the seizure and thereafter I prepared the seizure ^{of} the spot of the incidence.

3. The seizure memo of Ex.P.157 has been prepared by me ~~xxx~~ and C to C portion I had affixed my signature. The witnesses have signed the seizure memo in my presence. There are signatures of the witnesses in A to A and B to B portions.

4. On the spot of incidence, I seized the following articles : ... Military coloured mosquito net, which has a big ~~mk~~ hole in the corner, wads of the cartridges, packing in which in a round paper in English LG is written. 2 pieces of packing of cork, burned pieces of mosquito net which had the smell of dynamite, a round piece of plastic one piece was stained with blood (of paper), one bottle of Amrutanjan, one match box Chavi Chhap, one cigarette packet of Charms which had 4 cigarettes, one pillow with

red and white strips, which was stained with blood.

One ~~had~~ printed bed cover stained with the blood on the head side, one mattress which too had blood stains, a pair of hawai sleeper, I got the spot of incidence clean and seized even the dust etc.

5. The witness was shown Article O mattress, mosquito net of article-D, pieces of mosquito net of article-I, bed-cover with red strips of Article-F, Pillow cover of Article-U, match box of article-F, sleepers of article-P Charms cigarette of article-G, bottle of Amritunjan of Article-H, Waks of Article-E, piece of paper of article-K, round piece of card board of article-A, piece of cork of article-J. The witness told that he had seized all these articles on the spot of the incidence. I sealed all these articles and obtained the signatures of the witnesses. On the spot itself, I made a ~~xxxx xxxx xxxxxx~~ map, at a glance. That map is Ex.P.158 in which in B to B pertion I had signed. I had prepared the map after taking the measurement.

6. I had handed over the further proceedings of investigation to TI Rajesh Tiwari. On 12.4.91, I had been to the office of accused Chandrakant Shah along with a Deputy Supdt. of Police, CBI Shri Dhankar. When we reached there, the office was closed and nobody was there. There we left one Sub-Inspector and a constable and myself along with Deputy Supdt. Dhankar, went to the house of accused Chandrakant Shah at Nehrunagar. From there, we came along with the father of accused Chandrakant Shah to the industrial Estate and on being opened by Shri Ramji Shah, the father of the accused, the Dy. Supdt. Dhankar, searched the office. At that time, two employees of BSP were present. During that search Dy. Supdt. Police seized one letter and ~~xxxxx~~ found and seized it. Its seizure memo was prepared which is Ex.P.196 in which in A to A

portion, my signature is there. I recognise the signature of constable Jagannath.

7. Sanha No.2888 dt.28.9.91 has been written by the head constable Ramesh Kumar with whose handwriting and signature I am well acquainted. The original sanha is Ex.P.197 and its true copy is 197-A which has been verified by Sub-Inspector V.K.Sharma. After comparing the true copy, original sanha was returned.

Cross-examination by Shri Ashok Yadav, Adv. for accused Gyanprakash, Abhay, Awadhesh, Chandrabux and Baldeo.

8. 7 It is correct to say that ⁱⁿ the seizure memo Ex.P.157 ~~has not been~~ the seizure of any book has not been made. I have not made the seizure of any brief case or suitcase. I have not seized the half burnt ^T pieces of cigarettes.

9. I had prepared the map of the things as I ^{had} seen. In the map, I have not shown the distance of the plank from the wall. Whatever be the distance, I have written the measurement in the description. It is correct to say that in the map where plank has been shown, there appears to be some place between it and the wall.

10. After reaching the ^{spot} of incidence I had gone inside the room and had seen outside the room also. I had seen the place outside the boundary wall and nearby vicinity. I had made enquiries from the people also. I had made enquiries from 2-3 persons of the nearby vicinity. It is correct to say that quarter No.1/56 of Manoj Tyagi joins quarter no.MIG-I/55. It is correct to say that there is common wall between quarter no.1/55 and quarter No.1/56. I cannot tell whether the ~~quarter~~ windows of quarter no.s1/56 are similar to the windows of quarter no.1/55 or not. It is correct to say that the houses of MIG-1 type are basically identical.

11. Daily diary of 28.9.91 has ^{been} commenced from sanha

no. 2868. It is correct to say that the sanha had started from 2 O'clock in the night. It is correct to say that there is over-writing in sanha no.2869. Similarly, there is over writing in 2870 also. It is correct to say that sanha no.2873 was written at 1.40 O'clock, the timing of which ought to be wrong. It is correct to say that ~~xxxx~~ 2881 was at first written as sanha no.2880 then by over writing the last zero, it has been made as one. It is correct to say that at the time of information the digit of 2 in ^{4.25}425 was at first written as 1 and after being corrected, it was written as 2.

12. When I was carrying on the proceedings on the spot of incidence at about 8 in the morning, I came to know that Neogiji had died. I had reached the spot of incidence at about 4.25 O'clock. There was no information of death of Neogiji in quarter no.1/55 between 4.35 to 8 in the morning. When I reached the spot of incidence, one kurta was hanging on the hanger ~~at~~ in the room of Neogiji. That ^{was} kurtawas that of Neogiji.

Cross-examination by Shri Pateria, Adv. for accused Chandrakant Shah ;

13. At a time when there was information on phone at police station, I was Senior/most Police Officer and was posted as Night Officer. It is correct to say that there is a register in the police station for allotment of duty of police officers, but that register had not been seized from me.

14. It is correct to say that to ^{shoot} ~~suit~~ an offence. I had started from police station for the investigation of that offence. On phone, the information was received as to who has been shot but it was not known who had shot. It is correct to say that in the first information report recorded by me, I have not mentioned as to which person

had shot. It is correct to say that there is no difference between both the informations, the information which was received on the phone and the entry made by me as first information. I had not started writing the case diary. After writing the primary report 'dehati naalis' I get the offence registered at police station, TI Rajesh Tiwari started writing the case diary. Rajesh Tiwari had come along with me to MIG No.1/55 HUDCO and thereafter he started for Sector-9 hospital, I cannot tell whether he had gone to police station or not? Since TI Rajesh Tiwari had not started writing the case diary in my presence, I cannot say as to what time he started writing the case diary. The primary report 'dehati naalis' was recorded by me as told by Bahalram which is Ex.P-156 and in that I have left nothing nor added anything. It is correct to say after writing the FIR I prepared the map of the spot and I was doing the proceedings of seizure with assistance of Bahalram, I myself had ^{seized} ~~seized~~ the articles which ^{of had been} ~~were seized~~ there and Bahalram had also told. Bahalram had not told me about any book or about the pieces ^{of} ~~of~~ cigarettes.

15. The house where we had been was that of Chandra-kant Shah or not cannot be told by me because CBI was doing the work of investigation. It is correct to say that the key of that office was with the father of the accused Chandrakant Shah. I cannot tell this as to from which time that key was with the father of accused Chandrakant Shah and whether he used to use it or not. I do not know that the office search was of which company. In search list Ex.P.196 it has not been written as to from where the documents were found. I cannot tell as to from where the documents were taken out. Witnesses Toppo and Gogiya are the employees of BSP, ^{I do not know} whether in vigilance department or not, ^{it is not} ~~is not known to~~ me. It is correct to say that both the witnesses were the employees of Vigilance Department

of BSP. It is correct to say during the search there was no local resident of nearby vicinity. In this, there is no man as witness of industrial estate.

Cross-examination by Shri Tiwari, Adv. for accused Palton:

16. It is correct to say that daks are sent outside from the police station. A dak register is maintained at police station for the same. It is correct to say that after the registration of suspected offence, its information should be sent to concerning Magistrate. After the registration of the offence, its information along with the copy of Ex.P.156 was sent to the magistrate. There is mention of registration of offence in daily diary sanha no.2888 but there is no mention of information being sent to the magistrate. I have no personal knowledge that whether in the dak register, the information of registered offence dt.28.9.91 has been mentioned in the register or not?

17. All things seized by me are of that particular room where the deceased was told to have been sleeping. At the time of seizure, on the spot of the incidence, I did not find the ~~map~~ pellets in the room. If I would have got the pellets, its seizure would have been done by this seizure memo. It is correct to say that when a police officer starts for search before starting, its entry is made in the sanha that as to what goods are probably to be found and what could be its relation with the case. It is correct to say that in the diary, it has got to be written as to for which search, search warrant has been obtained from the magistrate, and if search warrant has not been obtained, what are the reasons thereof. I had no knowledge whether before starting for search, CBI officials had mentioned in the diary about the search or not. For the search report Ex.P.196 we had started from

Visakhapatnam hostel Bhilai, not from police station Bhilainagar. That day my posting was at police station Bhilainagar. On that day, my duty was to assist the CBI officer. There was no discussion with me as to whether search warrant has been obtained from the magistrate or not. I cannot tell that whether before starting from the Visakhapatnam hostel CBI personnels had mentioned about the search in it or not.

18. On 12.11.91, I was to assist the CBI officers from morning to night. After preparing Ex.P.196, we came back to Visakhapatnam hostel. In connection with the seizure it was entered into diary or not, its information can be given by CBI, I cannot give. I do not know whether in connection with the seizure of Ex.P.196 information to magistrate has been sent or not. I know this and it is correct to say that the written information of search has got to be ~~signed~~ sent to the magistrate.

Cross-examination by Shri Sharma Adv. for accused Moolchand Shah, Navin Shah.

19. It is correct to say that when Ramji Shah had opened the lock of the office, we all had gone together inside, and there the search had started. After reaching the spot of the incident, I had made enquiries from the persons in the neighbourhood but did not record their statements. I have written the reason of not recording in the diary.

Readover and explained to the witness.

Found to be correct.

Typed under my instructions.

Sd/ T.K.Jha
IInd Addl. Sessions Judge.
Durg, M.P.

Sd/ T.K.Jha
IInd Addl. Sessions Judge,
Durg, M.P.

Witness No.81. for On behalf of Prosecution. Deposition taken on 2.12.95. My name : Ravindrakumar Chaudhary S/o. Shri G.C.Chaudhary, Age: 29 yrs. Occupation : Service B.S.P. Sector-4, State Line Qtr.No.2B, Bhilai.

On oath :

1. I had a Jeep No.MBR 4138. I had deployed that Jeep as a Taxi for transportation of passengers from Power House to Nandkni.

2. I had heard the name of deceased Shankar Guha Neogi. Prior to 5-6 months of murder of Shankar Guha Neogi, my driver had given on hire ^{to some} to the workers of Neogiji for 2 or 3 days. This thing I came to know after the murder of Neogiji, ^{at} ~~not~~ the time of investigations. This fact was known to me on being told by my driver Rajendra.

Cross-examination by Shri Ashok Yadav, Adv. for accused Gyanprakash Mishra, Awadhesh, Abhay, Chandrabaksh and Baldeo.

3. I used to have k no knowledge as to which persons my drivers used to give the Jeep on hire. Had there not been investigations, I would not have known that this Jeep was hired to the workers of Neogiji. When during the investigation CBI officers had questioned me I had told ^{him} that I do not know to which persons my driver gives the Jeep on hire. It is a fact that CBI personnels had taken me to Visakhapatnam hostel and inquired from me at times and again but they did not pressurise me. It is not correct to say that CBI personnels kept on asking me till I said Yes to them. I had called my driver.

4. It is correct to say that my driver did not know the persons ~~whi~~ whom he used to take as passengers and to whom he used to give on hire. He did not know them personally. My driver told that I hire to many people, perhaps I might have given.

Cross-examination by Shri Pateria, Adv. for accused Chandrakant Shah.

5. Nothing.

Cross-examination by Shri Tiwari, Adv. for accused Palton:

6. Nothing.

Cross-examination by Shri Sharma, Adv. for accused Moolchand
Shah, Navin Shah.

7. Nothing.

Readever and explained to
the witness.

Found to be correct.

Typed under my instruc-
tions.

Sd/ T.K.Jha
IInd Addl. Sessions Judge,
Durg, M.P.

Sd/ T.K.Jha
IInd Addl. Sessions Judge,
Durg, M.P.

Witness No.82 On behalf of Prosecution. Deposition

taken on 2.12.95 Witness's apparent age: 34 yrs.

On affirmation: my name is : Anil Kumar Verma
son of Late Shri Bhuwansingh Verma, Occupation : Journalist
Maroda Sector, Bhilai.

On oath :

1. I am working in Journalism since about 1990. In April 1991, I used to work in newspaper Roudra-Mukhi. It's owner and Editor was Balkrishna Agrawal of Raipur. My duty was to report. I used to meet people and used to collect news. While collecting the news the persons whom I used to meet, it's reporting was done to Raipur.

2. I knew the deceased Shankar Guha Neogi. The witness was shown Ex.P-198 - Newspaper Roudramukhi dated 9.4.91. In page no.4 of this newspaper, there was a heading "If Patwa has the courage enough, he should come to Durg to fight - Neogi", which has been published it's interview was taken by Chandrasekhar Dubey from deceased Neogi. This he had sent to me in rough paper to Shrivasa. I prepared the news item of that interview in fair and sent it to Raipur. It is on this basis that this news had published. After the murder of Neogiji, in this very news paper Roudramukhi, published the same news item. It's cutting is Ex.P.199. It is not clear from seeing the cutting on which date this exhibit P-199 has been published in Roudramukhi.

Cross-examination by Shri Ashok Yadav, Adv. for accused
Gyanprakash Mishra, Awadhesh, Abhay, Chandrabaksh and Baldeo

3. The rough paper which had come to me through Shrivasa I had thrown it off immediately. No Reporter can tell that the news which he had despatched, what was there in the rough and what was published. It is correct to say that in order to make the news attractive in the editorial department, heading is given, photo is published and it is slightly exaggerated.

Cross-examination by Shri Pateria, Adv. for accused
Chandrakant Shah :

4. I do not remember what news was prepared by me on
the basis of rough paper. Unless I see the news
sent by me, I cannot say whether the news sent by me had
been published or not and cannot tell this also whether
it has been exaggerated or curtailed. I cannot tell this
also whether that news has been published by the news
despatched by me or sent by somebody else. I had prepared
the news on the basis sent by Dubeyji, I did not verify.

Cross-examination by Shri Tiwari, Adv. for accused Palten:

5. Nothing.

Cross-examination by Shri Sharma, Adv. for accused Meechand
Shah, Navin Shah.

6. Nothing.

Read over and explained to
the witness.

Found to be correct.

Typed under my instructions.

Sd/ T.K.Jha
IInd Addl. Sessions Judge.
Durg, M.P.

Sd/ T.K.Jha
IInd Addl. Sessions Judge
Durg, M.P.

Witness No.83, for On behalf of Prosecution: Deposition
taken on 2.12.95 Witness's apparent age: 30 yrs.,

On affirmation : My name is : Chandrasekhar Dubey
son of Late Shri Anand Madhav Shyam Dubey, Occupation:
Journalist, Sector-10, A Market, Bhilai.

On oath :

1. I was the correspondent of newspaper Raudramukhi
in 1991. I had taken the interview of Shankar
Guha Neegi. I had noted down the interview in a paper of
the Press. After that I had sent the paper of interview
through somebody to Bhilai Office. Some portion of news
paper dt.9.4.91 is that of my interview and some portion
is not that of my interview.

Cross-examination by Shri Ashok Yadav, Adv. for accused
Gyanprakash, Awadhesh, Abhay, Chandrabaksh and Baldeo.

2. In A to A portion of Ex.P.198, "In an answer to
a question --- has been inaugurated", ^{JK} It has not
been published on the basis of my interview. In this
there are ~~x gam~~ ^{JK} such news which had not been sent by me
and it has been published after ~~me~~ mixing.

Cross-examination by Shri Pateria, Adv. for accused
Chandrakant Shah-

3. I did not go to jail to take interview of the
boys. I cannot tell how many persons are there
in Bhilai area by the name of Gyanprakash and Chandrakant
Shah.

Cross-examination by Shri Tiwari, Adv. for accused Palten.

4. Nothing.

Cross-examination by Shri Sharma, Adv. for accused Moolchand
Shah, Navin Shah

5. Nothing.

Readover and explained to
the witness.
Found to be correct.

Typed under my instructions.

Sd T.K.Jha
IInd Addl. Sessions Judge
Durg, M.P.

Sd/ T.K.Jha
IInd Addl. Sessions Judge,
Durg, M.P.

Witness No.87 On behalf of Prosecution. Deposition
taken on 20.12.95 Witness's apparent age: 38 yrs.

On affirmation: My name is : Deepak Kumar Surana
Son of Shri Hemchand Surana, Occupation: Cement shop
Housing Board, Padmanabhpur, Durg.

On oath :

1. I have the agency of cement. My shop is in Sanjay
Market, Ganjpara, Durg. In 91 I had a Kinetic
Honda and Bajaj Scooter. The No. Bajaj Scooter was 1760
and the number of Kinetic Honda was MKT 3031. I do not
remember the series of the Bajaj Scooter. I had never had
TVS Suzuki Motor Cycle, and even on this date, I do not
own it.

Cross-examination by Shri Rajendra Singh, Adv. for accused
Moolchand Shah, Navin Shah.

2. Nothing.

Cross-examination by Shri Yadav, Adv. for accused Gyan
Prakash, Awadhesh, Abhaykumar Singh, Chandrabaksh & Baldeo.

3. Nothing.

Cross-examination by Shri Pateria, Adv. for accused Chandra
Kant Shah:

4. Nothing.

Cross-examination by Shri Tiwari, Adv. for accused Palton.

5. Nothing.

Read over and explained to
the witness.

Found to be correct.

Typed under my instructions.

Sd/ T.K.Jha
IInd Addl. Sessions Judge.
Durg, M.P.

Sd/ T.K.Jha
IInd Addl. Sessions Judge,
Durg, M.P.

Witness No. 88 On behalf of Prosecution. Deposition
taken on 20.12.95 Witness's apparent age: 31 years.
On affirmation states : my name is Tikandas Sahu
son of Shri Manilal Sahu Occupation: Driver
Sector-7, Bhilai.

On oath :

1. I drive Taxi (Car). In October 91 I used to drive Maruti Van No.MP-24A 8256 of Kaushal Deshmukh. There is garage of Bantu Mishtri. The name of the garage of Bantu Mishtri Tarun Auto Garage. On 4.10.91 Bantu Mishtri came to my house about 12 in the night. He told me that I had to go to Pachmarhi for 4-5 days. I told him that since on 9th I have my interview at BSP I cannot go. Thereafter, Bantu Mishtri went back. The same night Bantu Mishtri again came to my house after half an hour along with Devendra Patni. Bantu Mishtri said that I should go to Pachmarhi and if at all I had not to stay I should come back after leaving. I became ready to go to Pachmarhi. I came to Tarun Auto Garage with Maruti Van which I used to drive. Bantu Mishtri and Devendra Patni had come to my house in the same Maruti Van. I got the ^{fuel} petrol filled at Doshi Petrol Pump by the side of Tarun Auto Garage. Bantu Mishtri stayed at the garage. Myself, Devendra Patni and another man went to the Rice-Mill of Devendra Patni at Nayapara. At the rice mill of Devendra Patni one more person sat in the car. Devendra Patni stayed back and I went to Pachmarhi along with two persons via Seeni and Chhindwara.

2. I reached Pachmarhi at about 1.30 in the afternoon. That day was 5.10.91. At Pachmarhi we went to Nilambar Cottage. We all three stayed there. They hired a separate room for me and these two persons stayed in one room. After taking bath and food, we went to Gupt Mahadeo and Pandav Caves and from there we again returned

to Nilamber Cottage. We stayed for the whole night at Nilamber cottage. In the morning on 6.10.91 after taking bath and getting filled the petrol to full capacity, I started back. The amount of petrol was given by them. Since Kaushal Deshmukh used to live in Chandkhuri used to keep I/~~kept~~ the car at Dr.Pravin Agrawal's house, Borsi colony. After returning from Pachmarhi, I kept the car at the house of Dr.Pravin Agrawal, I reached Durg at about 8 in the night. Next day I told Bantu that I have come back.

3. Later on, I came to know the persons whom I had taken to Pachmarhi, their names were Gyanchand and Abhay Singh. I will recognise today these persons after seeing them. These two persons are not present in the court today. The witness looked again and told that these persons are not present there.

(The Prosecution requested that they want that concerning accused persons be instructed to stand up so that after showing the accused, they could be identified).

All the accused persons stood up. Upon this, the witness said that since a long period has elapsed, he has not been ~~ix~~ able to recognise these persons.

4. On the request of Prosecution, the accused Gyan Prakash and Abhay Singh were made to stand up. The witness said that it appears that he had seen these persons ^{Dr. M. C.} Special Police Prosecutor called out the names of these accused persons in presence of the witness. The witness said, since many days have elapsed, he cannot tell whether he had taken these accused persons or not. Later on, the witness said that it appears that he had taken both the accused to Pachmarhi.

Cross-examination by Shri Rajendra Singh, Adv. for accused Meelchand Shah, Navin Shah.:

5. From 4.10.91 till date the police had not get

done the identification parade in my presence. At that time I had gone to Pachmarhi for the first time. It is correct to say that Pachmarhi is a hilly and ^{sight} ~~site~~ seeing spot of Madhya Pradesh and generally, people go there for ^{site} seeing. It is correct to say that at that time many people had come from outside for ^{sight} ~~site~~ seeing and the hotel was also packed.

Cross-examination by Shri Yadav, Adv. for accused Gyan Prakash, Abhay, Awadhesh, Chandrabaksh and Baldeo.

6. Police had recorded my statement. I had told the recognition of these persons whom I had taken to Pachmarhi. Police has recorded my statement after a week of my return from Pachmarhi. I had not told the recognition to the police but had told their names.

7. I am directly coming to the court from my garage after getting the work done of my vehicle at 1.15. Today I had not come to the court at 11 O'Clock. Today I am directly coming to the court after getting the vehicle repaired at the garage. I had come to the court before this at 11 O'Clock and was standing in the court premises. I had not gone to take my food. It is wrong to say that before coming to court CBI personnels were making me to read the statement in the vehicle and it is also wrong to say that I am giving the statement as ^{laught} ~~saught~~ by the CBI.

Cross-examination by Shri Pateria, Adv. for accused Chandrakant Shah:

8. Nothing.

Cross-examination by Shri Tiwari, Adv. for accused Palton

9. Nothing.

Readover and explained to ~~xxx~~ the witness.

Found to be correct.

Typed under my instructions.

Sd/ T.K.Jha
IInd Addl. Sessions Judge,

Sd/ T.K.Jha
IInd Addl. Sessions Judge, Durg.

Witness No.89 On behalf of Prosecution.

Statement on: 21.12.95 Witness's apparent age: 30 yrs
~~Saxa~~ States on affirmation: my name is : Santosh Gupta
son of Shri Bholanath Gupta, Occupation: Contractor
M.P.Housing Board, Bhilai. B.K.E.

On oath:

1. We are 4 brothers and one sister. My father was in Kedia Distillery. I am doing the job of contractorship for the last 10-12 years. At present, I am doing the job of contractor in B.K.E. Prior to this I used to do the contractorship at Kedia Distillery.

2. I used to do the contractorship at Kedia Distillery in the year 1990. I knew accused Gyanprakash Mishra who has studied with me. I had studied with the accused Gyanprakash Mishra for 2 years at a school in Camp-I Bhilai. My brother Subhash Gupta works in BSP. I have heard the name of C.M. Mercha. ^{C.M.} He and Mercha had not launched the movement at Kedia Distillery. I had not lodged any report at Police Station Jamul in the year 91. Ashok is my brother who does the trade of transport. My brother Ashok Gupta had not done any quarrel^{ed} with any one in the year 91.

3. I do not know the accused Abhaysingh, Chhotu Baldeo. These accused persons had not come to my house on Mohurram day, in 91.

4. I do not know whether there was any procession or not under the leadership of Neogiji on 17 Sept.90. The Union people did not indulge in any quarrel in my presence. On Moharrum day in 91 Gyanprakash Mishra had not given me any revolver for my safety. I do not know whether the accused Gyanprakash was searching or not Shankar Guha Neegi. In A to A portion of Ex.P-226 my signature is there which is a seizure memo. Police had

brought blank papers on which I had signed. It is not a fact that one country made revolver and cartridges were seized from my house. I had not given any statement to Sub-Inspector Shri Yadav and ^{in presence of} other witnesses Mukhtikhan and Masih on 25.11.91. I had not given to the police the statement of Ex.P-226 that the accused Gyanprakash had given me .32 bore revolver and cartridges which I would get seized from my house. I do not know whether there is a case registered against me or not. Now the witness says that it is a fact that there is a case pending in the court.

NOTE: Sp. Police ^{Prosecutor} declared the witness hostile, and sought permission to cross-examine him. The statement of case diary seen, permission sanctioned.

Cross-examination by Shri Trivedi, Sp. Public Prosecutor for Government :

5. It is correct to say that Police had made enquiries from me on 13.10.91 but did not record my statement. Police had only asked about my brothers and sisters. CBI personnels did not make any enquiries from me. CBI personnels took me away from my house. CBI personnels kept me for 4 days. CBI personnels had ^{made} done enquiries but I had not given any statement. CBI personnels said that if I did not give the statement they would entangle me in some case. At present, the police people are coming to my house at times and again from 18th. The witness himself says.

6. I had not given the statement to the police in A to A portion of Ex.P-227 - "Kedia was written". I had not given to the police the statement in B to B portion of Ex.P-227 - "this year were could be found".

7. I had not given the statement to CBI in A to A portion of Ex.P-228 - "dated 17.9.90 the incident did not occur". I had not given the statement to CBI in B to B portion of Ex.P-228 - "before 5-6 months got seized". I had not given the statement in C to C portion of Ex.P-228 - "this year not known".

8. It is wrong to say that as the accused Gyan Prakash Mishra is my friend I am giving the false statement.

Cross-examination by Shri Rajendra Singh, Adv. for accused Moolchand Shah, Navin Shah.

9. It is correct to say that CBI personnels used to threaten me that they would implicate me in the false case of keeping the revolver and in Neogi murder case else you should give the statement as told by us. Since last 4 days, CBI personnels ^{come} come to my house daily in the morning and evening. CBI personnels threaten me and my wife and are disturbing my family. CBI personnels asked me to ^{come} room no.8 Bhilai Hotel. CBI personnels said that all the witnesses are being called, you also ^{did} come. I ~~wkx~~/not go to to room no.8.

10. I do not know whether CBI personnels have stayed in room no.8 of Bhilai Hotel or not.

Cross-examination by Shri Yadav, Adv. for accused Gyanprakash Mishra, Awadhesh, Abhaykumar Singh, Chandra Baksh and Baldeo.

11. This is correct to say that in A to A portion of Ex.P-226 where I have signed, the upper sentences have been written very close to it. It appears that these sentences have been written afterwards. Similarly in Ex.D-36 the last three sentences have been written very closely. It appears that these have been written afterwards. Police had got my signatures on 3 or 4

blank papers.

12. It is correct to say that where I reside, the Congress (I) leader Anil Singh lives in that area. It is correct to say that in 91 Anil Singh had a red coloured Maruti Van which used to run as a Taxi in the Industrial area. I had read in papers after four or five days of the murder of Neogiji that that red colour^{ed} Maruti Van has been seized by the Police in which there were four-five persons and 4-5 pistols have been seized. I do not know whether the persons who were caught worked in the Kedia Distillery or not. I do not know whether these persons were connected with AITUC or not. I do not know whether red colour^{ed} Maruti Van used to run at Kedia Distillery or not. I do not know that the weapons seized were country made revolvers.

Cross-examination by Shri Tiwari, Adv. for accused Palton:

13. It is correct to say that if one has to go to Power House from the Housing Board where I live, the industrial area will be the first, ^{is come} then Housing Board would come and after going to some more distance, Nandini Road comes. If one has to go from my house to Power House there are two roads, one is Nandini Road and the other is a short-cut road. I keep on going and coming by both the roads. It is correct to say that Kedia Distillery is on the Nandini Road of Industrial Area.

14. I used to do the work of contractorship for Kedia Distillery and Chhattisgarhi Distillery. It is correct to say that Chhattisgarh Distillery is 2-3 Kms. ~~xxxxxx~~ away from on the road from Power House to Raipur ^{road} (on G.E. Road). For the work of contractorship I had to visit both the places, Kedia Distillery and Chhattisgarh Distillery. I have seen Hotel Picadelly further away ^{situated} from Kumhari and before reaching Raipur. The distance

between Chhattisgarh Distillery and Picadelly hotel should be about 12-14 kilometres. In order to cover this distance, car would take 15-20 minutes of running time.

16. Dr. Shivendra Shrivastava is Director of Chhattisgarh Distillery. It is correct to say that Kailashpati Kedia is the Managing Director of Chhattisgarh Distillery and Navin Kedia is the Director. Navin Kedia is the son of Kailashpati Kedia. I did not have any occasion to go to Chhattisgarh Distillery on 29.9.91. After reading the news of the murder of Neogiji in papers I did not have the opportunity of going to Chhattisgarh Distillery because 3-4 after this incident, police had caught me. Chhattisgarh Distillery runs in 3 shifts, all 24 hours. Normally the Director and Managing Director do not remain in the evening at Chhattisgarh Distillery. I cannot tell this whether during the night of 27 and 28.9.91 whether Kailashpati Kedia, Navin Kedia and Dr. Shivendra Shrivastava remained in Chhattisgarh Distillery or not. It is not known to me whether before the murder of Neogiji there was the labour movement in Kedia Distillery or not. I do not know whether on the morning 28.9.91 sweets were distributed in Chhattisgarh Distillery or not. If sweets were distributed, I cannot tell the reason thereof.

Cross-examination by Shri Trivedi, Adv. for accused Chandrakant Shah.

16. Nothing.

Readover and explained to the witness.

Found to be correct.

Typed under my instructions.

Sd/ T.K.Jha

Sd/ T.K.Jha

IInd Addl. Sessions Judge,
Durg, M.P.

IInd Addl. Sessions Judge,
Durg, M.P.

Witness No.90 On behalf of Prosecution.

Description taken : 21.12.95 Witness's apparent age: 48
ys.

States on affirmation: Ramkumar Harmukh alias Bantu
son of Shri Balmukund Harmukh Occupation: Motor
Kasaridih, Durg. Mechanic.

On oath :

1. At G.R.ROAD, Durg, I have a motor garrage by the name Tarun Autè Services. I am doing this work since last 25 years. I repair almost all cars, Jeeps, Matadors etc. I know Devendra Patni. Devendra Patni had an old car^{and} for the repairs of which he used to come to my garrage. *Gyanu*

2. I do not remember the date of Oct.91. Kaushal Deshmukh is my uncle. He lives in Chandkhuri village. At that time he had a Maruti Van. Its no. was 8256. The ~~mark~~ series was MP (something). At that time, the driver ^{was} of the van of Kaushal Deshmukh was Tikam Sahu. Gyanu had come to me and told me that he had to go to Pachmarhi. If at all somebody else was with him, I did not pay any attention. Gyanu came to me at about 9.10 in the night. He had come to my garrage. As Gyanu used to visit along with Devendra Patni, therefore I knew him. Present in the court, the accused Gyanprakash is Gyanu. I went to the house of Tikam Sahu at Shankar Nagar and ~~xxxxxx~~ called him. Maruti van of Kaushal Deshmukh was standing in my garfage. Gyanu went along with my driver. Gyanu got the petrol filled up at Dodhi Petrol Pump, by the side of my garrage. Payments were made for petrol by Gyanu. After an hour or so Gyanu left my garrage in the van. Driver was there in the van who was driving the vehicle. The van came back on 6th. That day in the evening the van had come back. Maruti van had gone out of my garrage on 4th.

Cross-examination by Shri Rajendra Singh, Adv. for accused Meelchand Shah, Navin Shah.

3. It is correct to say that in the month of October

CBI personnels took me to Beria gate hostel where they had stayed. It is correct to say that CBI personnels had beaten me there. They had beaten me for the reason that I was saying that I do not know who had gone in the van. After beating, CBI personnels had recorded my statement. I cannot tell that who had gone in the van after the van went out of my garrage. I did not know where the van had gone. I was told that the van is going to Pachmarhi.

4. CBI personnels had called me in room no.8 of Bhilai Hotel only day before yesterday, not for four days. They read^{over} the statement despite I could not remember that statement. I was not told that if I do not give such a statement then I will be arrested. It is wrong to say that I am giving the false statement that the accused Gyanprakash had gone in my van.

Cross-examination by Shri Yadav, Adv. for accused Gyan Prakash, Awadhesh, Abhay, Chandrabaksh and Baldeo.

5. Nothing.

Cross-examination by Shri Tiwari, Adv. for accused Palton.

6. Nothing.

Cross-examination by Shri Trivedi, Adv. for accused Shandrakant Shah.

7. Nothing.

Readover and explained to the witness.

Found to be correct.

Typed under my instructions.

Sd/ T.K.Jha
IInd Add. Sessions Judge.
Durg, M.P.

Sd/ T.K.Jha
IInd Addl. Sessions Judge,
Durg, M.P.

Witness No.91 On behalf of Prosecution:

Dated: 22.12.95

Witness's apparent age: 30 yrs.

States on affirmation: Ravindrakumar Mende alias Ravi
son of Shri Rama Mende Occupation: Driver,
Maroda Sector, Bhilai.

On oath :

1. I am bonafide resident of village Hinganghat District Wardha (Maharashtra). My father used to work in BSP who has retired. I have read upto Matric. In 90 I used to work on the post of Driver in SADA. Before SADA I used to do the work of driver with Suraj Auto Traders. I had worked there for 6-7 years. The owner of Suraj Auto Traders was Surajmal Kankaria.
2. I know the accused Chandrakant Shah as accused Chandrakant Shah used to visit Suraj Auto Traders, I know him.
3. In the month of March after the Holi^{sy} 91, I had been to Nepal. Surajmal Kankaria had told me that I have to go to Nepal along with the accused Chandrakant Shah. We went to Nepal by a Tempo Traveller. Tempo Traveller belong^{ed} to accused Chandrakant Shah whose no. was MP-24B 6622. In the Tempo Traveller, the accused Chandrakant Shah, and Awadhesh Rai had left for Nepal. I was driving the vehicle. We went to Banaras via Raipur, Bilaspur, Ambikapur. At Banaras we went to the house of Abhay Singh at Khalispur. We stayed for the night at Khalispur. We left from there in the night.
4. From Khalispur we started the same night at about 4 in the morning. We reached Shivan where after taking breakfast, we reached Virganj. We reached Virganj in the afternoon. At Virganj we stayed in a Hotel Kailash where we met the accused Gyan Prakash Mishra. We stayed at Kailash Hotel for two days. From there, we started for Kathmandu (Nepal). After travelling for

Pans
27/12/95

5-6 hours we reached Kathmandu at about 10-11 O'Clock in the morning. We stayed at Kathmandu in Janak Hotel where two rooms were booked. In one room, myself, accused Abhaysingh and Awadhesh Rai stayed and in the second room the accused Chandrakant Shah and Gyanprakash Mishra stayed. We stayed in Kathmandu for 2-3 days. We went to temple Pashupati Nath and there Chandrakant Shah met with acquainted Ministers, Member of Parliaments and other respectable persons. On return, they accused persons purchased clothes and toys for the children. All the accused persons returned by Tempo Traveller. We came back to Virganj and stayed at Hotel Kailash. There we stayed for a day. From there, we started back for Bhilai. We went to Raksol from Virganj. We had come to Shivan from Raksol and from Shivan to Benaras. At Virganj, the accused persons did not make any purchases. We did not go to ^{Beau.} ~~Datia~~. We came directly from Raksol to Shivan and did not stay on way. At Raksol, guns, cartridges tape recorders and tyres were not got kept in our tempo traveller. At Raksol no unknown person boarded the vehicle.

5. It is not a fact that that man had given two pistols to the accused Chandrakant Shah. After Benaras we stayed in one Dhaba and took our breakfast. It is not a fact that on way the accused Chandrakant Shah and Gyanprakash Mishra took liquor and talked something. We came to Bhilai via Rewa, Maihar, Jabalpur. We reached Bhilai the next day in the afternoon at 2.30. I dropped the accused Chandrakant Shah at his house. He told me to leave the tempo traveller at Project Automobiles for servicing. As instructed, I left the vehicle there. The accused Chandrakant Shah had not given me on way 1000-1500. Next day, I met Surajmal. I gave the

description of my journey to Surajmal.

6. It is correct to say that the police officer Agrawal had recorded my statement. CBI personnels had also taken my statement. It is correct to say that I had given the statement before the Magistrate Sahab.

7. The written statement U/s.164 of Cr.P.C. given by the witness has been opened just now. In the order sheet of Ex.P-229 in A to A portion in margin, there is my signature. On the front and back side of Ex.P.230 in A to A portion my signatures are there. In B to B portion of Ex.P-230 I have given the statement * - "I SADA came back" but in C to C portion, I had not given the statement that the purchases were made there. The witness himself ~~ix~~ says that police had arrested him for 25 days and threatened that if I do not give the statement, they will entangle me in the case. Police beat me also. In D to D portion of Ex.P-230, I had given the statement .. "Virbanj say". I have not given the statement in E to E portien - "Chandrakant Shah came to Virbanj". Before coming to the court, police had given me the typed statement and was got crammed by me and when I was brought to the court, I gave the statement under section ~~164~~¹⁶⁴ of Cr.PC., On the basis of crammed statement.

8. I had given the statement in C to C portion of Ex.P-230 - "and purchases were made there". This statement was given before the Magistrate because police had got it crammed. It is correct to say that in E to E portion I had given the statement - "Chandrakant Shah came to Virganj". Since the police had got it crammed I gave that statement before the Magistrate. I have given the statement in F to F portien - "after that got kept in the van". Since police has got it crammed I gave that statement in presence of Magistrate

In B to B portion of Ex.P-230, I had given the statement - "from there stopped the van". As it was ^{caught} talked by the police I had given this statement before Magistrate. In T to T portion of Ex.P-230, I had given the statement - "one foreign liquor do the work alone". On being asked by the police I gave the statement ~~me~~ before the Magistrate. In TH to TH portion of Ex.P-230 I had given the statement - "Gyanprakash should happen". Since it was got crammed I had given that statement before the Magistrate in DH to DH portion of Ex.P-230, I had given the statement - "Next day Neogi will be finished". Since it was got crammed by the police I gave that statement before the Magistrate. In Y to Y portion of Ex.P-230, I had given the statement - " after that had given ... rupees 4500". Since it was got crammed by the police I had given the statement before the Magistrate.

NOTE: The Prosecution prayed that without declaring this witness as hostile, they would like to utilise the written statement u/s.161 under Cr.PC. for contradicting the written statement. The accused persons have no objections to this. Permission accorded.

A-3 day ^{a H-2} after the death of Neogiji, after ~~4-5~~ days, the police officer Agrawal had recorded my statement. As was ~~xx~~ taught by the police and I was in grave mental tension, therefore, I had given the statement in A to A portion in Ex.P-231 before Police Officer Agrawal that Chandrakant Shah reached Virganj.

10. Due to pressure of the police, I gave the statement before Agrawal Saheb in B to B portion of Ex.P-231 - "where Chandrakant Shah started". I gave the statement before Agrawal Saheb as police had got crammed ~~me~~. I had given the statement in C to C portion in Ex.P.231 - "Gyanprakash ... will do".

11. When Police brought me to the court Magistrate Sahab, I did not tell him that I am giving the statement as has been got crammed to me by the police. Because at that time, I was surrounded by police allaround and I was being pressurised and I was fully engrossed mentally. When I was brought to the Magistrate in a Jeep, there was one Jeep in the front of me and the other Jeep was in the rear.

Cross-examination by Shri Rajendra Singh, Adv. for accused Moolchand Shah, Navin Shah.

12 It is correct to say that 4-5 days after the murder of Neogiji, police officer Agrawal had called me and made enquiry. I had told that I know nothing but despite this, he had written my statement.

NOTE: Advocate Shri Rajendra Singh requested that the statement recorded by the police officer Agrawal, after ~~the~~ 4-5 days of the murder of Neogiji, be made available. ^{Public} A Special Police Prosecutor heard and told that prior to 13.10.91 no written statement of this witness has been recorded.

13. Thereafter I was beaten every day. I had got tired by beating and therefore, I told I will give the statement as maybe told by you. Upon this, police officer Agrawal recorded the statement which has been shown today by the Prosecution. It is correct to say that in that statement, it has been correctly mentioned of visit to Nepal and return from there. In that statement obtaining the weapon, liquor was taken and talks were held amongst accused persons have been falsely added.

14. After recording the statement/police officer Agrawal did not release me but kept me in custody. I was kept under custody till I was brought before the Magistrate and I was beaten every day. I was not allowed to meet my family memers ~~through~~ those who used to meet me. My father gets heart attack and his life ~~is~~ used to

be in danger. I told that I should be let off. Upon this they said, unless the statement is recorded before the Magistrate I shall not be released. It is correct to say after the statement before the Magistrate Sahab I was let off. At that time, police had threatened that if I tell anybody that I have been threatened or I have given the false statement as told by the police, they will arrest ^{me} him again.

15. After giving the statement before the Magistrate Sahab after a few days I received a summons from Ist Class Magistrate, for giving evidence under amrs act. I presented myself in the court. Asstt. Public Prosecutor asked me as to what statement I was going to give. Upon this, I said that I am going to speak the truth. Thereupon, he got the hearing adjourned. When there was the second date of hearing, police took me away to police station Newal which is near my house. They got sent an application in my name that I am sick ^{and} cannot come. That application did not reach the court and a warrant was issued in my name. When I reached on the third date of hearing, on being asked by Asstt. Public Prosecutor I told that I will give the true statement. Upon this, he told me that if you want to give the true statement then it is better that you run away. I told that a warrant has been issued and I did not go back and for the whole day kept on sitting in the court. But I was not called. When the court timings were coming to an end, I went to the clerk who told me that the court time ~~is~~ ended, go to ^{to day} ~~the~~ day and come when you get the next summons.

16. It is correct to say that after that I applied ~~before~~ at the court that my statement is not being recorded at times and again, police keeps on taking the round of my house, my father is a sick man and he gets his condition ~~worsen~~.

~~17.~~ I had filed an affidavit along with the application. It is correct to say ^{that} after that day I have not received summons & to date for evidence. The application and affidavit which I had filed, must be attached in that case. It is correct to say no weapon was brought from Nepal and at many places ^w ~~only~~ ^{check} border post, there had been checking.

Cross-examination by Shri Yadav, Adv. for accused Gyan Prakash, Awadhesh, Abhay, Chandrabaksh, and Baldeo.

17. Nothing.

Cross-examination by Shri Pateria, Adv. for accused Chandrakant Shah :

18. Nothing.

Cross-examination by Shri Tiwari, Adv. for accused Palten

19. Nothing.

Re-adever and explained to the witness.

Found to be correct.

Typed under my instructions.

Sd/ T.K.Jha
IInd Add. Sessions Judge.
Durg, M.P.

Sd/ T.K.Jha
IInd Addl. Sessions Judge,
Durg, M.P.

Re-cross examination:

20. In the application and the affidavit, filed before Ist Class Magistrate, Durg, in case of Arms Act, I had not written this that due to pressure of the police and ^{on} for getting crammed I had given before the police officer Agrawal and Ist Class Magistrate, the statement u/s. 164 of CrPC. In that I had written that police is pressurising me to give the false evidence.

Cross-examination by Shri Rajendra Singh, Adv. for accused Moolchand Shah, Navin Shah.

21. It is correct to say that due to fear of CBI I had not clearly written that police had got written my statement after beating me. In the application, I had written that they want to take my false statement in connection with the weapons and I do not want to give

the false statement.

Cross-examination by Shri Yadav Adv. for accused Gyan Prakash, Awadhesh, Abhay, Chandrabaksh and Baldeo.

22. Nothing.

Cross-examination by Shri Pateria, Adv. for accused Chandrakant Shah :

23. Nothing.

Cross-examination by Shri Tiwari, Adv. for accused Palton.

24. Nothing.

Readover and explained to the witness.

Found to be correct.

Sd/ T.K.Jha

IInd Adml. Sessions Judge,
Durg, M.P.

Typed under my instructions.

Sd/ T.K.Jha

IInd Adml. Sessions Judge,
Durg, M.P.

Witness No. 92 On behalf of Prosecution.

Statement on: 22.12.95 Witness's apparent age: 41 yrs

States on affirmation: my name : Surajmal Jain
son of Shri Mishrilal Jain, Occupation: Construction
Metipara, Durg. work.

On oath :

1. I am a bonafide resident of Jodhpur, Rajasthan. I have studied at Durg. I have studied upto B.Com. I know the accused Chandrakant Shah since college days. I used to study in Commerce College and the accused Chandrakant Shah used to study in Science College. I had friendship with the accused Chandrakant Shah due to student's politics. I used participate in students politics, accused Chandrakant Shah didn't do that. I completed my education in 1973-74.

2. In the year 78, I started my business under the name Suraj Traders. I have left the work of Suraj Auto Traders since last 2 years. The shop of Suraj Auto Traders is in Sector-X, A-Market, Bhilai. I had my Suraj Auto Traders at SectorX-A and the accused Chandrakant Shah had a shop at Civic Centre, Bhilai. Therefore, we used to meet each other. I used to live in a rented house at Nehrunagar, Bhilai from Oct.90 to June 91. The house of Chandrakant Shah at Nehrunagar is in my neighbourhood. In the year 86, I started the Branch of automobiles at Akash Ganga, Supela, also. I had the shop at Akash Ganga by the name of Suraj Auto Traders, from 86 to 93. In July 90, I started the work of property dealing under the name of Jain Shah & Co. from July 90. I started this work all alone at the beginning. But since I couldn't cope up with the business alone, I sought the co-operation of my friend Chandrakant Shah. Since I could not devote the entire time for this work, the accused Chandrakant Shah took up the responsibility of urban sealing, Town-planning.

Witness

3. I know Shantilal, the shop keeper of clothes at Raipur. Meghrajji is the uncle of Shantilal Barleta. Meghrajji resides at Durg. Meghraj had a fiat car which he wanted to sell but that car was owned by Shantilal Barleta. The No. of that Fiat Car was MP-23 - 7736. I had purchased that car from Shantilal for Rs.1,40,000/-. I had to pay him back in instalments of Rs.7,000/- per month. I kept that car for 7-8 months. Myself and the accused Chandrakant Shah used to use that car.

4. The accused Chandrakant Shah had said that if I do not keep that car, he will keep it for himself and his wife Renu Shah. This is how this car kept on running. Since the car of accused Chandrakant Shah was under repairs, the accused Chandrakant Shah used to use this car. Since this car was ^{taken on} financed by Shantilal Barleta, unless the payment of finance was done, that car could not have been transferred in my name. After the murder of Neogiji, that car was seized from my farm house, probably on 22.11.91. I had taken that car in my possession through the court. At that time, the colour of that Fiat car was white.

5. Ravi alias Ravindra Kumar was my driver. He worked with me approximately for 7-8 years. In March 91 the accused Chandrakant Shah made a programme for going to Nepal. He had told that he wants to go to Nepal for ^{site} seeing and visiting the Holy Shrine. The accused Chandrakant Shah had a Tempo Traveller. The accused Chandrakant Shah has asked me to go to Nepal but I told him that I cannot go. The accused Chandrakant Shah demanded a driver from me, upon which I said that driver Ravi had worked with me for 7-8 years but at present he is working in SADA. Therefore, after asking him I will let you know. On being asked Ravi agreed to

go to Nepal along with accused Chandrakant Shah. Driver Ravi left along with the accused Chandrakant Shah. At that time, I did not pay attention as to who had gone along with him in Tempo Traveller. After about 12-13 days, driver Ravi returned with the vehicle. Ravi driver met me next day after returning with the vehicle.

6. Ravi told me that he did not get money and he had difficulties in feeding. Driver Ravi had told me that during Nepal journey 2-3 persons had met, he had told that the accused Gyanprakash had met and the others who met he did not know their names.

7. I do not know accused Abhay Singh. I know Devendra Patni very well. I know Sohan Jain and Uttam Baradia. On 27.9.91 we wanted to organise a Peet's gathering on Durga Utsava and wanted to collect subscription. For collecting subscription, myself, Devendra Patni, Sohan Jain and Bardia had left.

8. We had gone out about 8.15 or 8.30 in the night for collection of subscription. We straight off went to the house of the accused Chandrakant Shah. We wanted to go to Kediaji and a few persons of ^Nehrunagar along with the accused Gyanprakash. We reached the house of accused Gyanprakash at about 9.15. The accused Gyan Prakash was not in the house and we were told that he has left just five minutes before. We kept on waiting for him by standing in front of the road of the house of accused Gyanprakash. Devendra Patni went to find him out in the local vicinity and after sometime, he told that accused Gyanprakash is not traceable. We came back at about 9.30 - 9.45 thinking that now it is too late in the night and would make contact for subscription the next morning.

9. Next morning, I came to my shop from my house. I was the President of Akash Ganga Market. There was a

crowd of traders. The present on the spot the businessman told that Neogiji has been shot dead and the workers are creating hooliginism, and obstructing the way. Businessman asked me whether the shops are to be opened or not. I told them to open the shutters of the shop but not to bring out the goods on the verahdh. At that time, at about 9.15 I met the accused Chandrakant Shah. He asked me whether I knew that Neogiji has been shot dead by someone. I told that there is lot of propoganda here and I too had come to know that Neogiji has been murdered. Upon this, the accused Chandrakant Shah said that it was a new problem for him because somehow or the other he had brought himself on the line. He also said this that this is a new problem for him. I asked him why? He said, that a few days back in news papers and in speeches of Neogi he was being named and therefore, the people will suspect him. I told him that if you do not have any hand in it, you should not be afraid of it. The accused Chandrakant Shah said that since I was his friend I should be cautious and if the situation arises to close down the market, market be closed.

10. 30.9.91 was the birthday of my daughter. I had organised the birth day party of my daughter in my house. I had invited my friends, I had invited the accused Chandrakant Shah also. At the house of Chandrakant Shah at that time, the wife of accused and the accused Gyanprakash were sitting. The accused Chandrakant Shah had come to the birth party of my daughter in the night. Party lasted upto 10-30 - 11.00 I came out to leave the accused Chandrakant Shah at my door. I asked him whether he had any problem, he said there is no problem. We had no talks with accused Chandrakant Shah in connection with Neogi murder case.

After the birth-day of my daughter, I was hospitalised round about 5th October. My servant told me that the accused Chandrakant Shah ^{had} left the Fiat car in the farm house,

NOTE: Since it is tea-time, the examination of witnesses adjourned.

Readever and explained to the witness.

Found to be correct.

Typed under my instructions.

Sd/ T.K.Jha
IInd Adl. Sessions Judge.

Sd/ T.K.Jha
IInd Adl. Sessions Judge.

Durg, M.P.

Durg, M.P.

NOTE ; After tea-time the witness administered oath and examination of witness commenced.

On oath :

11. The writing of the accused Chandrakant Shah is not visible in Ex.P-232, 233 and 234. There is signature of the accused Chandrakant Shah in A to A portion of the Passport Ex.P.235. In A to A portion of Ex.P-236, the writing appears to be that of the accused Chandrakant Shah but I cannot tell this things definitely. Since I never paid any attention to the writing of accused Chandrakant Shah, it is difficult to recognise his writing. I can recognise his signature and writing which are clear. The writing in Ex.P-237, 238 and 239 is not that of the accused Chandrakant Shah. In A to A portion in Ex.P.240, the signature is not that of the accused Chandrakant Shah. In A to A portion of Ex.P-241 the signature is not that of the accused Chandrakant Shah. In A to A portion in Ex.P-242, the signature is not that of Chandrakant Shah. In A to A portion of Ex.P-243, the writing and signature is not that of the accused Chandrakant Shah. In A to A portion of Ex.P-244 245, the writing and signature are not that of accused Chandrakant Shah. In A to A portion of Ex.P-246, the

writing is that of Chandrakant Shah. In A to A portion of Ex.P-247 the signature is not that of accused Chandrakant Shah.

Cross-examination by Shri Rajendra Singh, Adv. for accused Moolchand Shah, Navin Shah.

12. It is correct to say that at Kathmandu, there is a temple of Pashupatinath about which it is said that it is self-created temple. It is correct to say that lakhs of Hindus of the country go there to visit the Holy Shrine. It is correct to say that CBI personnel ^{had} called me and told that I should stick to the same statement which I had given previously.

Cross-examination by Shri Yadav, Adv. for accused Gyanprakash, Awadhesh, Abhay, Chandrabaksh and Baldeo.

13. I knew this that the accused Gyanprakash had a phone in his house. It is correct to say that in the night ^{when} we had come back from the house of Gyanprakash to our house, I had rang up the accused Gyanprakash at his house and he was on phone. I had told him that we had been to his house, but you did not meet. The accused Gyanprakash Mishra asked me to come in the morning for going. I had rang up the accused Gyan Prakash in the night at about 10-30 to 11.

Cross-examination by Shri Trivedi, Adv. for accused Chandrakant Shah :

14. It is correct to say that at present, the Fiat car No.MP23-7736 is in my name, and it is with me. It is correct to say, after purchasing that car from Shantilal Barlota, I was the owner of that car. It is correct to say that that car was seized in two different cases and I had taken possession of the car by the order of Hon'ble High Court.

15. In ^{the} statement recorded by the CBI personnel some things were told by me and few facts have been added by them at their own will. It is correct to

say that they had given me a typed statement.

16. It is correct to say that CBI personnels had said that I have to give this very statement in the court.

17. It is correct to say that in all the industries of Simplex Group, Chandrakant Shah has no partnership in any of them. Chandrakant Shah does his own business separately from the Simplex Group. It is correct to say that in 1985 the accused Chandrakant Shah had started the business in the name of Oswal I, in partnership. It is correct to say that the accused Chandrakant Shah used to do independent business under the name of Oswal Transport. It is correct to say that in 88 the accused Chandrakant Shah had started Iron & Steel Pvt.Ltd. at Bhilai. Its production has started in Jan. 90. It is correct to say that Govt. had exempted this industry from the Sales Tax and this exemption was for a period of 5 years by virtue of ~~which~~ its being a new industry. The main work of this industry was to purchase the goods from BSP and after manufacturing to sell it. It is correct to say that the annual turnover of this industry was in crores, and the accused Chandrakant Shah used to be profitted very much. There had been no strike or sabotage in Oswal Iron & Steel Pvt.Ltd.

18. It is correct to say that the accused Meel Chand Shah, Navin Shah, and Chandrakant Shah reside in different houses, and do their business separately. It is correct to say that the accused Chandrakant Shah is the foster brother of the accused Meelchand Shah and Navin Shah. It is correct to say that in 91 the accused Chandrakant Shah used to earn profits from Qwal Steel I, Oswal Transport, Oswal Iron & Steel

Industries P.Ltd. and in business with myself.

19. It is correct to say that CBI personnels had got recorded my statement in presence of Magistrate Sahab. The written statement of the witness u/s.164 of Cr.PC was opened. At that time, I was under pressure. I was made to read the typed statement. I had given the statement u/s.164 of Cr.PC under pressure.

20. After the statement was typed the Magistrate Sahab did not read over the statement to me. Magistrate Sahab had asked me to sign the statement. I had not signed in presence of him. My signatures were taken after taking me out. CBI officials read my statement and said it is all right, sign it, then I signed. I wanted to read the statement but I was not allowed to read it. I had asked the magistrate to permit me to read the statement. Upon this, he said that I am in a fix, I will be in difficulty and you too would be in trouble. Therefore, it is better that you sign. I did not make such a complaint that it is written in the statement that it was read over, but reality is this that it was not read over. Therefore, this sentence be deletee. In this connection, I did not report the matter to any officer that the statement was not read over to me whereas it is written in the statement that it was read over.

21. I know this that the bungalow of Kailashpati Kedia is also at Nehrunagar. I know this that Kailashpati Kedia is the owner of both Chhattisgarh Distiller and Kedia Distillery.

22. For Durga Festival we had planned to spend about 40-50 thousand rupees. Now the witness says, since he was not the member of that committee, he cannot tell as to how much expenditure was planned. When I had reached the house of accused Gyanprakash, I had no idea as to how much subscription was collected prior to it. It is correct to

say that Kailashpati Kedia had a financial status to subscribe. That night we had an idea of only going to Kedia for subscription, and had thought of collecting from others the next day. We had expectation of subscription from Kediaji between 5 to 10 thousand. That night, I did not ask Degendra Patni, Sohan Jain and Uttam Baradia whether Kediaji is here or not. In the night, I did not ask the accused Gyanprakash whether Kediaji is here or not? Next day we did not go to Kediaji for taking subscription. Next day, means on 28.9.91, the accused Gyanprakash had met me at about 10 - 10.30 and had told that it is not proper to go to Kediaji. \$

23. Gyanprakash had said that it is not proper to go in such a situation. At that time, the market was closed and the situation was tense. Therefore, we did not go to Kediaji and our organisation ^{forbid} to go for subscription. I have no knowledge to the effect whether Kailashpati Kedia was at Durg or Shilai or was not. I don't remember whether that year Peet's gathering could be organised or not? In A to A portion of Ex.B-37 my signature is there. Similarly, in A to A portion of D-37 in the written statement u/s.164 of CrPC ex.D-37 in A to A portions my signatures are there at eight places in all.

Readover and explained to the witness.

Found to be correct.

Typed under my instructions.

Sd/ T.K.Jha
IIInd Addl. Sessions Judge
Durg, M.P.

Sd/ T.K.Jha
IIInd Addl. Sessions Judge,
Durg, M.P.

Witness No.93 for Prosecution
description taken the, 29.1.96 Witness's apparent
age: 55 years.

States on affirmation: my name is Bholarao
son of Shri K.Vyanketras occupation U.D.C.
address: R.T.O.Office, Raipur.

On oath

I am working as Upper Division Clerk, in RTO Office
Raipur since 1986. On receipt of sale letter of
the new vehicle from the dealer and on payment of fixed
fees, the registration of vehicle in RTO Office is done.
At the time of registration the documents of Insurance had
to be shown to RTO office. Today I have brought with me
the motor vehicle register. This register runs from page-1
to page no.100. Page no.1 of this register has started
from 1st Sept.87 and the last registration has been done
on 21.10.87. On 28.9.87 vehicle Premier Padmini No.MIR-
227 has been registered in the name of M/s.Meenbai Khatwani
wife of Choithmal Khatwani, resident of Dhamtari. On 6.6.90
this vehicle has been transferred to Dr.Gun (Shahid
Hospital). This register is maintained properly according
to the rules of the department.

2. ~~Ex.P-248~~ letter of Ex.P-248 has been prepared on
the basis of entries made by me. This is my
writing and transport inspector has signed below. This
signature was got done by me but today, I cannot tell the
name of that Inspector.

Cross-examination by Shri Sharma, Adv., for accused
Moolchand Shah, Navin Shah.

3. Nothing.

Cross-examination by Shri Pateria, Adv. for accused
Chandrakant Shah:

4. Nothing.

Cross-examination by Shri Yadav, Adv. for accused Gyanprakas
Mishra, Awadhesh, Abhay, Chandrabaksh and Baldeo.

5. Nothing.

Cross-examination by Shri Tiwari, Adv. for accused Palten.

6. Nothing.

Readever and explained to
the witness.

Found to be correct.

Sd/ T.K.Jha
IInd Adl. Sessions Judge,
Durg, M.P.

Typed under my instructions.

Sd/ T.K.Jha
IInd Adl. Sessions Judge,
Durg, M.P.

Witness No.94 for Prosecution

Description taken the 29.1.96, Witnesses

apparent age: 35 yrs.

States on affirmation: my name is Ravindra Kumar Pandey
son of Shri Housala Prasad Pandey Occupation: Branch Mgr.

Address: Gramin Bank, Gorakhpur U.P., Branch Mirzapur.

On oath :

1. I am posted as ^{Branch} Manager Branch at Gorakhpur since last 6 years. If any person has to open a new account in our Bank, he has to fill in the opening forms and has got to be introduced by any introducer. If the person opening the account is illiterate, he can get his forms filled up by some other person. The person opening the account comes along with the opening forms to the Branch Manager. If the person opening the account is illiterate, his photo is necessary and after obtaining his specimen signatures, it is affixed in the register of the Bank.
2. On 9.10.91 when Samari Devi wife of Sheetal Mallah resident of Sahapur alias Mirzapur filled her form, at that time, I was the Branch Manager in the Bank. Postman Sukdeo Pandey of Mirzapur had introduced Samari Devi. This form was filled up by the messenger of our Bank Ramsewak. I recognise the writing of Ramsewak very well. At three places Samari Devi's thumb impressions were taken on the form in my presence. Our messenger wrote her name before her thumb impression. In A to A and B to B portions of opening form, Ex.P-249, I have signed as the Branch Manager.
3. In 91 for opening the new account, a person had to deposit the minimum of Rs.20/-. This account of Samari Devi was opened by ~~the~~ depositing 3500/- rupees. This was deposited in account no.1561 of Saving Bank. The slip Ex.P-250 was filled up by our Bank Messenger Ramsewak because Samari Devi is illiterate. A to A portion bears

the signatures of the Cashier and in B to B portion, my signature is there. Today I cannot tell as to who has signed in capacity of Cashier. For receiving the amount there is seal of the Bank on the slip and the Cashier has also signed this.

4. For withdrawing money a person has to fill up the withdrawal form. If the person is illiterate he can get the form filled up by some other person. On receiving such a form in case of person being illiterate, his photo and specimen signature as per bank records are compared and the amount is paid. On 8.11.91 Samari Devi had withdrawn Rs.1000/-. Withdrawal form has been filled up by our bank messenger Ramsewak. Withdrawal form is Ex.P-251. In A to A portion, I have signed and in B to B portion there is signature of the then Cashier J.P.Shrivastava. On the back side of the withdrawal form, the bank takes the signature or the thumb impression of the customer. On the back side of the withdrawal form, below the thumb impression, the name of Samari Devi on the upper side has been written by our bank messenger Ramsewak.

5. On 22.11.91, Rs.1000/- has been withdrawn from the account of Samari Devi. Probably this form was ^{else} get filled up by somebody ~~xx~~/from outside. In A to A portion of withdrawal form Ex.P-252 Cashier J.P.Shrivastava has signed and there is my signature in B to B portion. On the back side of the form there is thumb impression of Samari Devi. On the back side of this form, above her thumb impression and below it she might have get written her name by some other person. On that day Rs.1000/- ~~was~~ has been withdrawn by Samari Devi.

6. On 2.12.91 Rs.500/- has been withdrawn by Samari Devi. For this, the form of Ex.P-253 has been filled. In A to A portion, Cashier J.P.Shrivastava has signed and there is my signature in B to B portion. This form was

get duly filled in by some other person. There are two thumb impressions behind the form, X in which the name of Samari Devi is written.

7. I had along with the letter of Ex.P-254 sent ExP-249 to 253. On A to A portion of Ex.P-254 there is signature of Regional Manager Shri Q.P.Lal with whom I am acquainted very well. The account of Samari Devi is still continuing.

Cross-examination by Shri M.G.Sharma, Adv. for accused Meelchand Shah, Navin Shah.

8. Nothing.

Cross-examination by Shri Pateria, Adv. for accused Chandrakant Shah.

9. Nothing.

Cross-examination by Shri Yadav, Adv. for accused Gyanprakash Mishra, Awadhesh, Abhay, Chandrabaksh and Baldeo.

10. It is a fact that in all the documents exhibited today, there is not even a single document in which the photo of account holder Samari Devi has been shown. It is necessary for the illiterate person to affix his photo for opening the account. It is correct to say that there is a ledger book in our bank where separate entries are made for withdrawal and deposit. Today I have not been shown ledger book in the court. I have not been shown the withdrawal register. In our bank there are some account holders having the account upto one and one-half lakhs. Normally, there are accounts of a good number to the tune of 20-25 thousand. As compared to the amount of 3500/- is too less. It is not necessary that the account must be opened by depositing only Rs.20/-. The account holder can deposit the amount more than Rs.20/-.

11. I am not personally acquainted with Samari Devi. I do not know as to how much land she owns or what is her trade and how much is her income.

Cross-examination by Shri Tiwari, Adv. for accused Palton.

12. Nothing.

testimony and explained to
the witness.

Found to be correct.

Typed under my instructions.

Sd / T.K.Jha

Sd/ T.K.Jha

IInd Addl. Sessions Judge,
Durg, M.P.

IInd Addl. Sessions Judge,
Durg, M.P.

Witness No. 95, for Prosecution

description taken the 29.1.96

Witness's

apparent age: 53 years.

States on affirmation: my name is D.K.Dubey

son of Shri J.K.Dubey, Occupation: Deputy Manager,

address: State Bank of India, Jai Stambh Chowk, Raipur.

On oath :

1. In the year 91 I was posted as Accountant in Bhilai Industrial Estate Branch. At that time, S S Joshi was the Branch Manager. If a new account for any firm has to be opened, along with the opening form, partnership letter has to be submitted. For opening the accounts in the name of the firm, there is need for a an introducer. On 3.5.88 the bank account in the name of Oswal Iron & Steel Pvt. Ltd. had been opened. This account has been opened as current account. Chandrakant Shah and Mrs. Prafulla Rajesh Shah has been shown as the Directors of the firm. Their address (the address of Company) has been shown as 17-F, Industrial Estate, The address of Chandrakant Shah and Mrs. Prafulla Shah has been given respectively as 19/5, West Nehrunagar, Bhilai, and MIG-73 Vaishalinagar, Bhilai. They were introduced by K.M.Jain C/o. K.M.Jain & Co., Chartered Accountant, Station Road. In the opening form, both the Directors had signed after putting the seal. The authorised officer of the bank M.K.Mishra has verified their signatures. I know the signatures of M.K.Mishra. In this form, there are initials of Branch Manager, I cannot tell who might have signed this. The officer of the Bank had put up his initials in the ledger also but I cannot tell who has signed it. The opening form of Ex.P.255 was seized by the CBI from me. In A to A portion of this, my signature is there. On 2.5.85, the account of Oswal Steel E. was opened. In this, the accused Chandrakant Shah, Manish Kumar Shukla

and Mrs. Prafulla R. Shah have been shown as Partners. The address of Chandrakant Shah has been given as 52, Padmanabhpur. The addresses of Manish Shukla and Mrs. Prafulla R. Shah has been given respectively as 25, Nehrunagar, and 71 Vaishalinagar.

2. In this R. Mishra has identified the signatures. This opening form is Ex.P-256. There is instruction in this that this account shall be operated upon only by the accused Chandrakant Shah. For obtaining the cheque book of the account, the accused Chandrakant Shah has signed in A to A portion. On the back side of this form, there are specimen signatures of all three account holders. The signatures were verified by the Bank officials but I cannot tell which officer had verified it.

3. In Ex.P-257, the specimen signature of the accused Chandrakant Shah have been taken who has to operate the account all alone. This was verified by the bank official. There is my signature in A to A portion, on the back side, of Ex.P-256. There is my signature on the back side of P-257 in A to A portion. That document was seized by CBI on 11.12.91. That seizure memo is Ex.P-258, in which there is my signature in A to A portion. A copy of seizure memo was given to me and by way of its receipt, I had signed in B to B portion. Dy. Supdt. Police, Shri MD. Pandey of CBI had made the seizure memo in my presence.

Cross examination by Shri Sharma, Adv. for accused Moolchand Shah, Navin Shah.

4. Nothing.

Cross-examination by Shri Pateria, Adv. for accused Chandrakant Shah :

5. It is correct to say that the signatures are

by the accused Chandrakant Shah on the bank records have not been done in my presence. I had not verified these signatures. The bank official had not verified the signatures in my presence. I am telling this thing only on the basis of bank records.

6. It is correct to say that in any Private Ltd. Co., at the time of opening the new account, article of Memo and Article of Association has to be submitted. It is correct to say that Oswal Iron & Steel Co. was a private limited company. It is not to my knowledge that in that firm, there is no memo of Association and Article of Association. Just possible, it might be in the bank records. Since these accounts were not opened in my presence I cannot tell whether those documents are in the bank or not. As per the rules of the Bank, it is necessary to have these documents in the Bank. Similarly, the account of Oswal Steel E. was not opened in my presence. Signatures were not done at the time of opening the account in my presence. Today, the statement which I am giving, it is on the basis of records submitted. I have no personal knowledge as to the fact whether Oswal Steel E. is a partner firm or not. It is correct to say that when any partnership firm opens his new account in the bank, it submits its Partnerships Deeds in the bank. The account which has been opened for Oswal E., its partnership deed should be in the bank.

7. In the seizure memo, Ex.P.258, what is written by me is - "all the documents are signed by Chandrakant Shah and beneath it, the signature which I had affixed - in that connection I would like to say that this statement has been given on the basis of bank records. I do not have any personal knowledge of signature done by the accused Chandrakant Shah.

8. The account of Oswal Iron & Steel E. was opened in the year 89. I cannot tell as to the increase in the trade of Oswal Iron & Steel Industries, in the year 89, 90, and forthcoming years. It is not necessary that all transactions must be done from the same bank where there is the account of the bank. It is correct to say if any person is a debtor of any other person he can directly give him the bank draft but I can say not say anything about that on being asked by the creditors the debtors can issue the draft to the third person.

Cross-examination by Shri Yadav, Adv. for accused Gyan Prakash, Awadhesh, Abhay, Chandrabaksh and Baldeo.

9. Nothing.

Cross-examination by Shri Tiwari, Adv. for accused Palton

10. Nothing.

Readover and explained to the witness.

Found to be correct.

Typed under my instructions.

Sd/ T.K.Jha

Sd/ T.K.Jha

IIInd Addl. Sessions Judge.
Durg, M.P.

IIInd Addl. Sessions Judge,
Durg, M.P.

Witness No.96 for Prosecution.

Description taken the 29.1.96

Witness's apparent age: 45 yrs.

States on affirmation: my name is Bharatlal Dewangan son of Shri Pusauram Dewangan (Late) Occupation: Service village Chhaoni, Bhilai. H.S.CL.

On oath :

1. In Dec. 91, P.R.Dewangan was my Co-employee. On 16.12.91 myself and P.R.Dewangan had gone to police station, Newai. There the Officer of CBI had come. We reached Police Station, Newai at about 7 in the evening. CBI personnels had said that they were taking the writing of accused Chandrakant Shah and you also affix your signatures on that. We reached the police station at 7'0 Clock then the accused Chandrakant Shah was there. CBI officer told us that it was Chandrakant Shah and whatever he writes, we have to sign on it. The accused Chandrakant Shah was sitting inside the police station on a chair and there was a table in front of him. We sat by the side of the accused Chandrakant Shah. The officer of CBI had sat nearby. The officers of CBI kept on giving dictation to Chandrakant Shah and he kept on writing and assigned his signature. CBI officer had dictated in Hindi. On the dictation of CBI the accused Chandrakant Shah had written 12 pages.

13

2. Ex.P.259 (which is S-~~19~~ to S-24) was written by the accused Chandrakant Shah in my presence. In A to A portion of each page my signatures are there. The accused Chandrakant Shah had signed in my presence. In B to B portion of all the pages, the accused Chandrakant Shah had signed in my presence. In C to C portion, P.R.Dewangan had signed in my presence. S-17 to 22 and 24 is in English and rest of the signatures are in Hindi.

3. CBI personnel kept on dictating and the accused

Chandrakant Shah had written by keeping the paper on the table. Afterwards, all the documents bearing the specimen signatures were kept by CBI Officers.

Cross-examination by Shri Sharma, Adv. for accused Moolchand Shah, Navin Shah.

4. Nothing.

Cross-examination by Shri Pateria, Adv. for accused Chandrakant Shah :

5. I am resident of village Chhaoni, Bhilai. Village Chhaoni falls under the jurisdiction of police station Jamul. ~~Newai~~ It does not fall under the jurisdiction of police station Newai. Since CBI personnels had called us, we had gone to police station Newai. CBI personnels had gone to our office and told our officers that we need two persons. Our officers told us to go along with CBI personnels and to do the work as may be directed. The order to go to Police Station, Newai was given by our officer B.Mamtani. At that time, B.Mamtani saheb was Chief Manager (Vigilance). Myself and P.R. Dewangan, both were at that time in the Vigilance Deptt. on the post of Watcher. The work of the Watcher is to do vigilance. We tried to find out the offences committed in our factory. It is correct to say that on being instructed by our officer, we had gone to assist the CBI at police station Newai without obtaining the leave. We were paid the salary of that day. On that day, myself and P.R.Dewangan both had no personal work at police station Newai.

6. At police station Newai, there was only one officer of CBI. There is a locality nearby police station Newai. I am not acquainted with the persons of that area. Civilised and social persons reside in Newai locality. I cannot tell whether the employees and officers of BSP ^{or not} reside/in the area of police station Newai.

7. The name of that CBI officer was Kanwar. CBI officer used to give dictation very slowly. I do not recollect today whether the accused Chandrakant Shah had taken out his pen or not. I cannot tell what type of pen it was. I cannot tell whether that pen was dot pen, ink pen or pencil.

8. I do not remember today whether the pen with which the accused Chandrakant Shah had written was his own or given by the police officer.

9. 12 pages were got written by him in my presence. These 12 pages were written on the dictation of CBI. Today I cannot tell roughly as to how much time it takes for giving dictation of one page, and writing it. About an hour's time must have been consumed in writing twelve pages.

10. I had reached at 7 in the evening along with CBI officers. The accused Chandrakant Shah was sitting there before my arrival. I do not know how long he had been sitting there. He was not hand-cuffed. I cannot tell as to who had brought him and when was he brought. I cannot tell as to what treatment was metted out to the accused Chandrakant Shah before my arrival. I cannot tell as to how many papers were got written by the accused Chandrakant Shah before my arrival. The accused Chandrakant Shah had written ~~in~~ with his right hand. The accused Chandrakant Shah was writing by putting pressure on the pen. He did not write with the wrist but by holding with the fingers.

Cross-examination by Shri Yadav, Adv. for accused Gyan Prakash, Awadhesh, Abhay, Chandrabaksh and Baldeo.

11. Nothing.

Cross-examination by Shri Tiwari, Adv. for accused Palton

12. Nothing.

Readover and explained to the
witness.

Found to be correct.

Sd/ T.K.Jha

IIInd Addl. Sessions Judge
Durg, M.P.

Typed under my instructions

Sd/ T.K.Jha

IIInd Addl. Sessions Judge,
Durg, M.P.

Witness No. 101 for Prosecution.

description taken the : 30.1.96 (Witness's apparent age: 26 years,

States on affirmation: my name is Yashwant Dhote son of Late Shri S.R.Dhote, Occupation: Journalist, Amar Kiran. address: 26/2-C/8, Bhilainagar.

On oath :

1. I am working in daily newspaper Amar Kiran, as a City reporter since 89. If the press note is received from any person or any institution, it is published and other news are published on the basis of informations collected by the reporters. The news of Ex.P-283 was published in our newspaper. This news was published on the basis of press note by Mukti Morcha. Cross-examination by Shri Rajendra Singh, Adv. for accused Moolchand Shah, Navin Shah, Chandrakant Shah.

2. It is correct to say the news of Ex.P-283 was published on the basis of the press note given by C.M.Morcha. and along with this note, the pamphlet of Ex.P-21 was also attached. It is correct to say that C.M.Morcha used to give me press notes and pamphlets and on that basis, I used to publish the news. In the pamphlet of Ex.P-21 it was written & - "the contractor of Kailashpati Kedia and his gundas have ^{stabbed} stopped Uma Shenkar Roy with knife and rod making him half-dead. The news which I had published was on the basis of press note and pamphlet and it was also written that at the time of the incident TI of Police Station Jamul was also present.

Cross-examination by Shri Yadav, Adv. for accused Gyan Prakash, Abhay, Awadhesh, Chandrabaksh and Baldeo.

3. Nothing.

Cross-Examination by Shri Tiwari, Adv. for accused Palton

4. Nothing.

Read over and explained to the witness.

PTO

Witness No. 103 for Prosecution

description taken the: 30.1.96 Witness's apparent age : 32 years.

States on affirmation: my name is Keduram son of Shri Samailal Occupation: Farmer address: Model Town, Junwani, P.S. Supela.

On oath :

1. At present, I am doing the work of agriculture in Model Town, Junwani. I am cultivating the land of Surajmal Jain. I have been working at Seth Surajmal for the last 18-20 years.
2. I know the accused Chandrakant Shah. About 4-5 years back, when accused Chandrakant Shah went to Nehrunagar to reside, Surajmal Seth told me that since there is ^{no} man with the accused Chandrakant Shah, I should do the work of bringing milk, watch the dog and other ~~wax~~ works. I worked with the accused Chandrakant Shah for two years. I do not know the accused Gyanprakash Mishra.
3. I came to know afterwards that labour leader Shankar Guha Neogi has been murdered. Mahadev was the driver of accused Chandrakant Shah. The accused Chandrakant Shah has told me to tell the driver Mahadev that green coloured big vehicle should be kept in the field of Suraj Seth. This thing was told ~~by me~~ to me by Chandrakant Shah 8 to 10 days after the murder of Shankar Guha Neogi. The driver Mahadev kept that vehicle in the fields of Suraj Seth.
4. I know Imamuddin. Imamuddin told me that the accused Chandrakant Shah had gone with the bigger vehicle and has told to keep the smaller vehicle inside the garrage. Garrage was in the field of Suraj Seth.
5. The accused Chandrakant Shah is not today present in the court. ³⁺ It is not a fact that the day (night) Neogiji was murdered, the next morning the accused Gyanprakash and accused Chandrakant Shah were

sitting in the verandah of the house. I did not see that the accused Chandrakant Shah had given the bundles of note of 50-50 to the accused Gyanprakash.

6. CBI personnel had recorded my statement. I had not given to the CBI the statement in A to A portion of Ex.P-284 - "I had given". The witness himself says that CBI personnel had beaten him.

Cross-examination by Shri Rajendra Singh, Adv. for accused Meelchand Shah, Navin Shah, Chandrakant Shah.

7. Nothing.

Cross-examination by Shri Yadav, Adv. for accused Gyan Prakash, Awadhesh, Abhay, Chandrabaksh and Baldeo

8. Nothing.

Cross-examination by Shri Tiwari, Adv. for accused Palton

9. Nothing.

Readover and explained to the witness.

Found to be correct.

Typed under my instructions.

Sd/ T.K.Jha

Sd/ T.K.Jha

IInd Addl. Sessions Judge

IInd Addl. Sessions Judge

Durg, M.P.

Durg, M.P.

Witness No. 107 for Prosecution

description taken the : 2.2.96 Witness's apparent age: 30 years,

States on affirmation: my name is Anil Kumar Jain son of Shri Swarup Chand Jain, Occupation: Pan Thela address: Sector-6, Avenue-5G, Bhilainagar.

On oath :

1. About 4 years ago from today, the Police Officer Agrawal took me to Sector-4. I do not know the street number. He took me to a house whose number I do not know. The police personnels searched that house. There a note of Nepal and a ring was found which was seized by the Police. A to A portion of seizure memo P_287 bears my signature. There was a lady in that house whose name I do not know.

Cross-examination by Shri Sharma, Adv. for Moolchand Shah Navin Shah :

2. Nothing.

Cross-examination by Shri Pateria, Adv. for accused

Chandrakant Shah:³ It is correct to say that such a note could be found lying on the road which any person may keep it. Before this, I had never seen a Nepali note.

C-E by Shri Yadav
Adv. acc. Gyanpra.
Awadhesh, Abhay,
Chandrabaksh &
Baldeo.

I cannot tell whether that note was real or fake.

It is just possible that that note might have been found by that lady and she might have kept it. I ~~did not~~ had gone inside the room. There the almirah in the room was checked. It is correct to say that I do not know what is written in the seizure memo. The police personnel asked me to sign and I signed it.

Cross-examination by Shri Tiwari, Adv. for accused Palton.

5. Nothing.

Readover and explained to the witness. Found to be correct.

Typed under my instructions.

Sd/ T.K.Jha
IInd Addl. Sessions Judge
Durg, M.P.

Sd/ T.K.Jha
IInd Addl. Sessions Judge
Durg, M.P.



Witness No. 108 for Prosecution

description taken the :

Witness's apparent age: 30 years.

States on affirmation : my name is Vijaykumar Sharma son of Shri Ramprasad Sharma, Occupation: Home Guard, address: Village Mohdi, Distt. Durg.

On oath :

1. On 30.9.91, Sub-Inspector R.K.Mishra, had submitted the bullets kept in a bottle, skin and Bisara etc. in the police station. DSP Agrawal had seized these articles, the seizure memo of which is Ex.P-179, in which I have signed in B to B portion.

Cross-examination by Shri Sharma, Adv. for accused Meel Chand Shah, Navin Shah.

2. Nothing.

Cross-examination by Shri Pateria, Adv. for accused Chandrakant Shah:

3. Nothing.

Cross-examination by Shri Yadav, Adv. for accused Gyan Prakash Awadhesh, Abhay, Chandrabaksh and Baldeo.

4. Since bottles were sealed, the articles inside were not visible. Therefore, I cannot tell what were the things inside it.

Cross-examination by Shri Tiwari, Adv. for accused Palton:

5. Nothing.

Read over and explained to the witness.

Found to be correct.

Typed under my instructions.

Sd/ T.K.Jha
IInd Adl. Sessions Judge

sd/ T.K.Jha
IInd Adl. Sessions Judge

Durg, M.P.

Durg, M.P.

Witness No. 109 for Prosecution

description taken : 19.2.96 Witness's apparent age: 46 yrs

States on affirmation: my name is Piyushkar

Son of Late Shri Lal Mohankar Occupation: B.S.P. Service
Sector-2, Bhilai.

On oath :

1. My duty is in maintenance of quarter and to give possession of quarter to those who are allotted quarters by BSP. I get the work of handing over and taking over ^{of} all the quarters of BSP by the employees. Today I have brought with me the order of quarter allotment and occupation report of Dukhitram. Dukhit Ram Helper, BSP employee was allotted quarter No.7-A, Street No.5, Sector-4 Bhilai on 9.2.88. Dukhitram was given the possession of that allotted quarter on 18.2.88.

2. Today, I have brought with me the occupation report and possession report, the photo copy of which is produced before the court which has been verified by me. The original report is Ex.P-288 and its photocopy is Ex.P-288A. The possession report is Ex.P-289 and its photocopy is Ex.P-289A. A to A portions of Ex.P-288A and 289A bears my signatures. After comparing with the photocopy Ex.P-288 and P-289 returned to the witness.

Cross-examination by Shri M.G.Sharma, Adv. for accused
Moolchand Shah, Navin Shah.

3. Nothing.

Cross-examination by Shri Yadav, Adv. for accused Gyan
Prakash, Awadhesh, Abhay, Chandrabaksh and Baldeo.

4. In the year 88 I did not use to work in that section where I am working today. The allotment order or the possession report have not been issued before me. It is correct to say that when any employee vacates the quarter, he submits the surrender report which is called vacation report. It is correct to say

that today I do not have with me the vacation report of quarter no.7-A. Unless I see the vacation report today I cannot say whether the vacation report of Dukhitram is in the office or not. I cannot tell this also whether Dukhitram has vacated the quarter or not. It is correct to say that in our office, we have a file which is street-wise. I have come today with that file which is Ex.P-288 and 289. The file of vacation report remains separately. It is correct to say that in office, we have a chart which shows as to how many quarters are empty. At present, I do not work in that office. On the basis of records available upto date, I can say that that quarter was allotted only to Dukhit Ram but I cannot say whether Dukhit Ram lives in that quarter or not.

5. It is correct to say that if a man has been allotted the quarter and if he gives this quarter to any other person, it is against rules. In such cases, the Estate Department takes necessary action against the concerning employee. From July 91 to Jan 96 no action has been taken against the person who had given possession of quarter no.7-A, Str.5, Sector-4, Bhilai Nagar, in illegal form. I personally do not know as to who resides in that quarter but according to records Dukhit Ram must be living in that quarter.

Para 6. and 7 has to be checked.

MISSING IN
DHO TO COME

Witness No. 110, for Prosecution.

Description taken : 19.2.96

Witness's apparent age: 45 years.

States on affirmation : my name is Surendra Kumar son of Pt. Shri Manohar Rao, Occupation: B.S.P. Service, Durg.

On oath :

1. In the year 1988 I was Section Officer in Sector-2.

I was there upto 94. My duty was to give occupation report of the employees whom the quarters are allotted and to give the vacation report of the employees whose vacate the quarter. On 29.10.88 quarter no.29-C, Street no.16, Sector-2 (A-1 type) was allotted to Ashith Roy. The possession report of R.Ashith Roy is dated 11.11.88. I had certified the Ex.P-290 and 291 on the basis of original report. A to A portions on these bear my signatures. Both these documents are the photocopies of the original orders. Both the parties have no-objection in production of these two photocopies in evidence.

Cross-examination by Shri M.G.Sharma, Adv. for accused Moolchand Shah, Navin Shah :

2. Nothing.

Cross-examination by Shri Yadav, Adv. for accused Gyan Prakash, Awadhesh, Abhay, Chandrabaksh and Baldeo.

3. As per the order of the allotment dated 11.11.88

I had given the possession of quarter no.29-C, Str.no.16, Sector-2 to Ashith Roy. Upto 94 R.Ashith Roy was residing in that quarter.

Cross-examination by Shri Pateria, Adv. for accused Chandrakant Shah.

4. Nothing.

Cross-examination by Shri Tiwari, Adv. for accused Palten.

5. Nothing.

Read over and explained to the witness. Found to be correct.

Typed under my instructions.

Sd/ T.K.Jha
IInd Adl. Sessions Judge.
Durg, M.P.

Sd/ T.K.Jha
IInd Adl. Sessions Judge.
Durg, M.P.

found to be correct.

Sd/ T.K.Jha

IInd Adl. Sessions Judge
Durg, M.P.

Typed under my instructions

Sd/ T.K.Jha

IInd Adl. Sessions Judge
Durg, M.P.

Witness No. 110 for Prosecution. Deposition taken
on 19.2.96 Witness's apparent age: 54 years.

States on affirmation: my name : Tara Singh son of
Late Shri Sadhu Singh, HUDCO. Occupation: BSP Service.

On oath:

1. I work on the post of Chageman in BSP. I am residing in MIG-I/942, since 1990. Prior to this, I used to live in quarter No.7A, Str. no.5, Sector-4. I lived in that quarter from 1972 to 1988. Since I needed a bigger quarter I had ~~applied~~^{requested} to B.K.Sharma, for quarter no.7, Str.no.3, Sector-4, because he was due to retire. B.K.Sharma told me that after retirement he would remain for a year and a half and only after that he will leave the quarter. I agreed with Shri Sharma that when he would leave the quarter I would go there. On the condition to vacate the quarter no.3D, I got it allotted in my name.

2. The quarter no.7, str.5, where I used to live was allotted to Helper Dukhit Ram who used to work under me. Dukhit Ram used to live at village Damerdi at that time, and even today he resides there. Dukhitram took possession of qtr. no.7A on paper only but he never lived in that quarter, even for a day. I went to 3-D after leaving qtr.no.7A in Nov-Dec.1988.

3. My senior and a friend Tikandas Pandey got the number for house in HUDCO. I requested Tikandas that I will keep on giving the money, let the HUDCO quarter be in your name. In January 90 I came to quarter no.MIG-1/942 after ~~giving~~^{leaving} quarter no.3D, str.7, Sector-4. At that time Tikandas used to live in quarter no.29C, str.no.16, Sector-2. When I came to quarter no.3D after leaving quarter no 6, Ram Aatish Rai came to that quarter (Qtr.No.7A) after me. When Tikandas Pandey was allotted HUDCO quarter, he got his quarter number 29-C allotted to Ram Ashit Rai.

4. As a matter of fact, Tikandas Pandey used to live in quarter no.29C. Tikandas Pandey resided in qtr. no.29C upto 1992. After retirement in 92 he went to U.P. and thereafter Ram Ashit Rai possessed that quarter. At present, Ram Ashit Rai is living in qtr.no.29_C. I have been knowing Ram Ashit Rai for the last ~~xx~~ 28-29 years, myself and he used to live in Camp^T together. I know the son of Ramashit Rai, the accused Awadhesh Rai. Cross-examination by Shri Sharma, Adv. for accused Meelchand Shah, Navin Shah :

5. Nothing.

Cross-examination by Shri Yadav, Adv. for accused Gyan Prakash, Awadhesh, Abhay, Chandrabaksh, and Baldeo.

6. It is correct to say that quarter no.29-C, Sector-2 was allotted to Ram Ashit Rai in 88. At present Ramashit Rai resides in the same quarter no.29-C.

Cross-examination by Shri Pateria, Adv. for accused Chandrakant Shah:

NOTE; Advocate Shri Pateria submitted an application which will be disposed off in the order-sheet.

Cross-examination by Shri Tiwari, Adv. for accused Palton:

7. Nothing.

Readever and explained to the witness.

Found to be correct.

Typed under my instructions.

Sd/ T.K.Jha
IInd Add. Sessions Judge.

Sd/ T.K.Jha
IInd Addl. Sessions Judge,
Durg, M.P.

NOTE: The witness was administered to oath again and his cross-examination is commenced.

Cross-examination by Shri Pateria, Advl for accused Chandrakant Shah:

On oath : I had not informed BSP that B.K.Sharma is living in that quarter which has been allotted in my name. B.K.Sharma lived in quarter no.3-D upto Oct.-Nov.88. Thereafter, I started living in that quarter. When I started living, Shri Sharma left that quarter.

8. CBI personnels have taken my statement. I had not given the statement in Ex.D-43 in A to A portion - "and kept on living". It is correct to say that despite the allotment of the quarter in my name, Shramaji will live in that quarter for a year and half. I was allotted that quarter in 1987 but due to this reason Shramaji had lived in that quarter in 1988. It is wrong to say that after the retirement of B.K.Sharma, I got that quarter allotted in my name. In B to B portion of Ex.D-43 I had not given the statement * - "has retired.... said".

9. Dukhitram was allotted quarter no.7A in 1987. Now the witness says that it could be correct that the quarter might have been allotted to Dukhitram in 1988, Just possible that I might have told year 87 wrongly. It is correct to say, despite allotment of quarter in the name of Dukhitram, I used to live in that quarter. Dukhit Ram never came to this quarter. I never informed BSP that the person in whose name quarter has been allotted is not residing but some other person is living there. Since BSP does not take such type of work seriously, we too take it easily. It is not necessary for every work that if grave action is not taken, it should be taken easily. It is a fact that I had kept another man in the quarter of Dukhitram. It is correct to say that rent has to be

given for BSP quarters. The rent of quarter no.7-A was Rs.12/- per month and rent of the electricity have to be given separately. I used to give Rs.150/- per month as rent to Dukhit Ram. It is wrong to say that I was giving illegal profit to Dukhitram. The employees who are not allotted quarter are given quarter allowance by BSP. Electricity charges have to be paid by the person whom the quarter is allotted and its deduction is made from his wages. In this way, Dukhitram had to bear about 125/-. It is correct to say that the quarter allowance of Dukhitram was stopped. It is correct to say that it was the liability of Dukhitram to pay the rent of Rs.12/- and to pay charges of electricity.

Readover and explained to the witness.

Found to be correct.

Typed under my instruction.

Sd/ T.K.Jha
IInd Adl. Sessions Judge
Durg, M.P.

Sd/ T.K.Jha
IInd Adl. Sessions Judge
Durg, M.P.

Witness No. 112, for Prosecution.

Witness's apparent age: 26 years. On date: 19.2.96

States on affirmation : my name is S.Vyankatesh Rao
son of late Shri S.Apparao, MIG-1/849, HUDCO,

Occupation: Pan Shop.

On Oath :

1. My Pan Shop is in MIG-1/849. That shop is running since last 7-8 years. The name of my Pan Shop is Baba Pan Bhandar. My Pan Shop is in Shri Ram Chowk.

2. I knew the deceased Shankar Guha Neegi. ^{He} He was a leader. His office was in HUDCO but I do not ~~remember~~ remember the quarter number. People used to come to my shop to enquire about Neegiji because he ~~was~~ was a leader. It is correct to say that CBI personnels ~~has~~ came to me in Dec.91. CBI had made enquiries and they took me to Visakhapatnam hostel. CBI personnel showed me some photos. About the photos shown to me, I had told that I do not recognise any of them. After seeing ^{some} any photos, I did not say that that man used to come in a motor cycle to my shop.

Question: I want to show you that man who is present in the court, about whom you tell whether he used to come to your shop or not?

(The accused ^{persons} raised an objection that the question is of the nature of cross-examination. Therefore, unless this witness is declared as hostile, permission should not be accorded to ask this type of questions). Special Police ^{Public} Prosecution said that only after the reply of this question he would be in a position to decide whether this witness has to be declared as hostile or not. Shri Pateria, Advocate, for the accused, Chandrakant Shah, pleaded that in the court identification by the witness of only one accused is not justifiable. Since Special Police Prosecutor has told that only after the reply of this question, he would be in a position to decide whether to declare this witness as hostile or not, permission is accorded to ask the question. Objections are ruled-out.)

Answer : The witness was shown the accused Palten Mallah. He says, whether CBI people had shown me the photo of the accused or not is not remembered by him. I had not identified the accused in photo.

NOTE: Sp. Police Prosecutor declared the witness as hostile and sought permission for cross-examination. The statement of case diary seen, permission accorded.

3. It is wrong to say that out of three photos, I had recognised the photo of accused Palten. It is wrong to say that I had told CBI personnels that the accused had come to my Pan Shop in red coloured Suzuki Motorcycle, before 4-5 days of the murder of Neegiji and asked about Neegiji, and I had told the address of Office of Neegiji, and had not told the address of his house. About this, I had said that I do not know.

4. It is correct to say that after the murder of Neegiji I came to know that Neegiji's office was at MIG-1 273 HUDCO. I had not given the statement to CBI persons in A to A portion of Ex.P-292, - "Today HUDCO". It is also wrong to say that even after that that accused person passed off before my shop 4-5 times. I had not given to the CBI the statement in B to B portion of Ex.P-292 - "I 4-5 times". I had not given the statement in C to C portion of Ex.P-292 - "Once flats".

5. My Pan shop is in MIG-1 HUDCO. MIG-2 is towards the West of my shop. Neegiji's office from my Pan Shop is about 5-7 hundred steps. I did not tell CBI that if the accused comes before me, I will recognise him. I had not given the statement in D to D portion of Ex.P-292 - "I can before me".

Cross-examination by Shri Sharma, Adv. for accused Meelchand Shah, Navin Shah.

6. Nothing.

Cross-examination by Shri Yadav, Adv. for accused Gyanprakash Awadhesh, Abhay, Chandrabaksh and Baldeo.

7. I had signed my statement. Ex.P-292 does not bear my signature. I had not given the statement in English.
Cross-examination by Shri Pateria, Adv. for accused Chandrakant Shah :

8. Nothing.

Cross-examination by Shri Tiwari, Adv. for accused Palten.

9. Nothing.

Readever and explained to the witness.

Found to be correct.

Sd/ T.K.Jha

IInd Adl. Sessions Judge

Durg, M.P.

Typed under my instructions.

Sd/ T.K.Jha

IInd Adl. Sessions Judge

Durg, M.P.

Witness No. 113 for Prosecution

Witness's apparent age : 46 yrs. Statement on: 20.2.96

States on affirmation: my name : M.Teppe

son of Shri P.Teppe,
B.S.P. Pragatinagar,
Risali.

Occupation: Manager, Vigilance
Department, BSP.

On oath :

1. In the year 91 R.A.Dwivedi was with me as Deputy Manager, Vigilance. On 11th Nov.91 CBI personnels had called me and R.A.Dwivedi to the house of accused Gyan Prakash Mishra, at Camp-I. CBI personnels made the search in our presence. CBI personnels prepared the search report and made the list of the things found therein. The search was made from 12.15 to 4.45 in the evening. At that time, his mother and sisters were at the house of Gyan Prakash. The accused Gyanprakash was not there. The search report is Ex.P-293 in which A to A pertion bears my signature. R.A.Dwivedi had signed in B to B pertion of P-293 in my presence. CBI personnels had also signed on it. In the search report, the thumb impression of Chhutkan was taken. A copy of the search report was given to Chhutkan. Chhutkan had in my presence affixed his thumb impression at two places. In C to C and D to D pertion Chhutkan had affixed his thumb impreson in my presence. Ex.P-294 is the index of the documents seized, which is in three pages. I have signed in A to A pertion and there is signature of Dwivedi in B to B pertion.

2. Ex.P-294 is the carbon copy of letter written to I.G.Police. The true copy of the order of the court is Ex.P-295 in which in A to A pertion my signature is there and in B to B pertion Dwivedi's signature is there. They are on all pages. On theback side of the photo, Ex.P-161 to 169 in A to A pertion there is my signature and in B to B pertion R.A.Dwivedi had signed.

3. In 91 A.Cogiya was a Junior Manager (Finance)

On 12.11.91 CBI personnels had called me and Gogiya to Oswal Engg. Industrial Area, Bhilai. When we reached there in the office, we met a man about whom it was told that he is the Manager. CBI personnels made a search there also. The things found on search was listed. Ex.P-196 is the search list which is in two pages, in which in B to B portion my signature is there and C to C portion there is signature of A. Gogiya. The man who was present in Oswal Engg. was given a copy of the search list and receipt was obtained. On the search index CBI personnels had affixed their signatures. I do not remember what was found during the search. Its mention is in the search index. The letter found there is Ex.P-296. In A to A portion my signature is there and in B to B portion there is signature of Gogiya.

4. On 15.12.91, CBI personnels had called me and S. Sasmal. S. Sasmal was a Senior Technician in BSP. CBI personnels made the search in Akash Ganga. I do not remember the name of the office at Akash Ganga today, I can tell after seeing the search list as to which office was searched. The witness was shown the search list Ex.P-297. After seeing the search list, the witness told that the search was made at Jain Shah & Co. A man of Oswal ~~Co.~~ was present there whose name I do not remember. A ~~xxxx~~ index of the things searched was made. There is my signature in A to A portion of Ex.P-297 and in B to B portion there is signature of S. Sasmal. CBI personnels had also signed the search list. The man of the Oswal ~~Co.~~ who ^{was} present there, had also signed. There the pieces of torn paper were found which was stucked with gum. Ex.P-298 is that piece of paper which was found and which was stucked. They were separate pieces. On the back side of these pieces in A to A portion I had signed and in B to B portion S. Sasmal had signed.

Cross-examination by Shri Rajendra Singh, Adv. for accused Meelchand Shah, Navin Shah, Chandrakant Shah:

5. It is correct to say that besides the three searches I had been along with CBI ~~and~~ some more searches. It is correct to say that I had been with CBI in 10-12 searches. On the basis of memory, I do not remember whether the pieces of these papers were wrapped in Ex. P-298 or not. After seeing the search list I can tell where these pieces of paper were. These pieces of paper were not on the almirah or table but so far as I can recollect, they were on the ground. I do not remember whether these pieces of paper were wrapped or were scattered on the ground. The size of the room searched should be 10'x10'. That room could not be 4 ft.x10ft. I am not able to recollect today that where the search was made, there was a big room inside which there was a small cabin and from there the pieces of paper were seized. We and CBI personnels all had gone inside the room to take search. It is wrong to say that the room in which we had gone for search, had got packed because of our presence. I do not remember today that on the spot of search there was a room and inside that room, there was a partition^{ed} of ~~the glass~~ for cabin. Today I cannot tell on the basis of memory that the paper was seized not from the room but from the glass partitioned cabin. I cannot say that from inside the cabin where the glass has been fitted, the room outside is visible but from the room we cannot see inside the cabin. It is correct to say that in the search list Ex.P.297 in A to A portion my signature is with blue coloured dot pen. It is also correct to say that signature of the witness Sasmal is also with blue coloured dot pen.

6. It is correct to say that in the search list of Ex.P.297, our and that of any police officers writing

is not with the red ink. It is correct to say that in each and every portion on the back side of the pieces Ex.P-298, the writing is with the red ink. It is correct to say that the room searched from where the documents were seized is a ^wmarket area. There are at least 8-10 shops adjacent to the same wing of the room searched. There ought to be more than 100 shops in Akash Ganga Complex. These shops are very big shops.

7. We have reached Akash Ganga for search at about 11-12. I can tell the correct time after seeing the search list. At that time, all the shops of the complex, must have remained open. According to me, during the search, no person from the nearby shop was called. I cannot say anything about this that whether during the search the persons of near vicinity should be called or not.

8. I did not suggest to CBI to call the ^{nearby}shopkeepers nearby. I do not recollect as to how many tables, chairs and almirahs were there in the searched room. There were two tables and 2-4 chairs in that room. I do not recollect whether there was any almirah or not. I do not remember whether during search the persons of nearby vicinity had assembled or not. They had not come inside the room. Search list was made in the same room. Search list was not made after lifting the articles one by one but after lifting the articles, the search list was made at last. I shall not be able to tell correctly whether the envelopes were on the table or the drawer and whether the search list was prepared on that table or not. I do not remember whether all the greetings cards and envelopes were found only on the ^ttable. I can tell all these things only after seeing the search list. During examination in chief I had seen the search list at a glance but could not read the contents thereof. It is correct to say that the seizure of these pieces of paper has been shown at last. This is

item no.4. It is correct to say that item no.1 to 3 in regard to envelopes and Greeting Cards is on the front page and item no.4 pertaining to pieces of papers is on the back side of the search list. CBI personnels had utilised both the sides of a page and it is sheer coincidence that the seizure of item no.4 has been shown on the backside. It is correct to say, on the back side of the search list only the seizure of pieces of papers has been shown. It is correct to say that item no.1 to 3 has been clearly written on the front page. It is correct to say that there is no over-writing in item no.1 to 3 and they are clear. Sl.No.4 of item no.4 has been made a little thicker. It is correct to say that the Sl.no.4 of item no.4 is a little bigger than the numbers before it. The witness was shown Sl.no.4 through a magnifying glass. He ^{said} ~~said~~ that he cannot say that ^{two} ~~there are~~ three ^{are visible or not} ~~points separate with each other~~ in this number ~~or not~~.

He cannot say anything about this. I cannot say that the no.4 which has been made, it was at first attempted to be made as one but later on, it was made as 4. It is correct to say that Sl.No.1, 2, 3 ^{has} ~~has~~ been rounded out ^{cut} by a half bracket. I cannot say this that there was yet another half bracket before sl.no.4 which later on, was made 4 in ARCH form. It is correct to say that on the back side of the pieces of paper of Ex.P-298, signature of Rajesh Shah is not there.

9. My officer had said that CBI ^{personnel} persons had called me. This was told to me in the morning at 8-9. On the basis of this information, I had gone to CBI personnels at the hostel of BSP where CBI personnels had stayed. I cannot say as to which time we started from the hostel. I can say only this that we started from the hostel and after directly reaching Akash Ganga started the search.

10. I do not remember today that when we reached Akash Ganga, whether Rajesh Shah was called or he was present there before it. So far as I remember, CBI personnels had shown the search warrant. I ~~must~~ had not read the search warrant to entirety and therefore, I cannot tell what was written in it. According to me, when we reached Akash Ganga there was no CBI officer standing prior to our arrival. It is correct to say that the ~~office~~ search was the office of Jain & Shah Co. I do not know that Jain means Surajmal Jain.

11. Before entering the room, we kept on standing outside for half an hour. I do not remember today as to why it took half an hour outside. The room was closed. There was a lock in the room. I cannot say as to ~~wh~~ how the lock was opened. A representative of Oswal Engg. was there and probably, he had opened the lock with the key. The witness says that the lock was opened in presence of the representative of Oswal ~~Co.~~. I do not remember whether the accused Chandrakant Shah was in police custody or not on 15.12.91. I do not ~~remember~~ whether the police or CBI personnels made an effort to call the accused Chandrakant Shah or not. I will not be able to tell whether CBI personnels made an effort to call Surajmal Jain or not.

12. CBI Personnels had not told me as to which thing has to be searched out because they maintain secrecy. It is wrong to say that no paper was seized there and search list is false. It is also wrong to show that item no.4 was not seized. It is correct to say that prior to ~~that~~ a month-15 days of the ^{day} ~~hall~~ when the search was made there was festival of Deepawali and Dashera. I shall not be able to say that Hindus worship their shops during Deepawali. It is correct to say that generally at the time

of Deepawali shops are cleaned.

Cross-examination by Shri Yadav, Adv. for accused Gyan Prakash, Awadhesh, Abhay, Chandrabaksh and Baldeo.

13. The day I was called to Visakhapatnam hostel, on that day, I was in my house. S.Sasmal does not work in vigilance. His department is different from my deptt. I cannot say whether S.Sasmal was on duty or not on that day. During the search I used to reside in Sector-4. I used to live in Street no.35, It is correct to say that at that time S.Sasmal used to live in same street. According to me, the duty of S.Sasmal ought to be as per shifts. It is not a fact that when I was called at 8.9 I took away, S.Sasmal also with me to Visakhapatnam Hotel by saying friend, we have to go to a place. I do not remember as to who reached the hostel first, myself or S.Sasmal. Since ^a long period had elapsed, since then unless I see the search list, I cannot tell as to what things were seized and from whose houses. It is wrong to say that I did not go to spot and signatures were obtained at the hostel. I have never worked with S.Sasmal. It is correct to say that prior to these proceedings I had never seen the signature of S.Sasmal. The witness himself says that ...

NOTE: Para 14 missing. It has to be checked.

Witness No. 114 for Prosecution. Deposition taken on:

Witness's apparent age: 56 years. 20.2.96

States on affirmation: my name is D.N.Gaurkar
son of Shri Raisingh Gaurkar, Occupation: BSP Manager
HUDCO, Bhihai. Personnel Deptt.

On oath :

1. I am in the post of Manager in Personnel Department of BSP. At that time, P.S.Nair used to work in Vigilance Deptt. of BSP. My Officer told me that I had to go along with CBI Personnels. On 19.11.91 along with CBI ^{Personnel} persons I went to the office of Simplex Engg. & Foundry Works Office, Industrial Estate. We reached there at about 2 PM. ^{We} remained there upto 4.30 PM. CBI searched the office in our presence. A search list was made of the things found. The accused Moolchand Shah was present there. Myself, Nair, Moolchand and CBI ^{assigned} personnels assigned their signatures on the search list which was prepared. A to A portion of search list Ex.P-299 bears my signature and in B to B portion, P.S.Nair had signed in my presence. In C to C portion of the search list, the accused Moolchand Shah had signed. The accused Moolchand had signed in B to B portion of the search list in connection with the receipt. CBI personnels had signed in my presence. Myself and Nair had signed on all the documents which were seized. The photocopy of the order sheet of the court which was seized Ex.P.300, in A to A portion of 301 my signatures are there and in B to B portion there is signature of Nair. I have signed in A to A portion of Ex.P-116. In A to A portion of Ex.P-282 there is my signature and in B to B portion there is signature of Nair. In A to A portion Ex.P-302 my signature is there.

Cross-examination by Shri Rajendra Singh, Adv. for accused Moolchand Shah, Navin Shah:

2. Nothing.

Cross-examination by Shri Pateriak Adv. for accused

Chandrakant Shah :

3. Nothing.

Cross-examination by Shri Yadav, Adv. for accused Gyan Prakash, Awadhesh, Abhay, Chandrabaksh and Baldeo.

4. Nothing.

Cross-examination by Shri Tiwari, Adv. for accused Palton:

5. Nothing.

Readover and explained to the witness.

Found to be correct.

Typed under my instructions.

Sd/ T.K.Jha
IInd Addl. Sessions Judge,
Durg, M.P.

Sd/ T.K.Jha
IInd Addl. Sessions Judge,
Durg, M.P.

Witness No.115, On behalf of Prosecution. Deposition
taken on 20.2.96.

Witness apparent age: 26 yrs.

My name is : Mohanlal

Son of Shri Dhruvcharan Ram, Occupation : Mistri
Ghasidasnagar, Jamul.

On oath :

1. Q I know Mufti Khan of Ghasidas Nagar. When I was
sitting in a Pan Shop, CBI personnels called me.
Mufti Khan was ^{with them} before it. CBI personnels asked
me to sign the paper, I signed it. In the search list in
A to A portion of Ex.P 303 my signatures are there and
in B to B portion of Ex.P-303 there is signature of Mufti
Khan. In A to A portion on the back side of photograph
of Ex.P.304, 305 my signature is there and in B to B
portion there is signature of Mufti Khan. 2. I do not know
Baldeo Singh Sanahu. I do not know his house. It is
incorrect to say that I had been to the house of accused
Baldeo Singh and the photo was seized from his house.
Cross-examination by Shri Rajendra Singh, Adv. for accused
Moolchand Shah, Navin Shah.

3. Nothing.

Cross-examination by Shri Pateria, Adv. for accused Chandra
Kant Shah.

4. Nothing.

Cross-examination by Shri Yadav, Adv. for accused Gyanprakash
Awadhesh, Abhay, Chandrabaksh and Baldeo.

5. Nothing.

Cross-examination by Shri Tiwari, Adv. for accused Palton.

6. Nothing.

Readover and explained to
the witness.

Found to be correct.

Typed under my instruc-
tions.

Sd/ T.K.Jha
Hind Adl. Sessions Judge,
Durg, H.P.

Sd/ T.K.Jha
Hind Adl. Sessions Judge
Durg, H.P.

Witness No. 116 On behalf of Prosecution. Deposition
taken on 20.2.96

Witness apparent age: 27 yrs. My name: Akshaykumar
Son of Shri Girish Prasad Singh, Occupation: Hotel Banjara
Shivan (Bihar). Shevan, Manager

On oath :

1. We have twelve rooms in our hotel. The number starts from 101. The visitors select the room according to their liking and the room is booked. Booking is done in register. Guest register is maintained as per the rule of the administration. Entry is made by the travellers themselves in the register. Travellers sign the register also. When the travellers check out, they are given the bill of the room. Bill is prepared in a bound book. There are two copies of the bill. The first copy is given to the traveller and the carbon copy remains in the book. Bill is made by adopting the carbon process.

2. We had a telephone in our hotel. Our phone does not have STD facilities. If any person wants to talk to outside place, he talks through telephone exchange. At present, we do not mention any such register where this thing is also entered that the traveller had rang up the outside place. I cannot tell whether in the past such register was kept or not.

3. It is correct to say that Durg Police had seized guest register 1991, of our hotel. Ex.P-306 is seizure memo in which I have affixed my signature in A to A portion. It is correct to say that the true copy of the seizure memo was given to me, and by way of receipt there is my signature in B to B ^{portion} person. Police had seized register Ex.P-307 from me. This register is ~~not~~ written between 20.8.90 to 20.10.91. This register had been written with something from Page 1 to page 95. This register is printed for our hotel. I am the Manager of the hotel since 91.

4. Previously, my brother Ajay Kumar Singh was the Manager of the hotel. This hotel started in the year 89 and Ajay Kumar Singh served for about one and half years. Bhupendra Kumar was a Receptionist in our Hotel for sometime.

NOTE: As this is tea-time, the ~~cross~~-examination of the witness is adjourned.

Readover and explained to the witness.

Found to be correct.

Typed under my instructions.

Sd/ T.K.Jha
IInd Add. Sessions Judge
Durg, M.P.,

Sd/ T.K.Jha
IInd Addl. Sessions Judge,
Durg, M.P.

NOTE : After tea-time, the witness was again administered oath and the ~~cross~~-examination of the witness commenced.

5. My brother Ajaykumar Singh is mentally disturbed. I recognise his writing and signatures. Ex.P-308 is the bill book of my hotel which was seized from me. Bill number 1064 is the carbon copy of bill. The writing of the bill and the carbon copy is by hands of my brother under which in A to A portion my brother had affixed signature. In A to A portion of bill 1074 my brother Ajaykumar Singh has signed and writing is that of him only. In bill no.1089, whether the writing and signature in A to A portion is that of my brother Ajay ^{Kumar} Singh or not cannot be definitely told by me.

6. Ex.P-309 is also the bill book of our hotel. In Bill no.1103 of this bill book the writing and signature ~~of~~ are not that of my brother.

7. Ex.P-310 is the telephone register of the past. In page no.16 of this register, the entries from 12.10.90 to 19.11.90 are in the writing of my brother Ajaykumar Singh. There are two entries on 20.11.90,

the upper entry is by my brother and the entry below is by some other hand. On page no.17 the entries from 7.12.90 to 15.12.90 are in the writing of my brother. The entries above cannot be told who has done it.

Cross-examination by Shri Rajendra Singh, Adv. for accused Moolchand Shah, Navin Shah.

8. Nothing.

Cross-examination by Shri Yadav, Adv. for accused Gyan Prakash, Awadhesh, Abhay, Chandrabaksh & Baldeo.

9. ~~The xxx xxx~~ Middle pages of bill book of our hotel are not left blank.