



# SVKM'S PRAVIN GANDHI COLLEGE OF LAW



NATIONAL TRIAL ADVOCACY & JUDGMENT WRITING COMPETITION, 2018.

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## TRIAL ADVOCACY PROBLEM:

**State of Maharashtra vs. Krishna Kumar Shetty**

*In the Court of the Principal Sessions Judge, Greater Bombay.*

### List of Exhibits:

1. First Information Report and Statements under s.154 (Exhibit 1)
2. Statements under s.161 CrPC (Exhibit 2)
3. Spot Panchnama (Exhibit 3)
4. House Search Panchnama (Exhibit 4)
5. Medical Examination Certificate of PW1 (Exhibit 5)
6. Medical Examination Certificate of PW2 (Exhibit 6)
7. Chemical Analyzer Report of Coffee cup (Exhibit 7)
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### EXHIBIT 1

#### FIRST INFORMATION REPORT (under Section 154 CrPC)

1. District: *South Mumbai*      P.S: Gamdevi Police Station      Year: 2018  
FIR No: 212 of 2018
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Date of occurrence: 9<sup>th</sup> August 2018

2. Act: *Indian Penal Code, 1860* Sections: 392, 323 & 342 IPC
3. Occurrence of Offence, Day: *Thursday, 09<sup>th</sup> Aug 2018* Time: 2.30-4.30 pm
4. Information recorded at PS: Date: *09<sup>th</sup> Aug 2018* Time: 5.30 pm  
General Diary Reference Entry No: *979/2018*  
Information recorded by: *Asst. Police Inspector V. Sharma*
5. Type of information: Personal \* Written / Oral: *written*
6. Place of Occurrence: Direction / Distance from PS: *Flat # 12, Rajesh Mansion, 3<sup>rd</sup> floor, Tejpal Road, Papanas Wadi, Nanachowk, Mumbai 400007 1.2 kms from Gamdevi Police Station*
7. Informant Name: *Ms. Jayshree Mehta* Father's name: *Ajoy Mehta*  
Date of birth: *17.May.1961* Nationality: *Indian*  
Occupation: *Editor*  
Address: *Flat # 12, Rajesh Mansion, 3<sup>rd</sup> floor, Tejpal Road, Papanas Wadi, Nanachowk, Mumbai 7 .*
8. Basis on which FIR is lodged: *Information provided by Ms. Jayshree Mehta*
9. Details of Known / Unknown / Suspected accused with particulars:  
*Unknown*
9. Reasons for delay in reporting by informant: - *no delay, informed immediately*
10. Particulars of injuries sustained: *As per Medical Report*
11. Particulars of the post mortem report: *Not applicable*
12. Inquest report / Unnatural death case no. if any:  
*FIR read over to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant/informant free of cost.*

Signature/thumb impression of complainant/informant:  
*Signed Ms. Jayshree Mehta*

Signature of Office-in-charge, Police station: *Signed API Sharma*

Date and time of despatch to the Court: *11th Aug 2018 at 3.00 pm*

**Statement of the Complainant u/s. 154 of the Code of Criminal Procedure, 1973.**

**PW 1 - Ms. Jayshree Mehta (Complainant)**

Age: 57 years

Occupation: Editor

Address: Flat 12, Rajesh Mansion, Tejpal Road, Papanas Wadi, Nanachowk, Mumbai 400007

**Statement:** I am unmarried and I am the Editor for a children's newspaper, 'Robinage', since the past 20 years. I am the legal guardian of my nephew Krishna Kumar Shetty. I had one sister Mohini, who was married to Kumar Santosh Shetty (both now deceased) and they have one son, Krishna Kumar Shetty. Krishna Kumar has resided with me since January 2011, when both his parents were killed in a road accident on their way back from a business trip to Pune. Since then I have a female servant called Shantabai who resides full time with me and who cooks and takes care of the house, as well as our daily needs. At the time of my sister and brother-in-law's death, Krishna was only 14 years old and was studying in Standard VIII of 'Scholarly Students High School'. After the death of my sister and brother-in-law, I got myself appointed as the legal guardian of my nephew Krishna and ever since the death of his parents, Krishna has been residing with me. My sister was always worried about her son as she and her husband travelled extensively for work and, since Kumar had no siblings or relatives, and I was the only blood relative she could trust to take care of Krishna, she would leave Krishna in my care whenever she and her husband travelled out of Mumbai.

On Thursday, 09<sup>th</sup> August, 2018, Krishna left for college as usual at 7.45 am. At about 1.00 pm he returned from college, this was unusual, as he generally returns home late in the evening, so I asked him if everything was alright. He replied that all was well, but because of some college fest, his last two classes were cancelled and he was done for the day, so he decided to come home and finish some assignment that was due for submission on Saturday. Shantabai, my maid, gave us both lunch. He did not talk much through lunch. After eating he went to his room and I went back to mine to finish an article I was writing. Shantabai asked to go down at about 2.00 pm to buy some groceries for dinner. At about 2.30pm Krishna came to my room and asked if I wanted a cup of coffee because he was making coffee for himself. It was unusual for him to offer and it was not my regular tea time, but given we had a fight only yesterday, I thought maybe this was his way to make up, and therefore accepted his offer. He brought me coffee to my desk in my room. I thanked him, he left the room. I had the coffee and in about half an hour, I started feeling very drowsy, and had an overwhelming urge to take a nap. I lay down on my bed, thinking Krishna would be there to open the door for Shantabai. After this I do not remember anything. I woke up feeling dizzy, disoriented, my hands were tied, my room was a mess, my Godrej cupboard was open, my mini safe in my cupboard had been opened and my jewellery boxes were on the floor. I stumbled to the door to see if Krishna was okay, but found I had been locked in my room. I tried calling out to Krishna from the door of my room, but there was no reply. So I started banging on the door

and yelling, there was still no response. In panic, I tried to untie my hands and continued banging on the door - this time Shantabai came and opened the door. Shantabai was also badly shaken up and bleeding from a small cut on her head, she was barely able to talk, but managed to tell me that when she returned back with the groceries, she found the front door to my flat wide open, which is when she knew something was wrong, and immediately some person rushed out of my flat and pushed her into the wall. The time was about 4.35 pm. I was very disoriented, dizzy, feeling nauseous and unwell. Shantabai led me to the sofa and I lay down again. I asked her to check on Krishna. She said he must have left because there was nobody at home. She gave me the phone and I immediately called Gamdevi Police Station. I thereafter immediately dialled Krishna's number but his mobile was out of coverage area. I was terrified, and we both sat in the hall waiting for the police to come. I had to keep lying down because I was feeling breathless and unwell. Since we have an old building there is no building manager or liftman, just one old watchman. I sent Shantabai down to ask him if he had seen Krishna, he said he had not seen Krishna since he came on duty at 3.30pm. When Inspector Badan arrived it was about 5.00 pm, and I explained what had happened to me. He also tried calling Krishna repeatedly, and informed me that his mobile phone was ringing but he got no reply. .

He then called API Sharma to my flat who recorded my Statement. He comforted me and said that he would do his best to locate Krishna and meanwhile he would have another female constable escort Shantabai to Bhatia Hospital for medical attention as she was injured and bleeding and in a lot of pain. This statement has been read by me and I find it correctly recorded as per my say.

*Sd/-*  
*Ms. Jayshree Mehta*

*Sd/-*  
*API Sharma*

**EXHIBIT 2:**

**Statement of the Complainant u/s. 161 of the Code of Criminal Procedure, 1973.**

**Further Statement of Ms. Jayshree Mehta recorded on 10th August, 2018.**

Further to my Complaint recorded by API Sharma on 09th August, 2018, I have to state as under:

As per the request of Inspector Badan, I returned to Gamdevi Police Station at 11 am on 10<sup>th</sup> August 2018. I informed Inspector Badan that I had still not heard from Krishna, despite trying to call him multiple times. All my attempts were met with an automated message that informed me the phone was switched off or out of coverage area. I had carried the list of stolen articles with me which I am now submitting to the Police alongwith a Passport Size Photo of Krishna to help them trace him, I am also submitting the mobile numbers of the friends of Krishna, which I am aware of. I state that I have also made enquiries with his friends but no one is giving me a proper answer. Inspector Badan informed me that they were following up with the investigation and as soon as they had a lead they would inform me. I left the police station at about 1.30 pm and walked home.

**MISSING JEWELLERY LIST**

<b>Item</b>	<b>Description</b>	<b>Number of pieces</b>	<b>Estimated Value (in Rs.)</b>
Thin gold bracelet	Golden chain link bracelet	1 piece	8500.00
Pearl earrings	Large pearl drop in gold setting	2 pieces	16,000.00
Thick gold chain	Thick twisted gold chain	1 piece	25,000.00
Om pendant	Gold and diamond Om pendant with thin gold chain	1 piece	62,000.00
Gold bangles	Plain gold bangles of 2 mm width	6 pieces	90,000.00
Gold Kada	Twisted band with 2 Lion Heads	1 Piece	55,000.00
		<b>TOTAL</b>	<b>2,56,500.00</b>

My statement was read over by me and is correctly recorded.

Sd/  
API Sharma

**Further Statement of Ms. Jayshree Mehta recorded on 11th August, 2018.**

Further to my Complaint recorded by API Sharma on 09th August, 2018 and my statement recorded by API Sharma on 10<sup>th</sup> August, 2018, I have to state as under:

On Saturday morning, 11<sup>th</sup> August, 2018 at 7.15 am, the doorbell rang at about 7.00 am in the morning and since Shantabai was still a little unwell and sleeping, I opened the door, thinking it was the car cleaner returning the car keys. I was shocked to see Krishna at the door. He appeared to be intoxicated. I tried to ask him where he had been but he was in no state to answer and just stumbled into his room, and shut the door. After about 15 minutes I knocked on the door to see if he was okay, but when I peered into his room, the room was again a mess, and he had undressed and was lying on his bed. He appeared to be in deep sleep so I just left the room. At about 10 am, Shantabai called me into his room. She said that when she had been dusting 'Baba's' room and tidying up his things, as she routinely did, she picked up his clothes to take them for washing, when she felt a weight in his pocket. She checked the pocket and found a gold chain. She immediately came to tell me. She asked me if I had seen the chain before. It was one of the items that I had reported missing from the theft on 09<sup>th</sup> August, 2018. I was very upset and immediately called Inspector Badan at the police station and informed him of the same. He said he would reach my house shortly. Inspector Badan arrived at my house at 11.30 am with two other persons, and I showed him the gold chain, and told him Shantabai had found it in Krishna's trouser pocket. He entered Krishna's room and tried to wake him, Krishna was still very groggy but woke up. Inspector Badan asked him a few questions about the gold chain and his whereabouts from the last two days but Krishna did not cooperate. Inspector Badan asked me to confirm if this was in fact one of the stolen items on my list, and I confirmed the same. Inspector Badan then informed Krishna that he would have to arrest him for theft if he did not co-operate and explain how the chain was in his possession. Before leaving my house, Inspector Badan carried out some search of Krishna's room and made some noting about the same. Krishna and I accompanied them to the police station, where API Sharma once again recorded my statement.

On being asked, I state that I had never given this Chain found with Krishna to him at any time. I am unable to explain how this Chain came to be in Krishna's Pant Pocket. On being further asked about my relationship with Krishna, I state that, in the beginning my relationship with Krishna was a close one, but upon his starting college, he began demanding more and more money from me for his personal expenses and when I refused to comply, we started having heated arguments. During my sister's lifetime, she and her husband had formed a Trust in the name of 'Krishna Kumar Trust' for Krishna, to cover the cost of his education and upkeep, should anything happen to them, whilst he was still a minor. They had appointed me as one of the Trustees alongwith Revathi Kumar a very close family friend of my sister, who after my sister's death migrated

permanently to Australia. Therefore, I effectively became the sole Managing Trustee of the said Trust.

Krishna completed his 12<sup>th</sup> standard at Francis Wilson College and decided to join the Bachelor of Management Studies (BMS) program thereafter in the same College. Luckily the College is walking distance from my home. He is currently in his Final Year of BMS. Since the last year he seems to have changed. He no longer talks much to me, is very moody when he is at home, and I do not see him studying much, even though this is his last year. In the past few months we have been fighting a lot because he is constantly asking me for money, does not give me proper accounts of his expenses, and when I question him too much he flies into a rage and locks himself in his room, and tells me that his parents have left him money for which he does not need to give accounts to anyone. Sometimes he does not go to college at all, some days he shows up from college in the afternoon with bloodshot eyes, but I do not question him too much because he does not like it and becomes aggressive if I ask him where he was and details of his friends. For a while now I have suspected he may have got involved in drugs, but when I confronted him he insisted that he had “no use for drugs and had too much he wanted to achieve in his life to get distracted by drugs and alcohol”. However, I was not fully convinced as I started noticing small amounts of cash missing from my cupboard periodically. I thought I may be mistaken, but it has happened at least 5-6 times in the last few months.

On 29<sup>th</sup> June 2018, Krishna turned 21 years. It was a special birthday so I insisted Krishna go with me to the temple in the morning.

On Tuesday, 08<sup>th</sup> August 2018, some friends of mine were coming to see us for dinner so I asked Krishna to make sure he was home in the evening. He came to me for money in the morning at about 7.30 am before going to college. I had given him his monthly allowance of Rs. 3,000 on 01<sup>st</sup> August, so I asked him where all that money had been spent, and why he needed more money, so soon. He got into a rage and started yelling at me about how it was his money and I had no right to withhold it from him. He appeared to be in an unstable state. Even though I do not like fighting with him, I refused to give him the money. He left for college in a rage. When he came home that evening, around 6 pm he seemed very calm and was normal with me. We did not discuss the matter further.

I have been informed that my nephew Krishna is placed under arrest for robbery committed at my house. I am shocked to hear this as I never expected him to be the person responsible for the robbery and hurt caused to my servant Shantabai.

My statement was read over by me and has been correctly recorded.

Sd/-



API Sharm

**PW 2 – Mrs. Shantabai Kamble**

Age: 37 years

Occupation: House help and cook

Address: Flat 12, Rajesh Mansion, Tejpal Road, Papanas Wadi, Nanachowk, Mumbai 400007

**Statement recorded on 11th August, 2018:**

I have been working for Ms. Jayshree since the last 7 years. I joined her soon after my husband passed away as she needed full time live in domestic help. Ms. Jayshree is unmarried and writes for some newspaper. When I joined her service, her nephew Krishna had just started living with her permanently because he lost both his mother and father in a car accident. Ms. Jayshree was very good to him, helping him to get back to a normal life. She used to be like a mother to him, and looked after his needs. She used to buy him special things all the time. Once Krishna Baba grew up he spent less time at home because he joined college. He used to walk to college every day in the morning and came back by 3.30-4 pm. He never took a snack box, he used to tell me he liked eating with his friends in the canteen. Baba was always very friendly and polite with me when he was growing up. One bad thing about Baba was he was very untidy and his room was always in a mess. When he went to college everyday I would go into his room and clean it and put away all his things neatly. Everything at home was good until Krishna Baba started his last year of college. Suddenly he became very moody and would be in his room all the time. He would be on his phone all the time. He did not want me to come into his room most days, especially if he was at home. He started fighting with Ms. Jayshree a lot and most of the time their fights were about money. I never told madam but a few times when I was cleaning his room I had found cigarette butts under his bed, so I knew he was smoking secretly.

On 09<sup>th</sup> August 2018, Krishna Baba woke up, showered and had his coffee and omelette before leaving for college at 7.45 am. He seemed in a good mood. This was nice to see because one day earlier Ms. Jayshree and Baba had a very big fight. It was very ugly and Baba banged the door and was in his room for a long time. I feel bad when they fight because Krishna has no parents so it must be hard for him. After he left for college I went to his room and cleaned up. I put his old clothes in the washing machine and made his bed. Once the room was tidy I closed the curtains and left the room, keeping the door shut. I cleaned the rest of the house, gave madam breakfast and started cooking lunch. At 1.00 pm Krishna Baba came back from college. He asked for lunch. Normally he does not come home for lunch, but I quickly put some dal rice together and gave him and madam lunch. Once I had cleaned up everything, I asked Ms. Jayshree if I could go down for some time, to get groceries for dinner and also go to the tailor for my personal work. She said it was fine, she was home to open the door for me. When I returned at around 4.30 pm, I stepped out of the lift, my hands were full and I was looking down. As I looked up I bumped into a masked man, who roughly pushed me aside, and because of the heavy bags, I lost my balance and crashed into the door frame outside our flat and due to the sharp edges of the door frame, I was badly hurt and started bleeding from my head. I was too



shocked to see the details of the man properly, who rushed down the stairs. I also noticed the door to our flat was open. I was worried about Ms. Jayshree so I ran to her room. I could hear her banging on the door and shouting something. The door was locked from the outside. I quickly unlocked the door. Madam was looking disoriented and very frightened, she said she had fallen asleep and woke up on her bed with her hands tied. Her room was a mess and her cupboard was open with things lying strewn on the floor. I led her to the sofa in the living room. She kept telling me to check on Krishna. When I went to his room he was not there. I sat with madam when she called the police and then I went back outside the flat to pick up my groceries. Ms. Jayshree then asked me to go down and ask the watchman if he had seen Krishna. It was about 5 pm by then and I went down, but the watchman said he had not seen Baba at all after he came on duty at 3.30 pm. On Madam's instructions, I also went to the Joshi's Flat next door to call for help but no one was at home.

When Inspector Badan arrived I told him what had happened and then because I was still bleeding from my head injury, he had the lady constable take me to Bhatia hospital. The time was about 6.20 pm. After the hospital doctors cleaned and dressed my wound, I was brought back to the house, where I rested for the remainder of the day. Ms Jayshree was busy with the police. I am unable to give the description of the masked man. On being asked by you, I say that his height and built was like Krishna Baba. I say that I was in too much pain to give my statement till today.

Today, I was resting in the morning, when the doorbell rang at about 7.15 am. I did not know who had come till madam came and woke me at about 7.30-7.45 am to tell me Krishna Baba was back and sleeping in his room. I was glad to hear that. She told me not to disturb him. At 8.30 am I got up, had tea and started to do my morning chores. Around 9.45 am I headed to Krishna's room to check if he was awake and go in and clean up. When I opened the door the first thing I noticed was his room was a mess again, his clothes were lying on the floor, and his wallet and keys and some loose money was lying on his bedside table. He was fast asleep, and did not wake up. I picked up his shirt and trousers to take for washing. The trousers felt heavy like they had something in the right pocket, so I put my hand inside the pocket to remove whatever he had left behind. I was shocked when I pulled out a gold chain. I immediately went to Ms. Jayshree and showed her what I had found and she stated that it was her chain and kept asking me where I had found the chain from. After that I know she called the Inspector again. Inspector Badan came after some time and he tried to wake up Krishna, and then they all had some conversation and thereafter Madam and Krishna went to the Police Station. In the afternoon at about 3.30pm, Ms. Jayshree came back. She was very upset and told me that Krishna had been arrested for the robbery that had taken place in our house. She asked me to go to the police station as they needed to record my statement. I came here to the Gamdevi police station, where API Sharma met me. My statement was read over to me by API Sharma, explained in Hindi and has been correctly recorded.

Sd/-  
API Sharma

**PW 3 – I.O.(Inspector Badan):**

Gamdevi Police Station, Nanachowk, Mumbai 7.

(NB: This statement is only provided by way of ease in conducting Examination-in-Chief and Cross Examination of this Witness)

: I was at the police station on 09<sup>th</sup> Aug 2018 at about 4.40 pm when the police station received a call from one Ms. Jayshree Mehta, residing at Flat # 12, Rajesh Mansion, 3<sup>rd</sup> floor, Tejpal Road, Papanas Wadi, Nanachowk. She sounded very upset and said that she had been robbed and wanted the police to come to her home immediately. Since I was anyway heading out on my usual evening rounds, I asked Constable Rege, my driver, to stop by her residence. I, along with two Constables, reached the building at about 4.55 pm on 09<sup>th</sup> August 2018. There was no security guard at the building entrance so we just made our way up to the flat on the 3<sup>rd</sup> floor. When we reached upstairs, the door to the flat was open and two ladies were sitting in the hall of the flat. The older lady introduced herself as Ms. Jayshree Mehta, and said that she had been drugged and robbed that afternoon. The other lady who gave her name as Shantabai seemed to be the maid servant, and she had a head injury which looked like it needed medical attention. I asked Constable Rege to call the police station for a lady constable who would then accompany the maid servant Shantabai, to Bhatia hospital so she could get medical attention. Ms. Jayshree Mehta seemed disoriented and emotionally disturbed. She told me that she was working, when her nephew Krishna who was staying with her, had given her coffee at about 2.30 pm, after which she had fallen asleep. At about 4.00-4.15 pm when she woke up, she found she was lying on her bed in her room, her hands were tied, and her room was in a mess, her cupboard opened, and her mini-safe open. It appeared that her jewellery that she stored in the cupboard was gone. She said she tried to leave her room to call the police but found she was locked in. She banged on the door but nobody answered for quite some time. Finally Shantabai opened the door from outside and helped her to untie her hands. She then called the police station to report the robbery and ask for help. Since she did not seem in any state to come to the police station for lodging the FIR, I rang the police station, called API Sharma to the Flat, obtained the Crime Register Number and thereafter API Sharma recorded her Statement at her residence, which was treated as the FIR. Thereafter, I asked my two constables to organize for two panchas so that we could conduct a Spot Panchanama. Ms. Jayshree Mehta kept asking me to try and call her nephew, who lives with her, because he was there at lunch but was not at home when Ms Jayshree Mehta woke up after the robbery. She said that she was very worried as his mobile number was not reachable and out of coverage area.

When the two panchas arrived we began the house panchnama at about 6.30pm and after completing the panchnama, I asked Ms. Jayshree to give me a list of the stolen articles, once she was in a more composed frame of mind. Before

leaving, I questioned the watchman and neighbours in the building. The watchman informed me that he only came on duty at 3.30 pm that afternoon and he did not notice anything unusual. He said the earlier watchman, Mr. Ranbir Rajput Singh did the morning shift from 7.30 am to 3.30 pm everyday. None of Ms. Jayshree Mehta's neighbours heard any strange noises or unusual afternoon activity either.

Before leaving the flat, I also tried calling Krishna, her nephew, but again the phone was unreachable. I informed Ms. Mehta that I would pursue the robbery investigation and let her know as soon as I had any further information. I suggested she go to the hospital and get a blood test since she was still not feeling completely normal and was convinced she had been drugged.

On 10<sup>th</sup> August 2018, Ms. Jayshree Mehta had come and submitted a list of stolen jewellery, whereafter her statement was again recorded and once again we tried to call her nephew Krishna, whom she was still concerned about. We could not reach him, so she left the police station.

On 11<sup>th</sup> August 2018, at about 10.15-10.30 am I got a call from Ms. Jayshree Mehta on my mobile phone. She was very agitated and asked me to come to the flat once again as her nephew Krishna had returned home and seemed to have some of the missing jewellery. When I reached the flat at about 11 am, Ms. Jayshree led me to her nephew's room. There was a young gentleman, partially clothed, lying on the bed asleep. She showed me a beige trouser and from the right pocket of the trouser she removed one gold chain and told me this was one of the stolen pieces of jewellery and Shantabai had found it in Krishna's trouser pocket earlier that morning when taking the clothes for washing. She said these were the same clothes that Krishna was wearing when he came home at 7.15 am that morning. I took charge of the Gold Chain in presence of Panchas.

I then tried to wake up Krishna. After repeated attempts he finally woke up. He appeared to be under the influence of some substance or alcohol as his responses were very slow. I asked him if he was intoxicated – he refused to answer. I asked him where he had been for the past two days – again he did not answer. I asked him where he had got the said gold chain from – he was evasive. I felt he may be hiding some information so I asked to search his room to which he became argumentative and asked me the reason for the same. After, I spoke to him with regard to the same, he reluctantly agreed. Upon searching the room, I found some rolling papers usually used for rolling cigarettes and a wallet. , When Krishna was asked about the ownership of the wallet, he said it belonged to him .

In the presence of two panchas I then conducted a panchnama of his room and seized the Gold Chain, Wallet and rolling paper.

I asked Ms. Jayshree and Krishna to accompany me to the police station. After recording further statement of Jayshree, I placed Krishna Kumar Shetty under

arrest and produced before the Court of the Metropolitan Magistrate, at Esplanade on 12<sup>th</sup> August, 2018 and obtained police custody till 14<sup>th</sup> August, 2018, after which he was remanded to judicial custody from time to time.

Statement of Shantabai Kamble was also recorded in the course of investigation and I collected the medical reports, toxicology and chemical analysis report and thereafter filed the chargesheet against Krishna Kumar Shetty.

#### **STATEMENT OF DEFENCE WITNESSES:**

**(NB: These statements are only an aide memoire for the participants to appraise them of the contents of evidence to be given by defence witnesses.)**

##### **DW 1 – Arunkumar Mahalik**

Age: 57 years

Occupation: Watchman, Rajesh Mansion

Address: Room # 12/A/43 BDD Chawls, Jijamata Udhyan, Worli, Mumbai 13

**Statement:** I have been working for Rajesh Mansion as a watchman for the past 10 years. My duties rotate with 2 other watchmen. This month of August I am in the morning shift which means my duty hours are from 7.30 am to 3.30 pm. I know Krishna Baba well. He is the nephew of Ms. Jayshree Mehta who resides in Flat No 12. He is a nice boy, he always greets us when he comes in and out of the building and is quite friendly.

On 09<sup>th</sup> August 2018, Krishna Baba left for college just after I came on duty, it must have been about 7.40-7.45 am, which is his usual time. I remember clearly because I had hurt my foot and was wearing a bandage and he stopped to ask me what happened. After that I did not see him again on my shift that day or the next few days either. The next time I saw him was on 11<sup>th</sup> August 2018 when the police came to take him away. At that time I did not even know he was in the building because I had not seen him come or go.

On 09<sup>th</sup> August 2018, I did not see Krishna come back from college at 1 pm. I was on duty and sitting at the gate the whole time, except of course when I go to switch on the taps when the BMC water supply comes into our building tanks. The time for that supply is anywhere from 2.45 – 3.15 pm, but even from the water taps I can see clearly to the gate of the building, and I am sure that Krishna Baba did not come home that afternoon.

##### **DW 2 – Dr. Gavin Mechado**

Age: 43 years

Occupation: Associate Professor, Francis Wilson College, BMS Program

Address: Flat 301, Xaviers Mansion, Charni Road, Mumbai

**Statement:** I have been teaching the subject of Economics at Francis Wilson College for the past 4 years. I really enjoy teaching my classes at Wilson College

because the student numbers are small and I get a chance to interact well with each student. By the end of their second year, I know each student by name and we have usually had occasion to interact closely through college fests or group projects and field trips. I know Krishna Shetty reasonably well because we have done a couple of industrial visits/camps in the past two years. He is a well-mannered, intelligent young man. We have had many a debate on the effect of demonitization on the Indian economy and its effect on foreign investment into India.

By and large Krishna attends all my classes. He has a set group of friends whom he always sits. On 09<sup>th</sup> August 2018, it was a Thursday so I have class with the Final Year students at 2.45 pm till 3.40 pm. I distinctly recall seeing Krishna in the cafeteria when I was running for a cup of tea during the lunch break. He had been stalling on submitting his term project outline so I went up to him and reminded him that I was expecting to receive it by the end of the week. I do not recall exactly, but I do think Krishna attended my 2.45 lecture on 09<sup>th</sup> August, 2018. As per College practice, I call out the roll numbers just before conclusion of the lecture, and depending on whether a student answers or is absent I mark 'P' for present and 'A' for absent in the Attendance Column. Thereafter, I sign on the Attendance Sheet and hand over the completed Attendance Sheet in the College Office. I have procured the Attendance Sheet for 09<sup>th</sup> August 2018 at the request of Krishna Shetty and am producing the same in Court today.



**FRANCIS WILSON COLLEGE ATTENDANCE SHEET**  
**THIRD YEAR BMS DIVISION A**

Faculty name: Dr. Gavin Mechado

Date: 09.Aug.2018

Lecture period: 2.45-3.45pm

Subject: Economics

Roll No	Name	Surname	Sign
UID 01	Praneeta	Anand	P
UID 02	Chitra	Agarwal	A
UID 03	Munish	Agarwal	P
UID 04	Vidhi	Athalye	P
UID 05	Roshni	Bhat	P
UID 06	Mehak	Daftary	P
UID 07	Rajani	Daphtary	A
UID 08	Rohit	Dubey	P
UID 09	Meher	Faramjee	P
UID 10	Jignesh	Ghatge	P
UID 11	Shalini	Ghosh	P
UID 12	Manisha	Hallankar	P
UID 13	Jigna	Haskar	P
UID 14	Jyoti	Jadhav	P
UID 15	Arvind	Jhangiani	P
UID 16	Kamal	Lodha	P
UID 17	Nalini	Mansukhani	P
UID 18	Madhav	Mehta	P



UID 19	Mohit	Mehta	P
UID 20	Salil	Madeira	A
UID 21	Kiran	Mistry	P
UID 22	Meera	Prasad	P
UID 23	Kanav	Parikh	P
UID 24	Priya	Patel	P
UID 25	Amisha	Patil	P
UID 26	Krishna	Shetty	P
UID 27	Rohini	Tendulkar	P
UID 28	Amrish	Vaidya	P
UID 29	Kumar	Warrior	P
UID 30	Ganesh	Xavier	P

Name of the

Signature of the Professor:

*Gavin Mechado*

**DW 3 – Rohini Tendulkar**

Age: 20 years



Occupation: Student

Address: Flat # 1801 B, Beau Monde Towers, Tower B, Appasaheb Marathe Marg, Prabhadevi, Mumbai 25

**Statement:** I have known Krishna for the past 4 years. We met in junior college when we organized a college fest together. Krishna is one of my closest friends in college and we are always together. I am also doing the BMS program at Francis Wilson College so we spend a lot of time together. We are a group of 5 who are good friends and have been a 'college gang' for a few years now. There is Krishna, myself, a girl Sumitra from science, another boy from BMS Amrish and another girl from BMS, Meera. We usually hang out together in college and often socialize together after college hours as well.

Over the last year Krishna and I have become even closer because both of us seem to be going through a difficult time at home and so we lean on each other for advice and to vent when things are really bad. Krishna is a super friend, very mature and wise and is always available when I want to talk. I know about his tragic past and am amazed at how calm and centred he can be despite all that he has endured and continues to deal with on the home front.

He has been telling me that his aunt Jayshree, who is also his legal guardian, has slowly become very different to what she used to be. She is now not home as much, spends a lot of money socializing, and he does not see her working the way she used to when he was in school. I know since the time I have known Jayshree Aunty, she was always very sweet with me when I went over, welcoming and ensuring I got fed well and was comfortable. Lately, I too have noticed she has changed. So much so that after that horrible ugly fight in front of me in July, 2018, I no longer feel comfortable going to Krishna's house. So more often than not, when we want to hang out, Krishna comes to my house. My parents are workaholics, and are never home. I have an old cook who takes care of our house and she loves Krishna coming home.

The big fight I witnessed in July was over money. Krishna told me some time ago that his aunt is a trustee of a Trust formed by his late parents and set up for him before they died in an accident. He often says thank God for that trust because after reaching 25 years he will at least be able to start an independent life. His aunt Jayshree controls the monies to be given to him for his expenses from the Trust. As Krishna has gotten older he has had increased expenses and she does not understand his needs anymore. She will not give him his own money, and that is very frustrating for him. Krishna is not a spend-thrift, he is very careful with his money, because he has shared with me that this Trust is all that he has for the future, so he has to be prudent and wise. Lately he has felt that his aunt is dipping into the Trust funds on the pretext of expenditures for him, but he is not seeing any of these expenditures. He tried very reasonably to broach the topic with her but she avoids discussions. Lately, he has been very tired and frustrated with her because she would not listen to his request for increased monthly allowance and he was finding it difficult to meet his expenses specially during weekends. She gives him Rs. 3000 a month and he wanted her to increase it to Rs. 5000 per month. He pulled up the courage to ask her when I was in the house one evening in June, 2018. She flew into a rage and started screaming at him and said she has

supported him solidly through his worst period and that she had to put her life on hold for him, she sacrificed so much and he was such an ungrateful boy. She barely let him speak. He was so frustrated and upset that he said we should leave the house immediately, so we left, and Krishna stayed over at my place that night. At that time Krishna told me that Jayshree Aunty had started taking her friends out for dinner atleast twice a week and had also bought a diamond ring for her birthday but expected him to live on such a meagre amount. He had also brought up the courage to ask her if she had got some promotion at Robinage and she had snubbed him by saying 'mind your own business'. We went to college together the next day and then he went home. He said she was fine and pretended the fight never happened. Only I know how ugly it was because I saw it with my own eyes.

His aunt Jayshree is very good at pretending to the outside world. On his birthday, 29<sup>th</sup> June, it was a big day as Krishna turned 21 years old. His aunt insisted that she wanted to make him feel special and that they should visit the temple together in the morning. Luckily we did not have too many lectures that day, so we could bunk and be with him. His aunt invited us all to lunch at NSCI club to celebrate with him. All four of us were there. She was very friendly and charming with all of us, only I knew that she is not always like that. At the end of lunch she made a big production of gifting Krishna a gold chain that belonged to his mother Mohini. She told us that Mohini had given it to her, but after Mohini's sudden death she had always planned to give it to Krishna on his 21<sup>st</sup> birthday. We were all very moved by the gesture, especially Krishna. After that she gave him a little extra money so we could go out clubbing at night.

But Krishna has been telling since mid July again things have become difficult with his aunt and now her latest complaint is that she cannot give him his money because he will smoke it all up with his college friends. She has serious trust issues, and is so unfair to Krishna.

On 9<sup>th</sup> August 2018, it was a Thursday I remember, Krishna reached college before any of us and was texting us before class. I have the saved messages. He had wanted to get out of the house early because his aunt was in a foul mood. He had again broached the money topic one day ago because of which she was upset. He seemed a bit down so I spent some time alone with him counselling him. He was in a better mood after our chat and we hung out in the canteen bunking a boring accounting class. We got caught bunking though because Gavin Sir saw us in the canteen and came and asked Krishna for his project outline, and Krishna stepped away from the group to have a small chat.

After that bunk, we all attended Gavin Sir's lecture at 2.45 pm after which we hung out in the canteen till about 4 pm. Krishna's aunt called him a couple of times but he ignored her calls because he was upset with her. He asked if he could come over to my house and stay the night. I asked my Mum, she said it was cool, he could stay in our guest room. So we all headed to my house. We played games in the building club house, chatted and then the others went home around 9.30 pm while Krishna stayed over. He forgot to carry his charger and power bank and so at some stage his phone died, but he said he didn't care because everyone he cared about knew he was at my house and so reachable through my phone. On Friday evening after college Krishna asked me for some crocin because he had a

body ache and I gave it to him. On Saturday morning, 11<sup>th</sup> August he woke early with a bad throat and fever and said he was sick and wanted to bunk college so was going home. That was the last I heard from him.

I came to know that Krishna was arrested by the Police for a robbery that had taken place in Jayshree Aunty's House on 9<sup>th</sup> August, 2018. I was shocked and immediately went to Gamdevi Police station, and tried talking to Inspector Badan in order to inform him of the true facts. Upon being permitted to Krishna for 10 Minutes in the lock up, I learnt from him that Jayshree Aunty was alleging that the Gold Chain that she herself had given to Krishna on his 21<sup>st</sup> Birthday had been stolen by Krishna from her cupboard. I know this is completely false and she is doing this only to get Krishna out of her way and enjoy her life with his money.

**EXHIBIT 3:**

**SPOT PANCHNAMA**

**NB. This document shall be taken as proved by the Prosecution.**

Pancha No. 1

Date: 09.Aug.2018

Ms. Ankita Jadhav, age 32 years

Residing at: Flat # 6, Rajesh Mansion, 1<sup>st</sup> floor, Tejpal Road, Papanas Wadi, Nanachowk, Mumbai 7

Pancha No. 2

Mr. Santosh Patil, age 45 years

Residing at: Flat # 10, Hari Om Mansion, 2<sup>nd</sup> rd floor, Tejpal Road, Papanas Wadi, Nanachowk, Mumbai 7

We the above-named panchas were called by Inspector Badan at about 6.30 p.m. on 09.August.2018, to Flat # 12, Rajesh Mansion, 3<sup>rd</sup> floor, Tejpal Road, Papanas Wadi, Nanachowk, Mumbai 7. He informed us that one lady had been attacked and robbed in her own flat and requested us to act as panchas of the scene of offence. We agreed to act as panchas. When we reached there, PI V.V. Shukla was present along with Police Havaldar 1001, and we found one lady who gave her name as Ms. Jayshree Mehta, owner of the House, who looked disoriented and frightened.

The said Flat No 12 is a 2 bedroom flat. As one enters the flat there is a hall measuring 20 ft X 15 ft. and towards the south west corner of this hall, on the right hand side is a large kitchen. The hall area of the flat seems untouched, with everything in place.

On the same right hand side but towards the northwest direction is one bedroom. We were informed that the bedroom is occupied by Ms. Jayshree Mehta. The bedroom has an attached bathroom. There is a second bedroom, smaller in size, towards the south west direction, which is occupied by her nephew Mr. Krishna Kumar Shetty, who was not present in the House at the relevant time.

The bedroom door of Ms. Jayshree Mehta's room is open and measures 15 ft X 12 ft. To the right side of the room is a king size bed with one bedside table. At the foot of the bed is a large writing desk. There is an empty blue porcelain coffee mug with some remains of coffee in it, on the desk, and a bottle of water.

On the left side of the room are two large Godrej cupboards (one dark grey, and the other light grey), and the entry to a bathroom. Both the Godrej cupboards are open, and sarees and trousers are lying strewn on the floor at the foot of the cupboards. The mini-safe located in the dark grey cupboard is open. Inside the safe all that remains is some documents in a plastic folder, and one small red velvet jewel box, which has been opened and is empty. There are 3 other small jewellery boxes lying on the floor and upon checking the same, they were found to be empty. Near the door, lies a thin grey

telephone cable which we were informed by Ms. Jayshree was used to tie her hands.

Upon entering the bathroom we noticed a bathroom sink with a storage cabinet below. Upon examination of the contents of the cabinet PI Shukla found toiletries stored therein. Nothing was disturbed in the bathroom.

PI Shukla thereafter collected the porcelain blue coffee mug with the remains of the coffee in it. He placed the mug in a cardboard box and closed the same. This box was labelled Exhibit M and we both panchas put our signatures on the same alongwith PI Shukla. Thereafter the box was tied with jute string and the Seal of Gamdevi Police Station was affixed by PI Shukla on the knot of the jute string. Except for this article nothing else was seized by the police in our presence.

Thereafter, we searched the bedroom of the nephew Krishna, however nothing incriminating was found except some rolling papers generally used to roll cigarettes.

The panchnama was conducted in a peaceful manner and it was concluded at about 7.15 pm on 09<sup>th</sup> August 2018. The Panchnama was written by PI Shukla. Both of us panchas have read the contents of the panchnama. The same is correctly recorded.

*Signed PI V.V. Shukla*

*Signed Panch No 1*  
*Signed Panch No 2*

**EXHIBIT 4:**

**HOUSE SEARCH PANCHNAMA**

Pancha No. 1

Date: 11.Aug.2018

Ms. Ankita Jadhav, age 32 years

Residing at: Flat # 6, Rajesh Mansion, 1<sup>st</sup> floor, Tejpal Road, Papanas Wadi, Nanachowk, Mumbai 7

Pancha No. 2

Mr. Santosh Patil, age 45 years

Residing at: Flat # 10, Hari Om Mansion, 2<sup>nd</sup> floor, Tejpal Road, Papanas Wadi, Nanachowk, Mumbai 7

We the above-named panchas were once again called by Inspector Badan at about 11.45 am on 11. Aug.2018 to Flat # 12, Rajesh Mansion, 3<sup>rd</sup> floor, Tejpal Road, Papanas Wadi, Nanachowk, Mumbai 7. He informed us that subsequent to the robbery on 09.Aug.2018, Ms. Jayshree Mehta's nephew, Krishna Kumar Shetty had returned with some of the stolen items, and requested us to act as panchas. We agreed to act as panchas once again. When we reached there, PI V.V. Shukla was present along with Police Havaladar 1001. Ms. Jayshree Mehta alongwith her maid Shantabai were present in the hall. Upon the Police asking about the whereabouts of Krishna Kumar Shetty, Shantabai stated that he was sleeping in his bedroom.

We all then went to the second bedroom, occupied by Mr. Krishna Kumar Shetty.

On entering the 12 ft X 12 ft room, there is a large desk and chair along the north wall. The desk is covered in books and a computer, and some other electronic devices. Above the desk is a book shelf on which is lying some cigarette rolling papers, one opened pouch of Tobacco and one brown coloured gents wallet. Upon opening the wallet, two photos of one lady and one man, whom Ms. Jayshree identified as her sister, Mohini and her husband, some visiting cards, and Rs. 20,000/- in denomination of Rs. 2,000 and Rs. 156/- in notes of Rs. 100 and 50 and coins of Rs. 6 are found.

There was a young gentleman, partially clothed whom Ms. Jayshree identified as her nephew Krishna, lying on the bed asleep. On the floor between the desk and the bed is a small dhurri, on which is lying a pair of beige trousers, a checked green shirt and some worn out Addidas sneakers. From the beige trousers right hand pocket, a gold twisted chain was removed by Shantabai in our presence. Ms. Jayshree identified this chain as belonging to her and which was stolen on 9<sup>th</sup> August, 2018 from her cupboard. This chain was seized by Inspector Badan, who placed the same in a green envelope pasted it shut and thereafter took our signatures on the Envelope after writing the contents thereon. The said Envelope was marked 'A' and seals of Gamdevi Police station were affixed on the flap of the Envelope. Inspector Badan signed on the said envelope.

In our presence, Inspector Badan tried to wake up Krishna. After repeated attempts he finally woke up. He was asked if he was intoxicated – he refused to answer. He was asked about the gold chain but he refused to answer.

Except for the Gold Chain nothing else was seized by the police in our presence.

The panchnama was conducted in a peaceful manner and it was concluded at about 12.30 pm on 11<sup>th</sup> August 2018. The Panchnama was written by PI Shukla. Both of us panchas have read the contents of the panchnama. The same is correctly recorded.

*Signed by PI V.V. Shukla*

*Signed Panch No 1*

*Signed Panch No 2*



**EXHIBIT 5:**

**MEDICOLEGAL INJURY CERTIFICATE**

EPR No: 202

Date: 09.Aug.2018

Time: 7.50 pm

Brought by P.C. No WPC 445, Gamdevi Police station

C.M.O. on Duty: Dr Nandkumar

NAME: Jayshree Mehta

AGE: 57 years

SEX: Female

ON GENERAL PHYSICAL EXAMINATION (GPE):

Gait –unsteady

Breathing - laboured

Speech – normal

Pupils – dilated and reactive

Pulse – 55 / minute

B.P. 100/60 mm Hg

IDENTIFICATION MARKS: nil

TYPE OF INJURIES: nil

SPECIMENS COLLECTED:

5 cc blood + EDTA + preservative - to be submitted for toxicological analysis.

5 cc urine sample for toxicological screening

OPINION: specimen sent for toxicological analysis to establish presence of toxin

*Signed: Dr. Nandkumar  
Bhatia Hospital, Mumbai*

**EXHIBIT 6:**

**MEDICOLEGAL INJURY CERTIFICATE**

EPR No: 218

Date: 09.Aug.2018

Time: 5.55 pm

Brought by P.C. No WPC 445, Gamdevi Police station

C.M.O. on Duty: Dr. Ashwini Lad

NAME: Shantabai kamble

AGE: 37 years

SEX: Female

ON GENERAL PHYSICAL EXAMINATION (GPE):

Gait – steady

Speech – normal

Pupils – normal

Pulse – 55 / minute

B.P. 110/60 mm Hg

IDENTIFICATION MARKS: nose piercing in left nostril

TYPE OF INJURIES: Blunt trauma to the forehead – deep lateral laceration on the forehead above the left eye

OPINION: In my opinion, patient is suffering from localised blunt trauma to the head. The laceration has been sutured and dressing has been applied. Tetanus injxn given

REMARKS: Patient brought to emergency ward with bleeding head wound.

*Signed: Dr. Ashwini Lad, C.M.O.  
Bhatia Hospital, Mumbai*

**EXHIBIT 7:**

**CHEMICAL ANALYZERS REPORT**

FSL case No: C-402/18

Date: 19.Aug.2018

Total no. of pages: One

To: The Senior Police Inspector  
Gamdevi Police Station  
Dist:- Mumbai

1. Ref No: 915/18
2. No. of exhibits received: One
3. C.R. No: 212/2018
4. Mode of Receipt: by ASI Patil

Date: 14.Aug.2018  
P.S. : Gamdevi police station  
U/s: 392 IPC  
Date of Receipt: 14.Aug.2018

5. Condition of parcel(s) / seal(s): One sealed parcel; seals intact
6. Description of article(s) contained in the parcel(s):  
One used coffee mug labelled – CR#212/2018 Ex M

**7. Results of Analysis:**

**CR#212/2018 Exhibit M** - contains high concentrations of 'restoryl' (active ingredient temazepam) mixed with caffeine

8. Analysis started on: 18.Aug.2018
9. Analysis completed on: 18.Aug.2018
10. Analysed by:

Sd./ (M.V. Pathak)

Assistant Chemical Analyser in Government  
Forensic Science Laboratories, Mumbai

**EXHIBIT 8:**

**TOXICOLOGICAL ANALYSIS REPORT**

FSL case No: T338/18  
Date: 19 .Aug.2018  
Total no. of pages: One

To: The Senior Police Inspector  
Gamdevi Police Station  
Dist:- Mumbai

1. Ref No: 915/18
2. No. of exhibits received: One
3. C.R. No: 212/2018
4. Mode of Receipt: by ASI Patil
5. Condition of parcel(s) / seal(s): One sealed parcel; seals intact
6. Description of article(s) contained in the parcel(s): One sealed phial containing blood of Ms. Jayshree Mehta (labelled CR#212/2018 Ex VB) and one sealed jar containing urine sample of Ms. Jayshree Mehta (labelled – CR#212/2018 Ex VU)
7. **Results of Analysis:**  
**CR#212/2018 Exhibit VB** - contains low concentrations of oxazepam, metabolite of benzodiazepenes. (concentration: 831 ng/ml)  
**CR#212/2018 Exhibit VU** – contains high concentrations of oxazepam, metabolite of benzodiazepenes (concentration: 2,652 ng/ml)
8. Analysis started on: 18.Aug.2018
9. Analysis completed on: 18.Aug.2018
10. Analysed by: Sd./ (JJ Patil)

Assistant Chemical Analyser in Government  
Forensic Science Laboratories, Mumbai