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SUMMARY OF EVIDENCE

IN THE CASE OF

NO. 156682S L.A.C. WHITE, THOMAS HAMILTON

H.Q. MOVEMENTS EASTERN REGION, RAF CALCUTTA.

1st Witness
for the
Prosecution.

KARTAR SINGH.

Kartar Singh, Truck owner of Punjab Motor Workshops
Gae Bazaar, Kharagpur, states :-

At 1600 hours on a day about two months ago I was coming back from Midnapore in the front seat of my truck, Chev 2 ton. About one mile from Kharagpur on the Midnapore road my truck broke down owing to a petrol stoppage. It stopped on the left hand side of the road, the off side wheels being in the middle of the road. After about fifteen minutes an airman came up in a 15 cwt. Chev. and stopped. The accused whom I recognise, was driving and he had a passenger sitting along side him in the drivers cab. I was standing on the left hand side of the road, just in front of my truck, when the accused stopped in his truck. I went around to the accused's truck and tried to explain to him that my truck had broken down owing to a petrol stoppage. Then the accused leaned out of the window and aimed a blow at me with his fist. I ducked and the blow missed me. Then the accused opened the door of his truck and put one foot on the step. I then ran around to the front of my truck and took out the starting handle. I then went around to the left of my truck slightly in front, with the starting handle in my hand. I did this in self defence. Two other Indians who were with me were cleaning the carburettar. The accused then drove off in his truck.

Five minutes later my truck was started up and I left for Kharagpur. Near the pig sheds in the Traffic settlement, the accused passed us in his truck and stopped in front of us. We also stopped. I then jumped out of my truck and ran around to the back of it. The accused then opened fire at me with his gun. I took shelter behind my truck all the time that the accused was shooting. The accused shot at me underneath my truck with his revolver and a bullet rebounded off the chassis of the truck and hit me in the chest. My shirt did not get torn as I had the top two buttons undone. By this time quite a number of people assembled and the accused drove off. I then went to Kharagpur Town Police Station and reported the incident. I went to get my chest treated at approximately 2300 hours that night. I had my chest treated at the hospital near the Kharagpur Local Police station. After that I went home.

The witness is cross examined by the accused as follows :-

Question 1. Why did Kartar Singh run around to the back of his truck at the second meeting?

Answer 1. Because I thought that the accused might have some weapon with him, and I was afraid.

Question 2. What made you think that I had a weapon with me when when you could only see my head and shoulders?

Contd. on page 2.

- Answer 2. Because I saw the gun in his hand.
- Question 3. Why did you wait six hours before going to see the doctor ?
- Answer 3. He was detained at the Police Station.

The evidence of the First Witness for the Prosecution was given in Hindustani and was interpreted by T. AHMAD Assistant Superintendent Police, Kharagpur. Certified that the above evidence is a true interpretation.

Sd/- T. AHMAD.

2nd Witness
for the
Prosecution.

MUNAWAR ALI. Driver, Living at Bawanipore Kharagpur, states :-

One day about 2 months ago about 1700 hours I.S.T. I was coming from Midnapore to Kharagpur in a truck belonging to Kartar Singh. About one mile from Kharagpur my truck stopped due to petrol trouble. It was a Chev. 3 ton and I was driving. It stopped on the right hand side of the road. I then got out and tried to repair the petrol pipe which was under the bonnet. Whilst I was tinkering under the bonnet, the accused, whom I recognise, drove up from behind and stopped his truck alongside mine on the left of it. Because my truck was standing on the wrong side of the road, the accused asked why it was stopped there. And I replied that I was having trouble with the petrol pipe. At this time Kartar Singh was standing on the left of my truck near the bonnet, that is between my truck and the accused's. (Kartar Singh was standing near the accused who was sitting in the driving seat of his truck). The accused and Kartar Singh started abusing each other and Kartar Singh hit the accused with his fist. The accused then hit back with his fist. Kartar Singh then got hold of the starting handle of his truck and brandished it above his head. The accused then started up his truck and drove off into the direction of Kharagpur. About 3 or 4 minutes later, I started my truck and left for Kharagpur. Whilst passing the pig sheds near the Sweepers' Quarters, accused's truck passed us and stopped about 10 or 12 paces in front of our truck. We also stopped. The accused also stepped down from his truck with a pistol in his hand. Kartar Singh went towards the accused brandishing the starting handle above his head. The accused then fired towards the ground. Kartar Singh still stood in the open still brandishing the starting handle above his head. I was sitting in the driver's seat of my truck and saw everything clearly. After firing about 7 rounds the accused got back into his truck and drove off. I then drove to Gae Bazaar where Kartar Singh got out, took a rickshaw and went to the Police Station.

Contd. on page 3.

The witness is cross examined by the accused as follows :-

- Question 4. Could you see Kartar Singh all the time that I was firing the gun?
- Answer 4. Yes I could see him all the time the accused was firing, standing there with the starting handle raised above his head.

Sd/-

The evidence of the 2nd Witness for the Prosecution was given in Hindustani and was interpreted by T. AHMAD Assistant Superintendent Police, Kharagpur.

Certified that the above evidence is a True interpretation.

Sd/- T. AHMAD
25/9/46.

3rd Witness
for the
Prosecution.

B.C. 9866 Major Clarke. Henry, Military Intelligence Liaison Officer/ Additional Superintendent Police Midnapore, being duly sworn states :-

On 3rd August 1946 at approximately 2100 hours B.T. I received a report from the Superintendent of Police Midnapore, with the result that we proceeded to the Kharagpur Local Police Station. I met the complainant Kartar Singh and Sub Inspector S.A. Rashid at the Police Station at 2300 hrs B.T. With a result of a report received there I went to see the accused, whom I recognise. I asked the accused about the incident that took place and he immediately admitted firing six rounds from a 38 Smith and Wesson revolver which he produced. He stated that he fixed the rounds at the ground for self protection as the occupants of a broken down vehicle prepared to attack him, with a starting handle of a lorry a tyre lever etc. On being questioned why this altercation took place, he informed me that three or four Indians were obstructing the roadway with a broken down vehicle. He had asked the people to remove their vehicle to the side of the road so that he could pass. An argument took place from whence the above quoted incident ensued. On being further questioned as to whether he aimed at the complainant he stated that the six shots which he fired were at the very least ten feet away from the complainant, fired from a different direction from where the complainant was standing. I placed the accused in close arrest and he was handed over to an R.A.F. escort for R.A.F. Station Salbani on the 4th August, 1946.

The accused declines to cross examine the witness.

Sd/- E.C. CLARKE Major
M.I.L.O/Addl. S.P. Midnapore, 25/9/46.

Contd. on page 4.

4th Witness
for the
Prosecution.

Dr. A.K. Ghosh, Civilian Doctor of Government
Auxiliary Hospital, Kharagpur states :-

I am a fully qualified Doctor employed as a house
surgeon at Government Auxiliary Hospital Kharagpur.
On 3rd August 1946 at night time Kartar Singh came
to me with an injury on his chest. I examined him
and found three burnt areas across his chest. They
were first degree burns. The burnt areas could be
caused by a hot iron placed on Kartar Singh's chest,
because there was no abrasion, only three separate
burns. It might have been caused by the grazing of
a bullet. I treated Kartar Singh as an outdoor
patient and he went home. He did not come back for
further treatment.

Accused declines to cross-examine.

Sd/- A.K. Ghosh
3/10/46.

5th Witness
for the
Prosecution.

18727 F/Lt. Osborn, Douglas James of H.Q. R.A.F.
Movements Eastern Region being duly sworn states :-

I am employed as M.T.O. Acting Adjutant at R.A.F.
Movements Eastern Region Calcutta. I produce a
certified true copy of R.A.F. Movements Eastern
Region, after Order to Unit Routine Order Serial No.
93 dated 17/12/45 introducing all personnel to hand
in their small arms to the Armoury 35 P.T.C.

Accused declines to cross examine the witness

Sd/- D.J. OSBORN F/LT.

The accused is warned in accordance with R.P.4 (E).

The accused declines to make any statement or give
evidence.

The accused wishes to call one witness for the
defence.

1st Witness
for the
Defence.

1904229 A.C.1 CALLAGHAN J.P. of S.H.Q. R.A.F.
Station Salbani being duly sworn states :-

I am employed in the Catering Section at R.A.F. Station, Salbani. At 1300 hours Bengal time on 3rd August 1946 I stopped the accused, whom I recognise, and asked him if he could give me a lift to Kharagpur, in his vehicle. He said that he was going to Kharagpur and gave me a lift. About two miles from Kharagpur we came across a civilian truck stopped in the middle of the road. The civilian truck was facing towards Kharagpur. We stopped behind it. Accused then asked the three civilians standing near the bonnet of their truck to move it to the side of the road. One of the civilians, a Sikh, came up to our vehicle and said something to the accused in a language I couldn't understand. The Sikh shouted and his manner was very ferocious. Accused then shouted back at the Sikh, but I can't remember what he said. The Sikh then shouted to one of the other civilians who went to the cab of the civilian truck and brought out a starting handle and a tyre ~~rod~~ lever. He handed the starting handle to the Sikh. He swung the starting handle at the accused's head. Accused threw his head back and the blow struck the handle of vehicle door. Accused then immediately started his vehicle and drove around the left hand side of the civilian truck where there was just room for us to pass. Accused then drove on to Kharagpur Railway Station where he dropped me off. Accused then drove into the station Car park and I saw him go into the R.T.O's Office.

Sd/- J.P. CALLAGHAN

Certified that the foregoing Summary of Evidence, consisting of 11 pages was taken down by me at Superintendent Police Bungalow Kharagpur, on 25/9/46, Auxiliary Hospital Kharagpur, on 3/10/46 and at H.Q. R.A.F. Movements Eastern Region on 8/10/46 in the presence of the accused, and that R.P. 4 (c) (d) (e) and (f) were complied with.

Sd/- W.B. THOMAS F/LT.

Officer Taking Summary of Evidence.