

Session Case No. 346/2024

Exhibit No. 17

DEPOSITION OF WITNESS No. 2 FOR THE PROSECUTION

I do hereby on solemn affirmation state that :-

Name	:-	Santosh Ahilaji Dhiwar
Age	:-	38 Years.
Occupation	:-	Service- Conductor- S.T.Depot, Shrirampur
R/o.	:-	Bhimnagar, Tal. Shrirampur, Dist. Ahilyanagar.

Examination-in-Chief by Shri. Choudhari, Ld.A.P.P. for the State :

Since year 2006, I am working at Shrirampur S.T. Depot as a Conductor. On 11.09.2023, I was allotted duty in Bus no.MH-14-BT-4169 from Shrirampur to Pune. In my Bus, the Driver was Sopan Pawar. We proceeded to Pune from DSP chowk. In front of the Bus, the two persons proceeded on their motorcycle. Thereafter, the driver gave the horn to those persons. Thereafter, accused not ready to give side and thereafter, repeatedly gave second horn to those persons. The said persons abused the driver in filthy language. Those persons came in Bus and beat the driver by fist blows. Due to beating, driver Pawar sustained injury. Due to beating, the uniform of the driver was torn and its buttons were broken. I cannot identify the shirt if shown to me. Now the shirt is shown to me. It is the same. On inquiry from the people, the people told their names as Mujib Khan and Arif Khan. Thereafter, we transferred the passengers in another Bus and thereafter, we went at police station and driver Pawar lodged the complaint against the accused persons. I can identify the accused, if shown to me. The accused present in the Court are the same. Police recorded my statement as per my say.

Cross-examination by Ld.Adv. A.A. Sayyad for accused :

2. It is true to say that today I cannot tell the name of accused present before the Court. It is true to say that I cannot state the name and address of the persons, people from whom I came to know the name of accused. It is true to say that Investigating Officer had not conducted the identification parade of the accused in my presence. It is true to say that first time I see the accused persons in the Court. It is true to say that I have not handed over the documentary evidence to Investigating Officer to show that on the day of incident I was present on my duty and log-book of the Bus. I know the difference between the motorcycle and moped vehicle. It is true to say that at the time of incident, the door of the passengers was closed inside of the Bus. It is not true to say that the said door cannot be opened from outside of the Bus. It is true to say that the spot of incident can easily seen from DSP chowk. It is true to say that if the Bus is stopped at DSP square, the traffic is also stop. I cannot state exact that at the time of incident at DSP chowk, the traffic police was present. It is not true to say that the informed Sopan Pawar is my best friend. It is not true to say that on the day of incident, I was not present on my duty and no such incident was happened as mentioned in the FIR. It is not true to say that to help the informant, I deposed false statement to the police. It is not true to say that whatever I deposed in my examination-in-chief is false. It is not true to say that I am deposing falsely.

3. It is true to say that at the time of recording of statement, I stated to the police that those persons entered in the Bus and beat the driver and during that beating, the driver sustained injury. I also stated to the police that in front of Bus, the two persons going on motorcycle at that time, the driver gave horn to them. I also stated to the police that during that beating, total buttons of the uniform of the driver were broken. I cannot assign any reason as to why the above fact is not recorded in my statement

(Deposition)

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by the police. It is true to say that the informant lodged complaint in my presence. It is true to say that after lodging of complaint, I have not visited the police station. It is true to say that after lodging of complaint, police did not record my statement. It is not true to say that as per the say of informant, I am deposing false.

Cross-examination completed and no re-examination.

R.O.A.C.

Date : 25.11.2025.
Ahmednagar.

(Rajesh M. Tayade)
Additional Sessions Judge,
Ahmednagar.