

S.T. No.56/2023.
State Vs. Gopichand
Exh.No.16.

Deposition of witness No.02 for prosecution.

I do hereby on solemn affirmation state that -

My name : **Shyam Kamaldas Pawar,**

Age : 34 Yrs.

Occupation: Agriculturist,

R/o : Ramnagar, Shekapur, Tq. Patur,
District Akola.

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Examination-in-chief by Mr. A.O. Gode, Ld. APP for State.

1] I know Ramchandra Deva Rathod. I know his daughter Sangita. She was married with accused. They have two children. Parents of the accused were residing adjacent to them. Accused used to suspect Sangita and assault her. Myself, Ramchandra Rathod, Sandip Rathod, Kaniram Chavan and the villagers would tried to convince him.

2] On 13.10.2022, in the morning when I woke up at about 5.00 a.m. when I went to attend the natures call while returning at about 5-00 to 5-15 a.m. I could hear the noise from the house of the accused. Ankush Chavan and Keval Rathod were with me at that time. So, hearing the noise we ran towards the house of the accused. Pawan Rathod, Sk. Shakil, Janardhan Rathod and Sunil Ade were there near the house of the accused. We saw that the accused came outside of the house with blood stained Axe in his hand. When he saw us he said ‘मी माइया पत्नीला जीवाने

मारले, तुम्ही जर आला तर तुम्हाला पण मारेल.’’ We could hear the voice of Sangita from the house as ‘‘मला वाचवा, मला वाचवा.’’ By then some people came there. Then Pawan Rathod and Ankush Chavan went to call Tanta Mukti President Sheshrao Rathod. Sheshrao Rathod came immediately. Ramchandra Rathod, father of Sangita also came there at that time. Seeing Ramchandra, accused said ‘‘तार छोरीन तो मार नाको तम आओ तमीनभी खल्लास करुछू’’ Then myself and Sheshrao Rathod told the accused fiercely to keep the Axe aside. Then, myself and Sheshrao went inside the house in the room where we saw that Sangita was lying in the pool of blood. We saw that Sangita was injured on left year, head and on neck. Myself Sheshrao took one cloth and wrapped it on the neck where it was injured. Sheshrao called on No. 108 for ambulance. Then the ambulance took the Sangita to the hospital and doctor declared Sangita dead. Police inquired with me after four days. My statement under section 164 of Cr.PC. was recorded. The statement now shown to me is the same. It bears my signature. The contents are true and correct. It is marked as **Exhibit No.17**. The blood stained asked if shown to me can be identified by me. M.O.No.1 is now shown to me. It is the same. I know the accused. He is present in the Court today.

Examination-in-chief is over.

Cross-examination for Accused by Shri N.N. Umbarkar Chief LADCS :-

3] I am studied up to 11th class. I am an agriculturist having 6 acres land in Shekapur. The distance between Ramnagar and Shekapur is 200 to 250 mtr. The walking distance is approximately five minutes. Other than agriculture, I work as agricultural labour within the vicinity. It never happens that I am not available for 2-4 days or more. After the alleged incident I had not gone out of the village. I use a cell phone. I know the number of the police. The distance between Ramnagar to Patur Police Station is 25 Kms. One requires approximately 1 hour to go to Patur Police Station by a vehicle. There are vehicles in the village. The ambulance came within 10 to 15 minutes after phone call. I had not made a phone call to the police. I did not give a report in Patur Police Station. Father of the deceased gave the report. I had not gone with him. I do not know whether Sheshrao had gone with him or not. I cannot tell in how much time the police came on the spot. I was waiting after the doctor came there. I cannot tell when police came there. I cannot tell whether police came in an hour or two. Police came after four days of the incident and I don't know before that when they came.

4] Ramnagar is a village of approximately 50 houses. Shekapur is of approximately 250 to 300 houses. If police comes in the village almost came to know about it. If I go for work, I return in the evening. I did not contact the police personally. I know Patur Police Station. We do not

have Police Patil. He is at village Pacharan. Pacharan is 5 to 6 Kms. I did not tell about the incident to Police Patil.

5] While tying the cloth to the neck of the deceased our fingers and hand touched her. We were required to hold her on her head. Little blood stains on our hand. It is not true to say that our clothes were also stained with blood. Police did not seized my clothes and footwear from me. I did not tell the police that our hands were blood stained. Accused is not my friend. Accused would not share his personal things with me. The accused did not disclose anything to me. I did not tell about the incident to any one than the police. I had come to know that police had come in the village. If I go for any work I am within two to five kilometers. I could have come if I would have the knowledge that the police had come.

6] It is true to say that we all reached on the spot after the incident occurred. It is true to say that there is a common wall between the house of the accused and the house of his parents. There is a cement road in front of the house of the accused. It is true to say that there is a sewage canal after the road. There is a shed after the road. Then there is a kitchen. Then there is a middle room and last room. The distance between the road to last room is approximately 13 mtr. It is true to say that nothing can be seen from the road till the last room. It is true to say that Axe can be identical. I have not seen the Axe after the

incident till today. It is true to say that I had gone for recording the statement under section 164 of Cr.P.C. after four to five months of the incident. Police had told us to go to the Court for recording of the statement. It is true to say that Police were with us to show the Court. It is not true to say that police told us what to narrate in the statement.

7] I had told to the police and the Judge while recording the statement the timing of 5.00 to 5.15 a.m. I had told the police that the accused said the word “मारेल” after reaching the spot. There is no specific name of Sheshrao and myself in the statement under section 164 of Cr.P.C. in reference to the word “मारेल”. I have told the word “शेषराव लगेच” ale while recording statement under section 164 of Cr.P.C. I cannot assign any reason why all these statements do not find a place in the statement under section 161 and/or 164 of Cr.P.C.

8] It is true to say that accused was having the habit of consuming liquor and used to raise quarrels. It is not true to say that accused would raise quarrels in the village and would not listen to anyone. Witness states voluntarily that he used to quarrel only in his house. It is not true to say that I am stating this in the Court first time. It is not true to say that I am deposing false that after reaching on the spot we saw the accused with blood stained Axe. It is not true to say that I am deposing false that the accused told us to be way otherwise he will kill us like he killed Sangita. It is not

true to say that I am deposing false that we tied a cloth to the neck of Sangita and she was lying in the pool of blood. It is not true to say that I am deposing false that there were other persons along with me. It is not true to say that I am close relative of the deceased, so I am deposing false. It is not true to say that no incident had taken place in my presence. It is not true say that I have given the statement under section 164 of Cr.PC. On the say of police. It is not true to say that I am deposing false today. It is not true to say that I have wrongly identified the Axe.

Cross-examination completed

Re-examination – Nil.

R.O.A.C.

Sd/-

(Smt. M.S. Bhadane)

Dt. 06.03.2026.

Addl. Sessions Judge, Akola.