

**Spl.(ACB) Case No.1/2018,  
Exhibit No.104.**

Deposition of Witness No.5 for the Prosecution.

I do hereby on solemn affirmation state that-

My name : **Sopan Bhoma Bhaik,**  
Age about : 44 Years,  
Occupation : Police Inspector, Bhoiwada Police Station, Mumbai  
Residence : Mumbai

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**Examination-in-chief by Shri S. P. Hiwale, A.P.P. for State:**

1. On 28.08.2017, I was serving as a Police Inspector at the Anti-corruption Bureau, Buldana. On that day, the complainant, Raju Ramdas Wagh, resident of Andhera, lodged a written complaint against Shri. Madan Jarwal, Talathi of Andhera for demanding a bribe amount of Rs.2000/-. Thereafter, I issued a letter to the Assistant Commissioner (Social Welfare), requesting that two pancha witnesses be provided. The said letter is now shown to me. It is the same. It bears my signature. I identify it. The contents are true and correct. It is marked as **Exh.105**. In pursuance of the said letter, two pancha witnesses, namely Shri. Ravi Kalwaghe and Shri. Vishnu Kanadje attended the ACB Office. I introduced the pancha witnesses to the complainant also introduced myself to them. The written complaint of the complainant was given to the pancha witnesses for their perusal. After reading the contents of the complaint, pancha witness No.1 made an endorsement at the end of the complaint and signed beneath it. The said written complaint is now shown to me. It is the same. It bears my signature. It is already marked as Exh.25.

**2.** In pursuance of the said complaint, a pre-verification panchanama was prepared on 28.08.2017. During the pre-verification, I explained the use of the voice recorder, the ultraviolet lamp, and anthracene powder to the pancha witnesses as well as the complainant. I further informed the pancha witnesses that, while going to meet the accused, pancha witness No.1 Shri. Kanadje would accompany the complainant, while pancha witness No.2 would remain with the other staff. It was decided to verify the demand of a bribe of Rs.2000/- made by accused Madan Jarwal from the complainant in consideration of not taking action against his tractor, through the Voice Recorder. I gave instructions to all that if the accused demanded bribe, a trap would be laid. Accordingly, a pre-verification panchanama was prepared. The said pre-verification panchanama is now shown to me. It is the same. It bears my signature and signature of two pancha witnesses. The contents are true and correct. It is already marked as Exh.33.

**3.** After the pre-verification panchanama was prepared, I alongwith both pancha witnesses, the complainant, and the staff proceeded to Andhera in a Government vehicle for verification. The vehicle was stationed near the office of the accused in such a manner that it was not visible to outsiders. Prior to verification, I instructed pancha witness No.1 Kanadje that he should accompany the complainant and carefully listen to whether the accused demanded a bribe. He was further instructed that if the accused inquired about him, he should give suitable answers. I instructed the complainant to conceal the voice recorder inside his shirt in such a manner that it would not be visible to anyone. Police Constable Vijay Warule placed the voice recorder inside the shirt of the complainant and switched it

on. I then instructed the complainant and pancha witness No.1 to return after the verification. Thereafter, I sent the complainant and pancha witness No.1 to the Talathi Office.

4. As per the instructions, pancha witness No.1 and the complainant proceeded to the Talathi Office at Andhera. After verification of the bribe demand made by the accused, they returned by motorcycle. At that time, Police Constable Vijay Warule switched off the voice recorder which was placed inside the shirt of the complainant. Then, I made inquiry with pancha witness No.1 regarding the verification of the bribe demand made by the accused. Pancha witness No.1 stated that the accused, Madan Jarwal demanded a bribe of Rs.2000/- from the complainant in consideration of not taking action against the tractor of complainant. Kotwal Bhagwan Dhole, the companion of the accused Madan Jarwal, also stated that as per the demand made by accused No.1, Madan Jarwal, the complainant shall pay the said amount to him. However, accused No.1 told the complainant not to pay the amount on that day, but to pay it after two to three days either to accused No.2 or he will collect it directly. Thereafter, we returned to ACB Office, Buldana. I listened the entire conversation that had been recorded in the voice recorder and prepared a transcript thereof. A verification panchanama was then drawn. The said verification panchanama is now shown to me. It is the same. It bears my signature. I identify it. The contents are true and correct. It is already marked as Exh.34.

5. Subsequently, Police Constable Vijay Warule generated the hash value of the memory card used for the recording, took out a screenshot of it and obtained signatures of pancha witnesses. I also

singed it. The said screenshot is now shown to me. It is the same. It is marked as **Article-G.**

6. Then, I instructed the complainant that if the accused contacted him, he should inform us. I instructed both the pancha witnesses to maintain the secrecy and asked them to remain present whenever called.

7. On 31.08.2017, the complainant contacted me and informed me that the Talathi, Shri. Madan Jarwal had called him and asked him to visit with money. Accordingly, I summoned the two pancha witnesses at A.C.B. Office, Buldana. Thereafter, both pancha witnesses attended the A.C.B. Office, Buldana. I gave instructions to them regarding the trap procedure. I called the complainant near the Rest House at Chikhli. Thereafter, I along with the pancha witnesses and the staff proceeded to the Rest House, Chikhli, carrying all necessary articles for the trap. I issued a letter for securing a room at the Rest House. The complainant had brought the amount intended to be used as a bribe for the trap. The amount consisted of four currency notes of five hundred denominations, amounting in total to Rs.2000/-. The numbers of the said currency notes were recorded. I demonstrated the use of anthracene powder to both pancha witnesses and the complainant. Police Constable Pawar applied the anthracene powder to a plain white sheet of paper. Thereafter, the anthracene powder was observed under the ultraviolet light and a green color shine noticed on the plain paper as well as the fingers of PC Pawar. Thereafter, anthracene powder was applied to the four currency notes of Rs.500/- denomination produced by the complainant. The tainted notes were then placed in the left side pocket of the shirt of the complainant. Thereafter, the complainant

and the pancha witness No.1 were instructed regarding the procedure. A Pre-trap panchanama of all these matters was prepared. The said Pre-trap panchanama is now shown to me. It is the same. It bears my signature and the signatures of the pancha witnesses. It is already marked Exh.35.

8. Thereafter, I along with the staff, the pancha witnesses and the complainant proceeded to village Andhera. The complainant and Police Constable Vijay Warule travelled there by motorcycle. Police Constable Pawar was instructed to remain at rest house, Chikhli.

9. Thereafter, at Andhera Phata, Police Constable Vijay Warule placed the voice recorder inside the shirt of the complainant. I gave necessary instructions to the complainant. Thereafter, pancha witness No.1 and the complainant proceeded to the Talathi Office at Andhera to meet the accused. The complainant and pancha witness No.1 remained there for a considerable time. The accused Madan Jarwal asked pancha witnesses No.1 and the complainant to come after one hour, indicating this by a signal. Thereafter, they came back to us. After the lapse of one hour, it was again decided to lay trap. Thereafter, pancha witness No.1 and the complainant were again sent to the Talathi Office to meet the accused. We remained stationed nearby the Talathi Office without being seen by anyone awaiting the complainant's signal. Thereafter, the complainant and panch witness No.1 came out without giving signal and proceeded towards Andhera Phata. We also followed them towards Andhera Phata. Police Constable Vijay Warule switched off the voice recorder which had been concealed in the shirt of the complainant. Thereafter,

panch witness No.1 stated that accused Madan Jarwal did not accept the bribe amount as he was suspicious.

10. We then returned to the Rest House at Chikhli. I recorded the statement of the complainant there. A transcription of the voice recording was prepared. Thereafter, we drew up a trap panchanama. The said trap panchanama is now shown to me. It is the same. It bears my signature and the signatures of both the pancha witnesses. It is already marked as Exh.36.

11. The currency notes used for the trap were then seized. I, thereafter, issued a letter to the Police Station Andhera for lodging a report against the accused for demanding the bribe amount. The said letter is now shown to me. It is the same. It bears my signature. The contents are true and correct. It is marked as Exh.106.

12. Thereafter, I lodged a report against the accused. The report is now shown to me. It is the same. It bears my signature. The contents are true and correct. It is marked as Exh.107. The printed FIR is now shown to me. It is the same. It bears my signature. The contents are true and correct. It is marked as Exh.108.

13. Thereafter, both the accused were arrested. The arrest panchanamas are shown to me. They are the same. They bear my signature, signature of the accused and signatures of both the pancha witnesses. The contents are true and correct. They are marked as Exh.109 and 110.

14. Thereafter, I recorded natural voice samples of both the accused and prepared panchanamas. They are already marked as Exh.38 and 39.

15. On 04.09.2017, I issued a letter to the District Collector, Buldana, seeking information regarding the service of the accused.

The said letter is now shown to me. It is the same. It bears my signature. It is marked as **Exh.111**. In pursuance of the said letter Sub-divisional Officer, Sindkhed Raja addressed a reply letter to me. The said letter is now shown to me. It is the same. It is marked as **Exh.112**.

16. On 18.09.2017, I issued a letter to the Tahsildar, Deulgaon Raja to obtain the site map of the place of incident. The letter is now shown to me. It is the same. It bears my signature. The contents are true and correct. It is already marked as Exh.90. Accordingly, the Circle Officer prepared the site map of the place of incident and sent it alongwith his letter. The letter and the site map are now shown to me. They are the same. They are already marked as **Exh.91 and 92**, respectively.

17. On 26.09.2017, I sent the two memory cards containing the natural voice samples of both the accused for spectrography test and for obtaining report thereof to F.S.L. Amravati through Superintendent of Police, Anti-corruption Bureau, Amravati by letter. The Letter is now shown to me. It is the same. It bears my signature. The contents are true and correct. The same is marked as **Exh.113**. During the investigation, I obtained a certificate under Section 65B of the Indian Evidence Act about the conversation recorded in the voice recorder from P.C. Vijay Warule. The certificate is shown to me. It is the same. It is marked as **Exh.114**.

18. Thereafter, I received report from FSL Amravati. Now the report is shown to me. It is the same. It bears signature and stamp of Scientific Officer, Amravati. It is marked as **Exh.115**.

19. On 20.01.2018, Superintendent of Police, A.C.B. Amravati issued a letter to District Collector, Buldana to prosecute against the accused. It is already marked as Exh.52.

20. During the investigation, I recorded the statements of the witnesses. On 10.11.2017, I gave a cheque of Rs.2000/- to the complainant as compensation in exchange for the bribe amount and obtained a receipt for the same. The receipt is not shown to me. It is the same. It bears my signature and signature of the complainant. It is marked as Exh.116.

21. After completion of investigation, I filed charge sheet against the accused.

22. Today, both the accused are present before the Court. I identify them.

**Cross-examination by Adv. N.D. Runwal, for the accused.:**

23. The complainant was engaged in the business of sand transportation. I did not conduct any investigation into the criminal background of the complainant. It is not true to say that the complainant was engaged in illegal sand transportation business. I cannot state whether accused No.1 imposed any fine upon the complainant in connection with illegal sand transportation. It is not true to say that I lodged a false report against the accused in collusion with the complainant so as not to hinder the business of illegal sand transportation of the complainant. It is not true to say that I intentionally refrained from investigating the business activities of the complainant.

24. As per the version of the complainant, accused No.1 demanded a bribe on 25.08.2017. On 28.08.2017, the complainant lodged a complaint with A.C.B. office. I obtained an explanation

from the complainant regarding the delay in lodging the report. It is not true to say that the complainant failed to give any explanation regarding the delay in lodging the report. I did not recover an amount of Rs.2000/- from the complainant as allegedly given by him. I did not take the particulars of the bribe amount of Rs.2000/- allegedly given by the complainant and also did not inquire in that regard. It is not true to say that accused No.1 had not demanded or accepted any amount from the complainant on 25.08.2017. It is not true to say that on 25.08.2017, the accused No.1 had not demanded the remaining amount of Rs.2000/- from the complainant.

**25.** From 04.10.2017 to 23.10.2017, the memory card was remained in my office. It was deposited in Muddemal Room with P.C. Shyam Bhangre, who was the Muddemal Mohrur. I have not filed documents to show that the memory card was taken back into my custody from P.C. Bhangre. It is not true to say that the report from the F.S.L. is not in favor of the prosecution. After receiving the report from FSL Amravati on 30.12.2017, I did not send the memory card for a second opinion to another FSL. I did not feel it necessary to sent the memory card to another FSL.

**26.** It is not true to say that P.C. Warule has not issued a certificate under Section 65B of Indian Evidence Act, 1872 for natural voice samples of the complainant and the accused. It is not true to say that either P.C. Warule or me have not issued a certificate under Section 65B of the Indian Evidence Act, 1872 for the conversation between the complainant and the accused regarding demand and acceptance, recorded on 28.08.2017 and 31.08.2017 in the voice recorder. It is true that Exh.114 does not reveal mention of the company and model of memory card and voice recorder.

**27.** It is not true to say that the accused had never demanded or accepted the bribe. It is not true to say that the voice of the accused is not recorded in the voice recorder and memory card. It is not true to say that I have not recorded the natural voice samples of the accused and the complainant. It is not true to say that I have prepared false and fabricated charge-sheet and documents, panchanamas. It is not true to say that on the dates and the places as stated in the examination-in-chief as well as all the panchanamas, no incidents were happened.

**28.** I have obtained and filed documents showing that the Sub-divisional Officer or Tahsildar has power to accord sanction to prosecute against the accused. It is not true to say that Sub-divisional and Tahsildar have no power to accord sanction to prosecute against the accused.

**29.** I do not remember whether I had sent original or photocopies of the documents to Sub-divisional Officer and Tahsildar, prior to obtain sanction. I had not sent the memory card having recording of the conversation to Sub-divisional Officer and Tahsildar. It is true that the CD along with Exh.38 is not deposited in the Court at the time of filing charge sheet. I cannot assigned any reason as to why the CD was not deposited.

**30.** As per the trap panchanama dated 31.08.2017, the Kotwal Parmeshwar Rathod informed the complainant by phone that accused Jarwal has called the informant at Talathi Office with amount of Rs.2000/-. I have not recorded the statement of Kotwal, Parmeshwar Rathod. It is not true to say that the accused had not given his memorandum voluntarily. It is not true to say that at my instance and due to my pressure, the accused gave his

memorandum. It is not true to say that I have filed false charge sheet against the accused. It is not true to say that I am deposing false today.

**31.** I had not recorded the natural voice sample of Parmeshwar Rathod. It is not true to say that accused No.2 was not at the spot of incident on 31.08.2017, therefore his voice was not recorded. It is not true to say that there is no any voice recording of any accused in any memory card.

Re-examination : Nil.

R.O.A.C.

Before me,

Dated : 18-09-2025.

( R. N. Rokade )  
Sessions Judge, Buldana.

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