

सत्र खटला क्र. ५७/२०२१
सरकार -वि.- जगदीश
नि. क्र. १६

अभियोगपक्षातर्फे साक्षीदार क्रमांक - ०१

मी शपथेवर खरे सांगतो की,

नांव - पो.ना. कॉ. सतीष रामभाऊ नागरे, ब.क्र. १९७१.

वय - ३८ वर्षे, व्यवसाय – नोकरी,

राहणार - देऊळगाव राजा , ता. देऊळगाव राजा, जि. बुलडाणा.

सरतपास सहाय्यक सरकारी अभियोक्त श्रीमती. सोनाली सावजी (देशपांडे) यांच्या
मार्फत :-

१. सन २०१९ ला पोलीस स्टेशन अमडापूर येथे मी पोलीस कॉन्टेबल म्हणून पि.एस.आय. पवार यांचा रायटर म्हणून कार्यरत होतो. घटना १९ जुलै २०१९ ला घडली, त्यादिवशी मी कर्तव्यावरती हजर होतो. त्यादिवशी माझी पि.एस.आय. पवार यांच्याबरोबर पेट्रोलिंग डिवटी लागली होती होती. निलेश वाकडे, ब.क. ६२८ हे त्यावेळला ड्रायव्हर होते. आम्ही पोलीस स्टेशन हद्दीमध्ये गस्त घालत असतांना आम्ही संध्याकाळी ०६.०० वाजता उंद्री या गावी पोहचलो. त्यावेळला तेथे एक ट्रक मुक्ताई अॅटो गॅरेजच्या समोर रोडच्या मधोमध लागलेला होता. त्या ट्रक चा क्रमांक एम.एच.२८-बीबी-१२११ असा होता. तो खामगांवला जाणारा हायवे होता. त्या ट्रक मुळे रहदारीला अडथळा झाला. पवार साहेबांनी ट्रक काढण्याबाबत आरोपीतांना माहिती दिली. आम्हाला त्याच्यावरती आय.पी.सी. कलम २८३ प्रमाणे कार्यवाही करायची होती. गणेश जगताप, ट्रक ड्रायव्हर यास ट्रक बाजुला घेण्यास सांगितले. त्यावेळला त्याने आमच्याशी हुज्रत घालण्यास सुरवात केली व तो म्हणाला की, आमचाच ट्रक तुम्हाला दिसतो का. त्यावेळला ट्रक मालक जगदीश राठी आणि त्यांचा मुलगा अनुज राठी तेथे आले. ते देखील तसेच बोलले व आम्ही तुम्हाला दाखवु असे म्हणाले. अनुज राठीने माझ्यासोबत धक्काबुक्की करुन मला मारहाण केली. त्यावेळला पि.एस.आय. पवार हे त्यांना ट्रक बाजुला घ्या असे समजावुन सांगत होते. तेवढ्या

जगदीश राठी यांनी पवार साहेबांना धक्काबुक्की करून मारहाण केली त्यामुळे त्यांची नेमप्लेट तुटली व पडली. नंतर ड्रायव्हर गणेश जगताप याने आमच्या ड्रायव्हरशी हुजत घालून त्याला खाली ढकलून दिले आणि मारहाण केली, त्यामुळे त्याचा डावा पाय मूरगळला. गणेश जगताप याने ट्रक म्हधून लोखंडी टॉमी आणून आमच्या गाडीची काच फोडली. आरोपींनी ट्रक बाजूला घेण्यास का सांगितले म्हणून असे कृत्य केले. त्यानंतर आम्ही आरोपीतांना समजावून सांगितले व त्यांना आय.पी.सी. २८३ प्रमाणे केस करणे आहे असे सांगितले. आम्ही आरोपीतांना ताब्यात घेतले. ताब्यातघेण्यापुर्वी आरोपीतांनी आमच्याशी झटापट केली. आम्ही जगदीश राठी यांना पकडून ठेवले व अन्य दोन आरोपी तेथून पळून गेले. घटनेची फिर्याद मी दिली. मला आता दाखविलेली फिर्याद ही तीच आहे. त्यातील मजकूर खरा व बरोबर आहे. त्यावर माझी सही आहे. त्यास नि.क्र. १७ देण्यात येत आहे. मला आता दाखविलेली छापील प्रथम खबर अहवाल ही तीच आहे. त्यातील मजकूर खरा व बरोबर आहे. त्यावर माझी सही आहे. त्यास नि.क्र. १८ देण्यात येत आहे. मला छातीला मार लागला होता म्हणून मला ग्रामीण रुग्णालय उंद्री येथे तपासनीकरीता पाठविले होते, तेथे माझी वैद्यकीय तपासनी झाली. मी पोलीसांना घटनास्थळ दाखविले. मला ज्या टॉमीने मारहाण केली ती टॉमी दाखविल्यास मी ओळखुशकेल. मला आता दाखविलेली टॉमी ही तीच आहे त्यास आर्टिकल 'अ' देण्यात येत आहे. मला पवार साहेबांची नेमप्लेट जी तुटून पडली होती ती दाखविल्यास मी ती ओळखुशकेल. सिलबंद पाकीट आता उघडण्यात आले. त्यामध्ये तुटलेल्या नेमप्लेटचे दोन तुकडे आहेत, मला आता दाखविलेली पवार साहेबांची नेमप्लेटचे दोन तुकडे हे तेच आहेत, त्यास आर्टिकल 'ब' देण्यात येत आहे. आरोपींनी आमच्या शासकीय गाडीचा मागच्या बाजूकडील डाव्या बाजूची काच टॉमीने फोडला होता. पोलीसांनी माझा जबाब माझ्या सांगण्याप्रमाणे नोंदविला. आज न्यायालयात हजर असलेल्या आरोपीतांना मी ओळखतो.

उलटतपास आरोपी तर्फे विधीज्ञ श्री. के.बी. माहेश्वरी यांच्या मार्फत :-

२. हे खरे की, तेथील डांबरी रस्ता २० फुट रुंदीचा आहे. हे खरे नाही की, ट्रक हा डांबरी रस्त्यावरती उभा नव्हता. हे खरे की, ट्रक हा २० फुटी रस्त्यावरती

उभा नव्हता. हे खरे की, नकाशामध्ये डाव्या हाताला १० फुटाचा स्लुप दाखविलेला आहे. हे खरे की, २० फुट रस्त्याच्या दुसऱ्या बाजूला देखील १० फुटाचा स्लुप आहे. हे खरे की, ते दोन्ही बाजूकडील स्लुप हे डांबरी नाहीत. हे खरे की, दोन्ही बाजूच्या स्लुपच्या बाजूला दुकाने आहेत. हे खरे की, त्या दिवशी सर्व दुकाने सुरु होती. हे खरे की, तिथल्या कुठल्याही दुकानांचा रोड वरील अडथळ्याबाबत आमच्याकडे तक्रार नव्हती.

३. मी पोलीस डिपार्टमेंट मध्ये १५ वर्षांपासून कार्यरत आहे. आरोपींना ताब्यात घेण्याच्याआधी गुन्हा दाखल नव्हता. हे खरे की, आरोपीतांना ताब्यात घेतांना लेखी सुचना दिली नाही. तेथे ट्रक कोणत्या परिस्थितीत उभा होता याची चौकशी आम्ही केली होती. हे खरे की, तो ट्रक चालुस्थितीत होता की कसे, असे मी रिपोर्टमध्ये अथवा रिपोर्टमध्ये सांगितलेले नाही. ट्रक चालुस्थितीत होता असे न लिहण्यास काही एक कारण नाही.

४. आरोपीतांनी आमच्याविरुद्ध दुकानातुन ओढुन मारहाण केली असा रिपोर्ट एस.पी. कडे दिला होता. हे खरे की, त्या संदर्भात आमच्या डिपार्टमेंटने इन्कॉयरी केली होती. पहिलांदा आम्हाला दोषी धरुन तीन वर्ष इन्क्रीमेंट बाद केले त्याच्या विरुद्ध आम्ही अपील केले. अपीलामध्ये आमचे दोन वर्षमाफ होवुन एक वर्षाचे दाइत्व ठेवण्यात आले होते. त्यावर आम्ही परत अपीलात गेलो तेथे आम्हाला परत रक्कम रु. २०००/- दंड झाला होता व तो दंड आम्ही भरला व ते प्रकरण संपले. आरोपीतांनी आमच्याविरुद्ध मानवी आयोगाकडे केस केली होती. मानवी आयोगाकडे निकाल झाला परंतु तो निकाल मला मला माहिती नाही. मला टॅमी आणि पाइपाचा फरक समजत नाही. टॉमी पोकळ असते की नाही हे मला माहितीचे नाही. हे म्हणणे खरे नाही की, टॉमी ही पोकळ नसते. हे खरे नाही की, आम्ही आरोपीतांना मारहाण केल्याने आम्ही स्वतः गाडीच्या काचा फोडल्या आणि रिपोर्ट दिला. हे खरे नाही की, आमच्या अत्याचाराला कंटालुन उंद्री ग्रामस्थांनी गाव बंद केले होते. हे मला माहिती नाही की, मुख्यमंत्र्यांसगट सकळ्यांकडे आरोपीतांनी तक्रारी केल्या की कसे.

५. हे खरे नाही की, आरोपीतांनी गाडी बाजूला घेण्याच्या कारणावरून आम्हा सर्वांना मारहाण केली व गाडीचे काच फोडली असे काही झाले नसून तसे मी खोटे सांगत आहे. हे खरे नाही की, आमच्यावर कार्यवाही होवून नये म्हणून आणि सर्व गाव आमच्याविरुद्ध जावु नये म्हणून आम्ही आरोपीतांच्या विरुद्ध हा खोटा रिपोर्ट दिला आहे. हे खरे नाही की, मी सरतपासात जे सांगितले ते खोटे सांगत असून आज खोटी साक्ष देत आहे.

उलटतपास पुर्ण.

सरतपास नाही.

श्रवणोत्तर स्वीकृत
स्वा /-

(पी. ए. साने)
अतिरिक्त सत्र न्यायाधीश,
बुलडाणा.

दिनांक : ०४/११/२०२२

सत्र खटला क्र. ५७/२०२१
सरकार -वि.- जगदीश
नि. क्र. २०

अभियोगपक्षातर्फे साक्षीदार क्रमांक - ०२

मी शपथेवर खरे सांगतो की,
नांव - मोहीनशहा यासीनशहा,
वय - ३८ वर्षे, व्यवसाय - नोकरी,
राहणार - अमडापूर, ता. जि. बुलडाणा.

सरतपास सहाय्यक सरकारी अभियोक्त श्रीमती. सोनाली सावजी (देशपांडे) यांच्या
मार्फत :-

१. दि. १९/०७/२०१९ ला मला अमडापूर पोलीसांनी पोलीस स्टेशनला बोलाविले होते. त्याप्रमाणे मी तेथे गेलो, माझ्याबरोबर एक शिक्षक मो. अरशद मो. अमजद हे होते. तेथे पोलीसांनी २ ते २/५ फुटाचा लोखंडी रॉड दाखविला व त्यांनी सांगितले की तो रॉड आरोपीकडून जप्त केला आहे. तो रॉड माझ्यासमोर कुणाकडूनही जप्त केलेला नाही. पोलीसांनी कागदावरती लिहुन आमच्या सहया घेतल्या. मला आता दाखविलेल्या पंचनाम्यावरील सही ही माझी सही आहे, त्यावर दुसरा पंच आणि पोलीसांची देखील सहया आहेत. हे खरे की, पंचनाम्यावरील लिहलेला मजकुर बरोबर आहे. हे खरे की, पंचनाम्यातील मजकुर लिहल्यानंतर माझी सही घेण्यात आली. सदर जप्ती पंचनाम्याला नि.क्र. २१ देण्यात येत आहे. तो रॉड मला दाखविल्यास मी ओळखुशकेल. आता मला जप्त केलेला टॉमी/पाईप हा तोच आहे, तो आर्टिकल अ वर आहे.

२. पोलीसांनी आम्हाला घटनास्थळ पंचनामा करायला जायचे आहे असे सांगितले. तसे आम्ही दुसऱ्यादिवशी २० तारखेला उंद्री या गावी मुक्ताई गॅरेजच्या जवळ गेलो. फिर्यादी नागरे यांनी घटनास्थळ दाखविले. पोलीसांनी आम्हाला तुटलेली नेमप्लेट दाखविली. ती नेमप्लेट पोलीसांनी तेथे जप्त केली. तेथे पोलीसांनी

घटनास्थळाचा पंचनामा केला. मला अाता दाखविलेला घटनास्थळाचा पंचनामा हा तोच आहे, त्यातील मजकुर खरा व बरोबर आहे. त्यावर माझी दुसरा पंच आणि पोलीसांची सही आहे त्यास नि.क्र. २२ देण्यात येत आहे. मला आता ती नेमप्लेट दाखविलेली, ती काळ्या पांढऱ्या रंगाची नेमप्लेट ही तीच आहे. ती आर्टिकल ब वर आहे.

उलटतपास आरोपी तर्फे विधीज्ञ श्री. के.बी. माहेश्वरी यांच्या मार्फत :-

३. जिल्हा परिशदेच्या शाळेत मी शिक्षक आहे. पंचनाम्याला हजर राहण्याच्या संदर्भात पोलीसांनी आम्हाला लेखी दिलेले नाही. पंचनाम्याला हजर राहण्याच्या संदर्भात हेडमास्टरने मला सांगितले. मी हेडमास्टरांना लेखी आदेश मागीतला नाही. हे खरे नाही की, दोन्ही पंचनाम्यावरील स्वाक्षऱ्या ह्या मी पोलीस स्टेशनला केल्या. पहिल्यादिवशी लोखंडी पाईपचा पंचनामा केला. मी टॉमी आणि पाईपमध्ये फरक सांगू शकतो. मला आता दाखविलेले आर्टिकल अ हा पोकळ लोखंडी पाईप आहे ती टॉमी नाही. पंचनाम्यात टॉमी लिहलेले आहे. पंचनाम्यात टॉमी (पाईप) असे लिहलेले आहे. हे खरे की, मी पंचनाम्यावर सही करतांना पोलीसांनी जप्त केलेले साहित्या टॉमी नाही असे सांगितले नाही. जप्त पंचनामा करताना मी दुसरा पंच आणि पोलीस सोनूने हे होते. सदरचा टॉमी अथवा पाईप कुणाकडून जप्त केला हे मला माहितीचे नाही. हे मला माहितीचे नाही की, ज्याच्याकडून ती वस्तु जप्त केली त्याची नाव पंचनाम्यामध्ये लिहले आहे की कसे.

४. हे म्हणणे खरे नाही की, घटनास्थळाचा पंचनाम्यावरील नकाशामध्ये जे घटनास्थळ दाखविले आहे ते कच्च्या रस्त्यावर आहे. माझ्या म्हणण्याप्रमाणे तो डांबरी रस्ता आहे. पंचनाम्यामध्ये डांबरी रस्ता २० फुटाचा दाखविलेला आहे. त्या रस्त्याच्या दोन्ही बाजूला १० - १० फुटाचे सुलुप आहेत. हे खरे की, ते दोन्ही सुलुप डांबरी रस्त्यामध्ये नाहीत. हे खरे नाही की, घटनास्थळ हे डांबरी रस्त्यावरती आहे असे मी खोटे सांगत आहे. हे खरे नाही की, घटनास्थळाचा पंचनामा हा पोलीस स्टेशनला तयार केला असून तेथे मी सही केली. हे खरे नाही की, हेडमास्टर यांच्या

सांगण्यावरून मी खोटी साक्ष देत आहे. हे खरे नाही की, मी घटनास्थळी काही एक गेलो नाही व तेथे काही एक पंचनामा केला नाही आणि त्यावर सही देखील केली नाही. सही करण्याच्या अगोदर मी पुर्ण पंचनामा वाचून पाहिला. गाडीचा नंबर आता माझ्या लक्षात नाही. हे खरे नाही की, मी खोटी साक्ष देत आहे.

उलटतपास पुर्ण.

सरतपास नाही.

श्रवणोत्तर स्वीकृत

(पी. ए. साने)

अतिरिक्त सत्र न्यायाधीश,
बुलडाणा.

दिनांक : २०/१२/२०२२

सत्र खटला क्र. ५७/२०२१
सरकार -वि.- जगदीश
नि. क्र. २६

अभियोगपक्षातर्फे साक्षीदार क्रमांक - ०३

मी शपथेवर खरे सांगतो की,
नांव - पो.का. निलेश त्रंबक वाकडे, ब.क्र. ६८८
वय - ३९ वर्षे, व्यवसाय - नोकरी,
राहणार - चिखली, ता. चिखल, जि. बुलडाणा.

सरतपास सहाय्यक सरकारी अभियोक्त श्री. एस.एम. खत्री यांच्या मार्फत :-

१. सन २०१९ ला मी अमडापू पोलीस स्टेशनला चालक म्हणुन कार्यरत होतो. आमचे पोलीस स्टेशनचे सरकारी वाहनाचा क्र. एम.एच २८ सी ६३२६ असा होता.
२. दि. १९/०७/२०१९ ला आमची पेट्रोलिंग अमडापुर पोलीस स्टेशनच्या हद्दीत डिवटी होती. त्यावेळेला सोबत पि.एस.आय. पवार त्यांचे रायटर सतीष नागरे होते. आम्ही त्यावेळेला वाहन क्र. एम एच २८ सी ६३२६ मधुन पेट्रोलिंग करित होतो. आम्ही सध्यांकाळी ०६.०० वाजता उंद्री बस स्थानकाजवळ पोहचलो. तेथे एक मुक्ताई गॅरेज होते त्याच्याजवळ एक ट्रक एम एच २८ बीबी १२११ हा उभा होता. सदरचा ट्रक हा अमडापुर खामगांव सार्वजनीक रस्त्यावर होता. त्या ट्रक मुळे वाहतुकीस अडथळा निर्माण झाला होता आणि अपघात होऊन लोकांच्या जिवीतास धोका निर्माण झाला होता. त्याप्रमाणे त्या ट्रक चालकाला सांगण्यात आले की, तुझ्यावरती कायदेशी कार्यवाही करण्यात येत आहे. त्या चालकाने त्याचे नाव गणेश रमेश जगताप असे सांगितले. तो म्हणाला की तुम्हाला आमचीच गाडी दिसते का असे बोलुन वाद करु लागला. त्यावेळेला ट्रकचा मालक आणि त्यांचा मुलगा तेथे आले. ते साहेबांना बोलुलागले की, तुम्हाला आमचीच गाडी दिसते का, तुम्ही माजले, थांबा तुम्हाला आता दाखवितो, असे म्हणुन अनुज राठी सतीष नागरे यांच्या अंगावरती धावुन गेले आणि त्याने सतीष नागरेला धक्काबुक्की करत मारहाण केली. त्यांना मारहाण झाल्याने ते जखमी झाले. पी.एस.आय. पवार त्यांना समजावुन सांगण्यास गेले असता जगदीश राठी यांनी त्यांना धक्काबुक्की केली. त्या धक्काबुक्कीमध्ये पवार साहेबांच्या गणवेशाची नेमप्लेट तुटली.

३. पवार साहेबांना मारण्याकरीता ट्रक ड्रायव्हरने ट्रक मधुन लोखंडी टॉमी सारखा लोखंडी पाईप आणला. पवार साहेब बाजुला झाले त्यामुळे तो पाईप आमच्या सरकारी वाहणाच्या डाव्या बाजुस मागील काचेवर लागला त्यामुळे काच फुटली. मी त्यांना म्हणालो की तुम्ही गाडीची काच का फोडली. त्यावेळेला ट्रक चालक गणेश जगताप मला म्हणाले की आता तर गाडीची काच फोडली असे म्हणुन मला ढकलून दिले. मी खाली पडलो त्यामुळे माझ्या पायाला मुरगळुन इजा झाली. त्यानंतर सतीष नागरे यांनी ट्रक चालकाच्या हातातुन लोखंडी रॉड हिसकावून घेतला. पवार साहेबत त्या तिघांना ताब्यात घेत असतांना अनुज राठी आणि गणेश जगताप हे तेथुन पळुन गेले. त्यानंतर आम्ही जगदीश राठी यांना ताब्यात घेवुन पोलीस स्टेशनला गेलो. पोलीस स्टेशनला सतीष नागरे यांनी तक्रार दिली. आम्ही त्यांच्या सोबत होतो. सदरचे काम हे आमचे शासकीय काम होते. आरोपीतांनी शासकीय कामात अडथळा निर्माण केला. पोलीसांनी माझे घटनेबद्दल बयाण घेतले. आज न्यायालयात दोन आरोपी हजर असुन तीसरा आरोपी गैरहजर आहे तो आरोपी मला दाखविल्यास मी त्याला ओळखुशकेल. हेच तीन्ही लोक त्यादिवशी तेथे होते.

उलटतपास आरोपी तर्फे विधीज्ञ श्री. के.बी. माहेश्वरी यांच्या मार्फत :-

४. मी आरोपीतांना चांगले आेळखतो. हे खरे नाही की, मी त्यांना घटनेच्यापुर्वीपासुन ओळखतो. हे खरे आहे की, आरोपी राठी हे त्या गावातील प्रतिष्ठीत व्यापारी आहे. हे खरे आहे की, राठी यांना आम्हा तिघांच्या विरुध्द आणि इतर पोलीसांच्या विरुध्द तक्रारी केलेल्या आहेत. आम्हाला प्राथमीक चौकशी करीता पोलीस कंट्रोरुमला बोलाविण्यात आले. आमची पोलीस स्टेशन मधून डिवटी काढुन इकडे डिवटी लावली होती. तशी बदली आरोपीतांच्या तक्रार अर्जावरुन झाली. त्या तक्रारीमध्ये आमची तीन वर्षे वेतनवाढ थांबविण्यात आली, ते चौकशीअंती झाले. त्यानंतर आम्ही अपील केली. त्या ठिकाणी दोन वर्षाची वेतनवाढीची सजा माफ करण्यात आली. त्यावर परत आम्ही अपील केले. तेथे वेतनवाढीची सजा माफ केली आणि आम्हाला दोन हजर दंड करण्यात आला. हे खरे नाही की, आम्ही आरोपीतांना दुकानातुन ओढुन मारहाण केली म्हणुन आम्हाला दंड करण्यात आला. आम्ही अमानुशपणे आरोपीतांना वागणुक दिली अशी आरोपीतांची तक्रार होती. त्याच्या सर्व नकला माझ्या ताब्यात आहे. मी त्या नकला दाखल करु शकतो.

५. हे खरे आहे की, त्यानंतर जगदीश राठीने मानवी हक्क आयोग यांच्याकडे

तक्रार केली होती. तेथे आम्ही हजर होवुन आम्ही जबाब दिला. तेथे त्यांची केस डिसमीस झाली.

(आरोपीचे विधीज्ञ श्री. के.बी. माहेश्वरी यांच्या तोंडी विनंती उलटतपास पुढील तारखेपर्यन्त तहकुब.)

श्रवणोत्तर स्वीकृत

(पी. ए. साने)
अतिरिक्त सत्र न्यायाधीश,
बुलडाणा.

दिनांक : २३/०२/२०२३.

सत्र खटला क्र. ५७/२०२१
सरकार -वि.- जगदीश
नि. क्र. २६

शपथेवर उलटतपास आरोपी तर्फे विधीज्ञ श्री. के.बी. माहेश्वरी यांच्या मार्फत पुढे सुरु:-

६. मी रस्ताची नेमकी रुंदी सांगू शकत नाही. हे म्हणणे चुक आहे की सदरचा ट्रक हा रस्त्याच्या कडेला उभा होता. सदरचा ट्रक हा चालु स्थितीत होता की बंद पडलेला होता हे मी सांगू शकत नाही. रस्त्याच्या कडेला तेथे बरीच दुकाने आहेत. घटनेच्या वेळेला ती दुकाने उघडी होती; त्या दुकानाचे मालक आणि इतर लोकांनी सदरची घटना पाहिली असेल. हे म्हणणे चुक होईल की आरोपीने आमच्या विरुद्ध वेगवेगळ्या आयोगाकडे तक्रारी दिल्या, त्यामुळे बदला घेण्याकरिता आम्ही आरोपीविरुद्ध ही खोटी तक्रार दिली. हे म्हणणे चुक होईल की, आम्ही आमच्या गाडीच्या काचा फोडल्या, आरोपीने कोणतीही कृती केली नाही. हे म्हणणे चुक आहे की, मी खोटी साक्ष देत आहे.

उलटतपास पुर्ण
सरतपास नाही.

श्रवणोत्तर स्वीकृत

(एस.बी. डिगे)
अतिरिक्त सत्र न्यायाधीश,
बुलडाणा.

दिनांक : २५/०४/२०२३.

Session C. No. 57/2021
State -Vs.- Jagdish
Exh. No.26

**Further cross-examination for the accused advocate Shri.
K.B. Maheshwari on oath :**

6. I can not state the exact width of the road. It is incorrect to say that the said truck was parked beside a road. I do not know whether the said truck was in working condition or under repair. There are so many shops beside the road. At the time of incident those shops were opened; and their owners and other people might have seen the incident. It is incorrect to say that accused filed complaints against us before various authorities, therefore to take revenge we filed false case against the accused. It is incorrect to say that we ourself broken the glass of our vehicle and accused did not commit any act. It is incorrect to say that I am deposing falsely.

cross-examination is over.

No re-examination.

R.O.A.C.

(S.B. Dige)
Additional Sessions Judge,
Buldana.

Dated: 25/04/2023.

सत्र खटला क्र. ५७/२०२१
सरकार -वि.- जगदीश
नि. क्र. २६

शपथेवर उलटतपास आरोपी तर्फे विधीज्ञ श्री. के.बी. माहेश्वरी यांच्या मार्फत :-

४.

उलटतपास पुर्ण

फेरतपास नाही.

श्रवणोत्तर स्वीकृत

(एस.बी. डिगे)
अतिरिक्त सत्र न्यायाधीश,
बुलडाणा.

दिनांक : २५/०४/२०२३.

S.T. No. 57/2021
State -Vs.- Jagdish
Exh.No. 31

Deposition of witness No. 04 for the Prosecution

I do hereby on solemn affirmation state that :

My name : Govindrao Sahebrao More,
Age about : 50 Years, Occupation : Mason,
Resident of : Harni, Tq. Chikhli, District Buldana.

**Examination-in-chief by Shri. V.L. Bhatkar, DGP
for State.**

01. I do not know accused present in the court. I do not know anything about the incident.

(Learned DGP sought permission to put leading question as the witness is not co-operating to the prosecution, hence permission is granted.)

02. It is incorrect to say that on 19/07/2019 I was present in front of the shop of Bidwe. It is incorrect to say that Police came there and asked accused to remove his vehicle from the road, therefore, the accused quarreled with the police. It is incorrect to say that the owner of said vehicle also quarreled with the police and manhandled with them. It is incorrect to say that accused assaulted police by kick and fist blows and caused him injured. It is incorrect to say that accused Ganesh hit a tomy on the glass of the police vehicle and broke the same. It is incorrect to say that police tried to catch all accused but they went away. Portion mark A is read over to me

it is incorrect. It is incorrect to say that I am deposing falsely.

**Cross-examination for accused by Adv. Shri. K.B.
Maheshwari :-**

Cross-examination decline.

No. Re-exam.

ROAC

(S.B. Dige)

Additional Sessions Judge,
Buldana.

Date :- 06/06/2023

S.T. No. 57/2021
State -Vs.- Jagdish
Exh.No. 34

Deposition of witness No. 05 for the Prosecution

I do hereby on solemn affirmation state that :

My name : Vinod Haribhau Wankhede,
Age about : 41 Years, Occupation : Agriculturist,
Resident of : Amdapur, Tq. Chikhli, District Buldana.

**Examination-in-chief by Smt. Sonali Saoji
(Deshpande), APP for State.**

01. On 20.07.2019, Police called me in Police Station Amdapur along with Ganesh Deulkar. Then police have shown police jeep No. MH-28-C-6326 in front of Police Station. The left side glass and net of the jeep was broken. Police prepared panchanama in my presence. Now it is shown to me, it bears my signature, its contents are true, it is at Exh. 35.

**Cross-examination for accused by Adv. Shri. K.B.
Maheshwari :-**

02. It is incorrect to say that my house is adjacent to the Police Station. It is incorrect to say that I stood as a panch in may cases in Chikhli Court. It is incorrect to say that I have good relation with the police therefore, I signed the panchanama and it was not prepared in my presence. One criminal case is pending against me. It is incorrect to say that because of that case I am deposing falsely.

Cross-examination over.

No. Re-exam.

ROAC

Date :- 19/07/2023

(S.B. Dige)
Additional Sessions Judge,
Buldana.

Through V.C.

S.T. No. 57/2021
State -Vs.- Jagdish
Exh.No. 44

Deposition of witness No. 06 for the Prosecution

I do hereby on solemn affirmation state that :

My name : PSI Prakash Somnath Pawar,
Age about : 46 Years, Occupation : Service,
Resident of : Police Station Indapur, Tq. Indapur,
District Pune.

Examination-in-chief by Shri. A.A. Kesale, APP for State.

01. On 19.07.2019 I was serving as Police Sub Inspector at Police Station, Amdapur. On that day I made entry in station diary and went on patrolling duty. At about 06.00 p.m. we reached at bus stop of village Undri and found that one truck no. MH-28/B-1211 was standing in the middle of the road. Being urgent requirement, I asked the truck driver Ganesh Jagtap to take the truck on to the side. But he violated my order and refused to take the truck on the side. Therefore, we initiated proceeding under Section 283 of the IPC against the truck driver. While initiating said proceeding, truck owner Jagdish Rathi and his sone Anuj Rathi came there. They started to manhandled with police personnel Sathis Nagre who was with me. I tried to give them understanding and they also manhandled me. Thereafter, Ganesh Jagtap went inside the cabin of the truck and brought tomy and broke the glasses of the Government vehicle. PC Nilesh Wakde asked the truck driver as to why he broke the glasses of the vehicle, then Ganesh pushed him,

therefore, he is sustained leg injury. We tried to take truck owner Jagdish and his son Anuj into custody, third accused ran away. We took the custody of accused Jagdish. Police constable Nagre has given written report against the accused. The investigating officer recorded my statement. Two accused present before the court, I know them. I know the third accused also.

Cross-examination for accused by Adv. Shri. K.B. Maheshwari :-

02. It is correct to say that I used to visit village Undri. It is incorrect to say that said truck was not standing at Undri bus stop. Incident was not occurred on Undri bus stop. It is incorrect to say that Muktaki Auto garage is not at Undri bus stop. Spot of incident is at the distance of 15 to 20 feet from the bus stop.

03. Since 23 years I am serving in police department. While arresting the accused oral information was given and written notice was not given. It is correct to say that accused no. 1 had filed complaint against me and other two employees to superior officer. Inquiry was conducted in that complaint and annual increments for the period of three years was cancelled. Against that we filed appeal and that punishment was set-aside. It is incorrect to say that we were fined of Rs. 2000/- each before Human Rights Commission. It is correct to say that appeal in respect of annual increment we were fined of Rs. 2000/- each and we paid that amount. We have not filed second appeal against that order of that appeal. I do not know that as we paid fine, therefore, case before Human Rights Commission disposed of. It is correct to say that due to above complaint I was transfer to head quarter. I do not know

that due to my assault to accused the Undri village observed lock out (बंद).

04. It is incorrect to say that the truck was stationary on the spot of incident as it was out of order. It is incorrect to say that spot of incident is a big road. The said road is approximately 30 feet in width. It is incorrect to say that due to fear that accused may file complaint against me, I compelled my colleagues to lodge false report against the accused. It is incorrect to say that the accused have not manhandled me and police constables and not pushed them and not broke the glass of the Government vehicle. Due to my transfer, the inquiry was not made with the neighbouring people in my presence. It is incorrect to say that to protect myself I am deposing false.

Cross-examination over.

No. Re-exam.

ROAC

Date :- 23/11/2023

(S.B. Dige)
Additional Sessions Judge,
Buldhana.

S.T. No. 57/2021
State -Vs.- Jagdish
Exh.No. 52

Deposition of witness No. 07 for the Prosecution

I do hereby on solemn affirmation state that :

My name : Gajanan Lakhu Rathod,
Age about : 44 Years, Occupation : Agriculturist,
Resident of : Karwand, Tq. Chikhli, District Buldhana.

Examination-in-chief by Shri. A.A. Kesale, APP for State.

01. I do not know the accused. I do not anything about the incident.

(Learned APP sought permission to put leading question as the witness is not co-operating to the prosecution, hence permission is granted.)

02. It did not happened that on 19.07.2019 at about 06.00 p.m. I had been to village Undri and saw that one Truck no. MH-28-B-1211 was parked on the road. It is incorrect to say that PSI Pawar and police staff asked the truck driver to remove the truck from the road, therefore all accused assaulted to PSI Pawar and police staff and obstructed in their public duty. It is incorrect to say that accused Ganesh took out iron tomy from the truck and broke the glass of Government Jeep. Portion Mark "A" is read over to me, is incorrect. I do not know how it is mentioned in my statement. It is incorrect to say that I am deposing false.

Cross-examination for accused by Adv. Shri. K.B. Maheshwari :-

Cross-examination decline.
No. Re-exam.

ROAC

Date :- 25/01/2024.

(S.B. Dige)
Additional Sessions Judge,
Buldhana.

S.T. No. 57/2021
State -Vs.- Jagdish
Exh.No. 55

Deposition of witness No. 08 for the Prosecution

I do hereby on solemn affirmation state that :

My name : PSI Pravin Shankar Sonawane,
Age about : 37 Years, Occupation : Service,
Resident of : PS. Akot City, Tq. Akot, District Akola.

Examination-in-chief by Shri. A.A. Kesale, APP for State.

01. On 19.07.2019, I was attached at Police Station, Chikhli. On 04.12.2019, Cri. No. 237/2019 was given to me for investigation. I collected documents of said crime. I recorded statements of two witnesses. I obtained true copy of Cri. No. 236/2019 under Section 283 of the IPC. I collected certificate from Amdapur Police Station that witnesses and informant were in public service. Now those are shown to me, those bear signature of API Wankhede, contents are true, those are marked at **Exh. 56 to 58**. I collected R.C. book of said truck. The photocopy of that R.C. book is filed on record, it is at **Exh. 59**. FIR of Cri. no. 236/2019 is at **Exh. 60**. After collection of sufficient evidence I forwarded charge-sheet against the accused. I know the accused present in the court.

Cross-examination for accused by Adv. Shri. K.B. Maheshwari :-

2. I have visited the spot of incident. API Wankhede has prepared spot panchanama. It is correct to say that spot of incident

is a busy road. Shops are situated beside a road. It is incorrect to say that I have not recorded the statement of witnesses as per their say. I had knowledge that accused persons had filed complaint against the informant. I do not know that informant was found guilty in that complaint. It is incorrect to say that I do not know anything about the incident. It is incorrect to say that I am deposing false.

Cross-examination over.

No. Re-exam.

ROAC

(S.B. Dige)

Additional Sessions Judge,
Buldhana.

Date :- 22/02/2024.

Deposition of witness No. 09 for the Prosecution

I do hereby on solemn affirmation state that :

My name : Dr. Uday Narayan Rajput,

Age about : 37 Years,

Occupation : Medical Officer, Primary Health
Center, Udaynagar Post. Undri.

Resident of : Divthana Tq. Chikhli Dist. Buldana.

**Examination-in-chief by Shri. V.L. Bhatkar,
Public Prosecutor for State :**

1. On 19-07-2019, I was posted at Primary Health Center, Undri as Medical Officer. On that day I had received medical memo from Amdapur Police Station for examination of the patient Satish Rambhau Nagre. The Memo now shown to me, is the same, which was received to me at the Primary Health Center, Undri, the contents therein are true and correct, it is marked as **Exhibit P-67/PW9**. Accordingly, I examined Satish Rambhau Nagar and opined overleaf the said memo. I have observed on his examination blunt trauma on right upper limb and blunt trauma on right thigh. The opinion now shown to me, is the same, it bears my signature, the contents are true and correct, it is marked as **Exhibit P-68/PW9**.

2. I had received another medical memo for examination of Prakash Pawar. The Memo now shown to

me, is the same, which was received to me at the Primary Health Center, Undri, the contents therein are true and correct, it is marked as **Exhibit P-69/PW9**. Accordingly, I examined Prakash Pawar and opined overleaf the said memo. I have observed on his examination blunt trauma on right wrist and blunt trauma to right thigh. The opinion now shown to me, is the same, it bears my signature, the contents are true and correct, it is marked as **Exhibit P-70/PW9**.

3. I had also received medical memo from Amdapur Police Station for examination of Police Naik Nilesh Tryambak Wakade. The medical memo now shown to me, is the same, which was received to me at the Primary Health Center, Undri, the contents therein are true and correct, it is marked as **Exhibit P-71/PW9**. Accordingly, I examined Nilesh Wakade and opined overleaf the said memo. I have observed on his examination blunt trauma on left knee, left knee movement was painful and restricted, there was swelling. I had advised the patient for orthopedic opinion and to get the X-ray of left knee AP lateral. The opinion now shown to me, is the same, it bears my signature, the contents therein are true and correct, it is marked as **Exhibit P-72/PW9**.

Cross-examination by Shri. K.B. Maheshwari, Advocate for accused :

4. It is true to say that after the patient

arrives at Primary Health Center his history is noted. I have noted the history of all the three patients in my own handwriting. I have not mentioned about the history of injuries in my opinions at Exh.68, 70 and 72. It is true to say that I have not mentioned time and date of examination on Exh.68, 70 and 72. It is true to say that there was no mention of time on the medical memo Exh.67, 69 and 71. It is true to say that as the time passes by the color of injuries also changes. It is true to say that my opinions at Exh.68, 70 and 72 do not find mention of age of the injuries. It may be possible that if a person had a self-fall, the injures mentioned in opinions at Exh.68, 70 and 72 are possible. It is not true to say that I have issued the opinions without examining the patients and on the say of Police.

Re-examination : Nil.

Before me,

R.O.A.C.

(S.C. Khati)

Dated : 13-06-2024.

Sessions Judge, Buldana.

Certificate

Taken before me and signed by me in presence of the accused persons to whom the deposition was explained and opportunity was given to cross-examine.

(S.C. Khati)

Dated : 13-06-2024.

Sessions Judge, Buldana.

...

Sessions Case No.57/2021
Exhibit No.75

Deposition of witness No.10 for the Prosecution

I do hereby on solemn affirmation state that :

My name : Amit Baliram Wankhede,

Aged about: 39 Years,

Occupation : Police Inspector, Anti-corruption
Bureau, Yavatmal

Resident of : Yavatmal Tq. and Dist. Yavatmal.

Examination-in-chief by Shri. V.L. Bhatkar,
Public Prosecutor for State :

1. On 19-07-2019, I was posted at Police Station Amdapur as API. On 20-07-2019, the investigation of Crime No.237/2019 was transferred to me. Prior to handing over the investigation to me, the investigation was conducted by PSI Pawar. After transfer of investigation, I received Oral Report, Printed F.I.R., Arrest Panchanama and Seizure Panchanama and Medical Certificates. On 20-07-2019, I conducted spot panchanama in presence of two government panchas. The spot of incident is situated opposite to "Muktai Auto Spare Parts Centre, Undri". The spot of incident was shown by Satish Nagre. On inspection of the spot of incident, I found the broken name plate of PSI Pawar. The said name plate was seized by me in presence of two panchas. The envelope, in which the broken name plate was sealed, now shown to me, bears my

signature and signature of panchas, the envelope is marked as Exhibit P-76/PW10.

[The sealed envelope now opened before the Court, in the presence of and with the signatures of learned counsel for the State and learned counsel for the accused.]

2. The broken name plate now shown to me, is the same, it is already marked as MO-B. Thereafter, the spot panchanama was conducted in presence of two panchas, as per the situation seen. The Spot panchanama now shown to me, is the same, it bears my signature and signature of two panchas, contents therein were read over to the panchas, the contents are true and correct, it is already marked as Exh.22.

3. In pursuance thereto, the panchanama was conducted of the damaged vehicle bearing registration No.MH28-C-6326 in presence of two panchas. On inspection of the vehicle, the back windshield glass of the Police vehicle was broken and iron net was seen to have pressed. Accordingly, the vehicle panchanama was conducted in presence of panchas. The panchanama now shown to me, is the same, it bears my signature and signature of panchas, the contents of the panchanama was read over to the panchas, the contents are true and correct, it is already marked as Exh.35.

4. Thereafter, I recorded statements of the witnesses as per their say. Similarly, I had

recorded the statement of P.W.4-Govinda Mohite and P.W.7 Gajanan Rathod as per their say. The Portion Marked-'A' in the statement of P.W.4 Govinda Mohite under Section 161 was recorded as per his say and it is marked as Exhibit P-77/PW10. Similarly, I had recorded the statement of P.W.7 Gajanan Rathod under section 161 as per his say. The Portion Marked-'A' in his statement was recorded as per his say and it is marked as Exhibit P-78/PW10.

5. Similarly, I had issued the certificate that Prakash Pawar, Satish Nagar and Nilesh Wakade were present on the duty on the day of incident. The certificates now shown to me, are the same, those bear my signature, contents are true and correct and the same is already marked as Exh.56, 57 & 58. Since I was Police Station In-charge, I had transferred the further investigation to PSI Sonwane.

Cross-examination by Shri. K.B. Maheshwari, Advocate for accused :

6. The investigation of crime was taken by myself from PSI Pawar. It is true to say that PSI Pawar was the injured in the incident and has initially investigated the crime. From the spot of incident, the Police Station Amdapur is 7 to 8 KM away. Since there were cracks in the glass of the Police vehicle, the pieces of the glass did not fall on the ground at spot of incident as well as where the vehicle panchanama was done. It is true to say that the road in front of the spot of incident is

moving traffic. Adjacent to the spot of incident, the road is of 20 feet wide. Besides the tar road, there is 10 feet wide open road space. At the time of conducting spot panchanama, the Truck MH28-B-1218 was not standing there. It is true to say that one side of the spot of incident, there are 4 shops and on the other side, there are 4 to 5 shops. It is not true to say that I had not recorded the statements of the adjoining shop owners. I have recorded the statement of shop owner of Gurukrupa Cloth Centre. It is not true to say that Gurukrupa Cloth Centre is not situated nearby the spot of incident.

7. I cannot tell whether the accused had made complaint to the superior officer in respect of assault on them by Police staff by entering in the shop. I cannot tell whether after the incident, the three Police personnel were transferred to the Police head quarter or not. I do not remember whether my statement was recorded or not in Departmental Inquiry. It is not true to say that on the basis of my statement, three increments of the three Police persons were withheld and they were punished for three months.

8. It is not true to say that no such incident, of obstructing the Police staff in their official duty by the accused, had occurred. It is not true to say that during my investigation, it was transpired that the accused had not assaulted the Police staff nor they had damaged to the Police

vehicle and have not caused obstruction in their official duty. It is not true to say that since the accused had made complaint to the Human Rights Commission or superior officer against the Police staff, to save them false case is lodged against the accused. It is not true to say that to save the Police staff, I am deposing false today.

Re-examination : Nil.

Before me,

R.O.A.C.

(S.C. Khati)

Dated : 19-06-2024.

Sessions Judge, Buldana.

...

Through V.C.

Sessions Case No.57/2021
Below Exhibit No.44

In view of order passed below Exh.80, the learned Public Prosecutor is permitted for re-examination-in-chief of P.W.6 Prakash Somnath Pawar.

Re-examination-in-chief of P.W.No.06 Prakash Somnath Pawar resumed on S.A. by Shri.V.L. Bhatkar, Public Prosecutor for State on 21-06-2024.

5. On 19-07-2019, the accused Ganesh had produced the weapon Tommy used in the offence, in the Police Station and I seized it in presence of panchas. Accordingly, I prepared seizure panchanama. The seizure panchanama now shown to me, is the same, it bears my signature, signature of panchas and accused, contents are true and correct and the same is already marked as Exh.21. The seized Tommy now shown to me, is the same, it is already marked as MO-A. Thereafter, the seized Tommy was deposited with Muddemal Mohrur, from whom I obtained Muddemal receipt. The Muddemal receipt now shown to me, is the same, it bears my signature and signature of Head Mohrur, the contents are true and correct, it is marked as Exhibit P-81/PW6. Accordingly, I arrested the three accused in the crime on 20-07-2020 and prepared arrest panchanamas. The three Arrest Panchanamas now shown to me, are the same, those bear my signature, signatures of panchas and accused, contents are true and correct and the same are marked as Exhibit P-82 to 84/PW6 respectively.

6. The Crime No.236/2019 under section 283 of

I.P.C. was registered against the accused No.3 Ganesh Ramesh Jagtap and the accused had admitted the guilt and was punished. The FIR copy of Crime No.236/2019 is filed on record. I am the complainant in that crime. Further investigation was conducted by Shri. Wankhede.

**Re-Cross-examination by Shri. K.B. Maheshwari,
Advocate for accused :**

Since the Court time is over, the cross-examination is deferred till next date.

Before me,

(S.C. Khati)

Dated : 21-06-2024. Sessions Judge, Buldana.

...

**Re-cross-examination of P.W.No.06 Prakash Somnath
Pawar by Shri. K.B. Maheshwari, Advocate for accused
resumed on 25-06-2024 on S.A.**

7. It is true to say that Anuj Rathi and Jagdish Rathi were taken into custody on the date of incident. It is true to say that the incident took place on 19-07-2019 at 6.00 p.m. It is true to say that I had taken the accused to the Police Station during 7.00 p.m. to 7.30 p.m. It is true to say that from the time the accused were apprehended till their production before the Court, the accused were in the Police custody. Before the accused taken into custody, they were not given written intimation.

8. It is not true to say that in the arrest panchanama, the arrest time is not mention as 7.00 p.m. It is not true to say that in the arrest panchanama, there is no mention of arrest of the accused. It is not true to say that I am deposing false today.

Before me,

R.O.A.C.

(S.C. Khati)

Dated : 25-06-2024.

Sessions Judge, Buldana.

...

**Sessions Case No.57/2021,
Exhibit No. 94.**

Deposition of Witness No. 1 for the Defence.

I do hereby on solemn affirmation state that-

My name : **Jagdish Nandlal Rathi,**
Age about : 61 Years,
Occupation : Business,
Residence : Undri (Udaynagar), Tq. Chikhli Dist. Buldana.

Exam.-in-chief by Shri. K.B. Maheshwari for accused.

1. I am engaged in transport business. My truck bearing No. MH-28-BB-1211 came loaded from Nagar to proceed for Kolkata. The truck was loaded with onions. At about 5.00 p.m., the truck was parked in front of my house and the driver came to submit accounts. At that time, Police vehicle came, in which there were one Police Officer namely PSI Pawar and other two Policemen were not in uniform. They asked the driver to remove the vehicle. I told Police Officer that it required two minutes to take accounts and to remove the vehicle. My house is on Khamgaon - Chikhli road, but the vehicle was not parked on the road. The Pawar Saheb asked me as to why I am not removing the vehicle and I told him that it is in front of my house and not on the road. Then, he got annoyed and said that whether I am "कायदेपंडीत" and he will show me. Then, I told him that I am ready to pay fine. Then, Pawar got annoyed and took me to the Police vehicle. Thereafter, he assaulted me on road, in front of my house where Police vehicle was parked. In front of the said spot, there are 6 to 7 shops. Then, he took me in the Police vehicle to Amdapur Police Station. In the Police vehicle, he assaulted on my private part.

2. Thereafter, he made me to sit in the Police vehicle. Then, at 11.00 p.m. to 11.30 p.m., he took me to Chikhli. On the way, on my request for urination, he stopped the vehicle. At that place, he assaulted my driver and forced to urinate. After I was taken to the Police Station, my driver and my son were brought to Police Station and thereafter, we all three were taken to Chikhli. At Chikhli, I was taken to the Police Station. At Police Station, my driver and son were examined by the doctor. When it was my turn to get examined by doctor, Pawar talk something with doctor. The doctor did not examine me. When I told doctor that I was severely beaten and had injury, he asked me to sit in the vehicle and we will be provided tablets. Thereafter, we all three were brought to Police Station, Amdapur.

3. Then, I was called in cabin. Then, Pawar asked me whether my Police Remand or Magisterial Remand is to be obtained. Then, I replied that he can do whatever he wants as I have no idea about it. Then, Pawar told me that if I have to be taken in Magisterial Custody, then I have to pay Rs.40,000/-. Then, I was made to sit and again called in the morning. In the morning, he asked me about the money. Then, I told him that I and my son are in Police Station and as such, how can I arrange the money. I was not put in the lock-up nor issued any notice. The driver and my son were kept in lock-up.

4. Thereafter, I was produced in the Court. I, thereafter, lodged complaint against PSI Pawar, Nagare and their driver to Human Rights Commission. Before the said complainant, I also lodged complaint against them to the Superintendent of Police. The Superintendent of Police had transferred them to Buldana Headquarter. The enquiry was also initiated and thereafter, three increments of them

were stopped. The Human Rights Commission had imposed Rs.2,000/- each upon PSI Pawar, Nagare and their driver Wakade. In the said incident, there was no fault of me.

Cross-exam. by Shri V.L. Bhatkar, Public Prosecutor for State:-

5. Anuj is my son. At the time of incident, Ganesh Ramesh Jagtap - accused No.3 was driver of my vehicle. It is true that the incident first happened with Ganesh. Police asked Ganesh the name of owner of the truck. It is true that after the incident happened with Ganesh, I came there. It is not true to say that my son Anuj also, at that time, came there. Anuj came within 5 to 10 minutes.

6. It is true to say that PSI Pawar told to Ganesh that due to my vehicle parked, there is obstacle to the traffic. It is true to say that when I and Anuj came on the spot, I said to Police that whether we are the only persons to whom he asked. When the incident started, Police constable Satish Nagare came first there. It is not true to say that I said that "तुम्ही फार माजले आहात, मी तुम्हाला दाखवितो" and then I pushed him. It is not true to say that Anuj by hand fist and blows assaulted to Satish Nagare and caused injury to him. It is not true to say that therefore, PSI Pawar and constable Wakade came to convince me. It is true to say that PSI Pawar and constable Wakade came on the spot. It is not true to say that then, I scuffled with PSI Pawar. It is not true to say that in this scuffle, his name plate was broken. It is true to say that on the spot, Police vehicle bearing No. MH-28-C-6326 was there in stationary condition. It is not true to say that thereafter, my driver went in my truck, brought iron Tommy and damaged the glass of Police vehicle. I do not know whether thereafter Police Constable Wakade asked to my driver that why he has broken the glass of the vehicle. I do not know

whether my driver said to him that he has broken the glass and now will ampute his leg. It is not true to say that thereafter, my driver assaulted to constable Wakade and in the said incident, he fell down and sustained injury. It is not true to say that thereafter, I and my son Anuj fled away from the spot. It is not true to say that while I was fleeing away, Police apprehended me.

7. I do not know whether complaint came to be registered under Section 283 of I.P.C. arising out of the same incident. I do not know whether action was taken against my driver - accused No.3 under Section 283 of I.P.C.

8. On next day, I was produced in the Court at Chikhli. As the Court did not ask me, hence I did not disclose that I was assaulted by the Police. It is not true to say that as I was not assaulted by Police and hence, I have not disclosed the same before the Court. It is not true to say that I am deposing false that I was assaulted on the road and also while taking to Police Station in the vehicle, I was assaulted on my private part by Police. It is not true to say that I am deposing false that while on the way to Chikhli my driver was assaulted when vehicle was stopped on my request for urination. It is not true to say that I am deposing false that I was called in the cabin and PSI Pawar asked me to pay Rs.40,000/- in case, I want to be remanded in Magisterial Custody. I have not stated to the Court about demand of Rs.40,000/- by Pawar. It is not true to say that I am deposing false that I was called in the cabin by Pawar and I was asked that whether I am to be remanded in P.C.R. or M.C.R. It is not true to say that I am deposing false that on next day, I was again called in the cabin and enquired about Rs.40,000/-. I lodged the complaint against the Police for assaulting us at Police

Station, Amdapur, but it was not accepted. I did not make complaint to the Superintendent of Police for not accepting our complaint about assaulting us.

9. I have cordial relations with the witnesses which came today in the Court. It is not true to say that I, my son and driver obstructed to the Police while discharging their duties and by assaulting them caused injury. It is not true to say that getting annoyed of action taken by Police to remove the vehicle, we all assaulted the Police. It is not true to say that by breaking the glass of Police vehicle, we caused damage to the government property. It is not true to say that to avoid the punishment in the present crime, I am deposing false.

Re-examination : Nil.

R.O.A.C.

Dated : 26-09-2024.

Before me,

(**S.M. Bhosale**)
Sessions Judge, Buldana.

...

**Sessions Case No.57/2021,
Exhibit No. 100.**

Deposition of Witness No. 2 for the Defence.

I do hereby on solemn affirmation state that-

My name : **Manoj Sarangdhar Lahudkar,**
Age about : 30 Years,
Occupation : Medical Store,
Residence : Undri (Udaynagar), Tq. Chikhli Dist. Buldana.

Examination-in-chief by Shri. K.B. Maheshwari for accused.

1. I know all the accused. Accused are having Bedding Centre (बिछायत केंद्र). My shop is beside Chikhli road at Undri. The incident occurred in the year 2019. On the day of incident, at about 5.00 p.m., I was sitting in my shop. At some distance from my shop, the truck of accused was parked beside the road. At that time, Police came there alongwith their vehicle. Police have assaulted accused Jagdish Rathi and thereafter, they had taken accused Jagdish Rathi in their vehicle.

Cross-exam. by Shri VL. Bhatkar, Public Prosecutor for State:-

2. I cannot recollect the date and month of the incident, as the incident has occurred a long time ago. It is not true to say that I am being prosecuted in 2-3 offences under Section 353 of IPC. It is true to say that prior to six months from today, an offence under Section 353 of IPC is registered against me. The truck was standing in front of Muktai Auto Garage. It is not true to say that the truck was standing on the road. I did not hear the conversation between Police and accused. It is not true to say that at that time, accused No.3 driver Ganesh made verbal altercation with Police. It is not true to say that thereafter, the accused Nos.1 and 2 came at the spot of incident. It is not true to say

that accused Anuj Rathi manhandled Nagre Police Constable. It is not true to say that Jagdish Rathi manhandled PSI Pawar. It is not true to say that accused Jagdish Rathi took out iron rod from truck and caused damage to the Police vehicle. It is not true to say that I am having cordial relations with accused. It is not true to say that I am deposing false as per the say of accused persons that Police had assaulted accused Jagdish. It is not true to say that as the relations between myself and accused are cordial and to save them, I am deposing false.

Re-examination : Nil.

R.O.A.C.

Before me,

Dated : 02-12-2024.

(S.C. Munghate)
Sessions Judge, Buldana.

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