

Sessions Case.No. 149/2023
State Vs. Pooja & Ors.
Exh. No.167

Deposition of Witness No.16 for the State.

I do hereby on solemn affirmation state that

My name is : Dnyandeo Pralhad Sanap

Age 41 years, Occu. Asstt. Police Inspector

R/o. M.I.D.C. Police Station, Latur.

Examination in chief by Ld. APP Shri. S.V. Deshpande

01. On 18/07/2023, I was attached to Gategaon Police Station, as an incharge of said police station, on the same day, PSO Nagargoje registered Crime No. 108/2023 on the complaint given by Pooja Hanmant Kathare (accused no.1) and investigation of the said crime was taken by me, at that time I received oral report, FIR, inquest panchanama and letter found in the pocket of Hanmant (deceased). I prepared muddemal receipt in respect of said letter.

02. In the said oral report lodged by Pooja Kathare, one Shrimant Shankar Ghute, R/o Ekurga, accordingly said Shrimant Ghute was apprehended on 19/07/2023 and he was referred for pre-arrest medical examination.

03. Thereafter, on 19/07/2023 itself, I secured two panch witnesses to prepare spot panchanama. Now spot panchanama shown to me, it is the same, contents are true and correct, it bears myself and panch witnesses, it is already marked as Exh. 90. At that time simple soil, soil mixed with blood, blood stains which collected by the help of cotton balls, one sickle (tool, which is used to cut sugarcane) and one spectacle of black colour came to

be seized and reference of the same has come in the spot panchanama itself. Now spectacle and sickle are shown to me, they are the same, they are already marked as Article A & B.

04. I have recorded statement of Ram Ghute, who showed the spot of incident. On 20/07/2023, Police Constable Giri brought clothes of deceased Hanmant, which came to be seized under panchanama Exh. 91. I have also recorded statement of some of the witnesses.

05. On 21/07/2023, I made enquiry with Pooja Kathare, at that time, I came to know that she herself, her mother Nirmala, Rajendra Nitale and Dattatraya Londe (accused nos. 1 to 4 respectively) have committed murder of Hanmant. Accordingly, I recorded statement of Pooja Kathare to that effect. Thereafter, I apprehended Pooja Kathare and Nirmalabai and send them for pre arrest medical examination on the same day itself and then they came to be arrested under arrest form. Now their arrest forms are shown to me, they bears my signature, they are marked as **Exh. 168 & 169/P.W.16**. Thereafter on the same day, I arrested Rajendra Nitale and Dattatraya Londe under arrest form. Now their arrest forms are shown to me, they bears my signature, they are marked as **Exh. 170 & 171/P.W.16**.

06. On 23/07/2023, cement colour pant and one white shirt of accused no. 3 Rajendra came to be seized under panchanama. Now said panchanama is shown to me, it bear signature of mine and panch witnesses, contents are true and correct, it is marked as Exh. **Exh. 172/P.W.16**. Now one cement colour pant and one white shirt are shown to me, they are the same, they are having labels of my signature, they are marked as **Article MO-1 & MO-2**.

07. On the same day, ash colour pant and orange colour shirt of accused no. 4 Dattatraya came to be seized under panchanama. Now said panchanama is shown to me, it bear signature of mine and panch witnesses, contents are true and correct, it is marked as Exh. Exh. 173/P.W.16. Now said clothes are shown to me, they are the same, they are having labels of my signature, they are marked as Article MO-3 & MO-4.

08. It was transpired during the investigation that accused no. 3 Rajendra Nitale used Indigo Car bearing registration no. MH15-CM-6189, owned by Rameshwar Satpute, R/o Borgaon Kale to commit present crime. Said Rameshwar produced Indigo car in the police station, which came to be seized under panchanama. Now said panchanama is shown to me, it bear signature of mine and panch witnesses, contents are true and correct, it is marked as Exh. Exh. 174/P.W.16. I also collected documents of Indigo car from said Rameshwar and recorded his statement. On 23/07/2023, I recorded supplementary statement of some of witnesses.

09. On 24/07/2023, accused no. 3 Rajendra Nitale was in the police custody, his disclosure statement came to be record in the presence of two panch witnesses, in which he has stated that, "he is ready to show the place, where he assaulted Hanmant Kathare and show the place, where weapon was kept". Accordingly, his disclosure statement reduced into writing and then accused Rajendra put his signature on it. Now said disclosure statement is shown to me, it is the same, it bears signature of accused Rajendra, myself and two panch witnesses, contents came to be recorded as per the say of accused no. 3 Rajendra, it is

already marked as Exh. 83.

10. Thereafter, myself, accused Rajendra, panch witnesses and other police staff went to Dhakni Railway Bridge in government vehicle as per the way shown by the accused, then he showed the spot, where he made assault on Hanmant. Then, accused asked us to go to Barshi road side, about 1 km away from the spot of incident, accordingly we went there, then accused went towards one point, where few Nilgiri tress were standing, which is situated beside Nala and produced one iron pipe and one handle of spade, which came to be seized under panchanama. Now said recovery panchanama is shown to me, it bears signature of mine , accused and panch witnesses, contents are true and correct, it is already marked as Exh. 84. Now said iron pipe and wooden handle of spade shown to me, they are the same, which came to be seized under panchanama Exh. 84, they are already marked as Article D & E respectively.

11. During the investigation, it was transpired that accused no. 1 Pooja Kathare herself, kept letter in the pocket of Hanmant Kathare, purporting to make suicide. Hence, six specimens of handwriting of Pooja Kathare were taken in the presence of two panch witnesses and panchanama came to be prepared to that effect. Now said panchanama is shown to me, it bears signature of mine and panch witnesses, contents are true and correct, it is already marked as Exh. 85. Now six specimens of handwriting of Pooja Kathare are shown to me, they are the same, they are already marked as Exh. 109 collectively. Thereafter, I sent the said specimen handwriting of Pooja to the Chief State Examiner of Documents, Handwriting & Photography Bureau, CID Office,

Chatrapati Sambhaji Nagar (Aurangabad) for getting opinion on 05/10/2023 under letter. Now said letter is shown to me, it bears my signature, it is marked as **Exh. 175/P.W.16**.

12. Thereafter, I received opinion from the said authority in one big sealed envelope, which was filed on record in this Court by myself on 14/04/2025 under letter. Now said letter is shown to me, it bears my signature, it is marked as **Exh. 176/P.W.16**.

(Now the said sealed envelope opened in the Court in presence of advocates of all the accused and DGP, said green envelope is marked as **MO-5** for the purpose of identification. In the said envelope, there is original letter, marked as Q-1, there are six specimen handwriting of Pooja Kathare, marked as S-1 to S-6, copy of panchanama dated 24/07/2023 in respect of handwriting of Pooja, one typed copy of contents of specimen of Pooja, copy of inquest panchanama, letter issued by U.W. Shinde, dated 14/08/2024 addressed to Superintendent of Police, Latur, in respect of expert opinion sent by him and one sealed envelope, in which there is one white sealed envelope mentioning "Opinion-AHW/205/2023", forwarded by Jeevan D. Desai, Asstt. State Examiner of Documents, HW & PB. CID, Chatrapati Sambhaji Nagar. Said white envelope is marked as **MO-6** for the purpose of identification).

13. Now letter addressed to the Superintendent of Police, Latur dated 14/08/2024 is shown to me, I received the said letter in official capacity, it is marked as **Exh. 177/P.W.16**. Now original letter (purported to be suicide), which was found in the pocket of Hanmant Kathare is shown to me, it is the same, which came to be

forwarded to Handwriting Expert alongwith six specimen handwriting of Pooja Kathare, it is marked as Exh. 178/P.W.16. (Said handwriting expert marked it as Q-1 and specimen handwritings marked as S-1 to S-6.)

14. Now white sealed envelope MO-6 is opened in the Court, in which there is opinion in respect of handwriting expert given by Jeevan D. Desai. Now said opinion is shown to me, which I received in my official capacity, it is marked as Exh. 179/P.W.16. (Otherwise also in view of provision of Sec. 294 of Code of Criminal Procedure, said opinion can be read in evidence)

15. During the investigation, it was transpired that accused Rajendra Nitale provided one cell phone having SIM no. 8623892974 to accused no. 1 Pooja. Hence, I collected information in respect of said SIM number and came to know that it was in the name of Saraswati Suresh Ufade, R/o Satephal, Tq. Ambajogai, Dist. Beed. When I made enquiry about the said cell phone and SIM, then I came to know that said cell phone was in the possession of Ranveer Ufade, who is grandson of Saraswati Ufade and he lost the said cell phone but he did not make complaint to the police, said cell phone was found to Rajendra Nitale and he provided the same to Pooja Kathare.

16. While recording statement of Sagar Ghute, I came to know that Hanmant Kathare (deceased) found that Pooja was using said cell phone having SIM No. 8623892974, hence, he forwarded the said number to Sagar to get it verified and at that time Sagar came to know that there was profile of Pooja Kathare on the Whatsapp DP, Sagar informed the said fact to Hanmant and thereafter quarrel started between Hanmant and Pooja on account

of using of said cell phone.

17. On 25/07/2023, I wrote a letter to concerned medical officer for collecting blood sample of accused no. 3 Rajendra and accused no 4 Dattatraya. Now said letter is shown to me, it bears my signature, it is marked as Exh. Exh. 180/P.W.16. Time to time I have recorded statements of witnesses after making enquiry with them.

18. On 28/07/2023, it was transpired that all the accused hatched conspiracy to commit murder of Hanmant, hence Sec. 120-B of IPC came to be added and said information was given to the concerned Court. On 02/08/2023, I forwarded iron pipe and wooden handle of spade i.e. Article D & E in sealed condition for weapon query report to the medical officer under letter Exh. 107 through Police Head Constable Giri. Thereafter, I wrote a letter to S.P., Latur for getting CDR & SDR in respect of cell phones of accused persons and deceased Hanmant. Now said letter is shown to me, it bears my signature, it is marked as Exh. Exh. 181/P.W.16. Accordingly, I obtained said information, which is filed on record.

19. On 03/08/2023, it was transpired that Shrimant Ghute, who was shown accused initially, is not the accused in the present crime, hence said information was given to the concerned Court under letter. Now said letter is shown to me, it bears my signature, it is marked as Exh. Exh. 182/P.W.16. Thereafter, I received weapon query report alongwith weapons on 09/08/2023 from the concerned doctor.

20. Thereafter on 14/08/2023, I forwarded all seized muddemal to RFSL, Nanded under letter Exh. 70 through PHC

Giri, accordingly after depositing muddemal he got the acknowledgments and handed over to me, which are filed on record. Thereafter, 03 chemical analysis reports and CDR came to be filed on record under letter dated 03/05/2025. Now said letter is shown to me, it bears my signature, it is marked as Exh. Exh. 183/P.W.16. Now said three C.A. Reports are shown to me, which I received in my official capacity, they are marked as Exh. 184 to 186 /P.W.16. respectively (Otherwise also in view of provision of Sec. 294 of Code of Criminal Procedure, said C.A. Reports can be read in evidence)

21. After completion of investigation, it was transpired that all the accused hatched conspiracy and committed murder of Hanmant Kathare and sufficient evidence was found against all the accused, hence charge-sheet came to be filed against them. I know all accused, persons they are present in the dock of the Court.

Cross-exam. by Mr. N.S. Shinde Adv. for the Accused nos. 1 & 2

22. It is not true to say that I have not filed MLC, received from Civil Hospital, Latur. Said MLC received to police station on 18/07/2023 at about 23.30 hrs (11.30 p.m.). FIR came to be registered at about 23.24 hrs. (11.24 p.m.) on the same day.

23. I have called CDR & SDR of SIM No. 9860607094 for the period from 01/05/2023 to 21/07/2023 and accordingly I received record of the same from 01/05/2023 to 13/05/2023. It was transpired during the investigation that SIM No. 9860607094 was in the use of Hanmant (deceased) and on the day of incident he was using the same. It is true to say that there was no documentary evidence like CDR & SDR of the SIM no.

9860607094 to show that on the day of incident said SIM was functional and call came to be made by using said SIM card. It is not true to say that it was transpired to me that Pooja did not make phone call to any witness by using the same SIM card and hence, I have deliberately not collected the CDR & SDR of the said SIM card on the day of incident.

24. I have not seized handset, in which there was SIM No. 9860607094. It is true to say that I have not found said handset on the spot of incident. I did not feel it necessary to seize the said cell phone and it was not felt me that it would be useful as a piece of evidence. It is true to say that I did not make any further correspondence with S.P. Latur to provide CDR & SDR in respect of SIM No. 9860607094 for further period from 13/05/2023. It is true to say that I have not seized handset of either accused persons or witnesses. It is true to say that handset and SIM No. 8623892974 was also not seized in the present crime.

25. I have collected documents in respect of two wheeler bearing registration no. MH24-U-6213, which came to be used by Hanmant and Pooja to go to agricultural field and registered owner of the said two wheeler was Hanmant Kathare (deceased). It is true to say that said two wheeler was not seized in the present crime. It is not true to say that Hanmant Kathare did not use the said two wheeler on the day of incident.

26. It was transpired during the investigation that on the day of incident, Hanmant (deceased) used to reside at Thombare Nagar, Murud, Tq. & Dist. Latur, but I could not record statement of any witness to that effect as no one was ready to give statement.

It is true to say that native village of Hanmant is Jodjawala, whereas parental house of Pooja is village Murud.

27. It is not true to say that Sagar Ghute, Ram Ghute, Datta Ghure and Jana Ghute are close relatives of Shrimant Ghute (initial accused). Witness voluntaries that all of them are relatives of each other and it is difficult to make any differentiate in the relationship. I did not find there were written complaints between Pooja (accused no.1) and Hanmant (deceased). Witness voluntaries that there was dispute between them, but no written complaints were found.

28. I have not recorded statements of children of Hanmant. Witness voluntaries that said children were very small at that time. I have not filed separate 'B' Summary in respect of Shrimant Ghute, who was initially made accused in the present case. Witness voluntaries that he made necessary correspondence to the Court below Exh. 182 and there is specific reference while filing the charge-sheet as to why name of Shrimant Ghute came to be deleted from the list of accused.

29. It is true to say that I did not find any witness, who saw Hanmant Kathare in the company of Pooja Kathare on the day of incident or while they were allegedly proceeding on two wheeler towards their agricultural field. It is not true to say that without there being any sufficient evidence, I filed charge-sheet against accused nos. 1 & 2. It is not true to say that today I have deposed false contents in my examination in chief.

Cross-exam.by Mr. S.M. Bavage Adv. for the Accused nos. 3

30. It is true to say that on 18/07/2023, Shrimant Ghute, Sunita Ghute and Govind Ghute were apprehended by Murud

Police Station for the purpose of inquiry in the present crime, then I arrested only Shrimant Ghute. Now letter dated 21/07/2023 written by P.M. Rathod, API, Crime Branch, Latur is shown to me, it is marked as Exh. 187/P.W.16. I received the said letter in the evening, but I cannot tell its exact time, but it did not happen that I received the same before 11.00 a.m. I cannot tell before my knowledge, whether local crime branch was aware about the accused persons in respect of present crime. It is true to say that LCB apprehended accused nos. 3 & 4 and handed over their custody to me.

31. I was not aware that accused no. 3 Rajendra Nitale was police friend or not and hence, I did not make any enquiry to that effect. I have not recorded statement of Ranveer Ufade. It is true to say that weapon allegedly came to be produced by accused no. 3 Rajendra Nitale, under recovery panchanama Exh. 84, is open place. Now iron pipe (Article-D) is shown to me, right now, there is no label affixed to the said article, having signature of panch witnesses. Witness voluntaries that said iron pipe is kept in one cloth bag and label of panch signatures was affixed there, which is present right now also.

32. It is true to say that incident took place during rainy season. It is not true to say that without there being any sufficient evidence, I filed charge-sheet against accused nos. 3. It is not true to say that today I have deposed false contents in my examination in chief and I have prepared all forged and fabricated panchanamas with a view to implicate accused no. 3 in the present crime.

Cross-exam.by Mr. G.P. Katale Adv. for the Accused nos. 4

33. It is true to say that accused no. 4 Dattatraya is resident of Jagji, Tq. & Dist. Osmanabad and he is having no relation with accused nos. 1 & 2 and Hanmant (deceased). It is true to say that on 18/07/2023 i.e. on the day of incident there was rain.

34. Sickle was found nearby spot of incident and hence same came to be seized suspecting that it might be the weapon, which was used in commission of crime. It is true to say that said sickle was not forwarded for obtaining weapon query report. Witness voluntaries that during the investigation it was transpired that iron pipe and wooden handle of spade came to be used, as a weapon in commission of crime and hence he has not forwarded the same. I cannot tell whether length of iron pipe (Article-D) is 92.5 cm. Witness voluntaries that in the recovery panchanama (Exh. 84), length of the said article is mentioned as 3 feet 6.5 inch. I cannot tell whether length of wooden handle of spade (Article-E) is 72.7 cm. Witness voluntaries that in the recovery panchanama (Exh. 84), length of the said article is mentioned as 2 feet 5.5 inch. Before filing charge-sheet, I have gone through weapon query report (Exh. 108) received from concerned medical officer, in which there is reference that length of the iron pipe is 110 cm, whereas length of wooden handle of space is 78 cm.

35. It is true to say that no complaint came to be lodged against Pooja Kathare (accused no.1) u/Sec. 182 & 211 IPC for giving false information in respect of present crime against Shrimant Ghute. Witness voluntaries that offence came to be registered against Pooja Kathare u/Sec. 302 of IPC and hence, no

separate offence came to be registered or came to be added against Pooja Kathare for the offence punishable u/Sec. 182 & 211 IPC.

36. Since 18/07/2023 to 21/07/2023, none of the prosecution witness made any complaint against present accused persons. It is not true to say that to save Shrimant Ghute, I have carried out investigation in wrong direction and implicated accused no. 4 falsely.

37. It is true to say that Shrimant Ghute (initial accused) was in MCR till 29/07/2023. It is not true to say that today I am deposing false that while making enquiry with Pooja, she disclosed that she has committed crime with the help of other remaining accused persons. It is not true to say that today I have deposed false contents in my examination in chief

Cross Over.

No Re.

R.O. & A. C.

Date :- 17/04/2026

(S. J. Bharuka)
Sessions Judge, Latur.