

Deposition of witness No.2 for State.

I do hereby state on solemn affirmation that :-

My name : Piraji Ramji Taywade
Age about : 41 years.
Occupation : API, Omerga police station.
Residence at : Omerga, Tal. Omerga, Dist. Osmanabad.

Examination-In-Chief by Ld.APP Shri. S.S.Suryawanshi:-

1. On 01.09.2023 I was attached at Naldurg police station as a API. Investigation of crime No.414/2023 punishable for offence 307, 324, 504 and 506 of IPC. Prior to start investigation of the aforesaid crime, I received document as complaint of informant, printed FIR and MLC in respect of injuries sustained to injured in the alleged incident. The complaint of informant vide Exh. P-1 shown to witness he identify the same. So also, identify MLC of informant. It is hereby marked Exh.P-3/P.W.2. The copy of printed FIR is in the file of the court. It is hereby marked Exh.P-4/P.W.2.

2. After gone through the complaint of informant, I traced out the accused and arrested on the same day. The arrest panchanama of accused is in the file of the court. It bear my signature. It is hereby marked Exh.P-5/P.W.2. Then on the next day in the presence of two government servant as panchas, I prepared panchanama of spot of incident which is vide Exh.18. The contents of said panchanama are true and correct. The alleged spot of incident shown by mother of informant. From the alleged spot of incident I seized one wooden stick, pair of chappal, one medium stone and sample of mud with blood stain and without blood stain and sealed in the presence of both panchas. Then I collected document in respect of ownership of the

land of alleged spot of incident. The said land owned by mother of informant. The said extract of 8-A of the alleged spot of incident is in the file of the court. It is vide Exh.P-6/P.W.2.

3. Then I recorded statement of material witnesses in respect of alleged incident as per their say. As per the statement of mother of informant reveals that, on the day of alleged incident at morning time, when informant and his mother taking tea, at that time, informant called accused for taking tea. At that time, accused speaking in respect of character of the aunt of informant that time, informant enquired with accused 'why he speaking about the character of his aunt'. At that time, accused came in anger and started to assault to informant by wooden stick and medium stone. Accused also pulled the witness Kondabai when she tried to rescue the informant and tried to settle the quarrel. Thereafter, accused proceeded towards his house and from his house by bringing knife and iron axe, through that weapon assaulted to informant i.e. by axe assaulted on head and by knife assaulted on stomach.

4. Thereafter, police Patil of the aforesaid village, mother of informant Kondabai and other witnesses settled the alleged quarrel. Due to assault by accused on informant, he become unconscious, hence, initially informant brought at Civil hospital, Tuljapur and from that hospital referred for medical treatment at Civil hospital, Dharashiv. Then I seized the cloths of informant which wearing on the day of alleged incident in the presence of panchas which produced by mother of informant. The said seizure panchanama of cloths of informant vide Exh.19. Then I seized cloths of accused through seizure panchanama vide Exh.20.

5. Then I recorded the memorandum statement of accused in respect of production of knife and iron axe by which he assaulted to informant in the presence of panchas. The said memorandum statement is vide Exh.P-7/P.W.2. Then in the presence of panchas seized said iron axe and knife from the house of accused. The said weapons also having blood stain. The said seizure panchanama is in the file of the court. It bear signature of panchas, accused and me. The contents therein are correct. It is vide Exh. P-8/P.W.2. The photograph of the house of accused is taken while recovery the above mention muddemal i.e. iron axe and knife, is in the file of the court. It is vide article-1.

6. After seizure of entire muddemal sent at CA office for analysis through covering letter dated 22.09.2023. The said letter is in the file of the court. It bears my signature. It contents are correct. It is at Exh.P-9/P.W.2. Then I sent informant and other material witnesses for recording their statement under section 164 of Cr.P.C. through request letter. The said request letter is in the file of the court. It bears my signature. It is vide Exh.P-10/P.W.2. Then I collected injury certificate of informant. The said injury certificate of informant is at Exh. P-11/P.W.2. Then after completion of investigation, I sent charge-sheet against the accused before concern court. During my investigation, it reveals that, in the alleged incident, the accused with intention to commit the murder of informant initially assaulted him by wooden stick and medium stone and thereafter assaulted by iron axe and knife. The seized muddemal if shown to me, then I can identify the same (Yet seized muddemal is not received from concern CA office). I can identify the accused if present before the court.

Chief-examination completed.

Cross-examination by Ld. Adv Shri. P.R. Mane for the accused:-

7. When I received investigation of this crime, I gone through the complaint of informant/his statement vide Exh.P-1. As per the statement of informant, nowhere disclose that, he caused whatever injuries were caused due to fallen down on the stone in front of his house and due to nail inserting in his stomach. During investigation I personally has not enquired anything with informant as regards alleged incident and how to causing injuries to him. It is not true to say that, informant caused whatever injuries were caused due to fallen down on stone and inserting nail in his stomach which lying in front of his house. It is true to say that, on village levelled for assistance having the post of police Patil. It is true to say that, police Patil require to give information in respect of quarrel going-on in village. The witness depose that, the said police Patil sometime gave information of quarrel or sometime not informing anything to concern police station. In respect of alleged incident concern police Patil gave information at our police station.

8. I had not given notices/letter to concern witnesses to present before concern JMFC court in respect of recording their statement under section 164 of Cr.P.C. It is true to say that, prior to giving statement by witnesses before concern JMFC court, I understanding them how they give statement before concern JMFC court. It is not true to say that, I depose whatever in my examination-in-chief is depose falsely. It is not true to say that, I conducted whatever investigation of this crime is conducted without visiting to alleged spot of incident, at the house of accused, but conducted by

sitting at our police station. In respect of alleged incident police Patil gave information to me. Later on witness depose that in respect of alleged incident, mother of informant also gave information to me. It is not true to say that, the alleged incident as narrated by me in my examination-in-chief never happened, I filed whatever charge-sheet is filed as per the say of concern police Patil. It is not true to say that, I done whatever investigation is false and exparte.

Cross-examination completed.

No re-examination.

R.O.A.C.

Dt.03.11.2025

(S.G.Thube)
Addl. Sessions Judge, Osmanabad.

Session Case No.36/2024
State Vs. Sadhu
Exh.No.23