

Deposition of witness no. 1 for State.

I do hereby state on solemn affirmation that :-

My name : Rupali Sukhdeo Kudale
Age about : 41 years.
Occupation : Junior Assistant, Panchayat Samitee,
Osmanabad.
Residence at : Osmanabad, Tal. Dist. Osmanabad.

Examination-in-Chief by Ld.APP Shri.P.K. Jadhav

1. On 13.09.2019 I was working as Junior Assistant at Panchayat Samitee Osmanabad. Our office had received a letter from ACB for providing government panch for secrete proceedings. In apropos to the letter my superior directed me and my colleague Kamlakar Yuvraj Dhongade to visit ACB office. Accordingly we both vistied ACB office at about 1.15 p.m.. Dy.S.P Thorat was present, he introduced us to the other ACB staff vise-versa. Thorat asked whether we had prior to this had work as a panch? Thereafter, they gave us instruction about the secrete proceedings. As complainant was woman and therefore, I was choose as panch No. 1 for the proceeding and Dhongade as panch No. 2. At the relevant time there were various ACB staff and complainant Ujwala Angarkhe were present.

2. Complainant was introduced to us. ACB officer asked complainant to narrate her complaint orally in our presence. After narrating the oral complaint the same was typed on computer and same was shown to us. It was same as orally narrated. The signature of complainant and Babare was acknowledged on the complaint. Thereafter, we both panchas also signed on it after reading the contents. After the complaint it was decided to carry out the

verification of the demand. I was instructed to go along with the complainant.

3. Before leaving the office one DVR was brought, therein one blank memory card was inserted and same was attached on inner side of the clothes on the person of complainant. Thereafter we both were directed to proceeded to Mahatma Fule Magasvargiya Mahamandal at Central Building, Osmanabad on the four wheeler of complainant. We entered in the office. Complainant pointed out towards accused Dhaware, Assistant Account Officer and the person sitting inside the cabin was accused Jadhav. Thereafter, I and the complainant went towards accused Dhaware. Complainant inquired with accused Dhaware about the file of her sister. Accused Dhaware asked complainant whether she has brought the documents as it was told to bring it her one day prior. Accused Dhaware also inquired whether bought bills of purchasing bangles, Insurance receipt, Photos. Thereafter, accused Dhaware went inside the cabin of accused Jadhav and then we were called inside. Teh accused Dhaware told complainant as five installments are balance to be paid. The complainant told him she has brought amount for two installments and it is kept in the peruse. Accused Dhaware asked whether she brought other expenditures. Now witness states accused Dhaware had not demanded money, instead accused Jadhav was demanding. Now again witness turns from her words and states accused Dhaware was demanding money and not Jadhav. Thereafter, I and complainant came out of the cabin and went in ACB office.

4. The ACB officer Babare inquired with me about the incident which took place in the office of accused. I narrated the entire scene. The DVR was removed from the person of complainant. Complainant was also inquired about the incident. She also narrated similar version stated by me. The conversation recorded in DVR was heard and verified about the demand. The ACB officer Babare told complainant as in the complaint she had narrated accused demanded Rs.1,000/- and where as in the conversation Rs.2,000/- is demanded. The complainant explained as today accused Dhaware had demanded Rs.2,000/-.

5. Thereafter the currency notes were tainted with powder and it was decided for further trap proceeding. The seal bottled containing powder was brought and the instructions of its properties and use and demonstrated the same. ACB staff Kathare was asked to apply powder on blank paper, the surrounding was covered by black cloths. Thereafter the ultraviolet light was used to see the powder. The powder was seen greenish sparkling.

6. The complainant was having Rs.7,900/- in her purse. Out of the amount Rs.5,300/- was separated as amount of instalments. The balance amount containing four currency notes of Rs.500/- denomination was separated and powder was applied on it. The ACB staff who had applied powder kept those tainted currency notes in the outer pocket of purse of complainant. The new blank memory card was inserted in the DVR. We verified it to be blank. The DVR was gain attached on the person of complainant inside her clothes and

we were directed to proceed towards the office of accused in the car of the complainant. We both entered in the cabin of accused Jadhav. Both the accused were sitting inside the cabin. The complainant had a conversation regarding the files with both the accused. Accused Dhaware demanded the instalment amount and also about Rs.2,000/- towards other expenses. The complainant removed tainted Rs.2,000/- from the purse and handed over to accused Dhaware. He accepted the same.

7. The ACB officer had told us not to hand over the tainted notes forcefully, unless demanded. After acceptance of the demanded amount complainant should come out from the cabin and remove her purse from shoulder and to carry in the hand. Soon receiving the signal all the ACB staff who were standing outside came inside the cabin and caught hold hands of accused Dhaware. One of the ACB staff removed the tainted currency notes from the person of accused Dhaware. The tainted currency notes were seen under the ultraviolet lamp. The greenish sparkling was seen visible. Thereafter, complainant was called and inquired about the conversation between her and accused persons. The complainant narrated the entire incident. ACB officer seized the relevant documents pertaining to the complainant from the office of accused in my presence. Accordingly, trap panchanama was drawn.

8. I will be able to identify the accused persons, tainted currency notes seized from the person of accused Dhaware as well the documents which were seized in our presence. Our signatures were

obtained on the documents. I do not exactly remember of the serial numbers of the currency notes. (Sealed envelop is opened in presence of learned APP and learned defence advocates). I will be able to identify the voice of the recorded conversation in the DVR, stored in memory card. Now the DVR of CCTV (storage machine of CCTV) along with wire shown to me is the same, seized from the office of accused persons. It is hereby marked **article P1**. The label affixed on it bears my signature as well as another panch. It is hereby marked **Exh. 17**.

9. (The second sealed packet containing tainted currency notes is opened.) It contains four currency notes of Rs.500/- denomination. Currency notes now shown to me are the same. Currency notes are hereby marked **article P2**. The label affixed on it bears my signature as well as another panch. It is hereby marked **Exh. 18**.

10. Today both the accused are present before the court. Witness pointed out towards both the accused by their names. The verification and trap panchanama now shown to me is the same. It bears my signature ar Sr. No. 1 as well as signature of another panch on each and every page. The panchs contains 21 pages. Contents therein are true and correct. It is hereby marked **Exh. 19**. The typewritten complaint now shown to me. It bears my signature as panch No. 1.

11. The file regarding loan annexed with instant proceeding

now shown to me, which was seized from the office of accused. Each and every document bears my signature as well as signature of ACB officer. It is hereby collectively marked **Exh. 20.**

12. Panchanama of the sealing bottle of Anthracene now shown to me is the same. It bears my signature as well as signature of another panch. Contents therein are true and correct it is hereby marked **Exh. 21.**

Cross-examination by Ld. Adv Shri. S.C. Gurav for the accused
No. 1.

13. It is true to say that superior officer of we both panchas are different. I cannot state at what time letter was received to our office from ACB. It was received on 13.09.2019. Initially we were in the ACB office for half and hour. We firstly reached accused's office at about 2.10 p.m.. It is not true to say that, complainant alone went inside the office. I and complainant returned ACB office first time at about 3.00 to 3.10 p.m.. We were in the ACB office for about 10 to 15 minutes. Second time we visited accused office at about 3.25 to 3.30 p.m.. I will be not able to distinguish the four boundaries of the accused office. There were no other staff in the accused office.

14. It is not true to say that, I am deposing false that as on the say of my superior I had visited ACB office for secrete proceedings. It is not true to say that, complainant did not narrate her oral complaint as to accused persons were demanding illegal gratification. It is not true to say that, I am deposing false that accused demanded illegal

gratification. It is not true to say that, no such incident had occurred in my presence. It is not true to say that, I did not visit the accused office on the relevant day. It is not true to say that, accused was not did not accept the bribe amount. It is not true to say that, accused No. 1 did not demand and accept bribe. It is not true to say that, nothing was seized in my presence. It is not true to say that, the contents in my examination-in-chief are false.

Cross-examination by learned advocate Shri. A.S. Warudkar for accused No. 2.

15. It was my first occasion to act as panch. I was not knowing the procedures of the panchanama. It is not true to say that, at the behest of ACB officer I signed ready made panchanama.

16. Remaining cross-examination of accused No. 1 is adopted.

Cross-examination complete.

No re examination.

R.O.A.C.

Dt.03.04.2023

(Rajesh S. Gupta)
Addl. Sessions Judge,
Osmanabad.