

Spl.Case (ACB) No.12/2015
Sate/ Priyanka
Below Exh.No.74 (PW-2)

Resumed on S.A.

Further cross-examination by Shri. P.M.Nalegaonkar, Adv. for the accused:

15. I do not recollect as to whether my senior officer had given me written direction to act as panch witness on 05-1-2015. On 05-1-2015 we were directed to go to ACB office around 3.30 p.m. to 4.00 p.m. I do not recollect whether there was movement register maintained in our office or not. From our office the ACB office is at a distance of around ½ to 1 km. We were in the ACB office till 6.00 to 6.30 p.m. After returning from ACB office on 05-1-2015 we did not report in our office. It is true to say that, on 06-1-2015 we did not get any separate direction from our office to go to ACB office. On 05-1-2015 the complaint of the complainant was transcribed on computer in our presence. It is true to say that, when the complaint was being transcribed Bhosle madam was there. Before transcribed the complaint it was not handwritten. It is not true to say that, Bhosle madam dictated the complaint and it was transcribed accordingly. It took about 5 to 10 minutes for transcribing the complaint. It is true to say that, after the complaint was transcribed, in my presence the complainant and Bhosle had put their signature over the complaint. We did not receive any written direction from ACB office to remain present at ACB office on 06-1-2015. On 06-1-2015 we went to ACB office in the morning at around 8.30 a.m. and we were there till 9.30 to 10.00 a.m. After 10.00 a.m. we went to home for having food. The ACB office did not give us any written direction to return back to the ACB office. We returned

back to ACB office by 11.00 a.m. Thereafter we were there in the ACB office till 1.30 p.m.

16. On 06-1-2015, in the morning from 8.00 to 10.00 a.m. our voice samples were taken. From 11.00 a.m. to 1.30 p.m. the procedure for the trap was going on in ACB office. From 11.00 a.m to 1.30 p.m it was decided that I, the complainant and Police Naik Dorle would go to ACB office. I, the complainant and Police Naik Dorle had been to Silk Development Office. It is not true to say that, during demand verification the time, date and place where the bribe amount is to be given was not decided. When I had been for demand verification the accused did not inquire me as to who I am. I do not recollect whether the staff of the silk department was present when we went for demand verification or not. I do not recollect whether peon was sitting outside the chamber of accused or not. We were in the silk department office till 2.00 p.m.

17. It is true to say that, in the demand verification panchanama Exh.P-1/PW-2 it is not mentioned that, after returning from demand verification I had told Bhosle madam upon inquiry by her that, after the talk between the complainant and the accused about the work of complainant the accused had asked the complainant to deposit her contribution (वर्गणी), upon that the complainant asked the accused how much, to which the accused replied Rs.30,000/- to be deposited and the accused told the complainant not to apply any powder to those currency notes and when the complainant said that Rs.30,000/- is too much the accused asked him to give Rs.5,000/- less. It is not true to say that, I had not stated the aforesaid before Bhosle madam. I had read the contents of the demand verification panchanama. I do not recollect

whether I had told Bhosle madam the aforesaid details are not mentioned in the demand verification panchanama. We returned ACB office at around 2.15 p.m. We were there in ACB office till 4.00 p.m.

18. It is not true to say that I have deposed false that the demonstration of anthracene powder was given in my presence. It is true to say that, Bhosle madam had told me that she has heard the voice recording and the transcript of the same is mentioned in the demand verification panchanama. I do not recollect the serial numbers of the currency notes which were mentioned in the pre-trap panchanama. It is true to say that, in the demand verification and pre-trap panchanama Exh.P-1/PW-2 it is not mentioned that the tainted money was kept in the right side front pant pocket of the complainant. Omission to the extent of word "**front**". About 15 to 20 minutes were spent in the demonstration of anthracene powder. It is not true to say that, I have deposed false that in the pre-trap panchanama instructions were given to us.

19. On 06-1-2015, we went for the second time in the office of accused in the afternoon at around 4.00 to 4.15 p.m. I do not recollect whether at that time the office staff was present or not. It is not true to say that, at that time the function of the retirement of Shri. Pansare was going on in that office. I do not recollect whether there was other farmers present in that office or not. It is not true to say that, after the complainant gave signal as per the trap, I, panch witness No.2 and the ACB staff went in the chamber of the accused. It is not true to say that, there Dy.S.P. Bhosle madam asked Gaikwad (PW-1) as to where the trap money is kept. It is true to say that, after the accused was taken into custody she was directed to remove all the articles from her purse. I

again say that WPC Gurav was directed to remove the articles from the purse of accused.

20. I had stated before Bhosle madam after the trap that, “I and the complainant went towards the accused, complainant and the accused discussed about the work of complainant, after initial discussion, accused asked the complainant about the money, the complainant said that he has brought the money, accused asked where is it, upon that complainant said that people are coming, upon that the accused said that people keeps on visiting the office, thereafter, the complainant asked the accused to count the money after he would give it to her, upon that accused said that "माणसाचं नशीब कोणी काढुन घेत नाही, पैसा आज आहे तर उदया नाही", thereafter, there was conversation between complainant and the accused about the work of the complainant, the complainant said to the accused that the bank rule is of Rs.25,000/- and he said that from ATM only Rs.20,000/- can be withdrawn, again both of them discussed about the work of complainant, the complainant said that the highest amount is being given by him, then the accused made hand gesture of the money and said that she will see about it, thereafter, the complainant took out the trap money which was kept in his front right side pant pocket and he hold the same before the accused, after holding the amount the complainant asked accused whether she would give Rs.10,000/- back to him and she accepted the amount by her right hand and said "घे रे अस काही नसत" and kept the amount between the table top and upper drawer of her table”. I cannot assign any reason as to why the following is not mentioned in the spot panchanama (Exh.P3/PW-2).

21. On 6-1-2015 we went at our home at around 12.00 mid night. We returned back to ACB office at 2.00 a.m. i.e. of 07-1-2015. We were there in the ACB office till 6.00 a.m. to 7.00 a.m. It is not true to say that, after 7.00 a.m. we did not got to ACB office. It is true to say that, I do not have knowledge as to how the hash value is calculated. Bhosle madam and Dorle told us about the hash value. It is true to say that, the accused did not demand money by word but she made gestures by hand and demand the same.

22. It is not true to say that I have deposed false that, on 05-1-2015, when we went in the ACB, Office in the evening at 5.00 p.m. Dy.S.P. Ashwini Bhosle introduced herself, ACB staff and the complainant Gaikwad introduce to us and the complainant had narrated oral complaint (Exh.P-1/PW-1) which was transcribed transcribed on computer. It is not true to say that I have deposed false that on next date i.e. on 06-1-2015 when we panch witness went to ACB office our voice samples were taken, thereafter I, the complainant and constable Dorle were directed to go at the office of accused for demand verification and accordingly we went there. It is not true to say that I have deposed false that when we reached near the office of accused constable Dorle switched ON the voice recorder and kept it in the left side shirt pocket of the complainant. It is not true to say that I have deposed false that when we went at the office of accused, the complainant discussed about his work with accused and at that time accused had asked the complainant to deposit her contribution (वर्गणी). It is not true to say that I have deposed false that the accused told the complainant not to apply any powder to the currency notes. It is not true to say that I have deposed false that the complainant said to the accused

that Rs.30,000/- is too much upon that accused said complainant to give Rs.5,000/- less. It is not true to say that I have deposed false that thereafter we returned to ACB office and the conversation rerecorded in voice recorder was verified and the transcript of the same was mentioned in the demand verification cum pre-trap panchanama. It is not true to say that I have deposed false that thereafter as per the trap when I and the complainant went to the accused, initially there was conversation between accused and complainant about the work of complainant, thereafter accused asked the complainant about money, upon which complainant told that he has brought the money, upon that the accused asked where it is, the complainant said that some of the other persons are coming, to which the accused replied that some of other person always come there, the complainant told the accused to count the money, the accused said to the complainant let it be nobody can take the faith of any person, money would not be there tomorrow, the complainant said to the accused that the bank rule is of Rs.25000/- and from the ATM only Rs.20000/- can be withdrawn, thereafter the accused by gestures demand money. It is not true to say that I have deposed false that thereafter the complainant took out the money from his front side right pant pocket and give to accused which accused accepted by her right hand and by left hand kept it on the left side space over the upper drawer of her table. It is true to say that, the purse of the accused was over the table in front of her .

23. It is not true to say that I have deposed false that the hands of the accused were verified under UV light and greenish tinge was observed over her hands. It is true to say that, I do not have knowledge about the voice recording. It is true to say that, the voice recorder was

not shown to me in the Court. It is not true to say that I have deposed false that, on 07-1-2015 voice samples of myself, panch witness No.2, Bhosle madam and the accused were taken. It is not true to say that, I and the other panch witness had put our signature at one time on all the panchanamas in ACB office. The spot panchanama was prepared in the Silk office i.e. in the office of accused and I had put my signature over it at there. It is not true to say that, along with the summons the police gave me the copies of all the panchanamas in the proceeding. It is not true to say that, in the Court I have read all the panchanamas. It is true to say that, apart from my service I do not have any source of income. It is not true to say that, I have apprehension that if I do not deposed as per the contents of panchanama I may loose my job. It is true to say that, I have deposed as per the contents of panchanamas. It is not true to say that, I had not been to office of accused and no incident as stated by me had taken place. **(Cross -examination completed.)**

Re-examination by Addl.P.P. :-

Nil.

R.O. & A.C.

Sd/-

(A. D. Deo)

Date: 11-08-2026

Special Judge, Osmanabad.