

Date:09.11.2023

Ld. APP Smt. Joshi is on leave. The charge is carried by Ld. APP Jadhav, he is made aware about the witness present before the court, however, he is not present hence, the cross-examination is proceeded.

Resumed on oath

Cross-examination by Ld.Adv. Shri. M.S. Patil for accused:-

19. I am B.A. graduate. I cannot state whether accused belong to pardhi community and speaks pardhi language. Witness volunteers accused used to talk in Marathi language while communicating. I do not know whether accused was working on a temporary basis in Z.P. education department. It is true to say that accused was deputed at Collector office since 15.02.2019 to 16.04.2019. I had filed an on-line application in Green land school for admission of my daughter Shravasi. It is true to say that as it was online process therefore there was no need to file physical application. After filing the application through online, there was no demand from education department. It is true to say that the first list is declared of the students who resides within 01 k.m. from school and their residence, in the second list the distance between school and residence is restricted upto 03 k.m. and while declaring third list, the residence zone can be within any place in city. The distance is regularized through online jio-tagging method. It is true to say that while filing an application I had stated my address opposite collector office, Solapur-Aurangabad road, Osmanabad. It is true to say that subsequently I

realized the above address was wrongly mentioned in the application form. I was told by education department about the error due to which my application was likely to be rejected. It is not true to say that, to get my work done by hook or crook therefore I thought to falsely implicate any of the staff to get my application selected. It is true to say that the accused was not incharge to accept the application neither the admission process was pending with accused. The witness volunteers the accused was incharge of technical department for verifying online application. I do not know whether the accused was not assigned any technical work. It is true to say that accused was working as a data entry operator on a contractual basis. It is true to say that the selection process was also online procedures. It is not true to say that, therefore the accused had no reason to ask demand of bribe of Rs.2000/-.

20. I had received a call of accused on 16.04.2019 at about 01.00 p.m. It is true to say that first time I have deposed before the court as to accused demand Rs.2000/- from me and he told 'he asked Rs. 5000/- from others'. I visited ACB office on 19.04.2019 at about 12.30 p.m. It is not true to say that, both the panchas were already present in the ACB office. I initially met ACB officer Aghav. I orally narrated my complaint which was typed by ACB. Panchas visited ACB office after half an hour.

21. The ACB did not instructed me to go either to Zilla Parishad or Collector office and told me if accused calls him, he should go where either of the place. I was not given a written instruction by ACB. I do not remember the capacity of memory card

used by ACB. I left ACB office at about 02.15 p.m. for demand verification proceeding. I proceeded alongwith one panch on my motorcycle, another panch and ACB staff in their vehicle. I firstly visited Z.P. office. I entered the premises but accused was not present. I asked other staff, he told me to call accused. It is true to say that accused told me, 'he was at collector office for election duty'. It is not true to say that, I intentionally visited collector office to falsely implicate the accused. Accused personally demanded bribe at collector office. I do not remember the exact spot of the premise of collector office. Panch no.1 was standing at a distance of 15 to 20 feet away while I was conversing with accused. It is true to say that panch no.1 did not entered in the building of collector office though he was standing within premises. It is not true to say that, I am deposing false as to accused met me and demanded bribe.

22. I returned ACB office at about 03.30 p.m. after meeting accused. I was at ACB office for 15 to 20 minute. I do not remember whether any documents were prepared during that period. The ACB started preparing for trap proceeding. It is not true to say that, ACB officer had already told he must lay trap even before verification of demand. It is not true to say that, currency notes were not tainted with AP. I did not saw AP. It is not true to say that, only AP was tainted in ACB office. Witness volunteer the voice recorder was given to me. Thereafter we left. I do not remember the colour of my shirt wearing relevant period. I do not remember whether same voicer recorder was used in trap proceeding. It is not true to say that, I did not verified the voice recorder.

23. Subsequently I called accused at about 04.00 p.m. It is not true to say that, accused had not demanded bribe. It is not true to say that, accused did not told me to keep the bribe amount in his motorcycle dicky. It is not true to say that, no such above incident happened. I was not given instruction by ACB to keep bribe amount in dicky. It is true to say that accused did not accepted amount by his hand. It is not true to say that, while the accused had opened his dicky to remove gamja and as he was not accepting amount therefore I deliberately placed tainted currency note in dicky. Panch No.1 was at a distance of 15 to 20 feet while I kept bribe amount in dicky. It is not true to say that, ACB officer asked the accused to remove tainted currency notes from dicky. ACB officer Aghav removed the tainted currency notes from dicky. It is true to say that while the ACB apprehended accused he was telling I myself had placed currency notes inside the dicky. I am unable to give serial numbers of tainted currency notes. The application forms were seized from Z.P. office but not in my presence. My statement was recorded on very same day of the complaint. It is not true to say that, I am not stated in my complaint as to there was conversation between myself and accused and accordingly transcript was prepared. It is not true to say that, to get daughter admitted in the school therefore I gave a false complaint to ACB against accused. It is not true to say that, accused did not demanded bribe nor accepted. It is not true to say that, accused did not told me to keep bribe amount in his dicky.

24. It is not true to say that, I am deposing falsely that I have to take admission of my daughter under the scheme of RTE 25 %

reserve quota in the year 20119-20 in the 1st standard, under the Balkacya Mofat v saktichya sikshnacha adhikar 2009 (बालकाच्या मोफत व सक्तीच्या शिक्षणाचा अधिकारी २००९). It is not true to say that, I am deposing falsely that I had filed on line form in Education Department, Pune and accordingly name of my daughter was listed in Green Land Primary School, Ram Nagar, Osmanabad. It is not true to say that, I am deposing falsely that I received a phone call from Sikandar Chavan, Zilla Parishad Education Department, Osmanabad. It is not true to say that, I am deposing falsely that he told me the distance is erroneously shown from the place of residence to the school and therefore, the admission was liable to be cancelled. It is not true to say that, I am deposing falsely that he told me he can get the admission of my daughter in the school and demanded Rs.2,000/- as they take Rs.5,000/- from others.

25. It is not true to say that, I am deposing falsely that I had received a phone call from accused on 16.04.2019. It is not true to say that, the contents in complaint **Exh.08** is false and bogus.

26. It is not true to say that, I am deposing falsely that after complaint lodged, ACB officer Aghav sent one panch Pawar along with me to Zilla Parishad Office. It is not true to say that, I am deposing falsely that before sending me ACB officer Aghav give one Sony make voice recorder to hide the same inside the shirt in left side, the voice recorder kept on, one 8 GB SD memory card was inserted in Voice recorder. It is not true to say that, I am deposing falsely that I along with panch proceeded towards the Zilla Parishad Office on my

newly purchased Honda Shine motorcycle. It is not true to say that, I am deposing falsely that I was also instructed regarding the demand of the bribe, its verification and confirmation by the accused. It is not true to say that, I am deposing falsely that thereafter, we reached Zilla Parishad Office. It is not true to say that, I am deposing falsely that I had called accused. It is not true to say that, I am deposing falsely that he told me, he is on election duty in Collector Office. It is not true to say that, I am deposing falsely that therefore, I along with panch proceeded to Collector Office. It is not true to say that, I am deposing falsely that the accused during conversation demanded the illegal gratification. It is not true to say that, I am deposing falsely that during the conversation panch Pawar was along with me.

27. It is not true to say that, I am deposing falsely that thereafter, I and panch returned ACB office, ACB officer Aghav took the voice recorder. It is not true to say that, I am deposing falsely that I narrated him the entire incident. It is not true to say that, I am deposing falsely that ACB officer Aghav heard conversation recorded in voice recorder. It is not true to say that, I am deposing falsely that my all belongings were kept on the table, I had five currency notes of Rs.500/- denomination, I handed over four currency notes of Rs.500/- denomination to Aghav, I kept other belongings mobile phone and one currency note of Rs.500/- in left front pant pocket.

28. It is not true to say that, I am deposing falsely that the ACB officer tainted the four currency notes by Anthracene Powder (AP). It is not true to say that, I am deposing falsely that the ACB

officer give instructions after the AP is applied on the notes it is not visible by the necked eyes, but could be seen only in the darkness, AP would sparken.

29. It is not true to say that, I am deposing falsely that after applying the AP on the four currency notes it was given to me and kept in right side front pocket of the pant. It is not true to say that, I am deposing falsely that officer again given me a voice recorder to be kept hidden inside my shirt on the left side affixed on the banian, Voice recorder was kept on. It is not true to say that, I am deposing falsely that I was further instructed only when there is demand of bribe from the accused I should remove the notes and hand over to the accused. It is not true to say that, I am deposing falsely that I was further instructed after accused accepts the bribe amount I should give signal by placing my left hand on head.

30. It is not true to say that, I am deposing falsely that thereafter, I along with panch Pawar initially proceeded towards the Zilla Parishad Office on my motorcycle. It is not true to say that, I am deposing falsely that the ACB officers were following us from behind. It is not true to say that, I am deposing falsely that on reaching Z.P. office I called accused on his mobile phone from parking, he told me he would come within 10 minutes in parking, accordingly he came. It is not true to say that, I am deposing falsely that we had a conversation regarding admission of my daughter. It is not true to say that, I am deposing falsely that accused demand bribe amount to me. It is not true to say that, I am deposing falsely that I removed tainted

currency notes from pant pocket while handing over it he told me to keep the tainted currency notes in the dicky of motorcycle of accused. It is not true to say that, I am deposing falsely that accused opened the dicky and asked me to keep the notes inside. It is not true to say that, I am deposing falsely that I kept the same as directed by accused. It is not true to say that, I am deposing falsely that thereafter, I gave signal to ACB officer by putting my left hand on my head. It is not true to say that, I am deposing falsely that soon immediately ACB team rushed towards us and ACB officer introduced themselves to accused. It is not true to say that, I am deposing falsely that ACB officer apprehended accused. It is not true to say that, I am deposing falsely that the ACB officers seized the tainted currency notes from the dicky of motorcycle of accused in presence of panchas.

31. It is not true to say that, I am deposing falsely that thereafter, ACB officer took accused, panchas in the Office and I also accompanied them. It is not true to say that, I am deposing falsely that on reaching the office ACB officer removed voice recorder from my person. It is not true to say that, I am deposing falsely that the recordings in memory cards are false and bogus.

Cross-examination completed.

No re-examination.

R.O.A.C.

Dt.09.11.2023

(Rajesh S. Gupta)
Special Judge, Osmanabad.