

**Special case (ACB) No.81/2018
Exh.No. 61**

Deposition of witness No. 1 for the Prosecution

I do hereby on solemn affirmation state that-

My name : Amar Vilas Mane
Age about : 34 years,
Occupation : Agri. & Business
Residence : Wadi (Bamni), Tq. & Dist. Osmanabad.

Examination-in-chief by Spl.PP Mr. M.B. Deshmukh for state.

1 Vishal Raghoji is my friend and he is contractor. I submitted on line tender towards ZP irrigation department in the name of Vishal Raghoji. I deposited Rs. 19,397/- as an earnest amount in the name of Vishal Raghoji. The tender was not allotted to Vishal Raghoji. The said tender was allotted to one Suresh. I went towards Vishal Raghoji for inquiry about the amount of Rs. 19,397/- towards earnest amount of tender. I think that Vishal was not willing to repay my said amount. I went 3 to 4 times at ZP office for return of said amount. The concern Clerk was one Pundge. I met with him. Shri. Pundge told me that I will receive tender amount from Vishal Raghoji in whose name tender was submitted.

2 It did not happen that, I met with one Satyawan Bhalerao. The witness volunteers that I did not know him. It did not happen that the gratification of Rs. 1000/- was asked for return of said amount.

(Witness is not deposing as per his previous statement recorded by police. Learned A.P.P. is permitted to put questions lawful in the cross-examination).

Cross Examination by Spl.P.P. Mr. M.B. Deshmukh for state

3 It is not true to say that, I visited ZP office and asked accused about return of Rs. 19,397/- deposited towards tender. It is not true to say that, the accused told me that, unless and until I pay Rs. 1000/- to him as bribe he will not return the said amount in the name of Vishal. I visited ACB Office, Osmanabad.

4 I am graduated in Arts. I narrated the incident to ACB officer. The ACB officer called two panch witnesses. It is not true to say that, as per my version ACB officer typed my complaint. Witness volunteers that, officer typed the compliant and only asked to me sign on it. I had not read over the complaint.

5 Now **portion Mark A** read over to the witness. The witness identified his signature. He stated that I have not stated the said contents to officers. I can not assign any reason why it was mentioned in my complaint. It is not true to say that, as per my version the complaint was typed and after reading over its contents I signed on it.

The Ld. Spl. PP wants to defer the further examination in chief. Hence, further examination in chief is deferred till next date.

R.O.& A.C.

Sd

(G. P. Agrawal)

Additional Sessions Judge-4,
Osmanabad

Osmanabad
Date :20.07.2023

Further Cross Examination by Spl.P.P. Mr. M.B. Deshmukh for State Resumed on oath :

6. It is true that, at ACB office, I was introduced with panchas. It is not correct to say that, I have narrated my complaint in presence of panchas to the officer. It is not correct to say that, I have the complaint in presence of panch witnesses. The witness volunteers that my sign was taken prior to my complaint. It is not correct to say that, the police shown me the demo of voice recording in presence of panch witness. It is not correct to say that, I verified that the said memory card was blank prior to my recording. It is not correct to say that, the officer asked me where the accused was found, thereon I replied that there was telephonic talk with accused and accused came at ZP office. It is not correct to say that, voice recorder was attached to my shirt near chest. It is not correct to say that, myself and panch No. 1 went of motorcycle at ZP office at about 4.20 p.m. and met with accused. It is not correct to say that, accused told me that what he wants to give money to give him. It is not correct to say that, he raise his finger and shown indication of 1000/-. It is not correct to say that, thereafter we returned to ACB office. It is not correct to say that, I have narrated the incident about demand at ACB office. It is not correct to say that, the script was prepared of voice recording. It is not correct to say that, the 2 currency note of Rs. 500/- was collected from me which I intended to give accused. It is correct to say that, I was explained the characteristic of Anthracene power and ultra violate lamp. Demonstration was given to me. It is true that, the power was coated to the currency notes. It is true that, police constable put 2 currency notes in my right side pocket of my pant. I do not remember whether

Anthracene powder bottle was sealed. I do not know whether constable wash his hand. I do not remember whether our hands were checked in the room whether it was stained with Anthracene powder or not.

7 I was given instruction that I have to give currency notes in presence of panch no. 1 when accused arrive. It was not told to me that not to pressurized the accused to pick up the currency notes from my pant. It is not correct to say that, when I reached at ZP office the accused was found at his table. It is not correct to say that, the accused was present in the office. The witness volunteers that I put the money in the drawer. It is not correct to say that, I narrated in detail the episode of demand and acceptance of money at the office. It is not correct to say that, the voice recorder was taken by ACB officer and they prepared the script. The 2 currency note shown to me. It is the same. It is at **Article 1 & 2**. Today accused is present in the Court. It is not correct to say that, I am deposing falsely to save the accused from prosecution.

Cross-exam. for accused by Adv. Shri P. M. Nalegaonkar :

8. It is true that, the work of tender money is not related with accused. It is true that, accused never demanded me money and accepted from me. It is not correct to say that, today I am deposing falsely.

Cross Exam complete.

No Re-exam.

R.O.& A.C.

Osmanabad
Date :08.08.2023

Sd
(G. P. Agrawal)
Special Judge-4,
Osmanabad.