

Resumed On oath:

10.02.2025

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

12. During the spot panchanama, photographs were also snapped. While I had visited police station, the panchas were watching the CCTV footage of the surrounding outside the shop of my deceased brother. I also saw the footage the accused was seen on the surrounding of the shop keeping watch (रेखी) on my deceased brother during the date of incident. In the CCTV footage the accused had worn the brown (dark brown) colour jeans pant and same colour shirt having white checks. I will be able to identify the cloths of accused if shown to me, which I saw in the CCTV footage. The shirt and pant now shown to me, is the same, which I had seen on the accused in the CCTV footage. The shirt and pant is hereby marked **MO-11 and MO-12** respectively.

13. The accused was using Bajaj Discover motorcycle. I had seen the said motorcycle on the spot of incident. I will be able to identify the motorcycle shown to me. (Ld. APP submitted the motorcycle is lying in the police station and same to be shown through V.C. for identification.) The black colour motorcycle bearing No. MH-25 Z 0545 parked within the premises of police station having a label attached to it bearing Crime No. 209/2022 (MR No.77/2022) among the other motorcycles, now shown through V.C. by lady constable Smt. Ayawade B.N.1379, is the same. The entry of said muddemal register is annexed along with the charge-sheet. I identify, it is the same motorcycle which was lying near the spot of incident. The motorcycle is hereby marked **MO-13**.

14. My deceased brother was possessing phone which was found on his person at the time of incident while he was lying dead on the spot. The said mobile was returned to me in the police station along with sim card.

15. The accused was using a Redmi company mobile during relevant time of incident. The mobile phone of the accused was seized during the investigation. I will be able to identify said mobile phone if shown to me. Now the mobile phone shown to me, is the same. It is hereby marked **MO-14**.

16. As accused No.1 had a illicit relations with our cousin sister Jyoti Hajare and also for the reason that the accused No.1 had transferred his open plot in the name of Jyoti on executing registered document in the presence of Kalyan Hariba Gadhave and Jivan Hariba Gadhave to settle the dispute regarding the illicit relations between accused No.1 and Jyoti. The illicit relationship was objected by my deceased brother and out of the said grudge in the mind, the accused No.1 committed brutal assault on my deceased brother causing his death.

17. While I had visited the spot of incident, the people had gathered as also police, one of the person named Rameshwar Kharade was also among the crowd had called accused Rameshwar and the phone had kept on speaker so that it could be heard by all the person. The Rameshwar Kharade asked accused Rameshwar 'why he had killed Dnyaneshwar'. The accused told he had grudge on the deceased as due to deceased objection he had to transfer his plot in the name of Jyoti. He further told I had killed Dnyaneshwar. I identify all the accused persons present before the court. Accused No.1

Rameshwar. Accused No.2 is sister, accused No.3 is brother, accused No.4 is father of accused No.1.

Chief examination completed.

Cross-examination by Ld. Adv. Y.D. Khaire for accused No.1:-

18. The accused No.1 joined MSEB subsequently after I joined. Accused No.1 and 3 does electric work and has done many fittings in the village. The Rameshwar Kharade is my cousin brother (आत्याचा मुलगा). The electric fitting of house of Rameshwar Kharade was done by accused No.1 and 3. My in-laws are resident of Yevati. The wives of deceased and accused No.3 are cousin sisters. The relations between our family and accused were cordial prior to the incident. We had a visitational access to each others house. I had a financial transaction with accused No.1. I do not know whether prior to the incident the relations with accused No.1 and deceased were cordial and they had no quarrels prior to the incident. It is true to say that deceased also used to run Mini Bank during morning hours in village. He had a transaction with SBI bank. As he had a xerox centre therefore was also doing notary work. It is not true to say that my deceased brother used to carry bag always with him. Sometime used to carry bag but not always.

19. The distance between Tuljapur to Masla is about 10 k.m. one has to cross Tuljapur-Solapur highway road to visit our village. Our village is situated towards Western side. We have to cross the highway to reach village. It is not true to say that the road towards village is always crowded. There a one Kakaka Dhaba and lodging boardings on the opposite road of the spot of incident. It is not true to say that the spot of incident is clearly visible from Kakaka Dhaba.

Sessions Case No.113/2022
State Vs. Rameshwar and ors.
Exh.No.55

There are tyre puncture shop, tea stall near 700-800 feet ahead from the spot of incident. The spot of incident is open place.

(Ld. Adv. For accused No.1 sought adjournment on the ground, some material, instructions are to be taken hence, filed an application seeking time for cross)

Adjourned till next date.

R.O.A.C.

Dt.10.02.2025

Sd/-
(Rajesh S. Gupta)
Addl. Sessions Judge,
Osmanabad.