

Deposition of witness no.2 for State :-

I do hereby state on solemn affirmation that :-

My name : Sanjay Dattatraya Bagal
Age about : 52 years
Occupation : Police Patil
Residence : Sangavi Mardi
Tq. : Tuljapur
Dist. : Osmanabad (Dharashiv)

Examination-in-Chief by Ld. Spl.P.P. Mr. P.K. Jadhav for State :-

1. On 09.06.2022, I was present in the village. On that day, I received phone call of police at about 06.30 p.m. They called me at National Highway No.52, at Sindafal Shivar. I reached there. One person was lying having injuries with Katti. Police stated me to act as a panch witness. As a panch, police had called one another person from ST. department name Kadam. We were ready to act as panch witnesses. Police personnel and Bhairu Karande were present there.
2. Police prepared spot panchanama in presence of we panchas. I came to know when I reached there, that the person died on the spot was Dnyaneshwar Karande. Bhairu Karande has stated that Dnyaneshwar is his brother.
3. National Highway No.52 is Samabhajinagar to Solapur two lane road. Spot of incident was situated at Sindafal Shiwar. Where the dead person lying behind it at 500 meters there was Kaka Dhaba and on front side at 600 meters there was S.K. Dhaba.
4. I can state the four boundaries of the place where, dead body was lying. Towards its East : there was open space of RIB Road and thereafter, field of Dindore; Towards its West : there is

divider; Towards South and North : National High Way No.52.

5. Police prepared panchanama of the spot as per the prevailing circumstances. Two, two wheelers vehicles were lying on the spot. Out of it, one was Activa and another was Discover. I came to know that the vehicle Activa MH-13/CP-7609 was of the deceased and the vehicle Discover MH-25/..0545 was of the accused. One tiffin of three folds was lying there. It was empty. One Head Phone of black colour, Power Bank and pair of chappal, one wooden handle of one sickle (कोयता/कत्ती) were lying there. One sickle was stuck in to ribs of deceased. Except these articles lying on the spot, I do not recollect about other articles.

6. In our presence, police collected the blood of deceased lying on the spot on cotton ball and handed it over to other police.

7. Police prepared spot panchanama as per prevailing circumstances of the spot of incident in our presence. It was started at 06.50 p.m., and continued approximately for two hours, till 09.50 p.m. I read its contents, it was true and correct, therefore, I signed it. The other panch Shri Kadam also signed on panchanama in my presence. Now, the panchanama shown to me is the same, it bears my signature and signature of Kadam, as he signed before me, on each page of the panchanama. It is marked at **Exh.P2-62**.

8. Now, articles out of GMR No.13/2024, now shown to me.

9. Now, **MO No.10 three fold tiffin** shown to me. I identify it. It was lying on the spot. I do not recollect whether there was any identification mark, name scribed on the tiffin. It was kept in one envelop, the label affixed over it bears my signature and

signature of other panch. I identified it. The label is marked at **Exh. No.63.**

10. Now, **MO No.9 black coloured Head Phone** shown to me. I identify it. It was lying on the spot. It was kept in one envelop, the label affixed over it bears my signature and signature of other panch. I identified it. The label is marked at **Exh. No.64.**

11. Now, **MO No.8 pair of chappal** shown to me. I identify it. It was lying on the spot. It was kept in one envelop, the label affixed over it bears my signature and signature of other panch. I identified it. The label is marked at **Exh. No.65.**

12. Now, **MO No.6 Power Bank** shown to me. I identify it. It was lying on the spot. It was kept in one envelop, the label affixed over it bears my signature and signature of other panch. I identified it. The label is marked at **Exh. No.66.**

13. Now, **MO No.2 wooden handle of sickle** shown to me. I identify it. It was lying on the spot. It was kept in one envelop, the label affixed over it bears my signature and signature of other panch. I identified it. The label is marked at **Exh. No.67.**

14. Now, one label shown to me, which was attached with the polythene bag in which the cotton balls used for collecting blood samples of the deceased from the spot were kept. This label contains signature of panch witness, which I identify. It is marked at **Exh.68.** (The cotton balls are not available in the property, however, the tag of Forensic Lab is available.) This polythene bag containing blood stained cotton ball was again kept in one envelop the label affixed over it bears my signature and signature of other panch. I identified it. The label is marked at **Exh. No.69.**

15. I can identify my photo in any other photo if shown to me. Four photographs attached with spot panchanama now shown to me. I am standing in the photographs, beside me other panch Kadam, Police Kashid, Ladies constables can be seen, Dead Body in the pool of blood, sickle stuck in to its ribs, lying on the spot is visible in the photographs. While colour Acura vehicle is visible in the photographs. (*Learned advocate for accused did not object for marking article number to photographs.*) Therefore, **Article No.1 to 4** marked to the photographs.

16. I can identify the two wheeler vehicles lying on the spot if shown to me. (*Out of these two vehicles, as per submission of Ld APP and advocate for accused, one vehicle Acura was released on bond by police to its owner and other vehicle Discover was lying in the Police Station, which will shown to the witness through V.C., as it was lying in the Police Station.*) (Now, vehicle No. MH-25/Z-0545 lying in the police station shown to the witness through Video Conference.) I identify the vehicle on the basis of its registration number. It was lying on the spot. It is already marked at M.O.No.13.

17. After completion of spot panchanama, police shifted dead body of the deceased to Sub-Divisional, Rural Govt. Hospital at Tuljapur in mortuary. Myself and other panch Shri Kadam went to hospital. Police stated us to act as panch witnesses for Inquest Panchanama of the dead body. Dead body of Dnyaneshwar Karande was there. It was identified by his brother Vishal Karande. The clothes on dead body were torn and taken out. We inspected dead body, on left side of the dead body there were

wounds of injuries. The sickle was stuck in to ribs on left side of the dead body. The Inquest Panchanama of dead body was prepared before us, now shown to me is the same, it bears my signature and signature of Kadam, as he signed before me, on each page of the panchanama. It is marked at **Exh.70**.

18. On 10.06.2022, at 00.10 Hrs., to 00.55 police seized clothes taken out from the dead body of the deceased, it includes one blood stained baniyan, one blood stained ash gray coloured pant and one full sleeve white coloured shirt and the sickle, which was taken out by the Doctor from the dead body of the deceased. The seizure panchanama conducted by the police in our presence, now shown to me, bears my signature and signature of other panch kadam, i identify it. Its contents are true and correct. It is marked at **Exh.71**. I can identify these articles if shown to me.

19. Now, **MO No.1 sickle** shown to me. I identify it. It was kept in one envelop, the label affixed over it bears my signature and signature of other panch. I identified it. The label is marked at **Exh. No.72**.

20. Now, **MO No.3 one blood stained full sleeve white coloured shirt** shown to me. I identify it. It was kept in one envelop, the label affixed over it bears my signature and signature of other panch. I identified it. The label is marked at **Exh. No.73**.

21. Now, **MO No.4 baniyan stained with blood** shown to me. I identify it. It was kept in one envelop, the label affixed over it bears my signature and signature of other panch. I identified it. The label is marked at **Exh. No.74**.

22. Now, **MO No.5 pant stained with blood** shown to me. I identify it. It was kept in one envelop, the label affixed over it bears my signature and signature of other panch. I identified it. The label is marked at **Exh. No.75**.

23. On 10.06.2022 at about 01.00 p.m., police called us in the Police Station to act as panch witness for effecting seizure panchanama of the clothes of accused. That time, accused Rameshwar Khochare was present in the police station. Police handed other set of clothes to accused and accused taken out the clothes on his person. Police seized shirt and pant of the accused Rameshwar in our presence and it was sealed with label of our signatures. Accused also produced his mobile hand set in our presence to the police, it was seized and sealed by the police. Police effected panchanama in our presence and obtained our signatures. Now, panchanama shown to me is the same, it bears my signature and signature of other panch Shri Kadam, on each page. Its contents are true and correct. It is marked at **Exh.76**. I can identify those articles if shown to me.

24. Now, **MO No.11 seized shirt of accused** shown to me. I identify it. It was kept in one envelop, the label affixed over it bears my signature and signature of other panch. I identified it. The label is marked at **Exh. No.77**.

25. Now, **MO No.12 seized pant of accused** shown to me. I identify it. It was kept in one envelop, the label affixed over it bears my signature and signature of other panch. I identified it. The label is marked at **Exh. No.78**.

26. Now, **MO No.14 seized mobile of accused** shown to me. I identify it. It was kept in one envelop, the label affixed over it bears my signature and signature of other panch. I identified it. The label is marked at **Exh. No.79**.

27. I can identify the accused from whom seizure of clothes and mobile was effected. I identify the accused Rameshwar present before the Court, whom I seen earlier in the Police Station.

Examination in chief completed.

Cross-examination deferred as Court time is over.

R.O.&A.C.

Date : 27.06.2025

(Smt.T.G. Mitkari)
Additional Sessions Judge
Osmanabad

Resumed on oath Dt.30.08.2025

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

28. During the period, when panchanama was effected, I was Police Patil of village Sangavi. Being Police Patil I was having regular contacts and acquaintance with Police Station, Tuljapur. Police called me for panchanama as they had my mobile number. The distance between village Sangavi and Mala (Kh) is seven kilometer.

29. Informant Karande is not my relative and I have no prior acquaintance with him. Till, I went for panchanama I did not have acquaintance with Bhairu Karande and deceased Dnyaneshwar. The Spot of incident is main road to approach Dharashiv and Solapur. It is not true that this road is always with heavy traffic.

30. It is true that at distance of 500 meter from spot of the incident, Dhaba is situated and at one kilometer puncture shop and petrol pump are situated. It is true that in front of spot of incident

'Kaka Ka Dhaba (काका का ढाबा)' is situated. I do not know that 'Kaka Ka Dhaba' has CCTV.

31. Photographs Article No.1, 2, 3 and 4 now shown to me. It is not true that in this four photographs informant Bhairu Karande is not visible. It is true that at the time of panchanama, owner of the two wheeler vehicle Discover lying on the spot was not known to me. It is true that that Discover vehicle is not visible in the photographs Article No.1 to 4. I do not know who was the owner of Power Bank and tiffin (lunch box) lying on the spot. It is true that, the power bank and tiffin (lunch box) is not visible in the photographs Article No.1 to 4. It is true that I do not have knowledge how and between whom incident occurred.

32. It is true that when spot panchanama was prepared, it was rainy days. There were no street lights. It is not true that at the time of preparation of spot panchanama drizzling rain. I did not receive notice to remain present for panchanama on that day and on next day. I am not acquainted with Vishal Karande. It is not true that police seal on muddemal property was affixed in the Police Station. It is not true that I identified the motor cycle on screen, as it was earlier shown to me by police. It is not true that as I have not seen the discover two wheeler vehicle on the spot, I could not state its registration number.

33. It is not true that accused was under arrest at the time when seizure panchanama of the clothes of accused was effected. I

do not know the name of person, who brought mobile to Police Station. It is not true that being Police Patil, I singed on many panchanamas as panch. It is not true that the proceeding of panchanama referred by me in my examination in chief I was not present there but have signed on the say of police. It is not true that prior to depose in examination in chief, the contents of panchanama were read over to me. It is not true that as Karande is my relatives, I deposed false about conducting panchanama.

Cross-examination completed.

Cross-examination deferred as Court time is over.

R.O.&A.C.

Date : 30.08.2025

(Smt.T.G. Mitkari)
Additional Sessions Judge
Osmanabad

Resumed on oath Dt.03.09.2025

Cross-examination by Ld. Adv. A.K. Fatak for accused no.2 to 4 :

34. In the year 2022, I was residing at Sangavi Wadi. I was in the village when I received phone call at about 06.30 p.m. I reached to the spot on my motorcycle. I went home back at night 1 O'Clock. That phone call was of Police Inspector Kashid. That time, he told me for what he called.

35. When, I reached to the spot, police personnel were present there. Near about 15 other persons were present there. That, place was of traffic on highway. I do not remember exact numbers of two wheelers and four wheelers were there. It is true that

motorcycle and other vehicles were there.

36. I reached there at 06.40 p.m. At that time, sun was about to set and it was getting dark. It did not happen that when I reached there nobody was present, dead body was lying beside the road, one person was making urge to me to call Ambulance. It is not true that as I am Police Patil, I am acquainted with Police Patil of nearby villages. I know Masala Khurda Police Patil Ganesh Kumbhar. I did not meet with Ganesh Kumbhar when I reached to the spot. He was not present on the spot. I do not know Sharad Laxman Kharade. Police did not introduce me with Sharad Laxman Kharade.

37. When I reached to the spot, I did not see barricade beside the dead body. Till my presence on the spot, I did not seen barricade kept by police. In my presence police did not obtain finger prints. Police had called Dog Squad in my present on the spot. It is not true that as there was whisper of murder committed for sake of money, Dog Squad was called. In my presence, nobody made complaint of committing murder of deceased. In my presence, police did not call video-graphed the spot.

38. In my presence, at that time, R.C.Book of the scooty lying there had not came. Engine number and chassis number of the scooty lying there were not taken in my presence. So also, the engine number and chassis number of the other vehicle lying there was not taken in my presence. It is true that at the spot of incident, except the photographs of the scooty lying at the spot, no photographs were clicked of the other vehicle lying there. At that time, there were no RC book of the other vehicle.

39. It is not true that power bank, head phone, tiffin box and handkerchief was lying near scooty. It is not true that label of my signature not affixed on motorcycle and tiffin box.

40. I had been to the hospital. Police Inspector Mr. Kashid was present at the time of inquest panchanama, seizure panchanama of the clothes on dead body and seizure panchanama of sickle (कर्त्ती). There panchanamas were conducted by Police Inspector Kashid. Except P.I. Kashid, no other police personnel conducted panchanama in my presence in the hospital, at that time.

41. API Kaskar called me for panchanama of sickle (कर्त्ती) and clothes of dead body.

42. In reference to this crime, Tuljapur police has conducted three panchanamas in my presence. In my presence motorcycle Discover was not wrapped in greenish paper. It is true that M.O.No.13 Discover Motorcycle which I have seen on the screen in my examination in chief, that time, I have not seen label of my signature affixed to it.

43. It is not true that as no Discover motorcycle was lying on the spot, therefore, its photographs were not clicked. It is true that the muddemal which I identified was not in sealed condition. Now, MO No.10 three fold tiffin shown to me. It is true that, label of my signature not seen affixed to it. It is not true that photographs of these items were not clicked. It is not true that these articles could not be seen in photographs (Article No.1 to 4).

44. It was time to dark when we started back from spot. Police did not bring laptop, printer, computer to do work on the spot. At that time, police did not obtain my signature on computer

print outs. Now, labels having my signature Exh.63 to 79 are shown to me are computer print outs. (*Ld.DGP objected for its recording, pointing out that, these exhibits are not print outs, part of it is in hand writing. On perusal of Exh.63 and all other exhibits, the format of label is in printed form and its contents are hand written.*) The envelop upon which exhibit 63 is affixed the other labels were affixed in my presence on this envelope. Similar is the case of exhibits 63 to 79. It were affixed in my presence in Police Station. These labels were signed by me at the time when the envelope were sealed in the Police Station. It is true that exhibit 63 to 79 were not affixed on the spot. It is not true that these items were not found on he spot, therefore, it could not seal on the spot and its label could not affix on spot itself.

45. On 10.06.2022 I was present in the Police Station, Tuljapur in between 12.00 noon to 01.00 p.m. At that time, accused Rameshwar was present in the Police Station. I am not witness of his arrest. Thereafter, I left Police Station at about 01.00 p.m. I again came to Police Station Tuljapur on the same day in the evening 08.00 p.m. I do not know who and at what time, arrested accused no.1 Rameshwar. Now, arrest panchanama dated 10.06.2022 of accused no.1, shown to witness, as it is relied in the cross examination, it is marked at **Exh.80**. It is true that it bears my name and name of Pradip Mohanrao Kadam as panch witness of arrest panchanama of accused no.1 Rameshwar. I identified my signature thereon. It is not true that I signed arrest panchanama Exh.80, though accused not arrested in my presence to assist police.

46. It is not true that as I signed arrest panchanama Exh.80, though accused not arrested in my presence, similarly, I have signed all other panchanamas, though proceeding therein was not effected in my presence.

47. In Police Station, I met accused no.1 Rameshwar at about 12.30 p.m. It is not true that accused no.1 Rameshwar was not present in the Tuljapur Police Station prior to 09.30 p.m., on 10.06.2022. It is not true that proceeding of panchanama Exh.76 of seizure of clothes of accused no.1 was conducted in absence of accused in Police Station, Tuljapur before his arrest. It is true that I am well acquainted with Police Patil of Masala Khurd Ganesh Kumbhar. It is not true that on the say of Ganesh Kumbhar i went to spot of incident and on his say I became witness and deposed false against accused persons. It is not true that in my examination in chief I deposed false about conducting panchnama on spot, Hospital and in Police station. It is not true that I have good relation with informant of this crime therefore, I deposed false on his say.

Cross-examination completed.

R.O.&A.C.

Date : 03.09.2025

(Smt.T.G. Mitkari)
Additional Sessions Judge
Osmanabad