

Deposition of witness no.4 for State :-

I do hereby state on solemn affirmation that :-

My name : Vishal Kalidas Kharade
Age about : 29 years
Occupation : Agriculturists
Residence : Masla Khurd
Tq. : Tuljapur
Dist. : Osmanabad (Dharashiv)

Examination-in-Chief by Ld. DGP Mr. M.B.Deshmukh for State :-

1. I know accused no.1 Rameshwar Khochare because he is maternal cousin brother of Vishal Karande and he had done many jobs of electricity fittings in our village. He hails from Yewati. I know Dnyaneshwar Karande, he was resident of my village.

2. On 09.06.2022, I was at Tuljapur for my personal work at about 11.00 a.m. I was standing at Bhawani Road, adjacent to old bus stand of Tuljapur. At that time, I saw Rameshwar Khochare maternal brother of Bhairu Karande and Vishal Karande was passing on his motorcycle, that time, he had covered his face with piece of clothes. I identified him and said him काय चालले आहे रामेश्वर. He replied, काही नाही, थोडी गडबड आहे and he proceeded ahead. At that time, I have seen one tiffin box and bag hanged on his motorcycle.

3. On completion of my work on that day, I started for my village at about 05.00 p.m., and reached at village. While I was in the village, I got news from other villagers that, murder of Dnyaneshwar Karande is committed by Rameshwar Khochare with stabbing. Thereafter, I went on the spot on my motorcycle near

'KAKA KA DHABA' situated at Tuljapur-Solapur National Highway.

4. When I reached on the spot. People were gathered and police were also present on the spot. I saw Rameshwar lying on the pool of blood and one Katti was stuck into his left ribs. The scooty of Dnyaneshwar was lying near him; at some distance motorcycle of Rameshwar Khochare was lying, beside it one tiffin box was also lying.

5. I can identify Katti, Tiffin Box and Motorcycle if shown to me.

6. After completion of all the necessary work of the police, they shifted dead body of deceased Dnyaneshwar to the Govt. Hospital, Tuljapur. I also followed them to Govt. Hospital, Tuljapur. On completion of post-mortem dead body of the Dnyaneshwar was hand over and in village Masala (K) last rituals on his dead was completed.

7. Lateron, I came to know that Rameshwar Khochare was having love relations with his maternal sister Jyoti. To resolve this love affair, Dnyaneshwar suggested to transfer the plot at Osmanabad standing in the name of Rameshwar to be transferred in the name of Jyoti. Rameshwar has grudge against Dnyaneshwar that because of him, he had to loose ownership of plot at Osmanabad and therefore, he committed murder of Dnyaneshwar.

8. On 20 June, 2022, police called me for panchanama at Tuljapur Police Station. Myself, Vishal Kharade and Manoj Kharade went to Police Station, Tuljapur at about 01.30 to 02.00 p.m. In the police station, police Kashid told us that Rameshwar

did recce (reki) of Dnyaneshwar and committed his murder in that regard, the CCTV footages are to be collected and we should act as panch witnesses.

9. Accordingly, we panch witnesses and police staff went near shop of Dyaneshwar situated at Tuljapur in Mangalwar Peth in front of State Bank of India. At that time, Deodatta Nike, Land Lord of shop of Dnyaneshwar was present in front of the shop of Dnyaneshwar. Police asked him whether he identifies deceased Dnyaneshwar, upon it, he replied that he identifies Dnyaneshwar because he has rented his shop to Dnyaneshwar since two three years on monthly rent of Rs.4,500/-.

10. In our presence, with the keys of Landlord Deodatta Nike, the lock of shop of Dnyaneshwar in name and style 'Aaisaheb Xerox Center' (आईसाहेब झेरोक्स सेंटर) was opened. On inspection of the shop, one Xerox Machine, Computer and other articles were found. Thereafter, police locked the shop and handed over keys to Landlord Deodatta Nike.

11. We went to SBI Bank situated in front side. There we came to know that due to short circuit CCTV Footages were not made available. Thereafter, along with police we went to Maharashtra Bank, 'पिपीज् हॉटेल' situated on South side of the shop of Dnyaneshwar. We went there with police and the concerned has shown recording of CCTV footage with them. We have seen accused Rameshwar was moving on the roads in front of shop of Dnyaneshwar covering his face with piece of clothes.

12. Thereafter, along with police we had also went to Vishwanath Corner, Bhawani Road and Chhatrapati Shivaji Maharaj Chowk. Police have shown us CCTV footage of these places. In that CCTV footage, Rameshwar Khochare and Dnyaneshwar Karande were seen on their respective motorcycles.

13. I have identified the accused Rameshwar Khochare in the CCTV footage of the places mentioned above, shown by the police and I have pointed out him to police. Police has collected CCTV footage of five different places mentioned above in separate five pen drives with the help of Police Staff. Police have carried laptop with them and they prepared contents of panchanama in continuation at each of the place and one panchanama was prepared.

14. We went to Tuljapur Police Station. Police took out print of the panchanama earlier prepared. Police gave copy of panchanama to us to verify whether the contents of panchanama are as per the proceedings. We find it to be true and correct. Thereafter, myself and the other panch Monaj Kharade signed the panchanama. I can identify the signature on panchanamas. Now, panchanama shown to me is the same, it bears my signature and signature of other panch Manoj Kharade. Its contents are true and correct. It is marked at **Exh.88**. At that time, in the police station, I have also stated four boundaries of the shop of Dnyaneshwar and prior to signature on panchanama, police have shown the contents of pen drive of the CCTV footage collected from the five places, we visited on the screen available in the police station. It was the same CCTV footage which is collected from five places in that pen drive.

15. Now, articles out of GMR No.13/2024, now shown to me. Now, **MO No.1 sickle** shown to me. I identify it. I have seen it stuck in to body of Dnyaneshwar.

16. Now, **MO No.10 three fold tiffin** shown to me. I identify it. It was lying on the spot near motorcycle of the Rameshwar. I have seen it earlier in the morning hanged to the motorcycle of Rameshwar.

17. 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 Activa 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 as I have seen the vehicle in the morning at Tuljapur, so also, it was lying on the spot. It is already marked at **M.O.No.13**.

18. I identify accused Rameshwar present before the Court today.

19. Now, the pen drive kept in envelope on the record of the trial 113/2022 is opened before the Court. It contains five pen drives.

20. Out of above five pen drives, one pen drive of Sandisk company not kept in the packing, shown to the witness on the computer screen of the Court with the help of System Officer of the District Court. The Pen Drive contains total 266 items of 4.4 G.B.

21. Ld. Advocate for the accused submitted that they have received copy of pen drive of CCTV Footage near Shivaji Statue. Copy of rest of four pen drives are not provided to them.

22. Looking at volume of the files, Ld. DGP submitted that its copy be provided to the DGP himself and Ld. Advocates for the accused and till next date, he prayed to adjourn the further examination in chief.

23. Ld. Advocate for the accused persons present before the Court have no objection for providing copies of the pen drive and for grant of time to record further examination in chief of the witness. Therefore, the Data stored in the pen drive, total five, be provided to Ld. DGP and Ld. Advocates for accused.

24. Ld. Advocates for accused persons and Ld.DGP submitted pen drives before Court. The CCTV Footage stored in five pen drives are copied on these pen drives separately on the good working computers of this Court with the assistance of System Officer. Thereafter, these five pen drives are safely kept back in brown envelopes on record.

On request of Ld. DGP matter is adjourned.

R.O.&A.C.

Date : 25.09.2025

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

Further Examination in Chief of PW 4 Vishal Kalidas Kharade resumed on oath Dt.01.10.2025 through Ld. DGP for accused No.1:

(On request of Ld.DGP envelope is opened in the Court and one pen drive is played on the computer screen of this Court.

This pen drive is 16GB, out of it 269.1 MB is used. It contains one file excluding system files. This 269.1 MB video file is now played.)

25. I can identify the video recording of CCTV footage, now visible on the screen. It is of front side of PPG Hotel, Tuljapur. (This file shows dated 06-09-2022 and time 17:00:30. Total time shown 32:59.) At 17:04:14 the person on motor cycle is pointed out by the witness to be Rameshwar Khochare accused no.1 on motorcycle bearing No.0545. He has parked his vehicle near the steps for Maharashtra Bank.

26. At 17:04:42 the Rameshwar step down from his two wheeler. He further moving and watching towards the side where the shop of deceased Dnyaneshwar was located. Thereafter, he is visible walking forward facing camera. Again, after some time intervals he came back by walk and went on the steps of Bank Of Maharashtra. At 17:20:47 Rameshwar is walking towards camera covering his face with handkerchief. At 17:24:21 Rameshwar removed his handkerchief from face and retied it standing in the corner. He walk further and went on the steps of Maharashtra Bank and he step down at 17:29:55 and kept walking towards camera looking back. The Rameshwar came back At 17:31:29, his face is covered, he went forward and went on the steps to Maharashtra Bank.

27. In this video at time 17:32:07 to 17:32:13 deceased Dnyaneshwar is visible facing camera driving his white coloured scooty. Behind him, Rameshwar hurriedly drive his motorcycle on the same direction of the Dnyaneshwar.

(Ld. DGP submitted that it should be taken on the record that at this stage of the video one tiffin hanging on the motorcycle of accused no.1 Rameshwar is clearly visible. It noted.)

28. The person namely Rameshwar visible in the video which is played in the open Court today is also present in the Court. I have seen the motorcycle driven by Rameshwar in this video in the morning at about 11.00 a.m., with Rameshwar and thereafter, lying near the place where murder of Dnyaneshwar was committed.

(At this stage, Ld.DGP submitted to take judicial note that the date visible in the video and noted in the evidence is MM/DD/YY and DD/MM/YY. Ld. Advocate for the accused objected for the same with submission that this aspect is to be proved by prosecution.)

Ld.DGP submitted that examination in chief of this witness is completed.

Examination in chief completed.

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

29. It is true that mother of Rameshwar Shivaji Kharade, who is my cousin brother is cousin paternal aunt of deceased Rameshwar. Manoj Pratap Kharade is from our brotherhood. I am B.Sc. In the year 2022, I was employed on contract basis in BSNL Office, Tuljapur. I was not present on my work on 09.06.2022. As I was on contract basis, my presence register was

not maintained by BSNL Office. I can not state whether I received pay of that day or not. I do not recollect name of the contractor.

30. On that day, I visited Krishna Krishi Seva Kendra. I have no so specifically stated at the time of recording of my statement before police. I have not mentioned registration number of the motorcycle before police at the time of recording of my statement.

Court time is over, hence, adjourned till next date.

R.O.&A.C.

Date : 01.10.2025

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

Further Cross-examination of PW 4 Vishal Kalidas Kharade resumed on oath Dt.10.10.2025 through Ld. Adv. Y.D. Khaire for accused no.1 :

31. When, I was working with BSNL my salary was used to be deposited in my Bank Account with State Bank of India, Branch Naldurga Road, Tuljapur. I can not state whether my payment of dated 09.06.2022 was deposited in my bank account or not.

32. It is true that in my police statement recorded on 09.08.2022, I have not stated registration number of vehicle of accused. I can not state the name of the person from village, who has disclosed the news of death of Dnyaneshwar. I reached to the spot at 06.15 p.m. On the spot, the persons acquainted to me namely Rameshwar Kharade, Babasaheb Kharade, Bhairu

Karande, Sharad Karande. That time, police were also present on the spot. When, I was present on spot of incident, I had knowledge, who had killed Dnyaneshwar.

33. I was present on the spot on 09.06.2022, at that time I had knowledge who killed Dnyaneshwar, but immediately, I have not disclosed the same to the police. Neither I disclosed to the police about my meeting with accused Rameshwar at 11.00 a.m., at that time. When, I went to Civil Hospital, Tuljapur, police were present there but that time also, I have not disclosed the information I had about the death of Dnyaneshwar to police.

34. I was present for panchanama on 20.06.2022, with police personnel, I have disclosed all the information I had in reference to death of Dnyaneshwar to the police at that time. Witness volunteers that police told me that I should disclose the same when they will record my statement. Police has not issued notice to me for presence as panch witness to conduct panchanama dated 20.06.2022 and to remain present for recording statement on 09.08.2022.

35. I have knowledge of computer operation. I also completed MSCIT. It is not true that as I am related to deceased and I have knowledge of computer operation, therefore, police called me to act as panch witness, while conducting panchanama. It is true that in computer date and time can be changed.

36. I can not state the name of persons who handed over CCTV footage to police. In our presence, police have not issued notices to persons from whose custody CCTV footage obtained. I do not know name of the DVR and software company of CCTV

footage, from where police had obtained it. It is true that out of five pen drives, one pen drive which was referred as Pen Drive No.2 was shown in the Court. At that time, I have not seen date of CCTV footage on display. It is true that in the CCTV footage played in the Court, shop and motorcycle parked in front of shop of deceased Dnyaneshwar is not visible. It is not true that faces are not clearly visible in CCTV footage. It is not true that I have falsely stated in my examination in chief that in a CCTV footage played in the Court, that the accused Rameshwar is visible coming and going, so also, deceased Dnyaneshwar proceeding on vehicle.

37. It is not true to say that the panchanama Exh.88 was not effected at five places where CCTV footage were checked. It is true that, four boundaries of those five places are not mentioned in panchanama Exh.88. The four boundaries mentioned in this panchanama Exh.88 are of shop of Dnyaneshwar. It is not true that panchanama Exh.88 was effected in Police Station, Tuljapur. It is not true that soft copy of panchanama Exh.88 and my statement dated 09.08.2022 were forwarded to me on my WhatsApp prior to recording of my examination in chief in this trial. It is not true that I have gone through the contents of panchanama and statement prior my deposition on earlier dates.

38. It is not true that for the first time in the Court, I have seen the CCTV footage of pen drive no.2, when it was played in the Court. It is not true that I deposed false in my examination in chief that, on 09.06.2022, I was at Tuljapur for my personal work at about 11.00 a.m. I was standing at Bhawani Road, adjacent to old bus stand of Tuljapur; that at that time, I saw Rameshwar

Khochare maternal brother of Bhairu Karande and Vishal Karande was passing on his motorcycle. It is not true that I deposed false in my examination in chief that that time, he had covered his face with piece of clothes.; that I identified him and said him काय चालले आहे रामेश्वर; that he replied, काही नाही, थोडी गडबड आहे and he proceeded ahead. It is not true that I deposed false in my examination in chief that at that time, I have seen one tiffin box and bag hanged on his motorcycle.

39. It is not true that I falsely stated in my examination in chief that I have seen motorcycle of the accused Rameshwar and the tiffin bag lying on the spot, which I have seen in morning of 09.06.2022. It is true that in CCTV footage played in the court, I have not seen tiffin bag.

40. It is not true that I do not had any information about the incident dated 09.06.2022, therefore, I have not disclosed the same to the police on 20.06.2022. It is not true that for the first time, I have seen motorcycle of the accused Rameshwar through video conference before Court during my examination in chief.

41. It is not true that as I am related to deceased Dnyaneshwr and Bhiru Karande, I made myself available as got up witness and deposed false during my examination in chief and cross-examination conducted.

Cross-examination completed on behalf of accused no.1.

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

42. It is true that I received information from others that deceased Dnyaneshwar was murdered by Rameshwar with sickle

stabs. So also, of the rumor that Rameshwar was having illicit relations with Jyoti and therefore, to settle the matter, he has to relinquished right, title and interest of his plot. I do not have any personal information of the same.

43. It is true that in panchanama Exh.88, the visits to Vishwanath Cornor, Shivaji Maharaj Chowk, Bhawani Road is not mentioned. CCTV camera facing the road side is affixed at Maharashtra Gramin Bank. It is not true that I never had an opportunity to look in to the CCTV footage of said camera.

44. I reached for panchanama on 20.06.2022 after 01.00 p.m., at Police Station. I was present there till 04.00 p.m. We went to the shop of deceased at about 02.00 to 02.15 p.m. At that place, shop in the name and style Swaraj Job work and Xerox was not existed. Police have not shown CCTV footage to panchas in Police Station before leaving for panchanama.

45. It is true that for the first time, we could see the CCTV footage at Maharashtra Gramin Bank approximately at time 02.25 to 02.30 p.m. I do not have knowledge whether the storage of the CCTV footage within camera or in out side devise of the bank. We did not reach to the storage of CCTV footage. It is true that I have not seen the CCTV footage before the Court, which I have seen in Maharashtra Bank.

46. It is true that the date 09 June, 2022 was started at 00.00 O'clock in mid night. We had not seen the CCTV footage of the entire day of 09 June, 2022. In Maharashtra Gramin Bank CCTV footage copied by police employees in pen drive. It is true that at that time in presence of panchas neither the pen drive was sealed

with our signatures nor any identification mark was affixed on it. I could not see the date of copy of CCTV footage in pen drive was 20 June, 2022. The time of leaving bank approximately might be 02.40 to 02.50 p.m. It is not true that in CCTV footage which was watched at Maharashtra Gramin Bank was not of dated 09 June, 2022 and accused was not there in that CCTV footage.

47. It is true that CCTV cameras are affixed on the road and squares of Tuljapur City. However, I do not know whether same are installed by Municipal Council of Tuljapur and at which place, its storage room is existed. We had visited those places. Now, witness says that we had not visited those places.

48. It is true that I have not visited the CCTV footage storage room of the five places referred in panchanama Exh.88. The CCTV footage played in the Court from pen drive was copied in pen drive before me.

49. The video of CCTV footage from pen drive no.2 played in the Court during my examination in chief was of PPG hotel, however, I can not state name of the owner of hotel and CCTV Camera, neither I obtained information about the storage device of CCTV camera. This CCTV footage was obtained on 20.06.2022 approximately at about 03.00 p.m.

Court time is over, hence, adjourned till next date.

R.O.&A.C.

Date : 01.10.2025

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

Further Cross-examination of PW 4 Vishal Kalidas Kharade resumed on oath Dt.17.10.2025 through Ld. Adv.A.K. Fatak for accused no.2 to 4 :

50. Witness Sharad Laxman Kharade is my kin and from my village. Informant and deceased are son of my maternal uncle. Since my birth, till my age 17 to 18 years, my family and family of informant and deceased were residing in the houses situated in front of each other house and our relations were cordial, earlier and till today.

51. On 20 June, 2022 informant Bhairavnath was not with me. Myself and informant Bhairavnath have not watched the videos of pen drive sitting together. It is true that in my statement dated 09 August, 2022 and panchanama Exh.88 conducted during investigation of the crime, it is nowhere mentioned that videos of CCTV footage were copies in pen drive. It is true that in my police statement the name of places, SBI Bank, Vishwanath Corner, Bhawani Road and Chha. Shivaji Maharaj Chowk visited for collecting CCTV footage are not mentioned.

52. Bhawani Road, Tuljapur is covered by CCTV Footage. It is true that till today, I have not seen the CCTV footage in regard with my deposition in examination in chief that on 09 June, 2022 at about 11.00 a.m., at Bhawani Road, Tuljapur, I met with accused Rameshwar. It is not true that as I had deposed falsely about the same, CCTV footage in that regard is not available.

53. It is true that the property M.O.No.10 three fold tiffin which I identified in my examination in chief, the similar type of steel made tiffins are easily available in the market and it is mostly used by people.

54. It is true that the property M.O.No.13 two wheeler motorcycle which I have seen through video conference standing in the Police Station, the similar type of number of motorcycle are usually driven on roads.

55. If we start from the shop of deceased Dnyaneshwar we have to proceed from the square Vishwanath Corner, Golai, Chha. Shivaji Maharaj Chowk, then to cross Tuljapur Ghat and to proceed further on service road of Solapur Highway Fly over, then towards the road of Masla. One can reach to Chh. Shivaji Maharaj Chowk to Tuljapur from Ambedkar Square. All these square places are covered under CCTV camera. While crossing Tuljapur Ghat, Son of Sun hotel is situated, but I do not know whether it has CCTV Camera. I never pay attention whether CCTV Cameras are installed beneath the fly over of Solapur Highway facing towards Tuljapur side.

56. Now Pen Drive No.2 from the sealed packet on record is attached with computer screen of the Court. It is true that the file where video of CCTV footage is saved, properties/basic of this footage visible on the screen shows the date created Wednesday 06 July, 2022, 02:30:27 A.M. IST and modified date 16 June, 2022, 06:38:56 A.M. IST. (For further convenience the screen shot of the properties is taken and print out is kept on record.)

57. It is true that the name of Bank of Maharashtra and PPJ hotel or its name plate neither the name of the place, road or city is not visible in video from CCTV Footage of pen drive no.2, earlier seen before the Court.

58. It is not true that from the video of CCTV Footage stored in pen drive, nowhere, it is visible that video is of dated 09 June, 2022. It is true that the date 20 June, 2022 is not visible in this video. It is true that pen drive were not seized by police in my presence with label of my signature. It is not true that it is no where seen in this video that deceased Dnyaneshwar was followed by accused Rameshwar.

59. It is true that from the Vishwanath Corner at Tuljapur three roads are available to proceed out side the city Tuljapur. It is not true that the video of CCTV footage of pen drive no.2 which I have seen during my examination in chief is false and fabricated, created by using earlier videos of mobile which was tampered and created with a motive to falsely implicated the accused persons in the crime. It is not true that the proceeding of panchanama Exh.88 was not conducted in my presence. It is not true that I have signed the false and fabricated panchanama in the Police Station and deposed false about it in my examination in chief. It is not true that I am got up witness to support the informant and I deposed false in my examination in chief against accused persons on the say of informant and police.

Cross-examination completed on behalf of accused no.2 to 4.

R.O.&A.C.

Date : 17.10.2025

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