

**Sessions Case No.23/2016
Exh. No.11**

Deposition of witness No.1 for the State.

I do hereby on solemn affirmation state that :-

My name :- Santosh Father's name :- Ramchandra Kandalkar

My age :- 49 years. Occu. :- Mango business.

R/o. Malvan, Tal. Malvan, Dist. Sindhudurg.

Examination-in-chief by P.P. Mr. S. K. Tayshetye for State.

On 30/11/2014 police called me at police station, Malvan to act as panch. Accordingly, I went there. Another panch Rupesh Satardekwar was also present. Informant Rajesh Kamtekar was also present. Police told me that, they want to prepare panchanama at Bharad Naka. Therefore, we all went to Bharad Naka.

02. Informant Rajesh Kamtekar showed the spot at Bharad Naka. It was on a road in front of 'Parab Electronics'. Police took measurement and prepared panchanama. Police obtained signatures of we both panch witnesses. Police also snapped photographs. Now spot panchanama shown to me, is the same. It bears my signature at Sr. No.1. Contents therein are true and correct. It is marked as **Exh.12**.

**Cross-examination by Adv. Shri.V.P. Chindarkar
for accused Nos.1 and 2.**

03. It is true to say that, there is no reference of 'Parab Electronics'. It is true to say that, there is no reference of

photographs in panchanama. It is true to say that, there is no document to show that police called me for panchanama except panchanama itself. It is true to say that, Malvan-Kasal road is situated east-west. It is true to say that, to both sides of said road, there are shops. The Bharad area is of 300 to 400 meters in length. It is true to say that, road going to east is going towards Kasal. It is true to say that, Bharad Naka is situated on a road between Bazarpeth, Malvan to S.T. stand, Malvan. It is true to say that, said road went towards Court from Bazarpeth, Malvan. It is true to say that, from Bharad Naka, one road is going towards Revtale and other road is going towards Pimpalbhat. The talkies is situated on a road towards Pimpalbhat. Bharad Naka word is not written in a map. It is true to say that there is no mention of measurement and sites on map. It is true to say that, except signature on last page, said panchanama do not bear our signatures on each page.

04. I do not know Nickson Fernandes. It is true to say that, cyber cafe mentioned in map was owned by Nickson Fernande. It is not true to say that I am deposing false that, Rajesh Kamtekar showed the place in front of cyber cafe as spot of incidence. It is true to say that, on both sides of road on which spot of incidence is shown, there are 7 to 8 shops on each side. It is true to say that, on both sides of cyber cafe, there are shops. It is true to say that, police used to stand on a corner on a road going towards Pimpalbhat and Bazarpeth, Malvan. From that place, cyber cafe is visible.

05. It is true to say that on 30/11/2014 work of gutter on both sides of Bazarpeth, Malvan to S.T. stand, Malvan road is going on for some months. The witness again states that the work of excavation of gutter was going on, on a centre of gutter. It is true to say that, the excavated earth on both sides of excavated gutter. I am residing at Malvan since by birth. It is true to say that, Rajesh Kamtekar is my nephew. It is true to say that, at the time of incidence my wife was corporator of Malvan Nagar Parishad.

06. It is not true to say that I am deposing false that, on 30/11/2014 I went to Bharad Naka and police carried out panchanama in my presence. It is not true to say that, 'Parab Electronics' shop is not situated at Bharad Naka. It is not true to say that, I am deposing false.

Cross-examination by Adv. Shri. A.S. Dingankar
for accused No.3.

07. Cross-examination taken on behalf of accused Nos.1 and 2 is adopted.

Re-examination :- Nil.

Read over to the witness to which he admitted it to be correct.

Sd/-

Date :- 07.01.2020.
Sindhudurg Oros.

(P. R. Kadam)
Addl. Sessions Judge,
Sindhudurg-Oros.