

CNR: MHST190011732023



Order below Exh.132 in Sessions Case No. 63 of 2023

(State of Maharashtra Vs. Punam Ashok Kamble)

(Passed on : 09.01.2026)

1] Today, the evidence of panch witness Arvind Haribhau Amrale has been recorded partly. During course of chief-examination, the learned APP has asked following question to said witness in following manner :

प्रश्न: जी महिला फुटेजमध्ये बघितली होती, तिला आपण ओळखू शकता का ?

उत्तर: होय.

2] After recording such question-answer, the learned defence Counsel has moved application Exh.132 by raising objection that above question-answer cannot be taken on record, because panchanama Exh.130 is not relating to identification of accused and it is only relating to seizure of memory card. Therefore, above question-answer are irrelevant one and cannot be taken on record.

3] Learned APP has filed say to the application Exh.132 and thereby objected to said application. According to him, above question-answer are relevant one and reference in that regard has been mentioned in the panchanama Exh.130. Therefore, he requested to reject the application Exh.132.

4] I have heard both the parties and perused the panchanama dated 13.06.2016. The relevant portion of said panchanama is reproduced as under : -

‘ मी आर.जी.दुधभाते म. पो. उपनिरीक्षक भुईंज पो. स्टे. यांनी वरील पंचाना पांचगणी ता.म.श्वर येथील ओम काळेश्वरी पेंटस् रंगाचे विक्रीचे दुकानात बोलावून घेवून कळविले की, पांचगणी पो. स्टे. भाग ५ गु.र.नं. २१/२०१६ भादविसक ३५३, ३३२ या गुन्ह्यातील आरोपी नामे पुनम अशोक कांबळे वय २७ रा.सिध्दार्थनगर पांचगणी ता.म.श्वर हिने सदर पेंटस् रंगाचे दुकानातील कामगार स्वप्नील नामदेव गावडे रा.गोडवली, ता.म.श्वर याचेकडून ऑईलपेंटस् काळे रंगाचा डबा दि.१/६/२०१६ रोजी विकत घेतला त्यावेळी दुकानातील C.C.T.V. कॅमेरा चालू होता. त्यावेळचे C.C.T.V. कॅमेरातील फुटेज मेमरी कार्डमध्ये घेणेचे असलेने पंच म्हणून हजर रहा असे कळविले. ते पंच म्हणून हजर रहाणेस तयार झालेने पंचनामा लिहिला तो खालीलप्रमाणे-

आम्हा पंचासमक्ष ओम काळेश्वर पेंटस् या दुकानातील C.C.T.V. कॅमे-
यामधून आरोपी पुनम अशोक कांबळे हिने आईलपेंट काळे रंगाचा डबा
घेतेवेळचे C.C.T.V. फुटेज पोलीसांनी मेमरीकार्ड मध्ये घेतले.’

5] If above contents of panchanama Exh.130 are taken into consideration, then from above mentioned contents of panchanama, it is manifest that said panchanama is relating to seizure of memory card and that memory card is relating to C.C.T.V. footage and that footage is relating to purchasing of black colour oil-paint by Punam Kamble from that shop, which had been captured in the C.C.T.V. camera, which was installed in that shop. When there is background of purchasing black colour oil-paint in the said panchanama, which is showing the purpose of seizure of memory card relating to CCTV footage, then above question and answer cannot be stated to be irrelevant one.

6] In addition to above, the panch witness- Arvind in chief-examination, has claimed in first para that he was shown from camera that Punam Kamble was purchasing black colour oil-paint box. Thus,

panch witness- Arvind is claiming that he had an occasion to see, who had purchased that black colour oil-paint box. Therefore, having considered the recital of panchanama Exh.130 and having considered the fact that panch witness Arvind had an occasion to see in camera that who had purchased that black colour oil-paint box, above question and answer cannot be stated to be irrelevant one. As such, application Exh.132 is rejected, having found no force in it.

Wai
Date: 09.01.2026

(R.N.Mehare)
Additional Sessions Judge, Wai.