

CNR: MHST190011732023



Order below Exh.129 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 the question to said witness in following manner :

प्रश्न: पोलीसांनी तुम्हाला काय दाखवले ?

उत्तर: त्या कॅमेरामध्ये मला असे दाखवले की, पुनम कांबळे रंगाचा डबा विकत घेत आहे.

2] After recording such question-answer, the learned defence Counsel has raised objection that PW8- Aravind is panch witness on the point of seizure of memory card only, therefore above question and answer cannot be taken on record. In that regard, learned defence Counsel has moved application Exh.129.

3] The learned APP has filed say to the application Exh.129 and thereby objected to said application. According to him, there is reference in the panchanama about CCTV footage. Therefore, said objection is irrelevant one. Accused will get opportunity to cross-examine the witness. Lastly, it is requested for rejecting the application.

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] 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. As such, I do not find any substance in the application Exh.129. Hence, it is liable to be rejected and above question-answers are liable to be taken on record. In the result, following order is passed.

ORDER

Application Exh.129 is rejected.

Wai
Date: 09.01.2026

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