

PAPER BOOK 'B'

CRIMINAL JUDGMENT FOR WRITTEN EXAMINATION OF

DISTRICT JUDGE BY NOMINATION

SELECTION PROCESS 2015

Sessions Case No. 19/2012

State of Maharashtra

V/s.

Maruti Hajare, etc.

INDEX

Sr.No.	Description of Document	Exh. No.	Page No.
1	Deposition of PW. 1 Tukaram Mhaske	70	1 - 2
2	First Information Report	71	3 - 4
3	Deposition of PW. 2 Vijay Mhaske	72	5
4	Spot Panchnama Dt. 14/10/2010	73	6 - 7
5	Deposition of PW. 3 Suresh Ganpat Gengje	76	8 - 9
6	Arrest Panchnama Dt. 15/10/2010	77	10 - 11
7	Statement u/s. 313 of Cr.P.C. of accused persons	80	12 - 14

Sessions Case No.: 19/2012

Exh.No. : 70

Deposition of Witness no.1 for Prosecution

I do state on solemn affirmation that :-

My name : Tukaram Gopal Mhaske

Age :- 54 yrs. Occp. :- Agriculture

R/o. :- Nirale Vasti, Latur

Exam.-in-chief by Ld.A.PP. Smt. Doke for Prosecution :-

1. I reside with my wife Saraswati and three sons viz. Jai, Vijay and Ajay. On 14.10.2010 there was Pooja of Ashtabhuja in the pandal near our vasti. At about 09.00 to 09.30 p.m. after performing that Pooja, myself and Vijay were returning home. Maruti Hajare and Mahadeo Hajare reside near my house. My house is after their house when we start from the pandal. When I was in front of their house, Maruti Hajare and Mahadeo came and pushed me from behind. I fell down and thereafter they had given kicks and fist blows. Thereafter Siddhu Hajare, Dada Hajare and Onkar came. They also started assaulting. My son Vijay and my wife who had just gone ahead came to rescue me. They were also assaulted. Maruti Hajare pushed my wife. She fell down and sustained abrasion to right elbow. Mahadeo and Maruti had stones in their hands. They assaulted me by means of stones on my back. Thereafter Sunita, Manda and Baban manhandled my wife. Sunita snatched gold mangalsutra of my wife and took away. Thereafter we went to police station. I lodged report. I am now shown report. It bears my signature. Contents are correct. It is at **Exh.71**. Thereafter myself, my two sons Vijay and Ajay as well as my wife Saraswati were arrested by police on the false complaint of the accused. All the accused before court are the same persons who had assaulted us. I had received covert injury. I was referred to Civil Hospital.

Cross-exam. by Ld. Adv. Shri Thobade for Accused :-

2. It is true to say that, Nirale vasti is thickly populated. It is true to say that, there is grocery shop of the accused near their house. It is true to say that, they themselves conduct it. It is true to say that, Navi ves police chawky is nearer to us. It is not true to say that, my son Jai and Maruti's daughter Mayuri had performed marriage. It is not true to say that, there was love affair between them. I had not stated any thing about alleged love affair before police in my report. My attention is now drawn to portion marked 'A' in report exh.71. I had not made that

statement before police. I am unable to assign any reason as to why such facts appear in my report. It is true to say that, I had settled the marriage of my son Jai with daughter of my brother in law in 2009. It is not true to say that, inspite of marriage between Jai and Mayuri, prior to that, I had settled that marriage with the daughter of my brother in law. It is true to say that, Mayuri had then committed suicide. It is true to say that, Maruti had lodged complaint against us for the said suicide. It is not true to say that because of the said fact myself and my family members were annoyed with accused persons. It is true to say that, I had contested corporation election against Manohar Sapate and I had lost that. It is true to say that, accused persons had campaigned for Sapate.

3. The distance between the pandal and the place of incident is about 1000 ft. It is true to say that, many persons had gathered for Puja. It is true to say that, prior to the incident, I used to see accused persons daily in the vicinity and vice versa. Incident lasted for about 15 to 20 minutes. Many people had gathered at that time. Many of them were known to me. My clothes were torn. My clothes were not seized by police. It is true to say that, criminal case has been filed against me and my family members contending that, on the same day and time, we had assaulted accused and snatched gold chain and cash of Rs.40,000/-. Witness says that, it is a false case. It is true to say that, the said case is before this court. It is not true to say that, whatever I have stated in my chief is false. It is not true to say that, myself and my family members had not sustained any injury. It is not true to say that, as our relations are strained, in order to give them harassment, I have filed false case.

Re-Exam. :- Nil.

Date : 28.09.2015

R.O.A.C.
Sessions Judge,
Latur.

फिर्यादी जबाब. ता.१४/१०/२०१०

मी तुकाराम गोपाळ मस्के, वय—४९, धंदा — शेती, रा. २७/५, निराळेवस्ती, मुरारजी पेठ, लातूर समक्ष हजर राहून फिर्यादी जबाब देतो की,

मी वरील पत्त्यावर माझी पत्नी सौ. सरस्वती, तीन मुले नामे जय, विजय, अजय असे एकत्र राहणेस आहे. आमच्या घराशेजारी मारुती तुकाराम हजारे हे त्यांचे कुटूंबासह राहणेस आहे. [मारुती हजारे यांची मुलगी आणि माझा मुलगा जय यांचे पुर्वी प्रेमसंबंध असलेचे कारणावरून मारुती हजारे हे नेहमी कोणत्या ना कोणत्या कारणावरून आमच्याशी भांडण करतात.] Portion mark 'A'.

आज रोजी रात्री ९.३० वा. चे सुमारास मी व माझा मुलगा विजय असे दोघे निराळेवस्ती येथील अष्टभूजा नवरात्र मंडळाचे देवीची पूजा करून घराकडे आलो असता माझ्या घराजवळ मारुती हजारे व त्याचा भाऊ महादेव हजारे यांनी पाठीमागुन येवून मला धक्का दिला. तेव्हा मी खाली पडलो त्यांनी मला पूर्ववैमनस्याच्या कारणावरून शिवीगाळ केली. त्यावेळी महादेव हजारेचा मुलगा ओंकार, सिध्दु हजारे व त्याचा मुलगा दादा हजारे हे तिघेजण तेथे आले त्यांनी देखिल मला लाथा—बुक्याने मारहाण केली. तेव्हा महादेव व मारुती हजारे यांनी माझ्या पाठीवर दगडाने मारले त्यामुळे माझ्या पाठीला मुक्कामार लागला आहे. त्यावेळी माझा मुलगा विजय व पत्नी यांनी भांडण सोडवत असतांना ओंकार हजारे, सिध्दु हजारे, दादा हजारे यांनी माझा मुलगा विजय व पत्नी हिंसा ठकलून दिल्याने तिच्या उजव्या कोप—याला खरचटलेले आहे. त्यावेळी सुनिता हजारे, मंदा हजारे, सौ. बबिता हजारे यांनी माझ्या पत्नीशी झटापट करून सौ. सुनिता हजारे हिने माझ्या गळयातील सोन्याचे मणी—मंगळसुत्र हिंसकावून घेतलेले आहे.

तरी आज रोजी रात्री ९.३० वा.चे सुमारास मी व माझा मुलगा माइया घराकडे आलो असताना घराजवळ आमच्या घराशेजारी राहणारे १. मारुती हजारे २. महादेव हजारे ३. सिद्धू हजारे ४. ओंकार हजारे ५. दादा हजारे ६. सौ. सुनिता हजारे ७. सौ. मंदा हजारे ८. सौ. बबिता हजारे यांनी आपसात संगनमत करुन पूर्वीच्या भांडणाचा राग मनात धरुन मला व माझा मुलगा विजय यास शिवीगाळ करुन लाथाबुक्याने मारहाण केली तेव्हा माझी पत्नी सौ. सरस्वती भांडण सोडवणेस आली असता तिला सौ. सुनिता हजारे, सौ. मंदा हजारे व सौ. बबिता हजारे यांनी झटापट करुन तिच्या गळ्यातील सोन्याचे मणी-मंगळसूत्र सुनिता हजारे यांनी हिसकावून घेतलेले आहे. तसेच महादेव हजारे व मारुती हजारे यांनी माइया पाठीवर दगडाने मारल्याने मला मुक्का मार लागला आहे. म्हणून माझी त्यांचेविरुद्ध कायदेशीर फिर्याद आहे.

हा फिर्यादी जबाब मी वाचून पाहिला तो माझे सांगणे प्रमाणे बरोबर लिहला आहे.

हा फिर्यादी जबाब दिला. स.ता.म

समक्ष

स्वाक्षरी / -

पो.नि. / फौ.चा.पो.स्टे.

स्वाक्षरी / -

फिर्यादी

Sessions Case No.: 19/2012

Exh.No. : 72

Deposition of Witness no.2 for Prosecution

I do state on solemn affirmation that :-

My name : Vijay Tukaram Mhaske

Age :- 25 yrs. Occp. :- Hotel business

R/o. :- Latur

Exam.-in-chief by Ld.A.PP Smt. Doke for Prosecution :-

1. I reside with my parents and two brothers Jai and Ajay. Since last one year, I am running a hotel.

2. On 14.10.2010 at about 09.00 to 09.30 p.m., myself and my father Tukaram were returning from the Puja of Ashtabhuja from the pandal which was erected in our vasti. When we were in front of the house of Maruti Hajare, he and his brother Mahadeo pushed my father from behind. My father fell down. Thereafter, Siddheshwar, Dada, Maruti, Mahadeo and Onkar started assaulting my father by means of kicks and fist blows. When I tried to rescue him, I was also assaulted. My brother Ajay and mother came to rescue us. They were pushed and then my father was assaulted by means of stones in his back. Thereafter, Sunita, Mandakini and Babita came. They assaulted my mother and Sunita snatched the mangalsutra of my mother and took away. My mother sustained abrasion to her right elbow after she fell down. Then we went to lodge report. My father lodged it. My statement was not recorded. I again say that, my statement was recorded. Accused before the court are the same persons.

Cross-exam. by Ld. Adv. Shri Thobade for Accused :-

3. It is not true to say that, I am deposing falsely that, we were assaulted on 14.10.2010 and then gold mangalsutra of my mother was snatched by accused. It is not true to say that, in order to oppose the report lodged by accused persons against us for the assault given by us to them, I am deposing falsely.

Re-Exam. :- Nil.

R.O.A.C.

.Date : 28/09/2015

Sessions Judge
Latur

घटनास्थळाचा पंचनामा

ता. १४/१०/२०१०

१. गोविंद कृष्णात हंचाटे, वय ४८, धंदा — मजुरी, रा. सागर चौक, विडी घरकूल, लातूर.
२. नागनाथ काळूराम अलकुटे, वय — ४७, धंदा — मजुरी, रा. १००, वडर गल्ली, बुधवार पेठ, लातूर.

आम्हा वरील पंचास स.पो.नि./ गैगंजे सो. फौजदार चावडी. पो.स्टे. लातूर यांनी बोलाविलेवरून आम्ही पंच निराळे वस्ती, लातूर येथील तुकाराम गोपाळ मस्के यांचे घराजवळ रोडवर आलो. तेथे समक्ष कळविले कि, फौ.चा.पो. स्टे./ गुर.नं.२३७/१०, भा.दं.वि.सं. कलम ३९५, ३२३, ५०४, १४३, १४७, १४९ मधील फिर्यादी नामे तुकाराम गोपाळ मस्के हे काय हकिकत सांगुन घटना घडले ठिकाण दाखवितात ते पाहून व ऐकून त्या परिस्थितीचा पंचनामा लिहून देणेस कळविले वरून आम्ही पंच पंचनामा लिहून देतो की,

सदर ठिकाणी यातील फिर्यादी नामे तुकाराम गोपाळ मस्के हे समक्ष हजर असुन, त्यांनी सदर गुन्ह्यासंबंधी हकिकत सांगितली कि, आज रोजी रात्री ०९.३० वा. मी व माझा मुलगा घराकडे जात असतांना घराजवळ शेजारी राहणारे १. मारुती हजारे. २. महादेव हजारे. ३. सिध्देश्वर हजारे ४. ओंकार हजारे, ५. दादा हजारे ६. सुनिता हजारे, ७. सौ. मंदा हजारे, ८. सौ. बबिता हजारे यांनी आपसात संगनमत करुन पूर्वीच्या भांडणाचा राग मनात धरुन मला व माझा मुलगा विजय यास शिवीगाळ करुन लाथाबुक्यांनी मारहाण केली. तेव्हा माझी पत्नी सौ. सरस्वती हि सोडविण्यास आली असता तिला हाताने मारहाण करुन तिच्या गळयातील सोन्याचे २ तोळे वजनाचे मणीमंगळसुत्र हिसकावून घेतले आहे. म्हणून त्याची हकिकत सांगुन फिर्यादी यांनी सदरचे घटना घडले ठिकाण दाखविले ते पाहता,

सदरचे ठिकाण हे निराळेवस्ती, लातूर येथील राहणारे यातील फिर्यादी

तुकाराम गोपाळ मस्के यांचे घराजवळ रोडवर घटना घडली असून सदरचा रोड १० फूट रुंद कच्चा रस्ता वजा बोळ आहे. सदर ठिकाणापासून पूर्वेस १० फूट अंतरावर मारुती हजारे यांचे राहते घर आहे. सदर ठिकाणी यातील आरोपी यांनी फिर्यादी व त्यांचे मुलास हाताने मारहाण करून शिवीगाळ केली. त्यावेळी फिर्यादीची पत्नी सोडविण्यास आली असता तिच्या गळ्यातील २ तोळ्याचे सोन्याचे मंगळमूत्र काढून घेतल्याचे फिर्यादी हे समक्ष सांगत आहे. सदर ठिकाणी गुन्ह्याचे तपासाच्या दृष्टीने उपयुक्त असे काहीएक निशाण्या अगर खाणाखुणा दिसून येत नाहीत.

सदर ठिकाणची चतुःसीमा पहाता पूर्वेस मारुती हजारे यांचे राहते घर, पश्चिमेस फिर्यादी तुकाराम मस्के यांचे घराकडे जाणारा बोळ, उत्तरेस सुभाष नामदेव गायकवाड यांचे राहते घर, दक्षिणेस समर्थ क्लिनिक दवाखाना आहे.

सदरचा पंचनामा करतेवेळी आम्ही पंच प्रथम पासून अखेरपर्यंत हजर राहिलो तो पाहिले ऐकले परिस्थितीप्रमाणे बरोबर लिहलेला आहे.

सदरचा पंचनामा २३.१५ वा. सुरु करून २३.४५ वा. पूरा केला आहे. सदरचा पंचनामा सार्वजनिक टयुबलाईटचे उजेडात केला आहे.

हा पंचनामा लिहला स.ता.म.

समक्ष

स्वाक्षरी / -

स.पो.नि. / फौ.चा.पो.स्टे.,

लातूर

१. स्वाक्षरी / -

गो.कृ. हंचाटे

२. स्वाक्षरी / -

ना.का. अलकुटे

Deposition of Witness no.3 for Prosecution

I do state on solemn affirmation that :-

My name : Suresh Ganpat Gengje

Age :- 47 yrs. Occp. :- PI, Navghar Police Station, Thane

R/o. :- Thane District

Exam.-in-chief by Ld.A.P.P. Smt. S.A. Doke for Prosecution :-

1. I was attached to Fauzdar Chawadi police station as API in 2010. I was on duty on 14.10.2010 at Navives police chawky. On that day, one Tukaram Mhaske had come to police chawky at about 09.30 p.m. and gave a report to me. I had taken it down in his words. I am now shown the FIR exh. 71. It bears my signature. It bears the signature of Tukaram Mhaske. Contents are correct. I forwarded the same for registration to Fauzdar Chawadi Police station. After registration of the offence, it was given to me for investigation.

2. Thereafter I went to the spot and carried out spot panchnama. I am now shown the spot panchnama exh. 73. It bears my signature. I identify the signatures of both the panchas. Contents are correct. Thereafter I recorded the statements of the witnesses as per their say. I arrested the accused persons on 15.10.2010. I am now shown the arrest panchnama. It bears my signature. I identify the signatures of panchas. Contents are correct. It is at Exh. 77. Thereafter I was transferred. I handed over the investigation to PSI Patil. Accused before court are the same persons.

Cross-exam. by Ld.Adv.Shri Thobade for Accused :-

3. My attention is now drawn to portion marked 'A' from FIR exh. 71. The said portion was stated by informant before me. Informant had not produced any receipt about ownership of gold mangalsutra. There was no recovery at the hands of accused persons. I had sent the injured persons for medical examination. I had not tried to collect the medical certificates of the injured. It is true to say

: 9 :

that, there was cross complaint filed by the accused persons saying that, they were assaulted by the informant and the others. It is not true to say that, due to the pressure from the informant, I have carried out false investigation and forwarded false charge sheet.

Re-Exam. :- Nil.

Date : 26.10.2015

R.O.A.C.
Sessions Judge.
Latur

अटक पंचनामा ता.१५/१०/२०१०

१. राजेंद्र बाबुराव वाघमारे, वय— ४८, धंदा — मजुरी, रा. कल्पना टॉकीज पाठीमागे, मुरारजी पेठ, लातूर.

२. गोविंद कृष्णात हंचाटे, वय ४८, धंदा — मजुरी, रा. सागर चौक, विडी घरकुल, लातूर.

आम्हा वरील पंचास स.पो. नि. /गेंगजे सो. फौजदार चावडी, पो. स्टे. सोलापूर यांनी बोलाविलेवरून आम्ही पंच नवीवेस पोलीस चौकी येथे आलो. तेथे समक्ष कळविले की, फौ. चा. पो. स्टे./ गु.र.नं.२३७/१०, भा.द.वि. सं. क. १४३, १४८, १४९, ३९५, ३२३, ५०४ मधील आरोपींना अटक करावयाची आहे. त्यांची अंगझडती पाहून त्या परिस्थितीचा पंचनामा लिहून देणे कळविले वरून, आम्ही पंच पंचनामा लिहून देतो की,

सदर ठिकाणी समक्ष हजर असलेल्या इसमांना नाव, पत्ता विचारले असता त्यांनी आपले नाव १. मारुती तुकाराम हजारे, वय ४६. २. सिध्देश्वर तुकाराम हजारे वय ५५, ३. सचिन उर्फ दादा सिध्देश्वर हजारे वय २४, ४. ओंकार महादेव हजारे, वय १८ ५. सौ. सुनिता मारुती हजारे वय ३५, ६. सौ. बबिता उर्फ बबन सिध्देश्वर हजारे, वय ४० सर्व राहणार निराळेवस्ती, मुरारजी पेठ, लातूर असे सांगत असून आरोपी नं.१ ते ४ यांचे अंगझडती पहाता त्यांचे अंगावर वापरते कपडे असून काहीएक पैसा अडका दागदागिने दिसून येत नाहीत. तसेच आरोपी नं.५ व ६ या स्त्री आरोपी असल्याने त्यांची अंगझडती महिला पोलिस कॉन्स्टेबल माळवे ब.नं.११७१ यांचेकडून अंगझडती घेतली असता त्यांचे अंगावर वापरती कपडे असून काहीएक पैसा अडका अगर दागदागिने दिसून येत नाहीत. वरील आरोपी नं.१ ते ६ यांचे शरीरावर ताज्या मारहाणीच्या निशाण्या दिसून येत नाहीत व त्यांनी पोलिसांविरुद्ध काहीएक तक्रार नसल्याचे सांगत आहेत. वरील आरोपींना आज रोजी वरील गुन्ह्यात अटक केली आहे

असे सांगुन त्यांना मानवी हक्काबाबत व जामिन हक्काबाबत जाणीव करुन दिली आहे.

सदरचा पंचनामा करतेवेळी आम्ही पंच प्रथम पासुन अखेर पर्यंत हजर राहिलो तो पाहिले व केले परिस्थितीप्रमाणे बरोबर लिहिलेला आहे.

सदर पंचनामा ०१.२० सुरु करुन ०१.४५ वा. केला आहे.

हा पंचनामा लिहला स.ता.म.

समक्ष

स्वाक्षरी / —
स.पो.नि./फौ.चा. पो.स्टे,
लातूर

१. स्वाक्षरी / —
रा.बा. वाघमारे

२. स्वाक्षरी / —
गो.कृ. हंचाटे

Statement of accused persons under section 313 of the Code of Criminal Procedure.

Name of the Accused : (1) Maruti Hajare (2) Mahadeo Hajare (3) Siddhu Hajare (4) Onkar Hajare (5) Dada Hajare (6) Sou. Sunita Hajare (7) Sou. Manda Hajare (8) Sou. Babita @ Baban Hajare.

Q.No.1 Have you heard and understood the evidence led by the prosecution? What you have to say about it?

Ans. Yes, but it is false.

Q.No.2 It has come in the evidence of P.W. 1 Tukaram Gopal Mhaske at Exh. 70 that, on 14.10.2010 at about 09.00 to 09.30 p.m. he alongwith his family was returning to home after Pooja. When he was in front of his house, you accused Nos. 1 and 6 came and pushed him from behind due to which he fell down and you gave him kickss and fist blows. What you have to say about it?.

Ans. It is false.

Q.No.3 It has further come in his evidence that, thereafter you accused Nos. 2,4 and Onkar came and started assaulting. When his son and wife came to rescue, they were also assaulted by you. What you have to say about it?

Ans. It is false.

Q.No.4 It has further come in his evidence that, you accused No.1 pushed his wife, due to which she fell down and sustained abrasion to right elbow. You accused Nos. 1 and 6 had stones in your hands. You accused assaulted him on his back by means of stones. What you have to say about it?

Ans. It is false.

Q.No.5 It has further come in his evidence that, you accused Nos. 2,5 and 7 manhandled his wife and snatched her gold manglasutra and took away. What you have to say about it?

Ans. It is false.

Q.No.6 It has further come in his evidence that, then he lodged report Exh. 71. The contents of Exh. 71 are now read over to you. What you have to say about it?

Ans. Depositing false by filing false FIR.

Q.No.7 It has come in the evidence of PW.2 Vijay Tukaram Mhaske at Exh.72 that, on 14.10.2010 at about 09.00 to 09.30 p.m. he alongwith his father was returning from Pooja. When they were in front of you accused No.1, you accused No.1 and 6 pushed his father from behind, due to which he fell down. What you have to say about it?

Ans. It is false.

Q.No.8 It has further come in his evidence that, you accused No. 1,2,4,6 and Onkar started assaulting his father with kicks and fist blows. When he tried to rescue, he was also assaulted. What you have to say about it?

Ans. It is false.

Q.No.9 It has further come in his evidence that, his brother and mother came to rescue, that time, they were pushed and his father was assaulted by means of stones on his back. What you have to say about it?

Ans. It is false.

Q.No.10 It has further come in his evidence that, then you accused Nos.2,5 and 7 came and assaulted his mother and you accused No.5 snatched the mangalsutra of his mother and took away. His mother sustained abrasion and she fell down. What you have to say about it?

Ans. It is false.

Q.No.11 It has come in the evidence of PW.3 PI Suresh Ganpat Gengje at Exh. 76 that, on 14.10.2010 he recorded the report Exh.71 of Tukaram Mhaske and send it for registration. After registration, he carried out the investigation. The contents of Exh. 71 are now read over to you. What you have to say about it?

Ans. It is false.

Q.No.12 It has further come in his evidence that, then he effected spot panchnama Exh.73. He then arrested you accused vide arrest panchnama Exh.77. The contents of Exh. 73 and 77 are now read over to you. What you have to say about it?

Ans. It is false.

Q.No.13 Why the prosecution witnesses are deposing against you?

Ans. To counter blast our case.

Q.No.14 Do you want to examine yourself on oath?

Ans. No.

Q.NO.15 Do you want to lead any defence evidence?

Ans. No.

Q.No.16 Do you want to say anything more?

Ans. No.

Dated : 30.10.2015.

signature/T.I. of the accused persons.

Before me

Sessions Judge, Latur.

CERTIFICATE

Certified that, the above statement of accused was recorded as per their say and hearing has been taken before me and that it contains a full and true account of the statement made by them.

Dated 30.10.2015

Sessions Judge, Latur.
