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Bombay HC District Judge

**Previous Year Paper
(Civil Law) 16 Jan, 2016**



DJ : MW

HIGH COURT OF JUDICATURE AT BOMBAY

(APPELLATE SIDE)

WRITTEN EXAMINATION

FOR THE POST OF DISTRICT JUDGE BY NOMINATION

PAPER I

Date: 16-1-2016

Total Marks :100

Time : 3hours

INSTRUCTIONS

1. All questions are compulsory.
2. Figures to the right indicate marks.
3. Answers to optional questions, in excess of prescribed number, will not be assessed.

Q.1. Write a Judgment on either of the two paper books marked as **Paper book 'A'** and **Paper book 'B'** furnished to you after considering in detail the entire material therein relevant for the decision in the matter and assuming that the relevant documents are produced on record unless it is specifically shown that they are not placed on record. You may also rely upon the relevant case laws. You are supposed to mention the pleadings or the case of the prosecution in a nutshell giving the complete idea of the lis before the Court as also the evidence led by the parties and thereafter frame necessary points / issues and then on appreciating the evidence answer the points / issues and pass appropriate operative order. (50)

Q.2. Write an essay in about 500 words on any one of the following :-(30)
a. Bottlenecks that impede the fair progress of criminal investigation and trial, and measures to remove them.
b. Law of dying declaration.
c. 'All the rules of procedure are handmaids of Justice'.
d. Powers of Appellate Court u/s. 96 and under order 41 of Code of Civil Procedure.

Q.3. Write a note in about 300 words on the attributes of an ideal Judge. (20)

PAPER BOOK 'A'

CIVIL JUDGMENT FOR WRITTEN EXAMINATION OF **DISTRICT JUDGE BY NOMINATION** **SELECTION PROCESS 2015**

Regular Civil Suit No.215/1982

Adnyan Dashrath Khadul

Plaintiff.

V/s

Narayan s/o Baji Khadul & other

Defendants.

I N D E X

Sr.No.	Description	Exh.No.	Page No.
1	Plaint	1	1 – 4
2	W.S. Of Deft no.1	25	5 – 6
3	Dep. Of Wit-1 for Plff.	34	7 – 8
4	Dep. Of Wit-2 for plff.	36	9 – 10
5	Dep. Of Wit-1 for Deft-1	39	11 – 12
6	Dep. Of Wit-2 for Deft-1	40	13 – 14
7	Dep. Of Wit-3 for Deft-1	41	15

ठराव होवून ताकीदीचा दावा —तासगांव येथील दिवाणी न्यायाधीश (क.स्तर) यांचे न्यायालयात —

अज्ञान दशरथ खाडूळ, उ. वर्षे ५०,) वादी
धंदा — शेती, अंजनी, ता. तासगांव,)
जिल्हा — सांगली.)

विरुद्ध

१. नारायण बाजी खाडूळ, उ. वर्षे ४५,)
धंदा — शेती.)
२. विश्वंभर दशरथ खाडूळ, उ. वर्षे ४२,) प्रतिवादी
धंदा — शेती)
दोघे रा. — अंजनी, ता. तासगांव,)
जिल्हा — सांगली.)

कोटचे अधिकारासाठी दावा रु.३००.
कोर्टफीसाठी दावा रु. ३६१.२५ पैसे.

यांत मी वादी कळवितो ते येणेप्रमाणे —

१. मौजे, अंजनी ता. तासगांव (पंचायत समिती तासगांव पैकी) जिल्हा सांगली येथील जमीन खालील प्रमाणे.

गट नं.	क्षेत्र	आकार	पूर्व	द.	प.	उ.
७१४ पैकी दक्षिण व पूर्वेकडील	हे.आर. २=३५	रु.पैसे २=७२	७१६ — ७१५	७१३	७११	७१४ पैकी राहिलेली जमीन

येणेप्रमाणे वर्णनाची आंतील पडीक विहीर स्वतंत्रपणे पाणी घेणेच्या संपूर्ण हक्कासह.

२. दावा कलम १ मध्ये वर्णन केलेली जमिनी पैकी संपूर्ण क्षेत्र हे. २=७२ आर पैकी हे.१२ आणे म्हणजे ३/४ हिस्सा वादीचा मूळचाच मालकीचा होता ते क्षेत्र हे.२—०४ आर आहे. वादी व प्रतिवादी नं.२ विश्वंभर यांचे दरम्यान समजून उमजून वाटप झाले होते. दक्षिणेकडील व पश्चिमेकडील ३/४ क्षेत्र हे. २—०४

आग हे वादीने वहिवाटीम होते व प्रतिवादीस पूर्वेकडील व उत्तरेकडील बरडाने क्षेत्र प्रतिवादी नं.२ यांचेकडे क्षेत्र हे. ०=६८ आर अंदाजे प्रतिवादी नं.२ याचे वहिवाटीस होते. त्यांनी खाजगी रिनीने मोजणी करून वहिवाट ठेवली होती. त्यानंतर प्रतिवादी नं.२ याने वादीम पूर्वेकडील बागायत क्षेत्र वादीम नारीख २१/३/८० गेजी हे. ०=३१ आर असे रजि. खरेदी करून कब्ज्यात दिले. त्यामुळे वादीनी सलग अशी हे. २=३५ आर वहिवाटी राहिली. बरडाने क्षेत्र उत्तरेकडील प्रतिवादी नं.२ याने आपले कब्जेत ठेवले व तशी वहिवाट राहिली व आहे. प्रतिवादी नं.२ याने राहिलेले बरड म्हणून शिल्लक रान पुन्हा विक्रीस काढले. सदरचे शिल्लक रान उत्तरेकडील बरडाने प्रतिवादी नं.१ याने क्षेत्र हे. ०=३६ आर असे खरेदी केले. तथापि त्या जोरावर वादीने पूर्वेकडील क्षेत्रास प्रतिवादी हा हरकत करू लागला. व आपणच पूर्वेकडील बागायत खरेदी केले असे म्हणू लागला. तथापि त्याचा कब्जा नाही. जरी पूर्वेकडील क्षेत्र खरेदी केले असे दर्शविले तरी त्या क्षेत्राची वादीनी ही खरेदी दिनांक २१/३/८० रोजीनी आहे. प्रतिवादी नं.१ ची खरेदी दिनांक १५/१/८२ चे सुमाराची आहे. त्यामुळे ती नंतरची असलेमुळे वादीवर बंधनकारक नाही. प्रतिवादी २ ने बरडाचे राहिलेले क्षेत्र विक्रीस काढले. बरड क्षेत्र उत्तरेकडे आहे. तरी प्रतिवादी नं.२ हा आपली दिशाची फसगत झाली असे म्हणत आहे. बरड पूर्वेकडे नाही. त्यामुळे तो खरेदीचा व्यवहार कायदेशीर नाही व वादीवर बंधनकारक नाही. वादी हा मूळचे तिसरा हिस्सा म्हणजे हे. ०=०४ आर व दिनांक २१/३/८० रोजीने खरेदीने हे. ०=३१ आर एकूण हे. २=३५ आर अशा दक्षिण-पूर्वेकडील क्षेत्राचा मालक आहे असे उरवून मिळावे व प्रतिवादीने वादीने सदर क्षेत्राने वहिवाटीस हरकत करू नये म्हणून निरंतरचे 'ताकीदीसाठी वादी दावा करीत आहे.

३. प्रतिवादी २ याने गट नं.७१४ चे क्षेत्र प्रथम वादीस व नंतर प्रतिवादी १ यास राहिलेले बरडाचे क्षेत्र हे. ०=३६ आर विक्री केले आहे. त्याचे नांव ७/१२ पत्रकी आहे पण त्यानेविमुद्द काहीही मागणी नाही. त्यांनी जमर तर हजर राहू नये त्याचा खर्च वादीवर बसवू नये.

४. दावेस कारण प्रतिवादीने १६/७/८२ रोजी वादीने पूर्वेकडील बागायत क्षेत्रास हरकत केली. त्यावेळी अंजनी, ता नामगांव येथे घडले

५. दावेचे विषयाची आकारणी ठराव होवून ताकीदीचा असलेमुळे रु.३००/- वर केली आहे व कोर्ट फीसाठी रु.३०० व जमिनीचा सारा रु. ४८८ त्याचे साडेबारापट रु.६१-२५ एकुण रु.३६१-२५ वर कोर्ट फी रु. ची लावली आहे.

६. वादीची विनंती की —

(अ) वादीचा दावा खर्चासह डिक्की व्हावा.

(ब) वादीने दावा केले कारणास्तव वादीचे मूळचे एकूण क्षेत्रापैकी ३/४ (१२ आणे) म्हणजे हे.२=०४ आर व दिनांक २१/३/८० रोजी खरेदी केले, हे. ०-३१ आर क्षेत्र = एकूण पुर्वेकडील क्षेत्र हे.२=३५ आर (बिगर बरडाचे क्षेत्र) वादीचे मालकीचे आहे, असे जाहीर होवून मिळावे व प्रतिवादी क्र.१ यांनी सोबतच्या नकाशात ABCDEF या अक्षराने दर्शविलेल्या क्षेत्रातील वादीचे कब्जे वहिवाटीस हरकत अडथळा करू नये अशी निरंतरची ताकीद देणेत यावी. सोबतचा नकाशा दावेचा भाग समजावा.

(क) जर यदाकटाचित वादीस पृथक कब्जा शाब्दीत करता आला नाही किंवा दावा चालू असताना गेला आहे असे आढळले तर वादीस पूर्वीचे ३/४ हिस्सा व खरेदीचे हे. ०=३१ आर क्षेत्र असे एकूण क्षेत्र हे.२=३५ आर पूर्व दक्षिण भागातील वादीचे वाटपात टाकावे व प्रतिवादी नं.१ यास उत्तरेकडील बरडाचे क्षेत्र वाटपांत दयावे अशी सुचना वाटप अधिकारी यांना दयावी हे वैकल्पिक मागणी आहे व दरम्यानचे उत्पन्न दयावे.

ता.१४/९/१९८२.

नि.आं.अज्ञान दशरथ खाडूळ यांचा असे द. सही/-

प्रतिज्ञा

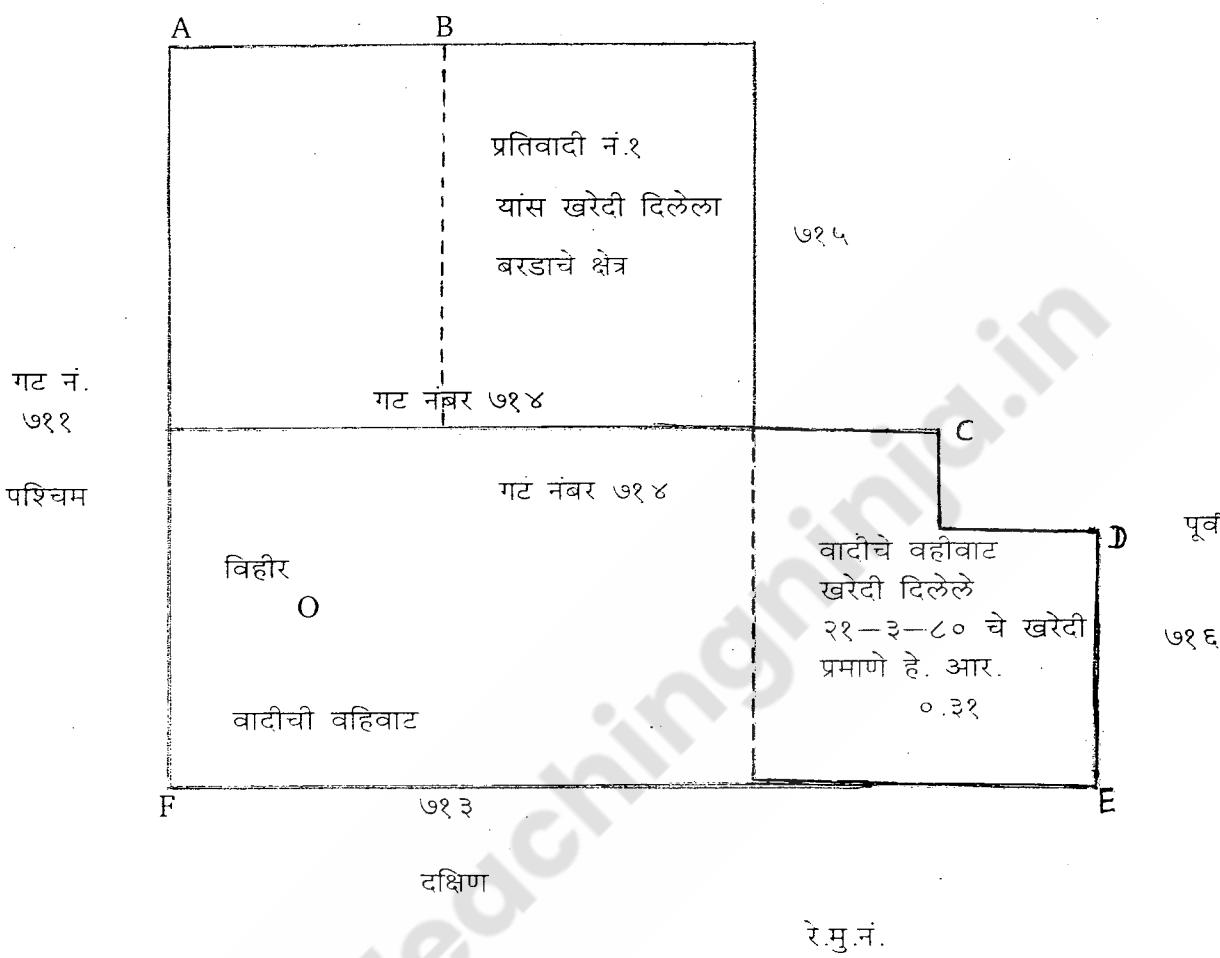
यांत मी वादी अज्ञान दशरथ खाडूळ रा.—अंजनी, ता. तासगांव, जिल्हा— सांगली, प्रतिज्ञा करतो की दावेतील कलम १ ते ६ मधील विधाने व मजकूर माझे माहितीप्रमाणे खरा व बरोबर आहे. त्यासाठी तासगांव येथे नि.आं. केला आहे.

ता.१४/९/१९८२

नि.आं.अज्ञान दशरथ खाडूळ यांचा असे द. सही/-

उत्तर

ग.नं.७१४ पैकी उर्वरीत क्षेत्र



तासगांव येथील दिवाणी न्यायाधीश (क.स्तर) यांचे न्यायालयात —

अज्ञान दशरथ खाडूळ, रा.) वादी

अंजनी, ता. तासगांव, जि. सांगली.)

विरुद्ध

नारायण बाजी खाडूळ वगैरे २) प्रतिवादी

यांत प्रतिवादी नं.१ ची कैफियत की —

१. वादीचा दावा खरा नाही व तो या प्रतिवादीस मुळीच कबूल नाही.

२. दाव्यातील जमिनीचे वर्णन बरोबर नाही. त्यामुळे वादीचा दावा कायद्याने चालू शकत नाही.

३. दाव्यातील जमिनीत वादीचा दाव्याचेवेळी कब्जा नव्हता व अदयापही नाही. त्यामुळे वादीचा दावा हल्लीचे स्वरूपांत चालणेस पात्र नाही.

४. दाव्यातील वादीचे खरेदीचे वर्णन संदिग्ध आहे. वादीने सदर खरेदीप्रमाणे असणारी जमीन व क्षेत्र कायम करून घेतल्याविना वादीस दावा करण्याचा अधिकार नाही. वादीचे खरेदीखत या प्रतिवादीस कबूल नाही. वादीस मागणी करत असलेल्या जमिनीबाबत मालकी हक्क नाही. त्यामुळे वादीचा दावा चालू शकत नाही व तो रद्द क्वावा.

५. ग.न.७१४ मध्ये एक पडीक विहीर आहे व त्या जमिनीचे पूर्वेस बागायत जमीन ०=३६ आर प्रतिवादीने १५/१/१९८२ रोजी प्रतिवादीने विश्वंभर दशरथ खाडूळ याजकडून खरेदी घेतली आहे व खरेदीपोटी मिळकत ताब्यात घेतली आहे व तेहापासून प्रतिवादी हा मालकीने वहिवाटीत आहे. त्यापूर्वी प्रतिवादीचे पूर्व मालक यांचे ताब्यात ती कित्येक वर्षे होती. सदर प्रतिवादीने घेतलेल्या जमिनीत वादी अगर वादीचे पुर्व मालक यांचा कधीही कब्जा वा वहिवाट नव्हती. वादी हा प्रतिवादीचे जमिनीत दांडगाईने शिरु पहात आहे. त्यामुळे वादीत मालकी हक्क नाही. त्यामुळे त्यास ताकीद मिळणेचा हक्क नाही.

६. वादीने खरेदी घेनलेले क्षेत्र कायम करून घेतल्याविना वादीस ताकीट अगर कर्जा मिळणेचा हक्क नाही. सबब वादीना दावा चालू शकत नाही

७. वादी दाव्यात कथन करतो त्याप्रमाणे वादीचा दावा हल्लीचे स्वरूपात चालू शकत नाही.

८. वादीचे दाव्याम वादी कथन करतो त्याप्रमाणे कायण घडलेले नाही. सबब वादीचा दावा रद्द होण्यास पात्र आहे.

९. वादी, प्रतिवादी व वादीचे पूर्व मालक व प्रतिवादीचे यांचे दरम्यान झालेली गटबांधणी, तुकडे जोड व तुकडेवंदी अधिका-यांचे अधिकार कक्षेबाहेर जावून झाली आहे. त्याकामी जरुर ती प्रोसिजर व कायदयाच्या तरतुदी अवलंबिल्या नाहीत. सदरचे तुकडे जोडाचे कामी वादी अगर त्यांचे पूर्व मालक पक्षकार नव्हते. ग.न.२५४ मध्ये प्रतिवादीचे २० आर जमीन सामील आहे. त्याची मालकी वादीचे पूर्व मालकास येत नाही. वादीस २=३५ क्षेत्राची मालकी प्राप्त होत नाही. सबब वादीस २ हे =३५ आर रान वाटप करून मिळण्याचा हक्क नाही.

१०. वादीने जरुर ती कोर्ट फो लावलेली नाही.

११. वादीने जनरल वाटपाचा दावा आणावयास हवा आहे. तो आणलेला दिसत नाही. सबब आहे या स्वरूपात दावा चालणेस पात्र नाही.

१२. येणेप्रमाणे कारणांचा विचार होवून वादीना दावा खर्चासिह रद्द व्हावा व प्रतिवादीचा खर्च वादीकडून मिळावा. ता.१०/९/८५.

नि.आ. नारायण बाजी खाडूळ याचा असे
द. सही/ -

प्रतिज्ञा

यांत मी प्रतिवादी क्र.१ नारायण बाजी खाडूळ, रा. अजनी, ता. तासगांव, जि.-सांगली, प्रतिज्ञा करून लिहून देतो वर कैफियत कलम १ ते १२ मधील मजकूर माझे उत्तम माहितीप्रमाणे खरा व बरोबर आहे हिचे साक्षीसाठी मी आपली नि.ता.म. रोजी केली आहे.

ता.१०/९/१९८५.

नि.आ. नारायण बाजी खाडूळ याचा असे
द. सही/ -

Deposition of Witness No.1 for the Plaintiff

I do hereby on solemn affirmation state that :

My name is : Adnyan

father's name : Dasharath Khadul

Age about : 54 years

Occupation – Agri.

Residence : Anjani, Tal- Tasgaon. District – Sangli

Examination-in-Chief

I know defendants. Defendant No.2 is my brother and we are residing separately, since last 10 to 15 years, and we are cultivating our lands separately. Partition is effected amongst us about 10 to 15 years back, by metes and bounds. In the said partition western portion of the land is allotted to my share, to the extent of 3/4th share and remaining 1/4th share was allotted to the share of defendant no.2. About 3 acres of land was bagayat land and 31 gunthas out of the said bagayat land was allotted to the share of defendant no.2, and remaining 2½ acres bagayat land was allotted to my share. I have purchased 31 gunthas bagayat land from defendant no.2, before 6 years back for the consideration of Rs. 5,500/- under a registered sale deed. Only barren land remained in the possession of defendant no.2. Defendant no.2 has alienated his barren land in favour of defendant no.1 after 3 years of sale in my favour. Barren land of defendant no.2 is towards western side of the land. Entire land was about 7 acres prior to partition. I have produced the 7/12 extract of the suit land. I have also produced the sale deed executed by the defendant no.2 in respect of the suit land in my favour. I am the owner of the suit land to the extent of 5 acres and 4 gunthas, and in addition to that 31 gunthas bagayat land purchased by me from defendant no.2. I am in possession of 31 gunthas bagayat land since I purchased the same. It is not true to say that I was not in possession of 31 gunthas bagayat land and I have no concern with the same. It is not true to say that no notices were served on us at the time of consolidation scheme. Defendant no.1 is claiming bagayat land and obstructing me in my possession over the same and hence, I have filed this suit.

2. Cross examination by Defendant No.2 – Ex parte

3. Cross examination by Shri D.M.Kulkarni Adv. For defendant no.1 :

There are two wells in the suit land and the lands are bagayat by well water. One well is common in between me and defendant No.2. Defendant no.1 has purchased half share in the common well. I do not know the gat number of my land. Total land known as Baradyachi land. Land of defendant no.1 is situated towards east of the purchased land by him from the defendant no.2. Land of one Rama is situated towards East and land of one Sopan is situated towards west of the Bagayat land. About 4 acres land out of 7 acres is of inferior quality. Land of defendant no.1 is towards Easternside and my land is towards westernside. I have not got measured the land through D.I.L.R. after the purchase of land from the defendant no.2. It is not true to say that it is my say that the defendant no.1 should not fetch water from the common well. It is true that the defendant no.1 has purchased land from defendant no.2 which is south-north in length. It is not true to say that I have purchased jirayat and bagayat 31 gunthas land from defendant no.2. It is not true to say that I have not received any notice from the Consolidation Officer at the time of consolidation scheme. It is not true to say that I am obstructing defendant no.1 in his land and have filed this false suit. Defendant no.1 obstructed me while ploughing towards the Eastern portion of my land. It is not true to say that I have not cultivated the land since the obstruction caused by defendant no.1.

No re-examination.

Date : 4.8.1986

R.O.A.C.

Sd/-xxx

Civil Judge, Tasgaon

Deposition of witness No.2 for the Plaintiff.

I do hereby on solemn affirmation state that :

My name is : Vishambhar father's name : Dasharath Khadul

Age about : 40 years Occupation – Agri.

Residence : Anjani, Tal-Tasgaon. District – Sangli

Examination-in-Chief

I know the plaintiff and defendant No.1. Plaintiff is my brother. I am residing separately from plaintiff since last 15 years and we are cultivating our land separately. $\frac{1}{4}$ th share out of the suit land was allotted to my share and $\frac{3}{4}$ th share was allotted to the share of plaintiff family in partition. Eastern and northern portions of the suit land were allotted to me in family partition. Northern portion from Easternside was allotted to my share. I have sold 31 gunthas land to plaintiff for the consideration of Rs.5,500/- before two years back, which was a bagayat land, from Eastern portion of the land. I have sold out rest of the portion about 36 gunthas to defendant No.1, which is situated towards northern side from Eastern portion, which is barren land. I have sold out the land to plaintiff under the registered sale deed. One Sakharam Bapu has written the sale deed which is executed in favour of plaintiff, as per the instructions furnished by me. I have affixed my thumb mark on the said sale deed. Sale deed now read over to me is the same which is executed by me in favour of plaintiff and it bears my thumb mark which is at Exh.37. One Laxman Patole is the attesting witness of the said sale deed and he has signed on the same. I have sold out land to plaintiff prior to defendant No.1.

2. Cross examination by Shri D.M. Kulkarni, Adv. For Deft No.1 :

It is true that I have sold land to defendant No.1 for the consideration of Rs.4,000/- under the registered sale deed. It is true that I have affixed my thumb mark on the said sale deed, and one Laxman Dadhe and Ganpat Mali were also present at the time of sale-deed, as attesting witnesses. Land of plaintiff is situated towards westernside of my share. I have sold the land to plaintiff which was adjacent to his land from Easternside. It is not true to say that I have sold the

portion of land which is situated south north in length to defendant No.1. Defendant No.1 has purchased land from one Rama which is adjacent to the land sold by me to him. I have sold half share in the well water to defendant No.1. Common well is situated towards northern side of our land. One well is situated in the Eastern side portion of our land. It is not true to say that land of plaintiff and defendant No.1 are adjacent to each other. One Namdev was present when I sold land to defendant No.1. It is not true to say that defendant no.1 and others first of all saw the land and thereafter executed the sale-deed. It is not true to say that I cannot tell the boundaries of land of plaintiff. Lands of one Sopan and Mahadev Khadul are situated towards Eastern side of land of plaintiff. Gavaran is situated towards northern side of the land of Plaintiff. It is not true to say that name of the defendant No.1 is recorded in the record of rights of the suit land as per the sale deed. It is true that I do not possess land in land Gat No.714.

No re-examination.

R.O.A.C.

Date : 5/8/1986

Sd/-xxx 5/8/1986.

Civil Judge, Tasgaon



Deposition of witness No.1 for the Defendant No.1

I do hereby on solemn affirmation state that :

My name is : Narayan father's name : Baji Khadul

Age about : 45 years Occupation – Agri.

Residence : Anjani, Tal-Tasgaon. District – Sangli

Examination-in-Chief

Defendant No.2 is my cousin brother. I have purchased 36 gunthas bagayat land from defendant no.2 for the consideration of Rs.4,000/- under a registered sale deed before 5 years back. The said land is a bagayat by well water having ½ share. My brother Namdev Khadul, Dada Dadhe, Mahadev Dadhe, Laxman Dadhe were present at the time of sale-deed. Laxman Dadhe has signed on the sale deed executed by the defendant No.2 in my favour. Defendant No.2 has affixed his thumb mark on the said sale deed. I had presented sale deed before Sub-registrar for registration and I have affixed my thumb mark on the said sale deed. I have produced sale deed in the Court. Talk of sale was in progress for about 2 to 3 months. I have purchased the land from Easternside. Land of plaintiff is situated towards westernside of my purchased land. My own land is situated towards easternside of the purchased portion from defendant No.1. Road and Gavran are situated towards Easternside of my own land. Land of Dada Dadhe is situated towards southernside of my land. Land of Sopan Mahadev is situated towards northernside of portion purchased by me. Common well which is having water is situated towards westernside of the land. Myself and plaintiff have purchased portion from defendant No.2. It is the say of plaintiff that I have no share in the said portion. Suit land is locally known as Baradyache Shet.

2. Cross examination by defendant No.2 : Ex parte

3. Cross examination by Shri V.K. Patil, Adv. For plaintiff.

There is barren land in the suit land, which is situated towards eastern portion of northern side of the land. It is true that the suit land is situated just like stairs. It is not true to say that the Eastern portion of the suit land and the

easternside of northern portion was in cultivation of defendant No.2. It is not true to say that the share which was allotted to the plaintiff was towards westernside of the share of defendant No.2. It is not true to say that I have no share in the dilapidated well. It is true that the portion of the said land which was sold by defendant No.2 to plaintiff was rich than the barren land sold to me. I was acquainted with the facts at the time of sale that the defendant No.2 has sold out 31 gunthas land to plaintiff. It is true that it is not so mentioned in the revenue record as the suit land is known as Baradache shet. It is true that Gayaran land is situated towards northernside of my purchased portion. It is not true to say that I have purchased barren land from defendant No.2. It is not true to say that there is dispute in between me and plaintiff about fetching water for the land other than 36 gunthas purchased portion. It is true that the plaintiff is in possession of the portion of land which is purchased by him from defendant No.2. It is not true to say that the plaintiff has purchased eastern portion of the land from defendant No.2. It is true that there is no Gayran towards northernside of the land purchased by plaintiff. It is not true to say that Gayran land is situated towards northernside of the land purchased by me. It is not true to say that my land is situated just adjacent to the land purchased by plaintiff. It is not true to say that I am quarreling with the plaintiff as I was intending to purchase the portion of land which was purchased by him. It is not true to say that the plaintiff has not purchased barren land from defendant No.2. It is not true to say that I am deposing falsely as I have purchased the land from Easternside which is adjacent to my land.

No Re-examination.

R.O.A.C.

Date : 5/8/1986

Sd/-xxx/5/8/1986

Civil Judge, Tasgaon

Deposition of witness No.2 for the defendant no.1

I do hereby on solemn affirmation state that :

My name is : Dadarao father's name : Shankar Dadhe ..

Age about : 30 years Occupation – Agri.

Residence : Anjani, Tal-Tasgaon. District – Sangli

Examination-in-Chief

I know parties to the suit, and their lands. Defendant No.1 has purchased 36 gunthas land from defendant No.2 before 4 to 5 years back and the said land is situated towards northern side of my land. There is only one land in between our lands. I was present at the time of agreement of sale in between the defendants. Defendant No.1 has purchased bagayat land from defendant No.2. Boundaries of the land purchased by the defendant No.1 is as under, towards East land of defendant No.1, towards west land of plaintiff, towards south land of one Vishwambhar and towards north land of one Sopan Khadul and Vishwambhar. The said purchased portion is under the cultivation of defendant No.1. We are situated towards western side of the land in west-north corner.

2. Cross examination by defendant No.2 -Ex-parte.

3. Cross examination by Shri V.K.Patil, Adv for Plaintiff.

I am illiterate. It is not true to say that my land is situated at the distance of about 3 to 4 miles from the suit land. It is not true to say that I have no opportunity to visit the suit land. Land of one Vishwambhar is situated towards southern side of land Gat No.714. Now I again say that land of one Balbhim Dadhe is situated towards southern side of land Gat No.714. It is true that land Gat No.713 of one Rama Khadul is situated towards southern side of land Gat No.714. It is not true to say that east-north corner of land Gat No.714 is a barren land. There is barren land towards northern side from its western portion in land Gat No.714. Gayran is situated towards northern side of the entire land Gat No.714. Land of one Sopan is situated towards northern side from Eastern portion. It is not true to say that the defendant No.1 has purchased the land known as Barad. Witness volunteers that the entire suit land is locally known as 'Baradhachi Jamin'.

It is not true to say that I am on visiting terms with the defendant No.1 and hence, I am in cordial relations with him. It is not true to say that I am not in cordial relations with plaintiff. It is not true to say that I am deposing falsely at the instance of defendant No.1. It is true that I was acquainted with the facts as the defendant No.2 had sold out bagayat land to the plaintiff. It is not true to say that rest of the land which was under the possession of the defendant No.2 was barren. It is not true to say that the defendant No.1 was in possession of the land which was situated towards northern side in Eastern corner. Plaintiff is in possession of his 31 gunthas of purchased portion, from western portion of the land. It is not true to say that western portion of land Gat No.714 was not allotted to the share of defendant No.2.

No Re-examination.

R.O.A.C.

Sd/- 5/8/1986

Civil Judge, Tasgaon

Deposition of witness No.3 for Defendant No.1

I do hereby on solemn affirmation state that :

My name is : Prabhakar father's name : Sakharam Kulkarni

Age about : 35 years Occupation – Bond writer & Stamp Vendor

Residence : Anjani, Tal-Tasgaon. District – Sangli

Examination-in-Chief

I am working as a bond writer since 1979, with license. The document sale deed dated 15.1.1982 now shown to me is written by me. Defendant No.2 has executed the said sale deed in favour of defendant No.1 and I have written the said document as per the instructions given by defendant No.2. Defendant No.2 has affixed his thumb mark on the sale deed and I have attested the same. The attesting witnesses have signed on the said document in my presence. I have signed the document as a scribe. The document now shown to me bears my signature which is at Exh.42.

2. Cross examination by Defendant No.2 -Ex-parte

3. Cross examination by Shri V.K.Patil, Adv. for plaintiff

I am not acquainted with the parties related to the document at Exh.42. I had read over the contents of the document Exh.42 to the concerned parties. It is true that it is so mentioned in the sale deed Exh.42 as the land out of 'Baradachi Jamin'. The parties have admitted the contents of document at Exh.42. I have deposed today in the Court on perusing the document at Exh.42.

No Re-examination.

R.O.A.C.

Date : 5/8/1986

Sd/- 5/8/1986.
Civil Judge, Tasgaon

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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.

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Deposition of Witness no.1 for Prosecution

I do state on solemn affirmation that :-

My name : Tukaram Gopal Mhaske

Age :- 54 yrs. Occup. :- Agriculture

R/o. :- Nirale Vasti, Latur

Exam.-in-chief by Ld.A.P.P. 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 त्याचे कुटूंबासह राहणेस आहे. [मारुती हजारे यांची मुलगी आणि माझा
मुलगा जय यांचे पुर्वी प्रेमसंबंध असलेचे कारणावरुन मारुती हजारे हे नेहमी
कोणत्या ना कोणत्या कारणावरुन 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 कारणावरुन 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 मुलंगा विजय व पत्नी हिला ढकलून दिल्याने
तिच्या उजव्या कोप—याला खंरचटलेले आहे. त्यावेळी सुनिता हजारे, मंदा हजारे,
सौ, बविता हजारे यांनी माझ्या पत्नीशी झटापट करून सौ. सुनिता हजारे हिने माझ्या
गळ्यातील सोन्याचे मणी—मंगळसुत्र हिसकावून घेतलेले आहे.

तरी आज रोजी रात्रौ ९.३० वाचे सुमारास मी व माझा मुलगा माझ्या 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 करून पूर्वीच्या भांडणाचा राग मनात धरून मला व माझा मुलगा विजय यास शिवीगाळ करून 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 करून तिच्या गळ्यातील सोन्याचे मणी—मंगळसूत्र सुनिता हजारे यांनी हिसकावून घेतलेले आहे. तसेच महादेव हजारे व मारुती हजारे यांनी माझ्या 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

Deposition of Witness no.2 for Prosecution

I do state on solemn affirmation that :-

My name : Vijay Tukaram Mhaske

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

R/o. :- Latur

Exam.-in-chief by Ld.A.P.P. 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 अलकुंटे, वय —४७, धंदा — मजुरी, रा. १००, वडर गल्ली, बुधवार पेठ, लातूर.

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

सदर ठिकाणी यातील फिर्यादी नामे तुकाराम गोपाळ मस्के हे समक्ष हजर असुन, त्यांनी सदर गुन्ह्यासंबंधी हक्किकत सांगितली कि, आज रोजी रात्रै ०९.३० वा. मी व माझा मुलगा घराकडे जात असतांना घराजवळ शेजारी राहणारे १. मारुती हजारे. २. महादेव हजारे. ३. सिद्धेश्वर हजारे ४. ओंकार हजारे, ५. दादा हजारे ६. सुनिता हजारे, ७. सौ. मंदा हजारे, ८. सौ. बिता हजारे यांनी आपसात संगनमत करून पूर्वीच्या भांडणाचा राग मनात धरून मला व माझा मुलगा विजय यास शिवीगाळ करून लाथाबुक्यांनी मारहाण केली. तेव्हा माझी पत्नी सौ. सरस्वती हि सोडविण्यास आली असता तिला हाताने मारहाण करून तिच्या गळ्यातील सोन्याचे २ तोळे वजनाचे मणीमंगळसुत्र हिसकावून घेतले आहे. म्हणून त्याची हक्किकत 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 अन्तरावर 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 तोळ्यांचे सोन्याचे मंगळगृह काढून घेतल्याचे फिर्यादी हे समक्ष सांगत आहे. सदर ठिकाणी गुन्ह्यांचे तपासान्या दृष्टीने उपयुक्त असे काहीएक निशाण्या अगर खाणाखुणा दिसून येत नाहीत.

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

सदरचा पंचनामा करतेवेळी आम्ही पंन 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 ट्युबलाईटचे 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. Occup. :- 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

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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.

R.O.A.C.

Date : 26.10.2015

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 बोलाविलेवरुन 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 वरुन, 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. सो. सुनिता मारुती हजारे वय ३५, ६. सौ. बविता उर्फ बबन सिध्देश्वर हजारे, वय ४० सर्व राहणार निराळेवस्ती, मुरारजी पेठ, लातूर असे सांगत असुन आरोपी नं.१ ते ४ यांचे अंगझडती पहाता त्यांचे अंगावर वापरते कपडे असुन 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 असुन 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 तकार नसल्याचे सांगत आहेत. वरील आरोपींना आज रोजी वरील गुन्ह्यात अटक केली आहे

असे सांगुन त्यांना मानवी हक्काबाबत व जामिन हक्काबाबत जाणीव करून 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 करून 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. Deposing 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.

: 14 :

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.
