

RIZVI EDUCATION SOCIETY'S

RIZVI LAW COLLEGE



11TH SAQUIB RIZVI MEMORIAL NATIONAL MOOT COURT COMPETITION 2022-23

MOOT PROPOSITION

Disclaimer: *This case is purely fictional. Any resemblance to names, properties and associations is purely coincidental.*

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BRIEF FACTS

1. Prakash Mane, a farmer in the village of Chiplun, Maharashtra lived alone in House no. 183. His son Raghav Mane along with his wife Smt. Supriya Mane and her 10-year-old daughter Anju Mane lived in the adjacent House No.184.
2. On 08.03.2022 at 7:30 pm, Raghav along with his friend his father Prakash and Ramakant Shinde, a fellow villager, the *Aangan* (courtyard) outside the house no. 184 discussing the upcoming village election. At that time, Ashok Mane came near their house and accused Prakash Mane of destroying his crops. Ashok is the brother of Prakash Mane who separated from the family of Prakash Mane owing to the constant family conflicts and quarrels.

Upon further questioning, Prakash Mane denied the allegation and advised Ashok Mane to resolve the issue peacefully. However, he started abusing Prakash Mane and walked towards assaulting him. Ramakant Shinde and Raghav Mane stopped him to avoid tussling over a trivial issue. While leaving Ashok threatened Prakash Mane of taking revenge soon.

3. At about 8:30 pm on the same day, Prakash Mane as per his everyday routine had dinner at Raghav's home along with Raghav's family. At around 9:00 pm Raghav went to meet the Sarpanch of the village Govind Parab to express his concern and to take action against his uncle Ashok Mane. Sarpanch assured him that he will talk to Ashok Mane the next morning.
4. At about 11:00 pm when Raghav was returning, he went to check on his father at House No.183 where he found his father Prakash Mane dead in a pool of blood.
5. Raghav informed *Sarpanch* about the death of his father at around 3:00 am He travelled to Chiplun Police Station which is 20 km away from his house at 4:00 am in the morning and narrated the incident to P.S.I. Dinesh Mahadik and lodged an FIR. Based on the information given, an FIR bearing number 194/22 was filed which mentioned Ashok's name as the accused for an offence punishable under section 302 I.P.C.
6. P.S.I. Dinesh Mahadik, carried out Spot panchanama at the place of occurrence of the crime. The said panchanama was carried out in the presence of two panchas. From the spot of incidence, he seized articles nos. 1 & 2 namely:

- i. Blood from the place of incident; and
- ii. One *Gamcha*

On further examining the place around the house of Prakash, an axe was recovered at the backside of Prakash's home which had the fingerprints of the accused but the forensic report postulated that the blood stains on the axe did not belong to the deceased. The recoveries were duly made in the presence of two panch witnesses.

7. P.S.I. Dinesh Mahadik investigated the case and evaluated the statements of the witnesses. After completing the investigation, on 15.07.2022, a charge sheet was filed against the present appellant. In due course, the case was committed to the Court of Sessions at Ratnagiri.
8. During the trial before the Sessions court, a total of 9 Prosecution Witnesses were examined. The appellant in order to prove his innocence, examined a Defence Witness. The statement of the accused was recorded under section 313 of C.r.P.C., wherein the accused denied all the allegations. The defence of the appellant was that of total denial, false implication and absence of motive. The learned trial Judge on the basis of circumstantial evidences adduced by the prosecution proving the guilt of the accused beyond reasonable doubt, passed the impugned judgment, convicting the accused under section 302 of IPC and penalizing him with life imprisonment.
9. The accused being aggrieved by the judgment of the Ld. Sessions Court has now preferred an appeal before the Hon'ble High Court of Bombay to challenge the judgment of conviction. The matter is now posted for final hearing.

FIRST INFORMATION REPORT

(Under Section. 154 C.r.P.C.)

1. **District:** Ratnagiri **Police station:** Chiplun **Year:** 2022 **FIR No:** 194

Date: 09/03/2022.

2. **Act: I.P.C Sections:** 302

3. **Occurrence of Offence:**

Day: Tuesday **Date:** 08/03/2022

Time: 9:00 pm to 11:00 pm

Information received at Police Station:

Date: 09/03/2022 **Time:** 4:00 am

General Diary Reference:

Entry No. 13/22 **Time:** 4:15 am

Type of Information: Oral

4. **Place of occurrence:**

Address: House No 183, Chiplun, Ratnagiri, Maharashtra

Name of P.S.: Chiplun **District:** Ratnagiri

5. **Complainant / Informant:**

(a) **Name:** Raghav Mane

(b) **Date / Year of Birth:** 34 years

(c) **Nationality:** Indian

(d) **Occupation:** Farmer

(e) **Address:** House No 184, Chiplun, Maharashtra

(f) **Details of the accused:** Ashok Mane residing at House no. 190, Tilak Chowk, Ratnagiri District, Maharashtra.

6. FIR Brief contents:

On 08.03.2022 at around 11:00 pm, Raghav Mane while returning home after visiting the Sarpanch of the village found Prakash Mane dead at his house i.e. House no. 183. Raghav Mane suspecting Ashok Mane to have committed the crime due to past civil disputes and a verbal argument in the evening of 08.03.2022 at around 7:30 pm has lodged the present FIR.

FIR read over to the complainant/informant admitted to be correctly recorded and a copy given to the complainant/informant free of cost.

R.O.A.C.

Sd/-

Signature of Officer in Charge, Police Station

Name: Dinesh Mahadik

Rank: Police Sub Inspector

7. Thumb Impression / Signature of the Complainant / Informant

Date and Time of Dispatched to the court: 10th March, 2022 at 10:45 am

AT THE HON'BLE COURT OF SESSION AT RATNAGIRI

SESSIONS CASE NUMBER: 56/2022

STATE OF MAHARASHTRA

...PROSECUTION

V/s.

ASHOK MANE

...ACCUSED

THE CHARGE

That you accused on 08.03.2022, in between 09:00 pm to 11:00 pm within the jurisdiction of Chiplun Police Station at Ratnagiri killed Prakash Mane at House no. 183, due to past civil disputes and verbal argument in the evening at around 7:30 pm of 08.03.2022 at House no. 184, with an axe on his head and thereby committed an offence punishable under section 302 of the Indian Penal Code and within the cognizance of this Court.

Dated this 15th of July, 2022

Sd/-

Additional Session Judge Sessions Court at Ratnagiri

Memorandum of Post Mortem Examination held at K.K. Hospital

District: Ratnagiri

State: Maharashtra

General Particulars –

1. **By whom was the corpse sent?** - Chiplun Police Station
2. **The date, hour and time of receipt?** - 10:55 a.m., 09.03.2022
3. **The date, hour and minutes of beginning the examination?** - 11:15 am – 12:30 pm on 09.03.2022
4. **Injuries:**

External Injuries	Continuous lacerated wound on the left side of the face below the left eye at the lower margin of the left orbit. Dimension was 1 inch × 1/2 inch. There was a fracture of the bone, injury was grievous. Abrasion on both sides of the angle of the mouth direction posteriorly and upward, 2 inches, wound incised.
Internal Injuries	Fracture of the anterior cranial fossa on the left side Antero posteriorly about 1 inch in length and the orbital plate of the left orbit fractured irregularly.
Injury to the frontal lobe and occipital lobe, of the brain.	

5. Opinion as to the probable cause of death-

The injury was attributable to a blow by a hard and blunt object to the frontal lobe and occipital lobe, of the brain.

Sd/-

Department of Forensic Medicine
K.K. Medical College, Ratnagiri

**DIRECTORATE OF FORENSIC SCIENCE LABORATORIES
STATE OF MAHARASHTRA, HOME DEPARTMENT, RATNAGIRI**

Date: 11.03.2022

Examination Report

To
The Senior Police Inspector,
Chiplun, Ratnagiri District
Maharashtra.

Date of Incident	08.03.2022
P.S.:	Chiplun Police Station
u/s.:	302
Date of Receipt:	16.03.2022

Condition of the Parcel / Seal:

- One sealed envelope, Exh. 1
- One unsealed envelope, seal opened, Exh.2

Description of articles contained in the parcel:

Exhibit No.1: Blood-stained *Gamcha*, put in a polythene bag, again put in an envelope and marked as 1

Exhibit No.2: Blood-stained Axe in a polythene bag, put in an envelope and marked as 2

Results of Analysis

Positive, blood of the deceased, Exh. 1

Negative, the blood present on the axe not of the deceased, Exh. 2

Analysis started on: 14.03.2022

Analysis completed on 18.03.2022

EVIDENCE

Deposition of Witness No. 1 for the Prosecution

26/07/2022

Name: Raghav Prakash Mane, Age 35 years, residing at Matoshree, House No. 184, Chandurkar wadi, Chiplun, Ratnagiri, Maharashtra.

Examination in Chief

1. I am residing with my daughter named Anju and my wife Supriya. I worked with my father who lived at House no. 183. We jointly run a fruit farming and selling business. Ashok Mane and his family used to reside with us but separated in 2010 due to constant family conflicts and an ongoing civil property dispute.
2. On 08.03.2022 at around 7:30 pm I, my father i.e., Prakash Mane and my father's good friend, Ramakant Shinde were sitting in the *Aangan (courtyard)* of my house (House no. 184) when Ashok, who is my uncle, came near the *Aangan (courtyard)* and started accusing and abusing my father Prakash for destroying his crops for gaining unfair profit. My father denied the same and advised me to solve the issue peacefully. However, when Ashok advanced towards my father there was a tussle between the two and my father slapped Ashok Mane. Ramakant then shoved him away and urged him to leave. As he was leaving, he threatened to kill my father and warned him that he would take revenge soon.
3. At around 8:30 pm, my father and I as per our everyday practice had dinner at my place, after which he left for his house (House no. 183). Being disturbed by the incident, I decided to meet the Sarpanch of the village to express my concern and to take action against my uncle Ashok Mane. I narrated the incident to him and he assured me that he would talk to Ashok Mane the next morning.
4. I returned home between 10:00 pm to 11:00 pm when on my way decided to check on my father. When I reached, I noticed that the door of his house was open and on entering, I saw that he was smeared in blood and was lying dead in his living room. I called my wife who

was sleeping at our house. She came running along with my daughter and was shocked to see my father dead. I went to Sarpanch's home and told him about the death of my father. Sarpanch and I came back to my father's place where Ramakant, Ashok and Chaya (neighbour) were already present. I had a strong suspicion that Ashok Kaka must have killed my father to take revenge for his destroyed crops.

5. I went to the police station at around 4:00 am and reported the incident; An FIR was reported against Ashok. A copy of the FIR was given to me. FIR bearing No. 194/22 dated 09/03/2022 now shown to me bears my signature. It is marked as **'Exhibit-1'**.

Cross-Examination

1. I am educated up to 11th Std. I can read and write in Hindi Language. It is true that the house (House No. 184) in which I reside with my wife and daughter was owned by my father. He used to handle the finances related to both the houses and fields. I used to help my father in the business that he started in 2010. It is not true that my father and I had disputes regarding ownership of the family business and property. It is true that me and my father had an argument last week in relation to business decisions but the same was resolved instantly. It is true that I did not mention this in my statement as I did not find this important to be disclosed.
2. It is true that my father has been living in a separate house since I got married to Supriya in 2011. I was blessed with a daughter in 2012 since then he often used to visit our home to play with Anju and for occasional dinner and lunch. It is true that the area in which we live is isolated and we are surrounded by 4 to 5 houses on either side. It is true that my house and my father's house is hardly 5 steps away.
3. It is true that my father i.e., Prakash Mane slapped Ashok. It is true that Ashok that evening not only assaulted my father during the tussle but also specifically threatened to kill him. It is not true that I failed to mention in my statement about this specific threat of killing by Ashok. I cannot assign any reasons as to why this is not mentioned in the statement given to the police. The accused is in constant fights with me and my father due to the ongoing civil property dispute.
4. It is not true that at 8:30 pm I left the dinner in the middle and left the house as I had an argument with my father at the time of dinner. It is true that Sarpanch's house is only 10 minutes away from our place. It is not true that I reached early from Sarpanch's house. I was at Sarpanch's place and then came back home walking.
5. It is true that the door of the house was already opened where my father was lying dead. It is not true that I have stated in my statement that I opened the door. I cannot assign any reason as to why the same is mentioned in my statement. It is true that the room was intact.

6. It is true that I informed the *Sarpanch* and at 3:00 am., I reported an FIR at Chiplun Police station which is 20 km away from my place. Police started the investigation and my statement was recorded by the police. I named Ashok as the accused for the killing of my father as Ashok had already warned my father, of taking revenge for his destroyed crops which he believed was done by him.

7. It is not true that I informed Ashok about my father's death. After returning from the police station with *Sarpanch*, I saw that Ashok was already present near my father's home. It is true that Ashok lives at a distance of 15 minutes from my father's home.

8. It is not true that I murdered my father to acquire the business, field and house that he owned. It is not true that I am falsely accusing Ashok Mane of my personal gains.

Deposition of Witness No. 2 for the Prosecution

05/08/2022

Name: Ramakant Shinde Age: 49 years residing at Rameshwar, House No. 186, Khotkar wadi, Chiplun, Ratnagiri,

Examination in Chief

1. I am a teacher at a government college which is located about 5 km from my house. I have been employed there for 10 years. Additionally, I also provide tuition to the village kids who cannot afford private tuition. I and the deceased, Prakash Mane were good friends. We used to meet occasionally and even go for walks after dinner.
2. On 08.03.2022, I along with Prakash and Raghav were sitting in the *Aangan* of Raghav's house at House No.184. At around 7:30 p.m., Ashok, entered the *Aangan* and started abusing and accusing Prakash of destroying his crops. He even tried to assault Prakash but Raghav and I separated them and advised them to solve the dispute peacefully. Ashok after threatening Prakash with dire consequences left the place. Shortly after that even I headed for my place.
3. Later at around 9:30 p.m. on the same day after having dinner, I went out for a walk and saw Prakash taking a walk near his house. I went near his house and asked him whether he would accompany me for a walk towards the mandir. Prakash denied the same citing the reason that he would sleep in some time. On the way back home from a walk, I saw Ashok Mane (accused) smoking cigarettes at a 5-minute distance from Prakash's house having worn a *ghamcha*.
4. At around 4:00 a.m. in the morning, Raghav informed me that his father was murdered and was lying dead in his living room. I told him that I would reach in some time.
5. During the investigation, I was called to the police station to give my statement regarding the incident.

Cross-Examination

1. It is true that I and Prakash were good friends. Prakash used to invite me occasionally to his place to have dinner or for any advice. It is true that after dinner Prakash and I used to go for a walk occasionally.
2. It is true that I have contested in the Gram Panchayat elections. Prakash had advised me to take up the responsibility of participating in elections. It is not true that Prakash was campaigning for the elections. Apart from me, Prakash's brother, Ashok (i.e., the accused) is contesting in the elections. It is true that there have been verbal disputes between me and Ashok during the election campaign.
3. It is true that Raghav and Prakash used to have occasional quarrels with respect to business decisions. Last week he discussed with me that he had an argument with Prakash with respect to their business. He was unhappy that his opinion on the business decision was not considered and he was always disrespected before other employees. However, the issue between them was resolved like every other time within 1 or 2 days.
4. It is true that on 08.03.2022 at around 7:30 p.m., Ashok visited the place of Raghu to question whether he had destroyed his crops. Ashok abused his brother and threatened him of facing dire consequences.
5. It is true that Prakash was alone while he was roaming around his house. He usually preferred walks towards the village mandir but denied it on 08.03.2022. I completed the walk and reached home by 9:45 p.m. It is not true that I did not see Ashok at a 5 minutes distance from Ashok's house while returning from my walk.
6. It is not true that I am falsely deposing Ashok Mane for my own political gain.

Deposition of Witness No. 3 of the prosecution

13/08/2022

Name: Anju Raghav Mane, age 10 years, residing at Matoshree, House No. 184, Chandurkar wadi, Chiplun, Ratnagiri, Maharashtra.

Examination in Chief

1. I am in class fifth. I live with my mother (Supriya Mane) and father (Raghav Mane) in House no. 184. Grandfather (Prakash Mane) was very fond of me and often used to come to our house to play with me.
2. On 08.03.2022 after returning from school in the evening, I was playing in the *Aangan* when Ashok came to our house and started shouting. My mother told me to go inside the house I did not see what happened next.
3. That day on 08.03.2022 when we were having dinner, my father left his food halfway and went somewhere. When my mother asked him where he was going, he did not reply. He was very angry. After he left, we finished our dinner and grandfather went to his own house. He did not go for a walk.
4. On the same day at around 9:30 pm I saw Ashok entering grandfather's house. He looked very angry and he had an axe in his hand. I do not recall the time when Ashok left. I can identify the axe. It is marked as '**Art. A**'
5. My mother woke me up in the night and told me that my grandfather is no more. I was very sad.
6. I can identify Ashok. He is present in court today.

Cross-Examination

1. It is true that my grandfather (Prakash Mane) used to live with us initially, but my mother, grandfather and my father used to fight a lot so he left us and started living separately in the adjacent house i.e., House No. 183.
2. It is true that when my grandfather used to come to play with me, there were occasional quarrels between my mother, grandfather and my father.
3. It is not true that on 08.03.2022 at 7:30 pm I saw Prakash assaulting Ashok as my mother had told me to go inside the room. It is true that I answered it differently i.e. I saw Prakash assaulting Ashok when the same was asked of me by police officials as a mistake.
4. That day when we were having dinner, my grandfather and my father got into an argument over something. My father was so angry that he did not even finish his food and left it half-eaten and went somewhere. It is true that he was so angry that he did not even answer my mother about where he was going.
5. It is true that I did not see Ashok leaving grandfather's house. I only saw him entering.
6. It is true that it is very dark outside the house. It is true that one cannot clearly see the face of a person in such a dark area.
7. It is true that I do not remember the time when Baba informed us about the murder of my grandfather. It was late at night.
8. It is not true that my mother, my father or the Police have threatened, influenced, tutored or coerced me to give any statement.

Deposition of Witness No. 4 of the Prosecution

24/08/2022

Name: Supriya Raghav Mane, age 30, residing at Matoshree, House No. 184, Chandurkar wadi, Chiplun, Ratnagiri, Maharashtra.

Examination in Chief

1. I am a housewife. I stay with my husband Raghav and my daughter Anju in House no. 183 and my father-in-law stays in House no. 184 which is adjacent to our house. My family has been living in this village for ages. My husband and his father are born and brought up in this village wherein our farming and business are established. My father-in-law's brother also stays in the same locality as we stay in.
2. Yes, it is true that there is an ongoing property dispute between my father-in-law and Ashok kaka even before my marriage to Raghav and it was because of this property dispute that Ashok and Kamla started living separately. It is true that there was always a tense situation in the house related to property disputes but we always used to advise my father-in-law to solve the dispute peacefully without any quarrels.
3. On the night of 08.03.2022 at around 7:30 pm, my husband and my father-in-law i.e. Prakash Mane along with Ramakant were having a conversation in the *aangan* of our house when I heard Ashok creating a brawl and accusing my father-in-law of destroying the crops from his farm. Meanwhile, my daughter was playing in the *aangan* so to keep her away I told her to go inside.
4. Even though my husband and Ramakant advised him to solve the issue peacefully he started shouting. At that instance, my father-in-law (Prakash) became very angry and slapped Ashok Mane. Thereafter, there was a tussle between them and while leaving Ashok warned my father-in-law of dire consequences to the extent of killing him. After everything was settled and the situation was calm we all sat for dinner at around 8:30 pm. Thereafter my husband went somewhere and he looked very disturbed.

5. At around 11:30 pm my husband called me to my father-in-law's house so I took my daughter and went to my father-in-law's house. What I saw was my father-in-law lying dead on the floor smeared in blood and my daughter Anju got scared seeing the situation of her grandfather. Soon my husband went to the police station to report what has happened. Meanwhile, Ramakant, Chaya and Ashok came to the place where the incident had taken place. Soon my husband along with sarpanch and police officers came to investigate the matter.

Cross-Examination

1. I am educated till 10th standard and I married Raghav mane in the year 2011 ever since then I am residing with his family.
2. Yes, it is true that I along with my husband and my daughter live in a separate house and my father-in-law doesn't stay in the same house. The house in which we live is managed by my father-in-law.
3. It is not true that we have frequent quarrels with my father-in-law. We always insisted him to stay with us in one house. But he always denied the same citing that he doesn't want to invade our privacy. Hence, we stay in a separate house but most of the time we all have our meals together.
4. It is true that at the time of dinner, my husband and my father-in-law had an argument related to the business and because of this my husband walked out of the house in the middle of the dinner. I asked him twice as to where he was going but he was so angry that he didn't even reply.
5. As the dinner got over my father-in-law as usual wished us good night and went for his night walk in his *aangan*. Meanwhile, my daughter and I went to sleep. Later that night my husband called us outside and Anju and I were devastated to see my father-in-law dead in his house. We suspected that the murder was committed by Ashok when I saw the *Gamcha* at the spot. Meanwhile Ramakant, Chaya-our neighbour and Ashok everyone came to see what had happened.
6. It is not true that I am deposing falsely at the instance of my husband.

Deposition of witness no. 5 for the Prosecution

01/09/2022

Name: Govind Parab, Age: 56, residing at Mangala Sadan, Chandurkar wadi, Chiplun, Ratnagiri, Maharashtra.

Examination in Chief

1. I have been living in this village since my birth and I have been the Sarpanch of this village for the past five years. Before being the Sarpanch, I used to manage my farmlands and we have a business of supplying agricultural produce to the city and other factories outside the village.
2. I do not personally know the family of Prakash Mane (deceased) and Ashok Mane (accused) but as a Sarpanch, I am aware of their business and have heard that the two brothers do not share a very cordial relationship with each other. I am aware that the family of both brothers used to live together however have separated a few years back.
3. On 08/03/2022 at around 9:00 pm Raghav came to my residence and complained that he was very disturbed by the constant accusations and disputes with his uncle Ashok Mane. I told him that since it is their family matter there is not much that I can do to help him. He then narrated the incident to me which took place at 7:30 pm that day at his place. He told me that his uncle Ashok Mane came to his house and started accusing and abusing his father Prakash Mane (deceased) of his destroyed crops. He told me that there was a tussle between Prakash and Ashok. On hearing the same I insisted Raghav that he should file a complaint at the nearby police station which was vehemently denied by him. Thereafter I told him that as a *Sarpanch* I will talk to Ashok Mane the next morning.
4. Later at around 3:00 am Raghav informed me that somebody has murdered his father Prakash Mane and he has strong suspicion on his uncle Ashok Mane. We then went to the Chiplun Police Station to lodge an FIR at around 4:00 am. Likewise, an inquiry was made. Consequently, I was called to Chiplun Police Station and my statement was recorded with the police.

Cross-Examination

1. It is not true that I have personal enmity with Ashok Mane as he is contesting for the Gram Panchayat election and hence, I am giving a false statement against him. Due to my ill health, I am not contesting the Sarpanch election. I do not have any personal score with Ashok Mane.
2. It is true that I am not supporting any of the contestants in the upcoming elections. It is true that I was made aware of the internal conflicts between Prakash and his son, Raghav. It is true that till date, none from the family of Prakash has ever asked to solve the dispute and the ongoing civil dispute.
3. It is true that Raghav on the night of 08.03.2022 came to meet me at around 9:00 p.m. He explained to me the situation at his house and Ashok having threatened his father with dire consequences. It is true that I suggested Raghav to report the incident to the police and Raghav denied the same. Raghav left my home between 9:30 pm to 10:00 pm, It is true that Raghav's house is at a distance of 10 minutes from my house.
4. It is true that Raghav refused to go and register a complaint and I am unaware of the reason for the same. It is true that at around 3:00 a.m., Raghav called him and told me that his father was murdered. I told him that I would arrive at his house in some time. When I reached Prakash's home, I saw Raghav, his wife and his daughter crying outside the house.
5. It is true that I told him to report an FIR. It is true that at around 4:00 a.m., we left for Chiplun police station which is about 20 km from his house.
6. It is true that at around 5:30 a.m., I and Raghav along with Police personnel reached Prakash's home. The police started the investigation. It is true that Ashok was present at the place of occurrence of the crime. It is true that I was called to the Police station to give a statement regarding the incident.
7. It is not true that I am deposing falsely at the instructions of the Police.

Deposition of witness no. 6 for the Prosecution

16/09/2022

Name: Chaya Nhavkar, Age: 32, residing at Sumukhi, House 181, Chandurkar wadi, Chiplun, Ratnagiri, Maharashtra.

Examination in Chief

1. I am educated till the 7th standard. I reside with my husband and 2 sons in the village of Chiplun. My husband and I work on the farms all day and in the evening to earn a livelihood for my family I do household work at the Sarpanch's house.
2. I know Prakash ever since I got married to my husband. He was very lovable and used to treat me like his daughter. Sometimes I brought him meals and served him dinner. We used to have long conversations on varied subjects. He and his son did not share a very cordial relationship. After his marriage, he neglected his father and decided to live separately along with his wife and daughter. There were frequent quarrels between Raghav, his wife and Prakash. The family had a dispute regarding their property with Ashok who is Prakash's brother and because of constant fights in their house and all the villagers were aware of Prakash not being happy with the family. The disputes in their home are frequently the subject of talk among the villagers.
3. I say that occasionally when we farm workers sit for lunch together few of our friends who come to work on their farm told us that Raghav is desperately after his father's property.
4. I say that on the night of the incident, we were asleep when between 3:00-4:00 am we heard a commotion from outside and we came to know that Prakash was no more.

Cross-Examination

1. I am not literate and can read and write any other language apart from Hindi. I am a working woman and I work as a house help at different places, one such being the Sarpanch's place. We stay in the same locality as Prakash, barely 2 houses away.
2. I say that my family and Prakash's family are acquaintances as my husband works on the farm for the whole day and I do household work at different places. Due to frequent quarrels between the families of Prakash Mane and Ashok Mane, they had a major property dispute and regarding that Prakash's son Raghav used to come to meet the sarpanch at regular intervals.
3. Raghav and his wife took care of his father. They both handled their business and were doing well for their living. Raghav was the one who used to tell his father to settle the property dispute peacefully.

Deposition of Witness No. 7 for the Prosecution

23/09/2022

Name: Ganesh Acharya, Age: 49 residing at Narayan Baug, Chiplun, Ratnagiri.

Examination in Chief

1. I run a hotel which is situated at a 10 minutes distance from the house of Prakash Mane on the opposite side of the road.
2. Early morning 5:00 a.m. on 09.03.2022, I was present at the hotel to start the business when two police personnel called me to act as a Pancha. When I reached the place Police had already sealed the place and the deceased's family members and some neighbours were present near the site. At the site, one other Pancha was also present. We were informed by PSI Dinesh Mahadik that one Prakash Mane was found dead at his house and the prime suspect in the case was Ashok Mane.
3. A spot panchanama was carried out in our presence by P.S.I Dinesh Mahadik, where Prakash Mane was murdered. Blood samples which were present on the floor were collected. One *gamcha* was found. The sample and the articles were taken into possession and affixed labels on them. Our signatures were obtained thereupon. A Pachamama was prepared of these and was signed by both the panchas along with PSI Dinesh Mahadik. Police obtained my signature on a paper label as well as on Panchanama. The spot panchanama was drawn between 5:30 a.m. and 7:30 a.m.
4. Accordingly, seizure panchanama was carried out wherein an axe was recovered behind the house of the deceased. The I.O. collected the sample, wrapped them and affixed labels in our presence. A seizure panchanama was prepared on which our signatures were obtained along with the signature of PSI Dinesh Mahadik.

Cross-Examination

1. I was present at my hotel early in the morning as on that very day I was expected to deliver food for 200 people in the nearby village for a wedding. It is not true that I have never opened the hotel so early. When the orders at the hotel are more, I start the preparation early in the morning. It is true that I have an NC in my name at the local Police Station but the same had been registered by a business rival against me to hamper the profits of my hotel. It is not true that I know PSI Dinesh Mahadik from before and I am a routine visitor to the Police Station in relation to my NC. It is true that I am devoid of any knowledge related to the family of the deceased or the accused. I am unaware of their family issues.

2. It is true that I do not remember the name of another Pancha who was present while drawing the Spot and Seizure Panchanama. It is not true that I have not been to the spot. It is true that the articles seized by the police constables were wrapped and labelled but not sealed. It is true that the two houses were alongside each other and located in an isolated area.

3. It is not true that the police obtained my signature on the ready-made Panchanama. It is not true that I am deposing falsely on the instructions of the police.

4. It is true that the spot from where the axe was seized is accessible to the public. It is true that the axe and gamcha are easily available in the market.

Deposition of Witness No. 8 for the Prosecution

13/10/2022

Name: Dr Sunil Prabhu Age: 43 years, residing at the campus of K.K. Hospital, Ratnagiri Maharashtra.

Examination in Chief

1. In the year 2010, I was attached to the K.K. Hospital, Ratnagiri as an Assistant Professor of the Forensic Medical Department. On 09.03.2022, Chiplun Police officials brought a dead body of a person named Mr. Prakash Mane. I myself conducted the Post-Mortem on 09.03.2022 between 4.15 p.m. to 5.15 p.m.
2. On external examination of the dead body, the following injuries:
 - i. Continuous lacerated wound on the left side of the face below the left eye at the lower margin of the left orbit. Dimension was 1 inch × 1/2 inch. There was a fracture of the bone, injury was grievous.
 - ii. Abrasion on both sides of the angle of the mouth direction *posteriorly* and upward, 2 inches, wound incised.
3. According to the examination, injury and fracture of maxillary bone were *antemortem*. On internal examination, I found a fracture of the anterior cranial fossa on the left side *Antero posteriorly* about 1 inch in length and the orbital plate of left orbit fractured irregularly. The internal injuries were corresponding to injury
4. In my opinion, Mr Prakash Mane died on account of injury to the frontal lobe and occipital lobe, of the brain. The aforesaid injuries were sufficient in the ordinary course of nature to cause Prakash's death and the injury was attributable to a blow by a hard and blunt object like Axe.
5. I am shown a copy of my report. It bears my signature and it is sealed. The report of the same is marked as **Exhibit-2**. Its contents are true.

Cross Examination

1. It is true that I am working at K.K. Hospital, Ratnagiri for the last twelve years. It is true that I have examined many such witnesses.
2. The injury to the frontal lobe and occipital lobe, of the brain. In my opinion, the aforesaid injuries were sufficient in the ordinary course of nature to cause Prakash's death and were attributable to a blow by a hard and blunt object like an axe. It is true that the injury mentioned in column no. 1 can be caused by any other weapon other than an axe.
3. It is not true that the accused or the complainant is known to me. It is not true that I am deposing falsely in court today on the instructions of the police.

Deposition of Witness No. 9 for the Prosecution

28/10/2022

Name: Dinesh Mahadik, age 47, residing at Chiplun Police Quarters, Ratnagiri, Maharashtra-

Examination in Chief

1. I am attached to Chiplun Police Station as PSI. On 08/03/2022 I was on night duty as Thane Amaldar from 08:00 pm to 08:00 a.m. On the next date at about 04:00 a.m. I received a complaint from Raghav Mane that at around 10:30 pm, Raghav found his father Prakash Mane dead at his house at House No. 183, Chiplun, Ratnagiri, Maharashtra. Raghav Mane suspected Ashok Mane to have committed the crime due to an ongoing civil property dispute and verbal argument in the evening at around 7:30 p.m. As per this narration I have recorded his detailed statement and registered an offence u/s. 302 of IPC bearing FIR no. 194/2022.
2. As per the information provided to me, I registered the FIR which was read over to the complainant. Thereafter on obtaining the signature of the complainant on the FIR, I signed it myself and handed over one copy of the FIR to the complainant. The FIR shown to me by the counsel is the same bearing my signature. The content mentioned therein is correct and in relation to what was stated by the complainant. The same has been marked as '**Exhibit-1**'.
3. Thereafter I visited the spot and proceeded with the inquest and Spot Panchanama. I was accompanied by constable Mr More, the complainant and two panchas who were present at the time of panchanama. During the said inquest we recovered one *Gamcha* and collected the blood samples in and around the deceased's body. Thereafter during the search, we seized an axe found at the backside of the deceased's house. After the completion of the panchanama, we attested the same by obtaining the signature of the two panchas who were present. The panchanama now shown to me is the same. The content mentioned therein is true and correct to the best of my knowledge. It bears my signature and the signature of two panchas. On the basis of the content mentioned in the FIR, Ashok was arrested on 09.03.2022 and was presented before the Magistrate the next day. Ashok was granted Police Custody for the purpose of investigation.

4. On 09.03.2022 at around 10:30 a.m. the body was sent for Post-mortem investigation to K.K. Hospital. The recoveries in the form of axe and Gamcha were sent to Forensic Investigation on 16.03.2022. The report of the same is marked as '**Exhibit-3**'
5. The statements of Ramakant and Supriya were recorded on 11.03.2022. On 12.03.2022, statements of Sarpanch i.e., Mr Govind Parab, Chaya Nhavkar and Kamla Mane were recorded. The statement of Anju was recorded on 15.03.2022.
6. On 11.03.2022, Post Mortem Report was received by the Chiplun Police Station which elaborated upon the cause of death of the deceased. The recoveries in the form of axe and Gamcha which were sent for forensic investigation were received on 18.03.2022. On the basis of the investigation, a chargesheet was filed on 15.07.2022
7. The accused is present in the court today.

Cross-Examination

1. I have served in the police department for about 35 years. I have been investigating this case right from the lodgement of the FIR.
2. It is true that the statement made by the complainant i.e., Raghav included the words dire consequences when he came to the police station to report the incident. He failed to mention his father being threatened with killing by Ashok after the fight in the evening on 08.03.2022. It is true that I did not proceed with a further enquiry regarding the ongoing civil property dispute between Ashok and Prakash and family conflicts in the Mane family as I found the same irrelevant to the present case.
3. I have inquired with Raghav about where he was between 10:00 pm – 11:00 pm. No statement about it came to be recorded. It is true that I subsequently enquired about the delay in FIR but no statement about the same came to be recorded.
4. It is true that Anju mentioned in her statement that she saw Prakash assaulting Ashok in the courtyard. It is true that the same is being denied by her statement before the court.
5. I have not recorded the statement of the panchas by showing them the accused at the police station. It is not true that the panchas were not independent and were known to me. It is not true to say that the spot panchanama was not prepared on the spot in the presence of panchas.
6. It is true that statement of Anju was recorded at the Police Station and not at her place of residence.
7. It is true that there has been a delay of 8 days in sending the recoveries made during the spot panchanama for forensic investigation. It is not true that the recoveries which were sent for Forensic investigation were not sealed. I cannot state any reason why the report mentions the recoveries being unsealed. It is true that the said recoveries when made at the place of occurrence of the crime and the backside of Prakash's house, the same were sealed and labelled in the presence of panchas.

Deposition of Witness No. 1 for the Defence

10/11/2022

Name: Kamla Mane, Age- 37 years, residing at House no. 190, Tilak Chowk, Ratnagiri District, Maharashtra

Examination in Chief

1. On 08.03.2022 at about 7:00 p.m. my husband Ashok Mane and I discovered that someone has destroyed all our crops. My husband and I suspected that this was done by his brother, Prakash and subsequently he went to his house to enquire about the same. My husband returned home at about 8:30 p.m. after visiting his brother Prakash. He was with me between 08:30 p.m. to 11:00 p.m. on the night of 08.03.2022.
2. My husband has been farmed in this case by Raghav and Ramakant. Ramakant Shinde is giving a false statement against my husband as he is standing in opposition to my husband in the Gram Panchayat election. He has a history of enmity with my husband for a very long time. Last week when he was campaigning for his election, he had a fight with my husband Ashok Mane.
3. Additionally, Raghav is falsely implicating my husband to take revenge on the property dispute that we have. On 20.02.2022 Raghav came to our house and threatened us to withdraw the property suit and warned us about dire consequences.
4. Raghav and his wife did not have a very good relationship with my brother-in-law Prakash Mane. Both of them wanted the entire estate to be transferred in their name, which was refused by my brother-in-law Prakash. They were often conflicts between Prakash and Raghav about business decisions. Shortly after we partitioned, Prakash was forced to leave the house of the couple (Raghav and Supriya) and reside alone. House No. 184 where Raghav and his wife reside as well as House No.183 where Prakash resides alone was owned by my brother-in-law Prakash Mane which was the root cause of all conflicts in their house.

Cross Examination

1. It is true that as it was very dark, I could not identify the person who destroyed our crops but we suspected this was done by my brother-in-law Prakash Mane as their family always used to compete with us in business.
2. It is not true that my husband killed Prakash Mane to take revenge for destroying our crops. There was no tussle between my husband and Prakash on the night of 08.03.2022, he is of calm and composed nature. He went to resolve the issue peacefully.
3. It is true that we started living separately from the family of the deceased due to constant family conflict. It is true that we have an ongoing property dispute with the family of the deceased.
4. My husband was not wearing a Gamcha on the night of 08.03.2022. I did not recognise the Gamcha when shown by the police to me during the investigation.
5. It is not true that I am deposing falsely to save my husband.