



12th Nyayavalokan National Trial Advocacy and Judgment Writing Competition, 2023



TRIAL PROPOSITION



12th Nyayaavalokan National Trial Advocacy and Judgment Writing Competition, 2023

TRIAL ADVOCACY PROBLEM

State of Maharashtra v. Davinder Ramesh Pujari

In the Court of the Principal Sessions Judge, Mumbai

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FIRST INFORMATION REPORT

(Under Section 154 CrPC)

1. District: *Central Mumbai* P.S: *N.M. Joshi Marg Police Station* Year: *2023*

FIR No: *152 of 2023*

Date of occurrence: *25th May 2023*

2. Act: *Indian Penal Code, 1860* Section: *313 r/w 511, 325*

3. Occurrence of Offence – Day: *Thursday, 25th May 2023* ; Time: *05:30 PM*

4. Information recorded at PS: Date: *25th May 2023* ; Time: *07:40 PM*

General Diary Reference Entry No: *2178/2023*

Information recorded by: *Asst. Police Inspector Bhushan Singh*

5. Type of information: *Personal* * Written / Oral: *Written*

6. Place of Occurrence: Direction / Distance from PS: *Lotus Building Compound, 2 km from N.M. Joshi Marg Police Station, Lower Parel, Mumbai.*

7. Informant Name: *Nalini Dinesh Pandit* Husband's name: *Dinesh Pandit*

Date of birth: *27th April 1980*

Nationality: *Indian*

Occupation: *Teacher*

Address: *Flat No. 202, Bhakti Housing Society, 361 N.M. Joshi Marg, Lower Parel, Mumbai*

8. Basis on which FIR is lodged: *Information provided by Nalini Dinesh Pandit*

9. Details of Known / Unknown / Suspected accused with particulars:

Known persons – Davinder Ramesh Pujari

10. Reasons for delay in reporting by informant: *- no delay, informed immediately*

11. Particulars of injuries sustained: *As per the Medical Report*

12. Particulars of the post mortem report: *Not received*

13. Inquest report / Unnatural death case no. if any:

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

Signature / thumb impression of complainant / informant:

Nalini

Signed Nalini Pandit

Signature of Office-in-charge, Police station:

Vitthal D.

Signed Sr. PI Vitthal Damle

Date and time of despatch to the Court: 26th May 2023 at 01:00 PM



PW 1 – Mrs Nalini Dinesh Pandit (Informant)

Age: 43 years

Occupation: Teacher

Address: Flat No. 202, Bhakti Housing Society, 361 N.M. Joshi Marg, Lower Parel, Mumbai 400013.

Statement: I am 43 years old and a high school teacher. I teach at St. Paul School in Lower Parel. I live in Bhakti Housing Society with my husband Dinesh and our two sons, Kumar and Kamal aged 19 and 17 respectively. I have been residing in this Society since 2010 and presently am the Chairperson of our Society. My husband and I keep to ourselves mostly. We know a few families, mainly because they have children our son's age and so we all became friends.

Earlier this year, sometime in January, I befriended Gayatri Wadke who lives on the 14th floor of our building. I had seen her on and off in the building over the last few years but had not interacted much with her. I had heard her name occasionally when I got onto the Managing Committee of the building, but usually, it was in jest when the Committee Members were talking about how much she complained.

In January I became friendlier with her because she became a regular walker at Lotus Building playground. For years my husband and I have been using the Lotus walking track for our daily exercise. Gayatri started to come often and one day she came up to me and started chatting. She told me that she was pregnant and had been advised to walk regularly. She said given her work schedule she could only come in the evenings. We decided to meet every day and walk together. We even began walking at Worli Sea face whenever my husband didn't need the car in the evenings.

On 14th March 2023, when we were headed out for our usual walk together, I was waiting for Gayatri at the lift. We often do this – meet at the ground floor lobby area and then head out together. That day I recall she came out of a 'puff of smoke' coughing furiously and I saw Davinder Pujari exit the lift at the same time. He is the Secretary of the Society, and he has a lit cigarette in his hand. I pointed out that he should not be smoking in the lift, as it was a fire hazard and the same was not allowed. He started laughing and patted me on the shoulder and said *"Don't worry Nalini, all is fine. In any case, I am the Secretary of this Society so who*

would dare to complain against me" and then he walked off, before I could even say anything back.

Gayatri was very upset when we started walking. She asked me how I could even work with him on the Managing Committee. I too was disturbed by what had just happened and I encouraged her to write a letter of complaint to the Society and that I would be sure to take it up. Gayatri did exactly that. I received the letter and brought it up in the Managing Committee Meeting on Friday 17th March, 2023. When this letter came up for discussion, 2 members said that Gayatri had a history of making trouble for other residents and that this was no big deal and they would not consider the removal of Pujari from the Committee, as he was an efficient worker. Some members casually told him to refrain from smoking in the lift and the matter was brushed aside. However, I asked the building manager to please ensure that a reply was drafted and that this matter was taken seriously. A week later when I received Society documents for signing there was a frivolous reply to Gayatri's complaint as drafted by the Secretary. I was most upset and I refused to sign. I asked the Manager to have this re-drafted, clearly indicating what course of action would be taken concerning this incident. The next thing I knew was that Gayatri had received that same frivolous reply that I had refused to sign, and instead, it was signed by two Managing Committee Members.

On the day of this incident, 25th May 2023, I was at home cooking dinner when I got a call from Gayatri. She said she was home early and was keen to walk earlier than usual, so she could relax the entire evening and sleep early. She asked if we could head out by 04:45 PM I told her to start her walk, I would join her because I had to finish the cooking. She said she would wait. So we met as always at the lift lobby, at 05:00 PM, and started doing rounds in the Lotus compound. Whilst on our walk she told me that Pujari had once again seen her at the lift that morning as she headed to work and he was staring at her aggressively. She told me she ignored him and got out as fast as she could and went to work, but that she had now started feeling uncomfortable around him. I suggested she not focus on unpleasant thoughts while pregnant, as it would upset her energy flow to the baby.

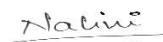
As we were completing our 2nd round I noticed Pujari's son playing football in the Lotus compound. I did not bring it to Gayatri's notice, hoping she would not see him. Unfortunately shortly after we heard him chanting 'fatty aunty' with his friends. Gayatri heard the chanting and noticed him, she was visibly upset. The boys were then joined by Pujari himself, and they continued to play football. Suddenly as we were doing our rounds on the walking track, I saw

the football come flying across the compound directed at Gayatri. Before I could respond or warn her to move the ball hit her flat on her protruding belly and she screamed and fell to the ground. I looked across to scream at the boys and I saw Pujari smile and walk away. I was in a state of panic as Gayatri was crying out in pain. I was concerned about the baby so I stayed with her and took her to sit on a nearby bench. She asked me to call Mahesh immediately, which I did. I borrowed some drinking water from a regular aunty who sits on the bench. I noticed there was blood trickling down her leg. I was really scared for the baby now and called my driver to rush her to Binduja Government hospital, the closest. I called the police station whilst we were on the way to the Hospital and reported the incident. After reaching the Hospital, I described what happened to the doctor on duty and she informed us that a police complaint would need to be made as the baby's life was endangered. Gayatri was too upset and hysterical to do anything so I just stayed with her in the Emergency Room until Mahesh arrived. I informed Mahesh what happened and stayed with them till Gayatri was sedated and moved to the ICU. At about 06:45 PM Inspector Bhushan Singh of NM Joshi Marg Police Station came in response to my phone call and started making inquiries with me. He also spoke to Gayatri's gynaecologist, who had come there to check on Gayatri and the baby. He thereafter requested me to come to the Police Station to file the FIR, since Davinder Pujari had committed an offence of attempting to commit miscarriage.

I reached the NM Joshi Marg Police station in a few minutes, and the FIR was lodged and my statement was recorded thereafter. My statement was also recorded by PI Bhushan Singh, and read over by me and I confirm it has been correctly recorded.



PI Bhushan Singh



Nalini Dinesh Pandit

PW - 2 Mrs. Gayatri Mahesh Wadke

Age: 36 years

Occupation: Senior Executive – Environ Futures P. Ltd

Address: Flat No. 1404, Bhakti Housing Society, 331 N.M. Joshi Marg, Lower Parel, Mumbai 400013.

Statement: I am a client servicing executive with an environmental energy firm. I am 36 years old and have lived with my husband Mahesh in our one BHK flat in Bhakti Housing Society, since my marriage. We have been married for 6 years, and I am now pregnant with my first child. It has only been 30 weeks of my pregnancy, so I am still going to work daily. My place of work is near my home, near Peninsula Corporate Park, which is why I can continue to work. My husband works in FRR Bank, Vashi branch, so he commutes daily. Since my age is a little advanced for a first pregnancy, I have been advised by my doctor to make sure I have some daily activity and try to remain stress-free as much as possible. I have a part-time cook and maid who come and help me with the household chores in the evenings.

My husband had been saving up and had just bought this flat before our marriage. The building is a nice building and well located for both of us. Unfortunately, the building Society is not very good and so we are always facing issues with Society about dirty lifts, people spitting on the landings, broken cameras, and lazy security. I keep complaining to the Managing Committee of the Society, but nobody pays attention.

Around January 2020, Mr. Davinder Pujari, his mother and his wife and son moved in next door to us in flat #1405. They have been very difficult neighbours to have. When they first moved in, their son, who is about 9 years old, used to play football against the wall in their apartment. He used to kick the ball against our common wall every evening. The sound used to drive me crazy when I came home from a full day's work, so after 2-3 days I went over to ask them to tell their son to stop the kicking. Mrs. Rekha Pujari, the wife of Mr. Davinder Pujari, was very rude to me and said since it was a pandemic what was her boy to do, he was very restless in the house all day long and so he needed to kick the ball to release excess energy. She said I needed to adjust. A few hours later, her husband came and loudly banged on my door and when I opened the door he started shouting at me and talking in a very rude fashion and informed me that his son would do whatever he liked in the flat, as it is their flat. I tried to call the Society office to complain but nobody was there to address the issue.

After this incident, my husband and I stopped talking to the Pujari family. If there were problems with them, and there were always noise issues, especially on weekend late nights, I would write a complaint letter to the Society, but I rarely got any reply.

The son would sometimes be returning from school and meet me in the lift. He was always quite rude and would sometimes push past me in the lift. I told my husband one time and he said to let it be as some people did not know how to bring up their children, or what to expect, especially since his parents were so rude.

Then once again I had a bad experience with the Pujaris last year – it was just after the monsoons, so it must have been sometime in September. I had a day off from work unexpectedly, so I decided to order some special fish for my husband.

I asked the fish vendor to come deliver to my home. He arrived at about 09:30 AM and he was sitting outside my front door cleaning the fish after showing it to me. Suddenly I heard a lot of shouting and fighting, so I opened my door. Davinder Pujari was screaming abuses at the fish vendor and kicking his basket of fish. I went outside and I asked him to stop shouting and using such horrible language. He turned on me and came towards me with his arm raised as if he was going to push me or hit me. He told me that I had no right to ask the fish vendor to clean the fish in the common passage between our doors and that I was purposely doing it because I knew his family was strictly vegetarian. Just then my husband came to see what the commotion was dragged me inside with the fish vendor and slammed the door on Pujari. After some time we heard him go into his flat. I wrote a strong complaint to the Society about this man but once again got no reply. My husband and I at that time contemplated going to the police, but then we decided it might make things worse with the family, especially since the Society had not taken any action. We just stayed away from them as much as possible and avoided any confrontation with the family.

In fact, in November 2022, when the Managing Committee elections took place, I found Davinder Pujari's name on the list of candidates. I was shocked to see that he was standing for elections and voiced my concerns to the Chairman of the then Managing Committee, Mr. Ravi Prasad. I pointed out to Mr. Prasad that I had written several letters to the Managing Committee complaining about the behaviour of Mr. Davinder Pujari, but had received no reply to any of them from the Society. Thereupon, Mr. Ravi Prasad dismissed me by saying that he would look into my complaints. We of course did not vote for him, but after the elections when the

Committee list was posted I noticed that Pujari had been elected to the position of Secretary. My husband and I were most upset but there was nowhere we could go and nothing we could do.

On 24th October 2022, my husband and I found out I was pregnant. We were very excited. My doctor told us that since my body was not in the best condition and I was slightly older in age, I must be extra careful with this pregnancy. She also advised me to take evening walks regularly so that I could build up my strength a little bit. I began reaching home from work by 04:00 PM and by 05:00-05:30 PM. I would step down daily to walk for one hour. Sometimes I would walk in our building compound, sometimes I would cross the main road and walk in a small garden in front of the Lotus Building. Lotus building is a slightly older building with a large compound and a walking track lined with trees. The Lotus Building Society used to let our building residents use that compound and walking track. On most evenings kids would come to play cricket or football on the grounds, while the elders walked on the track. It was on one of these walks that I befriended our Bhakti Housing Society Chairperson Nalini Pandit. We started walking very regularly together – sometimes we would walk at Lotus, sometimes at Bhakti and sometimes, if she had her car, we would drive to Worli Sea face and walk there.

On 14th March 2023, I was heading down for my walk with Nalini at about 05:15 PM when I stepped into the lift and found Davinder Pujari riding the lift. While we were coming down from the 14th floor, he pulled out a cigarette and lit it. I immediately objected and told him politely to put out the cigarette, as it was a closed space and that he should not be smoking in a building lift. I was most concerned because I was pregnant and did not want to inhale the smoke, nor was it hygienic to have cigarette ashes on the lift floor. He just refused to acknowledge me or what I said and continued to smoke his cigarette down to the ground floor. Nalini was waiting for me outside the lift. She saw him smoking and also pointed out this was not allowed. He just told her that it was no big deal and he was the Society Secretary so who was going to stop him, he then walked off, got into his car and drove away.

Nalini and I were very upset and while we walked I told her my other confrontations with Pujari. Nalini suggested I write a formal complaint about this incident to the Managing Committee of the Society and she would make sure that the complaint was read before the Committee at their next meeting on coming Friday, and some action was taken. She was also particularly disturbed because she knew about my pregnancy and how hard I was working to ensure the utmost safety for my baby. I filed my letter of complaint in which I also requested

the removal of Mr Davinder Pujari from the Managing Committee due to his lack of respect for the position and his track record as a resident of the Bhakti Housing Society. I can produce a photocopy of my Letter once I am discharged from the Hospital. Sadly, despite Nalini being in the Committee, I received a non-committal reply, and it was not signed by Nalini, but instead by two other Committee members. My husband and I decided not to stress over this person as we were going to have to live with him and it should not affect my mental and emotional health at this time.

On the day of the incident, i.e. on 25th May 2023, I came home very tired from work and I called Nalini and asked her if we could do a short walk because I was tired. Unfortunately, there is some construction work going on in our compound so we decided to walk in the Lotus grounds. We reached at about 05:00 PM, and after we did a few rounds on the walking track I noticed that Pujari and his son and some other kids were playing football in the compound. There were just a few other people on the walking track, and a few older kids packing up their cricket gear. I mentioned to Nalini that he was there. I heard his son call out 'Fatty aunty, fatty aunty, fatty aunty' and Nalini grabbed my hand and said we should just ignore it. I was upset and angry. On the next round, as we came past the fence with bushes and onto the open side of the compound, from the corner of my eye, I saw Davinder purposefully lift his foot and kick the football directly in my direction. It was a powerful kick and the football landed directly on my belly. I screamed and fell to the ground. Nalini and some other lady who was sitting on a bench came to my rescue brought me water and tried to calm me. I was crying because I was in a great deal of pain and was sure it had hurt the baby badly. I was crying in pain and fear. I got up after some time and I could feel I was leaking/bleeding from my private parts. I asked Nalini to call my husband and tell him what happened, and he told her to rush me to Binduja Government Hospital at the earliest, where my gynaecologist Dr. Malini Paranjpe had her clinic. He said that he was on his way home. I was aware that there was some blood dripping down my leg and onto the ground near the bench where I was made to sit. I looked over to the field to see Pujari, but both father and son had run off after doing their deed.

After this, I was put into Nalini's car and she came with me to Binduja Government Hospital. Since I was in great pain and also bleeding, Nalini called the Police whilst we were driving to the Hospital, as she felt that both father and son needed to be taught a lesson. She told the doctor what happened and the doctor insisted that a policeman would need to come and take a statement from me, once she had confirmed that both the baby and I were safe.

My husband, Mahesh, arrived at the hospital around 07:15 PM by which time I was calmer, I had been given some medicines for the pain and I was told that the baby was okay for now, but that I needed to stay overnight for observation as the impact of the football was severe. My husband insisted we speak to the police as this incident was just one too many, and Pujari had intentionally hurt me by kicking the football in my direction and thereby tried to murder our unborn child. I was extremely uncomfortable and the doctor told me to sleep and rest and they would keep me overnight in ICU for observation as my baby needed constant monitoring after the trauma of the injury. I was very upset and I recall asking everyone to leave me and I slept.

I believe my husband Mahesh stayed the night and he was with me when Inspector Bhushan Singh came to take my statement the next morning when I was still in ICU. My statement was recorded at about 10:00 AM I was discharged from the hospital on 28th May 2023, at 06:45 PM. However, since I was still in pain and unable to sit for more than 15-20 minutes, at a time, I was strictly advised by my gynaecologist to take complete bed rest for one month.

My statement was recorded by P.I. Bhushan Singh, and read over by me and I confirm it has been correctly recorded.

Sd/-

Sr. PI Bhushan Singh

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2023



PW 3 – (Police Inspector Bhushan Singh)

N.M. Joshi Marg Police Station, Lower Parel, Mumbai 400013.

Statement: I was on patrol duty on 25th May 2023, when I heard a distress call on the police wireless regarding some pregnant lady being attacked at a nearby building. The time was about 05:50 PM on 25th May 2023. Since I was already on rounds, I decided to inspect myself. I called for a lady constable to attend the call since it involved a woman.

When I reached the Lotus Building Compound, N M Joshi Marg, Lower Parel, Mumbai 400013, at about 06:00 PM I spoke to the watchman, and he directed me to the compound grounds inside the building complex. Towards the far end of the compound, I could see a large collection of people. I was joined by PC Meera. When we reached the group, we were informed by the walkers that a pregnant lady, identified as Mrs Gayatri Wadke, a resident of Bhakti Society, had been hit by a football deliberately directed at her by some resident of Bhakti Society. I inquired with the walkers if they knew the names of the culprits, but none of them could identify them. I was further informed that since Mrs Gayatri Wadke was bleeding and in great pain, a lady accompanying her had shifted her to Binduja Government Hospital, which was the nearest medical facility.

I headed to Bhakti Housing Society to question the building security about the incident. I checked with the building security, Mr. Harbans Singh, who confirmed that Mrs Gayatri Wadke was indeed pregnant and that she often walked in the Lotus Building playground along with another resident, Mrs. Pandit. I asked him to show me the flats of both Mrs. Gayatri Wadke and Mrs Pandit and accordingly, he accompanied me to both their flats, however, both the concerned Flats were found locked.

I then called Sr P.I. Damle who was present at the Police Station and reported the incident to him. He told me to go to the Hospital and meet Mrs Nandini Pandit, who had reported the incident to the Police Station. I, therefore, proceeded to Binduja Government Hospital together with P.C. Meena, where I met Mrs Nandini Pandit, who described the incident to me and informed me that due to an ongoing dispute between Mrs Gayatri Wadke and the Secretary of Bhakti Society, Mr Davinder Pujari, he had intentionally caused hurt to Mrs Gayatri Wadke, by kicking the football directly at her despite seeing she was pregnant. I thereafter also spoke to Dr Malini Paranjpe, Mrs Gayatri Wadke's gynaecologist, who had also been summoned by the Hospital to check on her patient at that time, and she informed me that the injury was so

severe leading to trauma to the unborn child, and that Mrs Gayatri had suffered some injury to her stomach which she had been cleaned and treated. She had administered sedatives to Mrs Gayatri for her to calm down and rest so that the baby could stabilize and would be kept under observation in the ICU. I therefore requested Mrs Nandini Pandit, to come to the Police Station to record her statement. She came to the police station in her car and thereafter I recorded her statement and lodged the FIR against Mr. Davinder Pujari FIR No. 152/2023.

Upon completion of the FIR, I along with P.S.I. Prashant Gupte went to the Lotus Building playground to draw up the scene of offence Panchnama. Upon reaching there we summoned 2 persons to act as panchas who were residents of Lotus Building. In their presence a Scene of Offence Panchnama was drawn. We found some blood stains near the bench which were collected for forensic examination.

After completion of the Scene of Offence Panchnama, I went to the house of Mr. Davinder Pujari at Flat No. 1405 in Bhakti Society at about 09:45 PM he was present in the Flat along with his wife and 14-year-old son. Upon preliminary questioning, Mr Davinder Pujari stated that he had no intention of causing any injury to any person whilst playing football. I asked him to come to the Police Station at noon on 26th May 2023.

On 26th May 2023, at about 09:40 AM, I returned to Binduja Government Hospital to take Mrs Gayatri Wadke's statement. I was informed by the Doctor on duty that Mrs Gayatri was awake and in better condition, but that the unborn baby was still under observation, and that Mrs Gayatri would not be moved out of ICU for at least another 24 hours. I was permitted to meet her and take her statement. Her husband Mr. Mahesh was with her when I recorded her statement. After recording her statement, I requested the Hospital to hand over a blood sample of Mrs. Gayatri Wadke, which was handed over to me in a phial, labelled CR#152/2023 Exhibit (B). I immediately placed the same in an envelope and after coming to the Police Station I sealed the same.

After taking her statement, I returned to the police station. Based upon Mrs. Gayatri's statement and the FIR, I placed Mr Davinder Pujari under arrest, for offences mentioned in the FIR, when he came to the Police Station at noon.

All the articles that had been taken charge of by me, were sent to FSL, Mumbai for examination. I recorded the statements of other witnesses and subsequently, I collected the medical

examination reports of Mrs Gayatri Mahesh Wadke, Chemical Examination Reports from FSL, Mumbai and on 1st June 2023, I also collected a photocopy of Letter dt. 14th March 2023 addressed to Bhakti Society by Mrs. Gayatri Wadke. Upon my asking her to hand over the Reply of the Society to this Letter, Mrs. Gayatri Wadke handed over the same to me.

I thereafter filed the chargesheet against Mr Davinder Pujari u/s 313 r/w 511, and 320(8) of the Indian Penal Code.



EXHIBIT NO. 1:

SCENE OF OFFENCE PANCHNAMA

NB. This document alongwith the articles seized under this Panchanama shall be taken as proved by the Prosecution and no articles seized herein will be given to the Participants for the purpose of showing any witness.

Pancha No. 1

Date: 25th May 2023

Mr. Santosh Kumar, age 44 years

Occupation: Family Business

Residing at: Flat 604, Lotus Building, 336 NM Joshi Marg, Lower Parel, Mumbai 400013

Pancha No. 2

Mr. Amit Kulkarni, age 21 years

Occupation: Student

Residing at: Flat 101, Lotus Building, 336 NM Joshi Marg, Lower Parel, Mumbai 400013

We the above-named panchas were called by Inspector Bhushan Singh at about 09:05 PM on 25th May 2023, to the Lotus Building playground located in the Lotus Building premises at NM Joshi Marg, Lower Parel Mumbai 400013. He informed us that one pregnant lady Mrs. Gayatri Wadke residing in Bhakti Society was grievously injured in the playground of the Building under suspicious circumstances and requested us to act as panchas for conducting the scene of offence Panchnama. We agreed to act as panchas. When we reached there, P.S.I. Gupte was also present.

We went to the playground located behind the building. The compound is oval in shape with a gravel walking track on the periphery. The circumference of the track is about 700 metres. Inside the track is the grass playground where children and adults play sports. At the northeast corner is located a set of swings and another child-friendly play area – this has a short bushy fence that separates it from the main playground. The walking track is outside of the bush-lined partitioned area. On the walking track at regular intervals of 100 metres, there are wooden park benches. The walking area had street lamps at regular intervals on its periphery and the sports ground was having 4 floodlights.

PI Bhushan Singh took us to the right side of the bush-lined area, on the walking track, and stated that the pregnant lady walker had been hit by a football while walking in this area. In front of us, the police examined the ground where she supposedly had fallen. No suspicious objects were lying on the walking track. The spot was about 100 feet from the sports ground. There was no football visible on the grounds, however, there were a few boys playing cricket there.

The police then directed us to a bench where the pregnant lady had been made to sit, while she waited for medical help. Here some half-dry red liquid stains looked like blood. P.S.I. Gupte took some cotton swabs (3 nos) and collected the half-dry red liquid. He then sealed the cotton swabs into a brown paper envelope and sealed it and labelled it CR#152/2023 Exh (A). We, along with P.S.I. Gupte signed on the labels of the one item collected. Except for the above article, nothing else was seized by the police in our presence.

The panchnama was conducted in a peaceful manner and it was completed at about 09:35 PM, on 25th May, 2023. Panchnama was written by PI Bhushan Singh. Both of us panchas have read the contents of the panchnama. The same is correctly recorded.

Signed PI Bhushan Singh

Signed Panch No 1

2023

Signed Panch No 2

EXHIBIT NO. 2

MEDICAL EXAMINATION REPORT

EPR NO: 229

DATE: 25/5/23 TIME: 06:25 PM

ACCOMPANIED BY: Mrs. Nalini Pandit

CMO on Duty: Dr Ashwini

- 1. NAME: MRS. GAYATRI MAHESH WADKE**
- 2. W/O: Mr. Mahesh Wadke AGE: 36 yrs SEX: Female**
- 3. ADDRESS: Flat No. 1404, Bhakti Housing Society, 331 N.M. Joshi Marg**
- 4. HEIGHT: 5 feet 2 inches WEIGHT: 68 kgs**
- 5. SPECIAL IDENTIFICATION FEATURES: piercing of right nostril**
- 6. H/O: diabetes, high-risk pregnancy (gestational period -approximately 32 weeks)**
- 7. GENERAL PHYSICAL EXAMINATION (GPE):**

Pulse-89/minute

B.P. – 147/90

O 2 sat – 96%

CVS-S1S2 N; RS - AEBE

CNS – N, reactive to light

Pulse – 79 / minute

B.P. 180/95 mm Hg

- 8. C/O: Following injury and trauma from football impact - abdominal pain, tenderness, vaginal bleeding, and foetal distress**

P-60/min

BP-140/80

CVS-S 1 S 2 Normal

CNS-conscious

Respiration-AEBE

- 9. EXTERNAL INJURIES – abrasion on the right lateral aspect of the abdomen**

- 10. OB-GYN EXAM:**

Foetal heartbeat: yes

Foetal movement: no

Sonography: foetal heart normal, no foetal movement, placental bleed, high risk for placental abruption

- 11. TREATMENT: uterovaginal gauze pack inserted, advised continuous foetal monitoring, oxygen, IV fluids, inj corticosteroid, tab zolof, abrasion cleaned and dressed**

12. ADVISED: continuous foetal monitoring, IV fluids, complete bed rest for two weeks minimum (until follow up)

Signed: Dr. Malini Paranjpe

**Obstetrics & Gynaecology Dept.
Binduja Government Hospital**



EXHIBIT NO. 3**LETTER OF COMPLAINT TO SOCIETY****GAYATRI & MAHESH**

Wadke Flat, # 1404 Bhakti Housing Society, 331 NM Joshi Marg, Mumbai 400013

**Managing
Committee
Bhakti Housing Society
Mumbai 400013**
14.03.23

Ref: Complaint against Resident Mr Davinder Pujari (Flat #1405).

This is to inform you of yet another confrontation I have had with my neighbour, Davinder Pujari, from flat #1405 (whom you know well as you have appointed him as the building's secretary, despite many of us who voted against him). Earlier this evening when I was coming down to the lobby in Lift #3, Mr Pujari was present in the lift with me while the lift was travelling down he removed a cigar from his pocket and lit it. He then proceeded to smoke the cigar inside a moving lift with me inside it. We were the only two persons in the lift. As the lift descended, I asked him to stop, that there were rules to be followed, which included NO SMOKING.

He did not react and when I explained I was pregnant, this was a closed space and it was dangerous, he started laughing at me and said, I quote, "nothing is against the rules when you are the building secretary" and then we reached ground floor shortly after and he stepped out of the smoky lift, still smoking his cigar.

The chairperson, Mrs Nalini Pandit, can confirm this incident as she happened to be standing at the doors when the lift stopped at the ground floor.

I demand that you as a committee member do something about this person IMMEDIATELY. He should be questioned and removed from his position of authority in the Managing Committee. I expect to see some affirmative action within the next 24 hours.

Unlike my earlier complaints where there has been no action taken by committee, please consider this complaint serious. This incident can be reviewed on the lift #3 CCTV footage if necessary.

Regards,



Gayatri Wadke

 Received
15.03.23

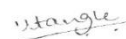


EXHIBIT NO. 4

RESPONSE LETTER FROM THE MANAGING COMMITTEE OF
BHAKTI HOUSING SOCIETY

Ref: letter 1404/14.3.23

BHAKTI HOUSING SOCIETY

331, NM Joshi Marg
Lower Parel
Mumbai 400013
(T) 022-34761892
(Email) bhs1234@gmail.com

18.3.23

Mrs Gayatri Wadke
Flat # 1404


Ref: Reply to Letter of Complaint marked 1404/14.3.23 dated 14.3.23

Dear Madam,

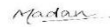
We are in receipt of another letter of complaint from you, as above.

We assure you we will look into the matter, and explain to our secretary Mr. Pujari that this is not allowed.

Sincerely,



NT Jain (Flat# 105)
MC member



Madan Pajdhungut (Flat #901)
MC member

EXHIBIT NO. 5

POLICE COMPLAINT MADE BY DW 2 – MEENA SUSHANT HALDANKAR

FROM:

19.12.2021

MRS. MEENA HALANKAR
Badri Society, Flat 1/A
Andhavi Link Road, D.N. Nagar
Andheri (W)
Mumbai - 400058
(M) 76548-32219

TO:

SENIOR POLICE INSPECTOR
D.N. Nagar Police Station
Andheri (W)
Mumbai

Complaint against Mr. Sushant Vinayak Halankar and Mrs. Gayatri Mahesh Wadke for domestic abuse.

Respected Sir,
I, Mrs. Meena Sushant Halankar, residing at Badri Society, Flat 1/A, Andhavi Link Road, D.N. Nagar, Andheri (W), Mumbai 400058, aged 40 years old wish to file a complaint of domestic violence against my husband, Mr. Sushant Vinayak Halankar and his elder sister, Mrs. Gayatri Mahesh Wadke, residing at Flat No. 1404, Bhakti Housing Society, 331 N.M. Joshi Marg, Lower Parel, Mumbai 400013.

Earlier today, 19.12.2021, I had prepared a special meal for my sister-in-law, Mrs. Gayatri Mahesh Wadke who was visiting my husband (her brother) and my in-laws after several months. I had prepared six dishes, as is always expected from me, for every single meal. I remembered she really likes a dessert, Zafarani Kheer. So I

prepared that also. We sat down to eat dinner at 9 p.m. At the table were my mother-in-law and father-in-law, my husband, my sister-in-law and her husband, and my husband's unmarried brother, Vikrant. I was sitting opposite my sister-in-law, Gayatri and my husband Sushant. I kept going in and out of the kitchen to make sure the rotis were made fresh and hot, and that everybody was satisfied. My sister-in-law kept criticizing my cooking through out the meal. At first, I apologized for the low salt and explained about my father-in-law's heart condition and so the family was eating less salt. She continued to complain about every dish she tasted and after sometime I just kept quiet. The whole family kept speaking about me as if I was not at the table, and abusing my parents saying how useless I was in Halankar family. At the end of the meal, I served the my sister-in-law the Zafarani Kheer. I was carrying it with a cloth because it was very hot, straight from the stove. After I served her and the others, I moved across to the other side to sit down and eat, when she suddenly screamed abuses at me, spat out the kheer and took the full hot dish and threw it at me saying that it was not at all sweet. The burning hot kheer landed on the left side of my face, neck and upper arm. I screamed in pain and yelled at her for her behaviour because I was in shock. The family remained silent. My husband, Sushant who was sitting next to Gayatri came around the table, pulled my hair and slapped me twice, across my face, on the right side. He abused me and told me I was useless and said that instead of apologizing to his sister for my awful cooking, I had dared to raise my voice at her. Nobody came to my

defence. I was unable to see clearly. I was crying and in a lot of pain. I went into the kitchen to pour cold water on my face and arm, to cool it down. I never left the kitchen thereafter. Our helper, Cangoobai, helped me clean my face and gave me water to drink. After sometime had passed, I heard my sister-in-law and her husband leave. I then asked Cangoobai to accompany me to the police station so I could file a formal complaint. Upon P.I. Vaman requesting me to write my complaint, I have written and submitted to him at 11:45 pm. on 19.12.2021.

I request you to please help me and protect me from the abuse from this family, my husband Sushant Vinayak Halankar has beaten me in the past also and I have forgiven him in the hope that he will mend his ways. However, I cannot take such abuse anymore.

Sincerely,
M Halankar.

(Meena Sushant Halankar)

EXHIBIT NO. 6

BIOLOGICAL EXAMINATION REPORT

FSL case No: C-219/23

Date: 26th May 2023

Total No. of pages: *One*

To: The Senior Police Inspector
NM Joshi Marg Police Station
Mumbai

1. Ref No: 393/2023
2. No. of Exhibits received: *One*
3. C.R. No: 152/2023
4. Mode of Receipt: *by P.C. No 030*
5. Condition of parcel(s) / seal(s): *One parcel, seals intact as per copy sent*
6. Description of the article(s) contained in the parcel(s): *Sealed phial labelled blood of Mrs Gayatri Mahesh Wadke CR#152/2023 Exh(B)*
7. **Results of Analysis:** *Exhibit CR#152/2023 Exh (B) is blood group A+.*
8. Analysis started on: 26th May 2023
9. Analysis completed on: 29th May 2023
10. Analysed by: *Sd./ (B.B. Bhulewager)*
Assistant Chemical Analyser in Government
Forensic Science Laboratories, Mumbai

EXHIBIT NO. 7

BIOLOGICAL EXAMINATION REPORT

FSL case No: C-219/23

Date: 26th May 2023

Total No. of pages: *One*

To: The Senior Police Inspector

NM Joshi Marg Police Station

Mumbai

1. Ref No: 393/2023

Date: 26th May 2023

2. No. of Exhibits received: *One*

P.S: NM Joshi Marg

3. C.R. No: 152/2023

U/s: IPC 313 r/w 511,325

4. Mode of Receipt: *by P.C. No 030*

Date of Receipt: 26th May 2023

5. Condition of parcel(s) / seal(s): *One parcel, seals intact as per copy sent*

6. Description of article(s) contained in the parcel(s): *Sealed parcel labelled CR#152/2023Exh(A) containing three cotton buds with red stain*

7. **Results of Analysis:** *The Exhibit contains a red blood stain of blood group A+, consistent with blood group Gayatri Mahesh Wadke*

8. Analysis started on: 26th May 2023

9. Analysis completed on: 29th May 2023

10. Analysed by: *Sd./ (B.B. Bhulewager)*

Assistant Chemical Analyser in Government

Forensic Science Laboratories, Mumbai

APPENDIX 1: STATEMENTS OF DEFENCE WITNESSES**DW1 - Murlidhar V.**

Age: 69 years

Occupation: Retired Supervisor – Otis Service Centre

Address: Flat # 802 Lotus Building, NM Joshi Marg, Lower Parel, Mumbai 400013

Statement: I have been living in the Lotus building from the time it was constructed 23 years ago. We were one of the first tall buildings in this area. Five years ago our building decided to renovate our building compound and make it more compatible for children in the building to play, as well as to make a landscaped walking path for our building residents. Shortly after re-opening the compound post-renovation, our building Society was approached by the neighbouring society (Bhakti Housing Society) asking if they could avail of the playground at a small fee. Our Society agreed in the interest of goodwill and because it would cover our building costs for park maintenance.

I am aware that two ladies of the Bhakti Society come to walk quite regularly, in the evenings. My wife Alka and I got acquainted with them as we too take our evening walks at the same time. One of them is Mrs. Pandit, the Chairperson of the Society and the other lady who usually walks with her is currently pregnant my wife told me that her name is Mrs Wadke. The evenings are also the time when lots of young children and older kids come to play, so it is very crowded on most days. There have been accidents of cricket balls and footballs accidentally hitting walkers and children playing in the park area.

On the evening of 25th May 2023, it was not so very busy in the compound. I went down for my walk at about 05:00 PM as usual. That evening, while I was walking, I recall seeing the pregnant lady Mrs. Wadke holding her friend's hand and doing rounds of the compound. We passed each other on the rounds and I greeted both of them. She was looking agitated and talking strongly with her friend. I remember I stopped and asked her if she was okay and how long till the baby was due because she seemed uncomfortable. I also cautioned her against walking in the compound in the evenings, in case she gets hit by a ball or a cycle. I told her I had witnessed it with my own eyes in the past and she should take care, and maybe not walk in this compound while in this fragile state. She told me that she had been asked by her gynaecologist to take daily walks and anyway, her due date was almost 3 months away.

Suddenly when I was at the southern end of the walking track, I heard a lot of commotion and screaming. Like many others, I rushed over to see what the issue was. When I pushed to the front of the crowd that had gathered, I saw Mrs Wadke on the ground, crying loudly and holding her stomach. I asked someone near me what happened and they told me she had been hit by a football and that the shot was hard as it had come from a close distance. I felt sorry for her but did not want to get involved. Since I had been on the track and seen her walking and cautioned her I came forward to assist the police in their investigation, when they came at about 06:00 PM I along with other walkers showed the spot of the incident to them and also told the police that I had cautioned her not to walk there as many such similar incidents had occurred in the past but she brushed me off by saying that there was no other place to walk.

Sometime in August, when I was walking, one Davinder Pujari approached me and asked me whether I would depose before the Court cautioning Gayatri Wadke not to walk there, as he was accused of intentionally attempting to cause her miscarriage since it was his football that had hit her. I agreed to do so as it was what had happened. I stated that I had not seen the actual incident but I did caution Gayatri Wadke about the earlier accidents and the potentially dangerous situation she was putting herself and her child in, but she refused to hear me.

nyayaavalokan
2023



DW2 - Dr. Nilesh Chikalkar

Age: 42 years

Occupation: English language expert

Address: Room #110, Shubham Apartments, Juhu-Tara Road Juhu, Mumbai 49

Statement: I was the sister-in-law of Gayatri Mahesh Wadke, and until recently I was married to her brother, Sushant Halankar. I am a professional, and I work as a consultant with the British Council in Mumbai. I was married to the Halankar family for over 7 years and have spent plenty of time with Gayatri and the Halankar family. Initially when I married Sushant, Gayatri and I used to hang out together. Gayatri got married in 2017, almost a year after we did, and thereafter I started seeing her true colours. She was untrustworthy and would often share something I had told her in private, with the family, to distract attention from herself, regardless of the consequences it had on me and my relationship with my husband. Initially, I was stunned and tried to confront her but she did not accept any responsibility for the lies and I realized it was safer for me to avoid her altogether.

During Rakshabandhan in 2019, she called me one day before the festival to tell me that she would not be able to come to tie a Rakhi on Sushant's wrist as she had a very important meeting on that day, but would come on the day after. I conveyed this to Sushant and therefore he came late from work on Rakshabandhan. However, to my shock and surprise, Gayatri turned up at our house at 05:30 PM and started complaining to my mother-in-law that I had purposely told Sushant not to come early from work, thereby keeping a brother away from his sister. This led to a big fight between my mother-in-law and myself and even my husband refused to believe that Gayatri had called me a day earlier. In December 2021, Gayatri had come to our house for dinner. I had especially cooked food that I knew Gayatri liked, but to my utter dismay, she complained about every item right through the dinner and threw the small vessel containing piping hot kheer at me, some of which fell on my face and arms causing burns. When I started shouting at Gayatri in anger, my husband Sushant, instead of assisting me since I was burnt, charged at me and slapped me viciously across my face, saying that instead of apologising for the 'tasteless food' that I had cooked, I was shouting and being disrespectful to his sister without cause. I had reached the end of my tolerance and on the same day, I went to D.N. Nagar Police Station and lodged a complaint against my husband and Gayatri Wadke. I was subsequently informed by the police that they had summoned both my husband and Gayatri and had given them a warning. Due to this incident, my husband and I became estranged further.

The entire Halankar family is cantankerous, vicious and full of negative energy and this is the reason I was keen to be divorced because I realized I cannot live in such an environment. They make up truths so that they can show the public what fine people they are, but what happens at home is something entirely different.

I do know that Gayatri got pregnant last year. It was about the same time that I was divorcing Sushant, so the family would not talk to me, even though I was still living in the same house with them. I was unaware of the details of her accident but heard that she almost miscarried. Since Mrs Rekha Davinder Pujari's sister works in my office, she approached me and told me that her brother-in-law had been arrested for attempting to cause a miscarriage to the unborn child of Gayatri. I was shocked to hear this and told her that I would help as I knew Gayatri's character well, however, would not speak about the incident, as I did not know about it.



DW3 - Mr. Hiren Merchant

Age: 56 years

Occupation: Head HR – Hindustan Energy Pvt Ltd.

Address: Flat # 403 Lotus Building, NM Joshi Marg, Lower Parel, Mumbai 400013.

Statement: I have been working with Hindustan Energy Pvt Ltd for the past 25 years. I was promoted to the head of the HR Team in 2016, based on my performance reviews and colleague feedback. I am known in the organization as the 'heart man' because I always have my office doors open and anyone can come to me to share personal and professional woes. Due to this reputation, in 2019, I was appointed to the Company's Prevention of Sexual Harrasment(PoSH) Committee which was created for compliance purposes under the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act 2013.

During my tenure on this Committee, I recall one lady employee by the name of Mrs. Gayatri Wadke. She had been hired by the Company based on her outstanding qualifications. She worked with the Sales and Marketing Team. In November 2019, I recall she returned from an offsite in Jaipur, and she came to meet me in office on the Monday morning, right after her return. She requested a meeting with the entire PoSH internal investigation team. I set up the meeting that afternoon. We were a team of 4 officers– 3 women and myself. Mrs Gayatri was very visibly upset and on questioning shared that she had been sexually harassed by her male colleague, during the offsite. I am not at liberty to reveal his name or more details about the incident. She claimed that the entire team had gone out for dinner and drinks on the last day of the offsite after which he had followed her to her hotel room and tried to physically force himself into her room while making obscene comments. She said she managed to force him out and locked the door but she was terrified the remainder of the night and was fearful to come to work on Monday. We take these accusations very seriously at HEPL. The person in question was put on leave pending completion of the enquiry, and our Committee did a thorough investigation over the next 2 weeks.

Our investigation involved interviews with the entire offsite team, several colleagues of the employee in question and the analysis of CCTV footage. We were able to confirm that this incident involving sexual harassment did not take place. The employee in question was not even present on the hotel room floor on the night in question and multiple interviews confirmed that Mrs Gayatri had fabricated the incident to ensure this person was fired from the Company.

He was her junior in the Department and colleagues stated that they had professional conflicts based upon disagreements, so she had reason to malign him in public and falsely accuse him.

After completion of the investigation, when Mrs Gayatri was confronted with the internal report, she denied falsely accusing her colleague and threatened to take our Company to Court. Our Legal Team was therefore brought in to intervene and mediate the situation. They were able to convince her to hand in her resignation, with the understanding that this report would not go on her records and she would get a good recommendation letter based on her work and commitment to the Company. She finally agreed and resigned from Hindustan Energy Pvt Ltd.

I later learnt that there was some incident involving Mrs. Gayatri that took place in my Society's playground in May 2023, where she comes sometimes for a walk, however, I did not witness the same.

