

ಸಾಕ್ಷಿಯನ್ನು ದಿ:13.07.2022 ರಂದು ಪುನಃ ಕರೆಸಿ ಪ್ರಮಾಣ ವಚನ ಭೋದಿಸಲಾಯಿತು.

ಪಾಟೀ ಸವಾಲು: 5 ಮತ್ತು 6 ನೇ ಆರೋಪಿತರ ಪರ ಶ್ರೀ ಎಸ್ ಎಸ್ ವಕೀಲರಿಂದ:

17. ನಮ್ಮ ಆಸ್ಪತ್ರೆಯಲ್ಲಿ ಬ್ರಾಟ್ ಡೆಡ್ ರಿಜಿಸ್ಟರ್ ನಿರ್ವಹಿಸಲಾಗಿತ್ತು ಎಂದರೆ ಸರಿ. ದಿ:12.02.2010 ರಂದು ನಾನು ಆಸ್ಪತ್ರೆಗೆ ಎಂದಿನಂತೆ ಬೆಳಗ್ಗೆ 09.30 ಕ್ಕೆ ಬಂದಿದ್ದೆ. ಆ ಕಾಲಕ್ಕೆ ಆಸ್ಪತ್ರೆಯಲ್ಲಿ ಹಿರಿಯ ವೈದ್ಯಾಧಿಕಾರಿಯಾಗಿ ನಾನೇ ಇದ್ದೆ. ಆಸ್ಪತ್ರೆಯಲ್ಲಿ ಎಂ ಎಲ್ ಸಿ ರಿಜಿಸ್ಟರ್ ನಿರ್ವಹಿಸಲಾಗುತ್ತದೆ ಎಂದರೆ ಸರಿ. ಗಾಯಾಳು ಆಸ್ಪತ್ರೆಗೆ ಬಂದಾಗ ಆತನಿಗೆ ಗಾಯ ಹೇಗೆ ಯಾರಿಂದ ಮತ್ತು ಎಲ್ಲಿ ಆಯಿತು ಎಂದು ವಿಚಾರಿಸುತ್ತೇವೆ ಎಂದರೆ ಸರಿ. ಗಾಯಾಳು ಮಾತನಾಡುವ ಸ್ಥಿತಿಯಲ್ಲಿದ್ದರೆ ಅವರ ಹತ್ತಿರವೇ ಗಾಯದ ಇತಿಹಾಸವನ್ನು ಕೇಳುತ್ತೇವೆ ಎಂದರೆ ಸರಿ. ಗಾಯಾಳು ಸ್ವತಃ ತಾನೇ ಆಸ್ಪತ್ರೆಗೆ ಬಂದಿದ್ದರೆ ಗಾಯದ ಪ್ರಮಾಣ ಪತ್ರದಲ್ಲಿ ಸೆಲ್ಫ್ ಎಂದು ಬರೆಯುತ್ತೇವೆ ಎಂದರೆ ಸರಿ. ಗಾಯಾಳುವನ್ನು ಪರೀಕ್ಷಿಸಿ ಆತನಿಗೆ ಆದ ಗಾಯಗಳನ್ನು ಎಂ ಎಲ್ ಸಿ ರಿಜಿಸ್ಟರ್ ನಲ್ಲಿ ನಮೂದಿಸುತ್ತೇವೆ ಎಂದರೆ ಸರಿ.

18. ದಿ:12.02.2010 ರ ಸಮಯದಲ್ಲಿ ನಮ್ಮ ಆಸ್ಪತ್ರೆಯ ಆವರಣದಲ್ಲಿ ಪೊಲೀಸ್ ಔಟ್ ಪೋಸ್ಟ್ ಇತ್ತು ಎಂದರೆ ನನಗೆ ಜ್ಞಾಪಕ ಇಲ್ಲ ಎನ್ನುತ್ತಾರೆ. ನಮ್ಮ ಆಸ್ಪತ್ರೆ ದೇವನಹಳ್ಳಿ ಪೊಲೀಸ್ ಠಾಣಾ ವ್ಯಾಪ್ತಿಯಲ್ಲಿದೆ ಎಂದರೆ ಸರಿ. ಸಾಮಾನ್ಯವಾಗಿ ಆಸ್ಪತ್ರೆಯಲ್ಲಿ ಒಬ್ಬರು ಅಥವಾ ಇಬ್ಬರು ಪೊಲೀಸ್ ಪೇದೆ ಇರುತ್ತಾರೆ ಎಂದರೆ ಸಾಕ್ಷಿದಾರರು ಪ್ರಕರಣ ಇದ್ದಾಗ ಬಂದಿರುತ್ತಾರೆ ಎನ್ನುತ್ತಾರೆ. ನಿಪಿ-8 ರ ಪ್ರಕಾರ ಮುನಿಕೃಷ್ಣ ಇವರನ್ನು ದಿ:12.02.2010 ರ ಬೆಳಗ್ಗೆ 11.40 ಕ್ಕೆ, ನಿಪಿ-9 ರ ಪ್ರಕಾರ ಮುನಿರಾಜಪ್ಪ ಇವರನ್ನು ಅದೇ ದಿನ ಬೆಳಗ್ಗೆ 11.30 ಕ್ಕೆ ಹಾಗೂ ನಿಪಿ-7 ರ ಪ್ರಕಾರ ಮಂಜುನಾಥ ಇವರನ್ನು ಅದೇ ದಿನ ಮಧ್ಯಾಹ್ನ 12.00 ಘಂಟೆಗೆ ಪರೀಕ್ಷೆ ಮಾಡಿದ್ದೇನೆ ಎಂದರೆ ಸರಿ. ಸದರಿ ಮೂರು ಜನ ಸ್ವತಃ ಆಸ್ಪತ್ರೆಗೆ ಬಂದಿದ್ದಾರೆ ಎಂದರೆ ಸರಿ. ಸದರಿ ಮೂರು ಜನ ತಮಗೆ ದಿ:12.02.2010 ರ ಬೆಳಗ್ಗೆ 09.45 ಘಂಟೆಗೆ ಹಲ್ಲೆಯಾಗಿದೆ ಎಂದು ಇತಿಹಾಸ ನೀಡಿದ್ದಾರೆ. ಅವರು ಆ ರೀತಿ ಹೇಳಿದಾಗ ಇದು ಮೆಡಿಕೋ ಲೀಗಲ್ ಕೇಸ್ ಎಂದು ನನಗೆ ಗೊತ್ತಾಯಿತು. ಪೊಲೀಸರಿಗೆ ದ್ವಿಪ್ರತಿಯಲ್ಲಿ ಎಂ

ಎಲ್ ಸಿ ಮೆಮೊ ಕಳಿಸಬೇಕು ಎಂದರೆ ಸರಿ. ಆ ರೀತಿ ಮೆಮೊವನ್ನು ಕಳಿಸಿದ್ದೀರಾ ಎಂದರೆ ಸಾಕ್ಷಿದಾರರು ನೆನಪಿಲ್ಲ ಎನ್ನುತ್ತಾರೆ. ಸದರಿ ಮೂರು ಜನರಿಗೆ ಹೊರರೋಗಿಯಾಗಿ ಚಿಕಿತ್ಸೆ ನೀಡಿದ್ದೇನೆ. ನಿಪಿ-7 ರಿಂದ 9 ರಲ್ಲಿ ಸದರಿ ಗಾಯಾಳುಗಳಿಗೆ ನೀಡಿದ ಚಿಕಿತ್ಸೆ ವಿವರ ನಮೂದಿಸಿಲ್ಲ ಎಂದರೆ ಸರಿ. ಸದರಿ ಮೂರು ದಾಖಲೆಗಳಲ್ಲಿ ಗಾಯಗಳಾಗಿದೆ ಎಂದು ಹೇಳಿದ ಸ್ಥಳದಲ್ಲಿ ರಕ್ತದ ಕಲೆ ಇದ್ದ ಬಗ್ಗೆ ನಮೂದಿಸಿಲ್ಲ ಎಂದರೆ ಸರಿ. ಗಾಯಾಳುಗಳ ಬಟ್ಟೆಗೆ ರಕ್ತ ಆಗಿದ್ದರೆ ಅದನ್ನು ವೈದ್ಯರು ಸಂಗ್ರಹಿಸಬೇಕು ಎಂದರೆ ಸರಿ.

19. ನಿಪಿ-9 ರಲ್ಲಿ ನಮೂದಿಸಿದ ಗಾಯಗಳು ಒಬ್ಬ ವ್ಯಕ್ತಿ ತಾನೇ ಕೆರೆದುಕೊಂಡರೂ ಸಹ ಆಗುತ್ತವೆ ಎಂದರೆ ಸರಿ. ನಿಪಿ-7 ರಲ್ಲಿನ ಮೊದಲ ಗಾಯಗಳು ಅವು ಇನ್ ಸೈಟ್, ಅಥವಾ ಲ್ಯಾಸೆರೆಟಡ್ ಅಥವಾ ಸ್ವಾಬ್ ತರಹದ್ದೋ ಎಂದು ಸ್ಪಷ್ಟವಾಗಿ ನಮೂದಿಸಿಲ್ಲ ಎಂದರೆ ಸರಿ. ಒಬ್ಬ ವ್ಯಕ್ತಿ ಚೂಪಾದ ಕಲ್ಲುಗಳ ಮೇಲೆ ಬಿದ್ದರೆ ನಿಪಿ-7 ರಲ್ಲಿ ನಮೂದಿಸಿದಂತಹ ಗಾಯಗಳು ಆಗುತ್ತವೆ ಎಂದರೆ ಸರಿ.

20. ನಿಪಿ-8 ರಲ್ಲಿ ಮೊದಲನೇ ಗಾಯದ ಅಳತೆ ಉದ್ದ ಮತ್ತು ಅಗಲದಲ್ಲಿ ಇದೆ. ಸದರಿ ಗಾಯ ಹೊರಗಾಯ ಎಂದರೆ ಸರಿ. ಒಬ್ಬ ವ್ಯಕ್ತಿ ಚೂಪಾದ ಕಲ್ಲುಗಳ ಮೇಲೆ ಬಿದ್ದರೆ ಆ ರೀತಿ 1 ನೇ ಗಾಯ ಆಗುವ ಸಾಧ್ಯತೆ ಇದೆ ಎಂದರೆ ಸರಿ. ನಿಪಿ-8 ರಲ್ಲಿನ 2 ಮತ್ತು 3 ನೇ ಗಾಯಗಳು ಒಬ್ಬ ವ್ಯಕ್ತಿ ಒರಟಾದ ವಸ್ತುವಿನ ಮೇಲೆ ಬಿದ್ದರೆ ಆಗುತ್ತವೆ ಎಂದರೆ ಸರಿ.

21. ನನ್ನ ವೃತ್ತಿಯಲ್ಲಿ ಸಾಕಷ್ಟು ಚೂರಿ ಮತ್ತು ಚಾಕುಗಳನ್ನು ನೋಡಿದ್ದೇನೆ. ಚೂರಿಗೆ ಎರಡೂ ಕಡೆ ಹರಿತವಾಗಿರುತ್ತದೆ ಎಂದರೆ ಸರಿ. ಚಾಕು ಒಂದು ಕಡೆ ಮಾತ್ರ ಹರಿತವಾಗಿರುತ್ತದೆ ಎಂದರೆ ಸರಿ. ಚೂರಿಯಿಂದ ಒಬ್ಬ ವ್ಯಕ್ತಿಗೆ ಹೊಡೆದರೆ elliptical ತರಹದ ಗಾಯ ಆಗುತ್ತದೆ ಎಂದರೆ ಸರಿ. ಚಾಕುವಿನಿಂದ ತಿವಿದರೆ wedged ರೀತಿಯ ಗಾಯ ಆಗುತ್ತದೆ ಎಂದರೆ ಸಾಕ್ಷಿದಾರರು ಸರಿ ಆದರೆ ಅದು ಹಲ್ಲೆಗೊಳಗಾದ ವ್ಯಕ್ತಿ ಮತ್ತು ಹಲ್ಲೆಕಾರ ಮಧ್ಯದ ದೂರ ಮತ್ತು ಬಲಪ್ರಯೋಗದ ಮೇಲೆ ಅವಲಂಬಿಸಿದೆ

ಎನ್ನುತ್ತಾರೆ.

22. It is true to suggest that stab injury is 3 dimensional. To the suggestion that in a stab injury the depth correspondence to length of weapon used the witness states that since after stabbing and removing the weapon the skin contracts the depth can not be measured accurately and therefore it is difficult to say that the depth correspondence to the blade length of the weapon. It is true to suggest that depth can be probed by insertion of measuring glass rod. It is true to suggest that width of the injury almost corresponds to the thickness of the blade portion of the weapon. It is true to suggest that the length of injury almost corresponds to width of the blade portion of weapon in case of stabbing. It is true to suggest that when after stabbing the weapon is removed there would be aversion of skin at that site.

23. It is true to suggest that M.O. 2 and 3 are sharp at one side and blunt at other side.

24. Deceased Doddachinnappa is not treated as patient in the Hospital before 11.00am on 13.02.2010. I received the body of said Doddachinnappa for postmortem examination on 13.02.2010 at 11.00am. I do not know in whose custody the body was prior to I receiving the body for postmortem examination. I do not know in whose custody the body of

deceased Devaraj was prior to I receiving it for autopsy on 13.02.2010 at 08.30am.

25. I have not measured the length of protruded loop of intestine coil of deceased Doddachinnappa mentioned at injury no.1 in Ex.P. 5. To the suggestion that if the protruded intestine loop would have been pushed back and stitched it would have proved fatal the witness states that it depends upon other health condition and it was highly risky and only in 10% of cases it would not prove as fatal. The measurement of wounds in Ex.P. 5 corresponds to length, breadth and depth of those injuries. I did not notice any blood stains over the surface of injuries site. It is true to suggest that I have not mentioned in Ex.P. 5 and 6 whether the said injuries were elliptical or wedged shape. It is true to suggest that presence of blood clots on the surface of wound is an indication of wound/s being ante mortem. It is true to suggest that I have not mentioned the presence of blood clots about the surface of injuries in Ex.P. 5 and 6.

26. It is true to suggest that incise wound is 3 dimensional injury. It is true to suggest that in incise wound depth varies. It is true to suggest that injury no.1 in Ex.P. 6 is possible in case of use of broken sharp edged glass piece. It is true to suggest that if with force the testicles come in contact with projected hard and blunt object than there would be swelling and oedametous. In case of kicking at testicles there may be likelihood of causing injury to

both testicles. To the suggestion that if kicked with force to the testicles there would be rupture of outer skin the witness states that there may be such possibility.

27. It is true to suggest that I have not mentioned the injuries as stab injuries in Ex.P. 5 and 6.

28. It is true to suggest that in Ex.P. 10 I have not mentioned about I referring to PM report of two deceased persons and injury certificates of three persons at the time of giving that opinion. Witness voluntaries that I have perused those documents at the time of giving opinion as per Ex.P. 10. It is true to suggest that in Ex.P. 10 I have not assigned the reasons for opining that such injuries could be possible with weapon that were exhibited before me. Witnesses voluntaries that he was not aware of it.

29. Showing the M.O. 2 to the witness it is suggested that the blade portion of it is serrated at one side the witness does not agree with it. It is true to suggest that I have not put any identifying marks for having examined M.O. 2 and 3. Witness voluntaries that they were resealed and sent to the I.O. and that itself is an identification for having examined them. It is true to suggest that in Ex.P. 10 the description of seal made by me is not mentioned.

30. There is administrative section in the Hospital. It is true to suggest that generally the I.O. addresses letter to RMO of the Hospital. Witness voluntaries that when I was serving in said Hospital there was RMO in said Taluk Hospital and I myself was the administrative officer in the said hospital. In the hospital inward and outward register is maintained. Register would be maintained by clerk and the letters received would be mentioned in the register. The serial number of the relevant register would be mentioned in the correspondence letters. It is true to suggest that in Ex.P. 10 there is no mention of either inward number or outward number of the register. Witness voluntaries that since police staff had personally come and collected the Ex.P. 10 from me there is no mention of such serial number. It is true to suggest that letter head of the Hospital was available in the Hospital.

31. It is incorrect to suggest that my opinion that the injuries no.1 and 2 in Ex.P. 5, injury no.1 in Ex.P. 6 and injuries mentioned in Ex.P. 7 to 9 could be possible with M.O. 2 and 3 is false.

32. It is true to suggest that generally I mention date of signing below the signature. It is true to suggest that I have not put the date below my signature in Ex.P. 5 to 10.

33. In the hospital PM register is maintained. While conducting postmortem notes would be prepared. To the suggestion that the notes prepared while conducting postmortem should be mentioned in said register as per Mysuru Medical Rules 1962 the witness states that I am not aware of it and voluntaries that in the said register we only mention the station from which it is brought and the staff who brought the body. It is incorrect to suggest that Ex.P.5 and 6 are the extracts from the original PM register. It is true to suggest that Ex.P.7 to 9 are the extracts of MLC register. It is incorrect to suggest that without referring to original MLC register I can not say the date and time of the examining the injured.

Cross examination by Sri. MRN for accused no.1 and 12

34. It is true to suggest that age of injuries are not mentioned in Ex.P. 7 to 9. It is true to suggest that color of blood stains is also not mentioned in Ex.P. 7 to 9. It is true to suggest that I have not mentioned the stage of rigor mortis in Ex.P. 5 and 6. It is incorrect to suggest that my opinion regarding time since death is without any basis.

Cross examination by Sri. KNR for accused no.2 and 10

35. It is true to suggest that in Ex.P. 5 I have not mentioned that injury to stomach is caused with knife.

Cross examination by Sri. KJG for accused no.3, 7, 11, 13 and 14

36. It is true to suggest that in the requisition given by I.O. to conduct PM examination there is brief mention as to how the injuries are caused. It is incorrect to suggest that when I.O. furnishes such information as to how the injuries are caused, time and the circumstances under which it is caused it would be easy for me to arrive at the conclusion. Clubs were not sent for my examination and opinion by the I.O. It is true to suggest that a heavy blow with club like M.O. 5 at head would cause comminuted fracture. It is true to suggest that with mild force when club is used at bony portion it may cause fracture. It is true to suggest that a blow with club at muscle portion causes contusion. It is true to suggest that a mild blow with club at head causes lacerated wound. It is true to suggest that I have not found any injuries on the dead body of Doddachinnappa and Devaraja which corresponds to injury with club.

37. There is separate OPD department in the Hospital. I do not remember now who was the in-charge of OPD when injured were examined. Witness further states that when the injured came to the Hospital I was duty Doctor in the OPD. In MLC register I have mentioned about the injured persons coming to the Hospital. Today I have not brought original MLC register to the court. I can not say who accompanied injured to the Hospital

without seeing MLC register. I do not remember whether the signature of attendant of the injured persons was taken to MLC register.

38. It is true that I have not noticed any injury on injured Munirajappa or other injured which may correspond to M.O.5 club. It is true to suggest that in Ex.P. 9 in the history column the time is overwritten. It is incorrect to suggest that I have not at all examined injured Munirajappa.

39. It is true to suggest that if a person kicks directly over testicles then both the testicles suffer damage. It is true to suggest that even in case of infection one testicle would swell.

Cross examination: Counsel for other accused submit that they would adopt aforesaid cross examination.

ಮರುವಿಚಾರಣೆ : ಇಲ್ಲ

(ಸಾಕ್ಷಿ ಹೇಳಿದಂತೆ ಹೇಳಿಕೆಯನ್ನು ನ್ಯಾಯಾಲಯದಲ್ಲಿ ನನ್ನ ಉಕ್ತಲೇಖನದ ಮೇರೆಗೆ ಬೆರಳಚ್ಚು ಮಾಡಿಸಿ ಓದಿ ಹೇಳಿದ್ದು ಸಾಕ್ಷಿ ಸರಿ ಇರುವುದಾಗಿ ಒಪ್ಪಿರುತ್ತಾರೆ ಎಂದು ದೃಢೀಕರಿಸಿದ್ದೇನೆ)

ಓ ಹೇ ಸಾ ಸ ಸಹಿ ಮಾಡಿದ್ದಾರೆ,

(ವಿ. ಎಂ. ಅನಂದಶೆಟ್ಟಿ)

ಎರಡನೇ ಅಪರ ಜಿಲ್ಲಾ ಮತ್ತು ಸತ್ರ ನ್ಯಾಯಾಲಯ
ಬೆಂಗಳೂರು ಗ್ರಾಮಾಂತರ ಜಿಲ್ಲೆ, ಬೆಂಗಳೂರು.