

**II ADDITIONAL DISTRICT & SESSIONS JUDGE,
BENGALURU RURAL DISTRICT, BENGALURU**

Spl. Case No. 59/2010

PW.24 CW.110

Witness Name : Dr. Malathi,
Husband's Name : Mahesh,
Age : 43 years,
Occupation : Assistant Director,
FSL, Madiwala, Bengaluru,
Residence : Bengaluru.

Witness duly sworn on 03.12.2022

CHIEF EXAMINATION : BY SPECIAL PP

Since 2004 I am serving in different capacity in FSL, Madiwala, Bengaluru. In the year 2010 I was Scientific Officer at FSL, Madiwala. I have analysed about 3500 cases and have issued reports.

2. On 24.04.2010 34 articles in sealed condition pertaining to Crime No. 10/2010 of Viswananathapura PS were received in the reception counter of our office for examination through HC 634 and PC 835. The 34 were allotted to me for examination by the Assistant Director, Biology Section, FSL, Madiwala. At the reception the case was registered at BS/279/2010.

3. When I received those articles in Biology Section I found the seals on the articles intact and tallied with sample seal sent by the I.O. When I unsealed the articles for examination I found following articles. The articles are shown to witness and she identifies them. (The corresponding marking of the articles is also mentioned. The serial number of articles is with reference to serial number mentioned in test report).

- | | |
|----------------------|------------------|
| 1) One Shirt | – M.O. 22 |
| 2) One shirt | – M.O. 23 |
| 3) Mud | – M.O. 27 |
| 4) Sample Mud | – M.O. 29 |
| 5) Mud | – M.O. 28 |
| 6) Sample Mud | – M.O. 35 |
| 7) Pieces of Bricks | – M.O. 36 |
| 8) One Chaku (ಚಾಕು) | – M.O. 3 |
| 9) One Chaku (ಚಾಕು) | – M.O. 1 |
| 10) One Wooden Club | – M.O. 5 |
| 11) One Wooden club | – M.O. 6 |
| 12) One Churi (ಚೂರಿ) | – M.O. 2 |
| 13) One Wooden Club | – M.O. 4 |
| 14) One Shirt | – M.O. 10 |
| 15) One Banian | – M.O. 9 |
| 16) One Shirt | – M.O. 11 |
| 17) One Banian | – M.O. 12 |

18) One Pant	– M.O. 13
19) One Shirt	– M.O. 14
20) One Banian	– M.O. 15
21) One shirt	– M.O. 16
22) One Banian (ಒಳಛಾಂಢಿ)	– M.O. 17
23) One knicker	– M.O. 18
24) Blood Sample	–
25) One shirt	– M.O. 19
26) One Pant	– M.O. 20
27) One Banian	– M.O. 37
28) One under wear	– M.O. 21
29) Blood Sample	–
30) One Saree	– M.O. 31
31) One Blouse	– M.O. 33
32) One Petticoat	– M.O. 32
33) Blood Sample	– M.O. 34
34) One Wooden club	– M.O. 8

4. In the cloth bag at article no. 24 and 29 said to contain blood samples of deceased Doddachinnappa and Devaraj respectively the plastic bottle in article no. 24 is broken and in the article no. 29 bag the bottle contains mud. The witness is not in a position to identify both. For the purpose of identification of those bottles the bottle found in article

no. 24 is marked at M.O. 38 and the bottle contained in article no. 29 bag is marked at M.O. 39. (In the examination of this witness M.O. 31 to 37 and 38 and 39 are marked. Other properties have already been marked).

5. I subjected these 34 articles for chemical examination to ascertain the presence of blood and blood grouping as mentioned in my certificate. The blood stains were detected in article no.1 to 3, 5, 7 to 23, 25 to 28, 30, 31, 32 and 34 and the blood stains were of human origin.

6. The blood stains were not detected in article no.4 and 6.

7. The blood sample sent in articles no. 24, 29 and 33 was disintegrated and hence their origin could not be determined.

8. The blood stains found in article no. 1, 2, 19 and 20 were of 'B' group of human blood. The blood stains found in article no. 8 to 13, 21 to 23, 25 to 28, 30 to 32 and 34 were of 'AB+' group human blood. The blood stains in article no. 14 to 18 were of 'O' group human blood.

9. The blood grouping of blood stains in articles no.3, 5 and 7 could not be determined as the results of tests were inconclusive.

10. After examination I repacked the articles and sealed them. Along with Sample seal and test report the articles were sent to dispatch section of our office on 17.08.2010. The document now shown to me is the test report and sample seal issued by me. The test report is marked at Ex.P. 39 and signature of witness on it is marked at Ex.P. 39(a). The sample seal is marked at Ex.P. 40 and the signature of witness on it is marked at Ex.P.40(a). (The substantial portion of sample seal is broken and the witness identifies it with reference to her signature on it).

11. The witness produces the invoice of articles sent along with articles for examination. It is marked at Ex.P. 41.

Cross examination: By Sri. MRN for accused no.1 and 12

12. It is true to suggest that I have not mentioned the description of seal on the articles and also of the sample seal sent by I.O. in Ex.P. 39. I do not agree with the suggestion that as per medical jurisprudence at the time of examining the article I am supposed to take the photographs of them. To the question that do you agree with the text of P. S. Narayana Reddy on medical jurisprudence the witness states that we follows the protocol prescribed by Bureau of Police Research and Development (BPR & D).

13. To the question that you are supposed to mention in the test report whether the articles were wet or dry or damp when you received them the witness states that in the observation sheet I have made mention about it but I am not supposed to mention in test report. Today I have not brought the observation sheet and it is in the office. If the court directs I produce the observation sheet. It is incorrect to suggest that since I have not made any mention regarding whether articles were wet, dry or damp in the observation sheet I have not brought it today.

14. It is true to suggest that if the clothes are not dried then putrefaction sets in. It is true to suggest that if the stains are disintegrated its origin can not be determined. It is true to suggest that in my observation sheet I am supposed to mention any tares/cut but I do not agree with the suggestion that I am also supposed to mention position of tare/cut on the clothes also. It is incorrect to suggest that in this case the stains were disintegrated as putrefaction was set in and there were no cuts/tare in the clothes and therefore I have not mentioned the same in the observation sheet and hence have not brought observation sheet to the court.

15. Position of stains on the articles is mentioned by me under the heading the 'result of analysis' in Ex.P. 39. To the suggestion that the position of stains is not mentioned in article no.1, 2, 7, 14 to 20, 25 to 28, 30, 32 and 34 the witness states that I have mentioned the position as here and there vide 'result of analysis' column in Ex.P. 39. The witness further states that if the blood is scattered we can't give the correct position of stains. To the question that by scattered do you mean the entire objects were stained the witness states that scattered means they were scattered here and there over the articles. To the question that I was supposed to mention the position of stains over the articles the witness states that when there are more stains it would be not possible to mention location of them. To the question that you have not mentioned that there were many stains the witness states that depending upon the number of the stains I have mentioned as few, moderate and extensive in my report. I do not agree with the suggestion that in my test report I am supposed to mention the exact location, size, shape and exact number of stains on the articles.

16. To the question that to arrive at right conclusion collection of blood samples of the suspects and the victim is necessary the witness states that in all cases it is not

necessary and in this case blood samples of victim were sent. I.O. had not sent blood samples of accused for examination.

17. The blade of article no.8 and 9 is of steel and that of article no. 12 is of Iron. It is true to suggest that rusty blood stains on iron metal would be dark and glaze. It is true to suggest that I am supposed to mention presence of rust on article no.12 in the observation sheet. The witness states that if the rust were to be present I would generally mention it. It is incorrect to suggest that when article no. 12 (M.O. 2-churi) was subjected to examination by me it was rusted. It is incorrect to suggest that since it was rusted I have deliberately not brought the observation sheet to the court. The witness voluntaries that if the stains were rusted I would not have got the result of test. It is true to suggest that with passage of time the colour of blood changes. It is incorrect to suggest that I am supposed to mention the age of blood stains in Ex.P. 39.

18. To the question that I am supposed to mention the sketch of the weapon, location and pattern of stains over it in the observation sheet the witness states that I have mentioned such details in the observation sheet. It is incorrect to suggest that my report is not scientific. It is

incorrect to suggest that I have not examined any of the articles and have given report at the behest of Police. Copy of FIR was sent along with articles and in it the date of occurrence of incident was mentioned. The witness after seeing FIR produced in the case states that after 70 days of incident the articles were sent for examination. To the question that if the articles are sent at the earliest the result of examination would be better the witness states that if the stains are properly preserved time of sending does not matter.

19. To the question that on article no. 12 (M.O. 2) within 4-5 days the rusting starts the witness states that it depends upon climatic condition and also thickness of blood stains on the weapon. It is true to suggest that in Ex.P. 39 I have not mentioned the thickness of blood stains on article no. 8, 9 and 12 (M.O.3, 1 and 2). It is incorrect to suggest that since the FSL is under the control of Home Department I am deposing falsely at the instance of Police.

Cross examination: Counsel for A5 and 6 prays time. No grounds. Prayer is rejected.

Cross examination : Counsel for all other accused state that they would adopt the aforesaid cross examination.

Re-examination: Nil

(The statements of witness is recorded in the open court as stated by her and it contains true account of her statements and is read over to her and admitted by her to be correct)

R.O.I. & A.C.

(V. M. Anandashetti)

II Addl. District & Sessions Judge,
Bengaluru Rural District, Bengaluru.