

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

Spl. Case No. 59/2010

PW.29 CW.108

Witness Name : Keshav K.E.
Father's Name : Eregowda,
Age : 54 years,
Occupation : DySP, KSHRC, Bengaluru,
Residence : Bengaluru.

Witness duly sworn on 13.04.2023

CHIEF EXAMINATION : BY SPECIAL PP

From August 2008 to September 2012 I served as CPI of Vijayapura Circle. On 12.02.2010 in the mortuary of Devanahalli Government Hospital on the direction of DySP/ PW.28 I conducted the inquest of deceased Gayitramma in presence of witnesses CW.29 to 31 between 5 p.m. and 8 p.m. The document now shown to me the inquest conducted by me of said Gayitramma. It is already marked at Ex.P.26. The witness identifies his signatures on Ex.P.26. The signature on last page is marked at Ex.P.26(b).

2. On the body of deceased Gayitramma I noticed a stab injury on the right side of abdomen of deceased, scratch abrasions on right hand and right forearm. I also recorded the statement of CW.32 and 33.

3. On 19.02.2010 at 05.30 p.m. I along with my staff apprehended accused no.6 Shanthakumar, accused no.16 Narayaswamy S/o. Venkateshappa, accused no.17 Venkatesh, accused no.18 Narayanaswamy S/o Koti Muniyappa, accused no.19 Muniraju S/o. Muniswamappa in Majestic Bus Stand in Bengaluru and produced them before PW.28 at 07.00 p.m. I also submitted my report to the PW.28. It is already marked at Ex.P.58. The signature of witness on it is already marked at Ex.P.58(b).

4. On 23.02.2010 at 06.00 a.m. I along with my staff apprehended accused no.1 Timmappa and accused no.9 Munikumar @ Cable Kumar at Vidyanarayapuram Bus Stop in Mysuru and produced them before PW.28 at 11.00 a.m. I also submitted my report to the PW.28. It is already marked at Ex.P.61. The signature of witness on it is already marked at Ex.P.61(b).

5. On 14.03.2010 at 05.00 p.m. I along with my staff apprehended accused no.8 Ramachandrappa near Gurudarshana Hotel at Jayabharath Nagar in Bengaluru and produced them before PW.28 at 06.30 p.m. I also submitted my report to the PW.28. It is already marked at Ex.P.69.

The signature of witness on it is already marked at Ex.P.69(b).

6. On 10.04.2010 at 10.00 a.m. I along with my staff apprehended accused no.3 Anandgowda and accused no.14 Chethan near dairy circle at Yelahanka in Bengaluru when they arrived at said place in motor cycle bearing no.KA-04-EH-3483. I produced them before PW.28 at 11.00 a.m. along with the vehicle which they rode. I also submitted my report to the PW.28. It is already marked at Ex.P.78. The signature of witness on it is already marked at Ex.P.78(b). The photograph at Ex.P.23 now shown to me is of said motor cycle.

7. (The counsel for accused no.5 and 6 has objections for marking Ex.P.58, 61, 69 and 78 and signatures of witness on them on the ground that they are hit by section 161 of Cr.P.C. SPP submits that they are not the statements of the witness u/sec 161 of Cr.P.C. but are only reports and hence, they could be marked. The documents are already marked and the objection raised now is kept open to be considered at the time of final arguments).

8. I can identify the clothes found on the person of deceased Gayitramma at the time of conducting her inquest. The M.O.

31 to 33 now shown to me are the very same clothes found on the person of deceased Gayitramma.

9. The witness identifies accused no.3, 17 and 18 who are present before the court as the persons arrested by him. (The other accused whom the witness states to have apprehend are not present and their identity is not disputed).

Cross examination: By Sri. SS for accused no.5 and 6

10. The PW.28 I.O. while issuing memo to arrest accused had mentioned in it the names of accused to be arrested and also their address. I had been to the houses of said accused persons and had searched for them. I have not drawn any mahazars at the houses of said accused persons when I visited there. It is true that in Ex.P.58, 61, 69 and 78 I have not mentioned about visiting the houses of said accused persons. The I.O. had not provided the physical features of said accused persons. It is true that in the Majestic Bus Stand there are two bus stands namely BMTC and KSRTC bus stands. I apprehended the accused no.6,16, 17 to 19 in the KSRTC bus stand which is also called as Kempegowda Bus Stand. It is true that beside KSRTC bus stand there is BMTC bus stand. It is true that I have not mentioned the platform in which I apprehended said accused persons. It is

true that I have not mentioned in which vehicle the accused were taken and produced before PW.28. Visiting the Kempegowda Bus Stand is mentioned in the log book of the official jeep provided to me. From me the log book entries of jeep are not collected by I.O.

11. It is incorrect to suggest that I had not been to the places stated in Ex.P.58, 61, 69 and 78 and not apprehended any of the accused stated by at said places. The arrest of accused no.6, 16 to 19 is not reported by me to the nearest Upparpet Police Station. The arrest of accused no.3 and 14 is not reported by me to the nearest Yelahanka Police Station.

12. When I visited the house of accused no.1 and 9 I had seen their photograph in their house. Hence, I was acquainted with their identity. It is true that in Ex.P.61 I have not mentioned about visiting their house and seeing the photograph of said vehicle. The witness voluntaries that with regard to the visiting of said house I had given report to the I.O. on 14.02.2010. I had not impediment to draw mahazar regarding visiting the houses of accused. In search of accused we used private vehicles also and official jeep also. Hence, without seeing the log book of the official vehicle I can not now say whether visiting Mysore was entered in the log

book. Apprehending of accused no.1 and 9 is not reported by me to the nearest Police Station in Mysuru.

13. It is incorrect to suggest that my reports are false. It is incorrect to suggest that said accused persons voluntarily surrendered before the PW.28.

14. It is true that at column no.4 of Ex.P.26 I have mentioned that deceased Gayitramma was last seen alive by the Doctor in the Hospital. Ex.P.26 is forwarded it to this court on next day. After drawing inquest I had handed over it to PW.28. The handwriting in Ex.P.26 is of my writer. His name is Basavaraj but his signature is not taken to it. Whenever a document is scribed at my instructions by another persons I would make an endorsement over it that it is scribed before me. To the question that in Ex.P.26 there is no such endorsement the witness states that since it is prescribed form I have not made any such endorsement. It is true that in Ex.P.26 beside my signatures I have not put the date. It is incorrect to suggest that Ex.P.26 was prepared by PW.28 and at his instructions I have just put my signature to Ex.P.26 on 14.02.2010. It is incorrect to suggest that I had not been to the Devanahalli Government Hospital and have not conducted inquest of Gayitramma.

Cross examination: By Sri. MRN counsel for A1 and 12

15. I do not agree with the suggestion that as per Police Manual the inquest is not to be drawn after sunset. The witness states that in the hospital mortuary there was sufficient light and hence I conducted the inquest. It is true that if there is no sufficient light then inquest has to be not drawn as per Police Manual. It is incorrect to suggest that there was no sufficient light in the mortuary of Government Hospital.

16. I do not know whether CW.32 and 33 are relatives of deceased.

17. I have not drawn arrest mahazars when I arrested the accused persons in this case.

Cross examination: By Sri. KJG counsel for A3, 7, 11, 13 and 14

18. It is true that Dairy road, Yelahanka is busy road. Yelahanka New town Police Station was in the same road at that time. Through an informer I got secured accused no.3 and 14 at dairy road, Yelahanka. I got them secured at near at a Hotel on dairy road. Presently I do not remember the name of said Hotel. I have not personally searched accused no.3 and 14 at said place. I had seen them personally before

that day. Witness voluntaries that I had seen their photos. I did not have specific knowledge that in which vehicle they would roam. I have not drawn any mahazar regarding arrest of accused no.3 and 14 at said place. It is incorrect to suggest that the motor cycle bearing no. KA-04-EH-3483 was even prior to said date was in the Vishwanathapura Police Station. It is true that in Ex.P.78 I have not mentioned about securing accused no.3 and 14 through my informers at said place. It is incorrect to suggest that I am deposing falsely that the said accused persons were secured at said place through my informer.

Cross examination: counsels for A2, 4, 10, 15 to 19 adopt the afore said cross examination.

Re-examination: Nil

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

R.O.I. & A.C.

(V. M. Anandashetti)

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