

**IN THE COURT OF THE PRL. DISTRICT &
SESSIONS JUDGE, BANGALORE RURAL
DISTRICT, BANGALORE.**

S.C. NO. 109/16

C.W.2 EXAMINED AS PW.1

Witness duly sworn on 14.03.2019

Deposition of	Ganesh Debanath
Father's Name	Benulal Debanath
Age	35 Years
Occupation	Manager, Mahaveer King Palace Apartment, Kadugodi
Residence	Kadugodi

Examination-in-chief by P.P.:

1. I am working as Maintenance Manager in Mahaveer King Palace Apartment, Kadugodi since the last 8 years.
2. C.W.3 to 7 are working under me. C.W. 3 and C.W. 6 and C.W.7 are working as security persons in Mahaveer King Palace Apartment, Kadugodi. C.W.4 Gopal Kattimani is working as STP and

Swimming Pool Maintenance person. I know C.W.8 Dr. Prachi Narendra Bhosle. She is a medical Doctor and she is the owner of flat No. 507 in Mahaveer King Palace Apartment, Kadugodi.

3. I know C.W. 23 Ayan Bhattacharya. He is a resident of Flat No. 911 in Mahaveer King Palace Apartment, Kadugodi.

4. I know C.W. 24 Sameer Bhattacharya. He is a resident of flat no. 910 in Mahaveer King Palace Apartment, Kadugodi.

5. I knew deceased Kusuma Rani. She was staying in Flat No. 507 of Mahaveer King Palace Apartment, Kadugodi.

S.C.109/16 P.W.1

6. There are in all 110 flats in Mahaveer King Palace Apartment, Kadugodi and has ten floors. The entire apartment is covered by a compound wall with two gates.

7. Four security persons take care of the security during day time and Four security persons take care of the security during night time.

8. I am staying in a room at a distance of about half a Kms from Mahaveer King Palace Apartment, Kadugodi.

9. I report for duty at 09.00 a.m. and my duty ends at 08.00 p.m.

10. Kusuma Rani was murdered in Flat No. 507 of Mahaveer King Palace Apartment, Kadugodi in January 2016.

11. Deceased Kusuma Rani was living with one Nidhi Sharma – C.W.1 in her flat. Both were tenants of Flat No. 507.

12. I do not remember the day or date. In January 2016 C.W. 1 came to my office at about 07.00 or 07.30 p.m. in the ground floor and told me that door of her apartment was open and I should come with security and check. At that time she had returned from her office and had gone to her flat and found that door was open and hence she came to me. I went to her flat with C.W.3 Jayanth and C.W. 5 Ranjith and C.W. 7 Babu. C.W. 4 Gopal came there later. C.W.1 was also

with me. When we went there door of the flat was open. We entered inside. Electricity light was burning. As we entered the door there is a hall and there were blood stained foot prints on the hall. We went to the bed room. Dead body of Kusuma Rani was lying on the floor of the bed room. The face was covered with blood. Immediately we came out and I telephoned to 100 Police control room. Within 5 or 10 minutes police came from Kadugodi Police Station in a police van.

13.C.C. Tv was checked by the police and from the same it was disclosed that deceased had gone to the gate and brought a male friend and got an entry made in the security register and taken him to her flat. The C.C. Tv records also

showed that said male friend had left the flat at 03.00 or 03.30 p.m. on that day.

14. Police had recorded all the items which were there in the room where dead body of Kusuma Rani was lying. I had seen a laptop and charger there. Laptop charger was by the side of the dead body.

15. On the next day the family members of the deceased came. Police and members of the deceased went to the flat at that time.

16. I now see my signature on seizure mahazar dated 20.01.2016. The panchanama is marked as Ex.P.1. Ex.P.1(a) is my signature. I had attested the said panchanama at the scene of occurrence.

17.I now see my signature on the seizure mahazar dated 20.01.2016. Said panchanama is marked as Ex.P.2. Ex.P.2(a) is my signature. I had attested the said panchanama at the scene of occurrence.

18. Police had taken the C.C. Tv device from our apartment.

19.I now see the accused before the court. He is the person who was seen in the C.C. T.V. records along with the deceased.

20. (Now a sealed packet is produced before the court and it is permitted to be opened). It contains a laptop charger. I identify the laptop charger which was

S.C.109/16 P.W.1

near the dead body. It is marked as M.O.1. The label affixed on M.O.1 bearing endorsement "DNA 114/16". (Now another sealed packet is produced before the court and it is permitted to be opened). It contains a Cello Butter flow ball point pen. It has no cap. Witness says he did not clearly notice it at the time of panchanama. For the purpose of identification it is marked as M.O.2. The label affixed on M.O.2 bearing endorsement "DNA 114/16". (Now a sealed envelope is produced before the court and it is permitted to be opened). It contains two sheets of paper. Each of the paper is written on one side and there are shoe marks or foot wear marks on the same. They are together marked as Ex.P.3. (Now another sealed envelope is produced before the court and it is

permitted to be opened). Naked eye examination of the inside of sealed envelope does not disclose the existence of any object there. A label is affixed on the outside of the envelope to the effect that it was item no. 5 of P.F. No. 9/16 “Long Hair” (Uddaneyya Koodalu). There is reference to DNA 114/16 on the said label. The envelope is marked as Ex.P.4. The seal affixed on the envelope has engraving “DNA Center, Karnataka”. (Now a sealed cloth packet is produced before the court and it is permitted to be opened). It contains a steel chair with black leather stick. Witness says that since I had gone inside the home for the first time on that day I did not carefully observe the chair at that time. For the purpose of identification chair is marked as M.O.3.

21. (Now another sealed packet is produced before the court and it is permitted to be opened). Inside of the sealed packet contains no object. It bears a seal with engraving “DNA Center, Karnataka” and the label affixed on the same states that blood stained sample cotton was kept inside the same with “DNA 114/16” written on it. It is marked as M.O.4.

22. (Now another sealed packet is produced before the court and it is permitted to be opened). It contains a long sheet Chandra’s Surya Gold Note Book. Witness identifies the said register. This is the security visitors register maintained at the main gate of our apartment. It is marked as Ex.P.5. I now see the entries in the security

register dated 19.01.2016. The sixth entry pertains to the accused. Name written is "SUKHBIR", the flat of visit mentioned is flat No. "507", purpose mentioned is "Personal". The mobile Number mentioned is "7676119201" with over writing of 6 at the second numeral. IN TIME mentioned is "12.20 p.m.", OUT TIME mentioned is "03.20 P.M". Initials are also seen. The said entry is marked as Ex.P.5(a). The visitor has to make the entries in the register. On that day C.W.3 and C.W. 5 were doing security duty at the central post.

23.(Now another sealed cloth packet is produced before the court and it is permitted to be opened). It contains C.C. T.V. Device and its charger cord. They are together marked as M.O.5. (Now

another sealed packet is produced before the court and it is permitted to be opened). I now see the Pen Drive in which data was retrieved from the C.C. T.V device in my presence. It is marked as Ex.P.6.

24. At the time of preparation of two panchanamas Ex.P.1 and Ex.P.2 I was explained what was written in them as I do not know to read and write Kannada.

Cross-examination by Sri.N.S, Adv. for Accused:

25. I was working in Mahaveer King Palace Apartment, Kadugodi through an agency "Pioneer Security Agency". Office of "Pioneer Security Agency" is situated in Koramanagala, Bangalore.

26. We were assigned with the responsibility of Mahaveer King Palace Apartment, Kadugodi as a duty.

27. C.W.3 to 7 were working under me there.

28. It is not true to suggest that Mahaveer King Palace Apartment, Kadugodi is situated on the main road. Out of the two gates one of them meant for entrance and another one for exit.

29. C.C. Tv Cameras were installed at both the gates. There is only one register for the visitors in our security section.

30. I was not checking the C.C. Tv footages daily.

31.I have not seen if you suggest to me that deceased had many friends and they were frequently visiting her in her flat.

32.I have not seen in the C.C. Tv footage accused having visited the flat on any other day earlier.

33.On that day I had visited the flat at about 07.00 or 07.30 p.m.

34.When we went to flat no. 507 the light was already burning there.

35.Question : What colour dress was the deceased wearing when you first saw the dead body ?

Ans : I suddenly gone inside and had seen the dead body and on seeing the same

C.W. 1 started screaming and in the said situation I could not notice the colour of the dress.

36.I had myself called 100 Police Control Room. At that time my mobile SIM Number was 8892926881.

37.I do not know to which hospital police had taken the dead body.

38.Since many signatures were taken from me, I do not remember now whether I had signed on the labels affixed on the cloth packets. I had attested Ex.P.1 and Ex.P.2 in flat no. 507.

39.It is not true to suggest that I did not know what was written in Ex.P.1 and Ex.P.2.

40.It is false to suggest that my signatures were taken on blank papers for the preparation of Ex.P.1 and Ex.P.2.

41.It is false to suggest that accused had not at all visited Flat No. 507 on 19.01.2016 and I am deposing falsely.

42.It is false to suggest that I do not know anything about this case and at the instance of police I am deposing falsely.

At this stage Learned Public Prosecutor makes a request to further examine this witness in chief for the purpose of identifying the photograph of the deceased. Permitted.

**Further examination in chief by Learned
Public Prosecutor :-**

43. Now the Learned Public Prosecutor shows the photograph of the lady available in the charge sheet papers. Witness identifies the same. This is the photograph of deceased Kusuma Rani. It is marked as Ex.P. 7. Now I see the photograph of dead body of deceased Kusuma Rani. They are marked as Ex.P.8 and Ex.P.9. Ex.P.8 and Ex.P.9 were taken where the dead body was lying inside the flat. I now see the photograph of the accused. It is marked as Ex.P. 10.

Further cross examination by Sri. N.S.

Advocate for the accused. :-

44. On that day I had seen the dead body of deceased Kusuma Rani who is seen in Ex.P.7.

45. I had seen in C.C. Tv footage the same person who is seen in Ex.P.10.

46. I do not remember what colour cloth accused was wearing when I had seen him in C.C. Tv footage.

Re-examination: Nil

[The deposition of the witness is typed to my dictation in the open court]

R.O.I. & A. C.

(P. Krishna Bhat)
Prl. Dist. & Sessions Judge
Bangalore Rural District,
Bangalore.

S.C.109/16 P.W.1