

**IN THE COURT OF THE PRL. DISTRICT AND SESSIONS
JUDGE, BENGALURU RURAL DISTRICT, BENGALURU.**

SC.No.288/2023

CW.8 IS EXAMINED AS PW.7

WITNESS DULY SWORN ON 29-07-2025.

Deposition of	Bamar Lal
Father's Name	Vagata Ram
Age	31 Years
Occupation	Sales Man, Lakshmi Stores, Ahmedabad
Residence	Ahmedabad, Gujarat

EXAMINATION-IN-CHIEF BY LEARNED PP:

I was working as labourer at godown of Balaji Stores, Dodda Dunnasandra, Devalapura, Bengaluru during 2023. PW.6 was working as Tempo Driver in that godown of Balaji Stores.

2. My job was to load and unload pan-masala articles in that godown. On 26th of the year 2023 in one month, we were working in the godown at 11:00 pm; at that

time, 2-3 persons came and enquired us that what we were doing. We told that we were doing loading of pan-masala items. At that time, totally we 5 persons were there. At that time, myself, PW.6, CW.9, 13 and 14 were doing the job. One of those persons who entered the godown slapped on PW.6. They have snatched all our mobile phones and locked us in one room. Myself, PW.6 and CW.13 were locked in one room and CW.9 and 14 were locked in another room. Again witness deposes that CW.9 was not locked. After locking us in the room, those persons went out from said place. Afterwards, CW.9 called police. Police came at 04:00 am., on next day and opened the lock and then we came out from the room. Afterwards, police have taken us to the Police Station and recorded our statements and then sent us back.

3. Afterwards, police have not called me to the Police Station and I have not given any other statement before police. We were working in darkness and hence, I cannot identify those 2-3 persons.

(At this stage, learned PP prays to treat the witness as hostile. On perusal of records and the submission of learned PP, learned PP is permitted to treat the witness as

hostile).

CROSS-EXAMINATION BY LEARNED PP:

4. It is true to suggest that we were working in the godown since 25-03-2023 night onwards. It is true to suggest that at 01:10 am., of 26-03-2023, a Toyota Innova Car came. However, I do not know its registration number is KA-53-ME-9405. I do not know that 5 persons were there in that car. It is true to suggest that at that time, PW.6 told me that he knows A1 by name Bala Subramanyam who is now present before Court and he does not know other 4 persons who came in that car. It is true to suggest that they were holding club. However, I have not seen whether they were also possessing knife and sickle or not. Witness volunteers that they were also possessing cricket bat. I do not know that immediately after they get down from the car, they started abusing us. Witness volunteers that he was inside the godown and he does not know about it.

5. It is true to suggest that they have demanded Rs.10,00,000/- from us and if we will not give that much amount, they will kill us. I do not know that as we have not

given anything to them, they assaulted with club to PW.6 and CW.9 to 14. However, it is false to suggest that they have assaulted me with club. It is true to suggest that they have also threatened on our life with dire consequences. It is true to suggest that they came to pierce with knife to us. It is true to suggest that hence, we became afraid and have given the money which was with us, which we got from delivery of pan-parag. It is true to suggest that afterwards, they sat in the car and counted the amount snatched from us and told that it was Rs.3,00,000/-. It is true to suggest that at that time, they told that we have to give remaining Rs.7,00,000/- to them. It is true to suggest that at that time by telling that we have to pay remaining Rs.7,00,000/-, they have locked us. It is true to suggest that at that time, we told them that whatever we had is already snatched by them and we have nothing to give. It is true to suggest that at that time, they told that give money and snatched my phone and then went out from the godown. It is true to suggest that those 5 persons who came to our godown are A1 to A5 who are present before Court. It is true to suggest that in this regard, I have given statement as above in Hindi language

and it is translated to Kannada language and they have typed in Kannada language in Computer.

6. It is true to suggest that on 27-03-2023 again I was called to the Police Station. It is true to suggest that on that day, police have shown A1 and A3 who are presently before Court and on that day, they were in Police Station and at that time, I identified both A1 and A3 as the persons who came to godown and committed the offence. It is true to suggest that at that time, police have recorded my statement. It is true to suggest that at that time, police have also shown the amount snatched from us and two clubs used for commission of the offence. It is true to suggest that those two clubs are the clubs now shown to me and as witness identified them, they are marked as MO.1 and 2. It is true to suggest that at that time, I have given statement as above in Hindi language and it is translated to Kannada language and they have typed in Kannada language in Computer.

7. It is true to suggest that again on 28-03-2023, I was called to Police Station. It is true to suggest that at that

time, police have shown A2, A4 and A5 who are presently before Court and on that day, they were in Police Station and at that time, I identified A2, A4 and A5 as the persons who came to godown and committed the offence. Police have also shown the Toyota Innova Car bearing Reg.No.KA-53-ME-9405 and I identified the said car as the car in which A1 to A5 came to the godown to commit the offence. It is true to suggest that at that time, police had also shown my mobile, which was snatched from me. It is true to suggest that I have identified it. It is true to suggest that at that time, police have also shown the sickle, knife and cricket bat which were brought by the accused persons to the spot of incident to commit the offence and I identified those articles. It is true to suggest that those sickle, knife and cricket bat are the sickle, knife and cricket bat now shown to me and as witness identified them, they are marked as MO.3 to 5. It is true to suggest that at that time, I have given statement as above in Hindi language and it is translated to Kannada language and they have typed in Kannada language in Computer.

8. I have taken said mobile to my interim custody.

Today, I have brought it to the Court.

(Further cross examination is deferred to afternoon, as
Court time over.)

(The witness does not know Court languages of Kannada and English and knows only Hindi language. Hence, Advocate, Sri.B.Ravindra with Roll No.KAR-1960/1999 who knows Hindi language is appointed as Translator and evidence of witness is recorded through his assistance)

(The deposition of the witness is typed to my dictation in
the open court)

R.O.I. & A.C.

(Smt.Geetha K.B)
Prl. District and Sessions Judge,
Bengaluru Rural District,
Bengaluru.

**WITNESS AGAIN CALLED IN THE AFTERNOON
SESSION AND DULY SWORN ON 29-07-2025.**

FURTHER CROSS-EXAMINATION BY LEARNED PP:

9. Now I have produced my mobile phone of MI Company which I have taken to my interim custody, as per the order passed by the Court. Said mobile is marked as MO.6.

**CROSS-EXAMINATION BY SRI.CRV ADVOCATE FOR
A1 TO A5:**

10. Today I came to the Court from Lakshmi Stores situated at Chand Kheda, Ahmedabad, Gujarat through Train. I do not know the name of building complex in which said store is situated. I came 10 days back. Now, I have no train ticket to show that I came from Chand Kheda, Ahmedabad, Gujarat. Today I came from the house situated at Dodda Dunnasandra wherein, PW.6 and CW.14 are still residing.

11. There was electricity connection to the godown

at the time of incident but, electric meter was not running on that particular day. It is false to suggest that because of non availability of electricity on that night, it was not possible to work. Witness volunteers that they were loading in open space area and hence, we were using our mobile torch and hence, we were doing the work.

12. As and when loading and unloading required, we were doing work and there was no specific working hours. Generally, we were loading materials to Tempo or Car. It is true to suggest that we were loading the bags like bags now shown to me in the photograph. As witness admitted it, this photograph is marked as Ex.D.1. When another photograph was shown to the witness and questioned him that they have loaded these items to the dicky of car on that particular night, for which the witness answers that their duty is only to bring the materials from godown and to keep them by the side of car and it is the duty of driver of the car to load it to car at his convenience and hence, he does not know that they have loaded those items on that particular night to that

car.

13. It is true to suggest that on that particular night, we have loaded the materials to the six cars now shown to me in 6 photographs bearing Reg.Nos.TN-84-W-1006, TN-84W1008, TN-05-BP-7624, TN-07-CC-6226, TN-11-AL-1830 and TN-01-AX-9514, i.e., we have brought the materials near the car and drivers have loaded the materials to the car. As witness admitted those photographs, they are marked as Ex.D.2 to 7 respectively. The items in the bag at photograph as per Ex.D.1 are Vimal pan-masala materials. I had open those bags shown in Ex.D.1 and I had seen that they consists of Vimal pan-masala packets.

14. Those articles were being supplied to the godown by Lucky Marketing Agency. Those items were being supplied in gunny bag. It is true to suggest that there is no name or emblem of Lucky Marketing Agency on the bags found in Ex.D.1. Lucky Marketing Agency people were bringing those bags to our godown during

day time. There was no security-guard to that godown. Said godown was measuring approximately 4,000 Sq.Mts. It is true to suggest that as we were working inside the godown during darkness on that night, we do not know who came in which vehicle but, I only know that some vehicle has come. On 26-03-2023 at 01:00 am., there were 5-6 vehicles of our Company were in that godown. It is true to suggest that all those vehicles are cars and not Tempos. It is true to suggest that on that night, I have not seen any Innova Car. It is true to suggest that only after police have shown that car, I have seen that Innova Car.

15. It is true to suggest that because there was darkness and I was working inside the godown, I cannot say that A1 to A5 came there and not able to see knife and sickle but, I had seen clubs. It is false to suggest that I had not seen clubs because of darkness and I am deposing falsely on this point.

16. The amount given to accused persons was with PW.6. I do not know who has given that amount to PW.6

and from which place, he has brought it. It is true to suggest that on that night, I had not seen the amount with PW.6. It is true to suggest that I have identified MO.1 and 2-clubs only because they were shown by police and I had not seen them earlier. It is true to suggest that nobody has snatched money from anyone in my presence. It is true to suggest that nobody threatened on our life with dire consequences. It is false to suggest that I have not given statement on 26-03-2023. It is true to suggest that I have not given statement before police on 27-03-2023 and 28-03-2023. It is true to suggest that I had not seen accused earlier to police showing them to me. It is true to suggest that A1 and A3 were not shown to me on 27-03-2023. Witness volunteers that however, they were shown to him by police on 26-03-2023 itself. It is true to suggest that on 27-03-2023, police have not shown the amount to me. It is false to suggest that as per tutoring of police, today I am giving evidence.

17. It is true to suggest that A2, A4 and A5 were not shown to me on 28-03-2023. It is true to suggest that

on 28-03-2023, police have not shown the sickle, knife and cricket bat to me. It is false to suggest that without having any information about this case, I am giving false evidence before this Court. It is false to suggest that the bags shown in Ex.D.1 does not contain pan-masala but, it contained drugs. It is false to suggest that we were loading drugs and not pan-masala.

RE-EXAMINATION:

Nil

(The witness does not know Court languages of Kannada and English and knows only Hindi language. Hence, Smt.Yasmin, WPC-19506 of Kadugodi Police Station who knows Hindi language is appointed as Translator and evidence of witness is recorded through his assistance)

(The deposition of the witness is typed to my dictation in the open court)

R.O.I. & A.C.

(Smt.Geetha K.B)
Prl. District and Sessions Judge,
Bengaluru Rural District,
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