

Witness present and Duly Sworn on: 04.02.2026.

Cross-examination by Sri. KPAS Advocate for Accused No.3:-

33. Complainant was present on the spot when I went to the spot. There were 25-30 persons present at that time. My staff did not write complaint. PW.1 handed over written complaint to me. When I went to spot, I met complainant, his family members and neighbors. First I spoke to complainant. After around 20 minutes, the complainant handed over complaint to me. When I went to the spot, complainant was preparing complaint. I do not know who wrote complaint. Our station received call from CW.3 about the incident to the landline. I do not know CW.3 called from mobile or landline. I did not enquire with CW.3 from which number call was made to the police station. As per complaint averments CW.3 told complainant that on that day around 4.00-4.30 p.m. two persons came in Discovery Red colour motorcycle near house, went inside the house and CW.3 also gave approximate physical feature of said two persons. I did not enquire with CW.3 to which Masjid he had been for prayer on that day. I have not prepared mahazar wherein motorcycle was alleged to be parked by the side of road near the house. Motorcycle was parked in a distance of 5 feet from the house by the side of road. Complainant did not state on that day in the morning two persons came to house to see rented house. Complainant

stated in the complaint the incident might have taken between 4.00 and 8.00 p.m. In the complaint, the complainant has stated source of information only through CW.3. I was on the spot till 1.30 a.m. on 09.02.2014. I secured Dog Squad and Fingerprint Expert to the spot. I have not secured Forensic Expert. Dog squad came around 10.15 p.m. I do not remember name of Dog master now. They did their procedure. No mahazar was conducted pertaining to Dog sniffing. Dog went upto around 50 feet, thereafter it did not proceed as it did not receive smell. I have not sent teeth of deceased for DNA. I have not conducted mahazar wherein Accused Shivaram said to have dropped other two accused.

34. On 09.02.2014, I gave requisition in writing to Commissioner of Police to obtain CDR of suspect persons. I have mentioned phone numbers of suspect persons. I have not enclosed said requisition along with charge sheet. As per requisition I sought CDR pertaining to 14 mobile numbers viz., 9880082292, 9663203751, 8151926246, 9980358976, 9008293487, 8197171218, 8152941455, 7411600647, 9972723079, 9845173329, 8971094092, 8197182453, 9945300026 and 9590235467. I have not take CAF of aforesaid mobile numbers.

35. I have taken assistance of Fingerprint Experts only on the night of 08.02.2014 and 09.02.2014. I have not asked

Fingerprint Experts to collect fingerprints on the motorcycle and gold articles and cloths which were alleged to recovered. I have not collected hairs and blood sample on the spot by taking the help of Scientific Expert. I have not taken videography of the Spot and Inquest mahazar procedure. I have not made videography of path of Sniffer dog. By taking the assistance of local artist portraits were prepared. In heinous offence investigation has to be conducted by PI. We have documents to show I have prepared portraits.

36. I sent PSI and staffs to Rajasthan, Delhi and U.P. for search of Accused. I have given details of suspect persons to the PSI and staffs. I have taken permission from Commissioner to depute them for search of accused as they were required to visit out of states. PSI-PW.22 and my staffs visited Delhi, Rajasthan and Uttar Pradesh through Train and bus facility. They have submitted documents to that effect and also claimed TA and DA. PSI also gave requisition to local police when they visited local police stations.

37. PSI-PW.22 did not collect CCTV footages of the jewelry shop wherein gold articles were recovered. It is true if the CDRs of PW.22 and my staffs are verified, it can be ascertained whether they had visited Delhi, Rajasthan and U.P.

38. I have produced two CDRs. I have filed charge sheet on 18.07.2014. I have not take CDR upto 20.04.2014 when the accused were apprehended. When the accused persons were apprehended by PW.22 and staffs, no documents were prepared at Uchila. No videography was made. I arrested them in police station. I have complied guidelines of Apex Court. I have furnished arrest memo, arrest notice, Supreme Court Guidelines, Check list and other documents along with remand application when the accused were produced before the Magistrate Court.

39. It is false to suggest that Accused Shahanavaz did not give voluntary statement and did not produce clothes. It is false to suggest that he did not lead to produce any incriminating article. It is false to suggest that whatever deposed by me with respect to Accused No.3 Shahanavaz regarding production of incriminating articles is false. It is false to suggest that Accused Shahanavaz was not using mobile number 7204796017. The person who was having SIM card number 7204796017 was native of Kushi Nagar, Uttar Pradesh. It is false to suggest that Ex.P48 has no nexus to the Accused No.3.

40. PW.15 stated before me as per Ex.D1.

41. It is false to suggest that Accused No.3 Shahanavaz

did not give confession before me. It is false to suggest that witnesses have not given statement before me. It is false to suggest that all the mahazars and documents were created in police station.

42. No TIP was conducted. It is false to suggest that witnesses have not identified accused.

43. I have not sent slipper which were seized from the spot to Forensic Footwear Analysis and Forensic Podiatry. I have not taken surface impression from the spot.

44. It is false to suggest that Accused No.3 was brought from his house from native place.

Cross-examination by Sri. RKA Advocate for accused No.1:-

45. In the complaint motorcycle number and name of Accused No.1 are not mentioned. As per investigation, Accused No.1 name came to us on 09.02.2014. The name of Accused No.1 did not appear in the statements of CW.2 to 4 and in the first further statement of CW.1-PW.1. In the Inquest report also name of Accused No.1 did not appear. As per column no.4 of Inquest, CW.3 was the person who last seen the deceased on 08.02.2014, but, time of seen is not mentioned. Rented rooms are situated backside and roadside of the house of deceased. All the rooms are having separate doors. Since

deceased was not in the habit of taking Rental Agreements, no documents were available with her. Even I have not collected Rental Agreements of other tenants as there were no documents. There were no documents for collecting rent from the tenants. It is false to suggest that Accused No.1-Shivaram never stayed as a tenant in the room of deceased.

46. Windows of the house were having wooden grill, but, there were no window doors. There were two doors for the house of deceased. One is main door and another one is door from kitchen. After road house of Basheer and other houses, one side Temple and another side Gym school and another side house of vacant place. In the mahazar, I have not shown other houses adjacent to the house of deceased as there are no houses. While conducting Inquest, I enquired PW.12-Naresh. Naresh was also present when I went to the spot. I spot with Naresh before Registration of an FIR.

47. I have not taken report from Expert to compare piece of gold chain which was entangled to the hair of deceased and piece of gold chain which was recovered from the accused during investigation. Witness states he compared both in the photographs and also family members of deceased identified both gold chain.

48. It is false to suggest that I have not received

complaint Ex.P1 from PW.1 at 10.00 p.m. on 08.02.2014. I have kept gold piece chain with two gold balls and beets in a transparent Ziploc cover. I have not packed and sealed the said cover. I have packed and sealed blood stained cotton swab. It is false to suggest that I have not seized any articles mentioned under Ex.P19. It is false to suggest that none of the witnesses have given statement before me. It is false to suggest that Ex.P19(c) sketch was prepared in police station. It is false to suggest that I have not seized clothes of deceased as per Ex.P15. It is false to suggest that none of the witnesses have stated before me Accused no.1 Shivaram came to house of deceased on 08.02.2014. It is false to suggest that mobile numbers 7204796017 and 7259452019 have no way concerned to the Accused No.1. It is false to suggest that CDR report Ex.P40 and 41 are edited.

49. It is false to suggest that PW.22 and staffs did not apprehend and did not produce Accused Nos.1 to 3 before me. I prepared arrest memo. It is false to suggest that Accused No.1 did not give confession statement. It is false to suggest that Accused Shivaram did not produce mobile handset with two SIM cards, I did not seize mobile Kechada with two SIM car numbers 9845391227 and 725945201 said to belonged to Shivaram under Ex.P18. It is false to suggest that I did not secure panchaas and gold appraiser and gold appraiser Accused Shivaram and other two Accused persons did not

take us to rented house situate at Uchila, Shahanavaz did not produce his clothes, he did not produce plastic packet which contained gold articles, I did not prepare mahazar in detail after gold appraiser verifying gold articles and did not seize gold articles under Ex.P17 in the Rented house of Accused No.1 Shivaram. I did not enquire owner of house of Shivaram. Witness volunteers he enquired relative of house of owner of Shivaram. I have not collected Rental Agreement. It is false to suggest that Accused No.1 Shivaram never resided as a tenant in the said house. I took panchaas from the police station to the house of Shivaram. There are houses adjacent to the house of Shivaram. It is false to suggest that I did not secure PW.1, 2, CW.3, 4 and PW.4 and did not show gold articles to them and they did not identify gold articles and they did not state gold articles belongs to deceased Sumathi Prabhu. It is false to suggest that they did not identify accused persons. It is false to suggest that I did not record further statement of PW.15, 11, CW.7, PW.12 and CW.10. I have not packed and sealed gold articles. I have kept gold articles in transparent Ziploc cover.

50. It is false to suggest that Accused No.2 Bahaddur Singh did not state in his voluntary statement, at the time of incident deceased bit his Index finger and middle finger, accordingly, I did not send him for examination, doctor did not examine him and did not issue OP card. It is false to suggest

that to suit our convenience, I obtained OP card of Accused No.2-Bahaddur Singh.

51. It is false to suggest that on 27.04.2014, PW.22 and staffs did not produce Accused No.2 Bahaddur Singh, gold articles, mahazars, statements and other documents. I have not sent a report to the Jurisdictional Court stating that, I had deputed S.I. and Staffs to conduct further investigation in pursuance of the voluntary statement of Bahaddur Singh.

52. It is false to suggest that Accused No.1 did not take us to his uncle's Hanuman Singh Rented house and did not show his pulsar motorcycle, I did not prepare mahazar and did not seize said motorcycle. It is false to suggest that Accused Shivaram did not give voluntary statement as per Ex.P45. It is false to suggest that Accused No.2 Bahaddur Singh did not give voluntary statement as per Ex.P46. It is false to suggest that I have prepared Ex.P45 and 46 to suit my convenience. It is false to suggest that I did not secure PW.1, 2, CW.3 PW.15, CW.4, PW.4, PW.11, CW.7, PW.12, CW.10 and CW.11 and they did not identify gold articles and I did not record their further statement.

53. It is false to suggest that Accused No.2 was not working under CW.28 and CW.28 did not maintain any rough register to show Shahanavaz was working under him and he

did not obtain SIM card in the name of his another employee and did not give said SIM card to Accused No.2.

54. It is false to suggest that during my investigation though I found Accused persons did not involve in the commission of offence, I have submitted false charge sheet against them.

Re-examination: Nil.

(Computerized to my dictation in the open court)

ROI & AC

II Addl District and Sessions Judge,
Mangaluru, D.K.