

KADK010003602014



Presented on : 31-10-2014
Registered on : 31-10-2014
Decided on : 21-07-2026
Duration : 11 years 8 months 21 days

**IN THE COURT OF THE II ADDL. DISTRICT &
SESSIONS JUDGE, D.K., MANGALURU**

Present:

SRI. JAGADEESH V.N.

B.A., M.L.,

II Addl. District & Sessions Judge,
Dakshina Kannada, Mangaluru

Dated this the 21st day of July 2026

SC/93/2014 c/w SC/99/2014

**Complainant in
both the cases:**

The State – through
Police Inspector,
Panambur Police station, Mangaluru.

(Rep. by learned Public Prosecutor, D.K., Mangaluru)

Versus

Accused in
SC/93/2014 :

1. Pushparaj **(Accused No.2)**
S/o. Shivadas Kotian
Aged 46 years
R/at Sujatha Complex, Room No.7,
Ambagilu, Santhekatte Post,
Shivalli village, Udupi Taluk and District.
2. Harish Baikampady **(Accused No.3)**
S/o. Late Seena Guru Karkera
Aged 61 years
R/at Puthran Nivas, Meenakaliya Post,
Baikampady village, Panambur, Mangaluru.
3. Bhaskar Baikampady **(Accused No.4)**
S/o. Late Seena Guru Karkera
Aged 63 years
R/at Sevashraya House, near Master Ice Plant,
Kulai, Mangaluru.

(A2: Sri S.A.P.M. Advocate,
A3 & A4: Sri Rajesh K.G., Advocate)

Accused in
SC/99/2014 :

- Sathish Baikampady **(Accused No.1)**
S/o. Late Seena Guru Karkera
Aged 59 years

R/at Meenakaliya, Baikampady village,
Mangaluru Taluk, D.K. District.
Presently r/at Ladyhill Residency,
Flat No.002, Hill Dell Road, Chilimbi,
Mangaluru, D.K. District.

(By Sri Rajesh K.G., Advocate)

1. Date of commission of offence : On 15.05.2014 at about 00.30 to 00.45 hours.
2. Date of report of occurrence : On 15.05.2014 at about 03.15 hours
3. Name of the complainant: : PW.1- Naveen Sriyan
4. Offence complained of : U/Sec. 302, 201, 109, 120B r/w Section 34 of I.P.C.
5. Date of arrest of the accused. : A1: 29.10.2014
released on bail as per the order passed by Hon'ble High Court of Karnataka in Crl. Petition No.5759/2014.

A2: 20.05.2014
released on bail as per the order passed by Hon'ble High Court of Karnataka in Crl.

Petition No.6955/2014.

A3: 20.05.2014 –
released on bail as per
the order passed by
Hon'ble High Court of
Karnataka in Crl.
Petition No.5758/2014.

A4: 20.05.2014
released on bail as per
the order passed by
Hon'ble High Court of
Karnataka in Crl.
Petition No.4195/2014.

6. Date of commencement of trial : 10.07.2025
7. Date of closing of trial : 04.03.2026
8. Opinion of the Judge : As per final order.

COMMON JUDGMENT

The accused Nos.1 to 4 faced trial before this Court on the charge sheet filed by the Police Inspector, Panambur Police Station, Mangaluru for the offence punishable under Sections 302, 201, 109, 120B r/w Section 34 of I.P.C.

2. On 15.05.2014 at 2.00 a.m., the complainant Sri Naveen Sriyan has lodged a complaint. It was stated in the complaint he is an auto-rickshaw driver by profession and used to drive the auto-rickshaw from morning 11.00 a.m. till 1.00 a.m. As usual on 14.05.2014 at 00.45 hours (it should have been 15.05.2014) when he was proceeding to his house on Meenakaliya-Koorikatte road near Ganesh Shipping Godown, he found an unknown person was lying, nearby the said unknown person a shawl was lying, at the same time, his friend also came in another auto-rickshaw, he and his friend saw the said unknown lying person and found the said person was Gangadhar Pangal. They found blood was oozing from the head of Gangadhar Pangal, Gangadhar Pangal was unconscious. Immediately he called Panambur police and ambulance over phone and gave information. On the spot, vehicle damaged pieces were also lying. The Aviator Scooter of Gangadhar Pangal was also lying in a distance of 100 meters. The said scooter number was KA-19-EH-7393. The scooter was completely damaged. They also found the scooter was dragged for long distance and vehicle damaged pieces were also lying here and there.

They thought when Gangadhar Pangal was proceeding on his scooter towards house, some unknown vehicle came from hind side, hit the scooter and fled the spot. Immediately, Nagaraj an ambulance driver came with ambulance, he took Gangadhar Pangal to A.J. Hospital, Mangaluru, on examination, the doctors declared Gangadhar Pangal was brought dead. Based on the complaint given by complainant, the police have registered a case against unknown vehicle in Crime No.98/2014 for the offence punishable under Sections 279 and 304A of IPC and Section 134 (A &B) of M.V. Act.

3. Investigation was ensued. After investigation, the investigating agency has submitted charge-sheet against accused Nos.1 to 4 for the offence punishable under Sections 302, 201, 109, 120B r/w Section 34 of I.P.C. According to the charge-sheet, Gangadhar Pangal (hereinafter referred to as 'deceased') was a President of Baikampady Mogaveera Mahasabha. Accused Nos.1, 3 and 4 were also members of the said Mahasabha. Accused No.1 was also a President of the Mahasabha for certain period. Accused No.1 had misappropriated funds of the Mahasabha, school building committee and

Gopalakrishna Bajana Mandira. When the accused No.1 misappropriated huge amount of the Mahasabha and other two committees, the members of the Mahasabha raised an objection in the General Body Meeting and on account of said objection, accused No.1 was made to resign from the membership. Accused Nos.1, 3 and 4 developed grudge against the deceased on the ground the deceased was the reason for removal of accused No.1 from the membership. On account of said grudge, accused Nos.1 to 4 hatched a plan to eliminate the deceased Gangadhar Pangal. On 14.05.2014, Gangadhar Pangal had attended Thambila function at Mulur village. Accused Nos.1 to 4 saw Gangadhar Pangal attending the said function and thought Gangadhar Pangal is definitely return to house in the night hours, accused Nos.1 to 4 waited in the places wherein Gangadhar Pangal was moving, on 15.05.2014 around 00.30 hours, when Gangadhar Pangal was returning after finishing said function on his Scooter at the spot, the accused No.2 at the instance of accused Nos.1, 3 and 4 drove the Bolero vehicle bearing Reg.No.KA-19N-7988 from hind side with a high speed and in a rash and negligent manner, hit the

scooter of the deceased, the scooter dragged on the road for long distance, deceased sustained severe injuries more particularly on the head and succumbed to the injuries. The accused Nos.1 to 4 have committed murder of deceased on account of grudge.

4. The committal court furnished charge sheet papers to the accused. Since the accused No.1 is shown as absconding in the charge-sheet, case against accused No.1 was split-up in the committal court and since the offence was exclusively triable by Court of Session, the case was committed to Court of Session as against accused Nos.2 to 4. The Hon'ble Principal District and Sessions Judge made over the case to this court for trial.

5. The accused Nos.2 and 3 were in judicial custody and accused No.4 was on bail and represented by their counsel. In the meantime, accused Nos.2 and 3 were released on bail as per the order passed in Criminal Petition No.6955/2014 and Crl. Petition No.5758/2014 respectively. Later accused No.1 was secured, case was committed and made over to this court in S.C. No.99/2014.

6. After hearing learned Public Prosecutor and learned counsel appearing for the accused Nos.1 to 4, since there were sufficient materials and grounds against the accused, this Court has framed charge for the offences punishable under Sections 120-B, 302, 109, 201 r/w Section 34 of I.P.C. The charge was read over and explained to the accused in the language known to them, the accused denied the charges. Thereafter, fixed the trial and issued summons to the witnesses.

7. The prosecution in order to substantiate its case, examined in all 43 witnesses out of 56 witnesses cited as PW.1 to PW.43 and produced in all 88 documents as Ex.P.1 to Ex.P.88 and material objects at MO.1 to MO.23. The statement of the accused Nos.1 to 4 was recorded under section 313 Cr.P.C, wherein they denied incriminating evidence and submitted written statement. In support of their defence, the accused Nos.1 to 4 have not adduced any defence evidence either orally or documentary. But accused No.1 has submitted his written statement along with some documents and accused No.2 has also submitted his written statement.

8. Heard, the learned Public Prosecutor and learned counsels for accused Nos.1 to 4.

9. It is contended by learned Public Prosecutor that no doubt there are no eyewitnesses to the incident, but the prosecution has proved the guilt of the accused beyond reasonable doubt by relying upon the circumstantial evidence. It is contended by learned Public Prosecutor that the prosecution has mainly relied upon three circumstances viz. motive, last seen theory and recovery at the instance of accused. The prosecution has proved all the three circumstances by adducing cogent and convincing evidence.

10. Learned Public Prosecutor submits in so far as motive is concerned, the prosecution has examined number of witnesses to prove the said circumstance. The witnesses examined before the court have clearly deposed accused No.1 was the President of Baikampady Mogaveera Mahasabha. The witnesses have clearly deposed accused Nos.1, 3, 4, deceased and others were the members of said Mahasabha. The witnesses have clearly deposed there was a complaint against accused

No.1 with respect to financial embezzlement to the Mahasabha and other two committees viz. Gopalakrishna Bajana Mandira and High School building, when he was the President of said Mahasabha. Accused No.1 misappropriated huge funds of the Sabha, during General body meeting an objection was raised by the members of the Sabha, during the said meeting accused No.1 gave oral resignation to the membership and left the Sabha. Since accused No.1 had misappropriated huge amount, he did not return to the Sabha. Several notices were issued and action was also initiated against accused No.1. Deceased was an active member in the said Sabha. He was also a priest of the village. The witnesses have clearly deposed the accused Nos.1, 3 and 4 are the brothers. The witnesses further deposed accused Nos.1,3 and 4 have developed grudge against deceased on the pretext the deceased was the reason for removing the accused No.1 from the Sabha. PW.6 was the subsequent President of the said Sabha, he had also worked as a Secretary and Treasurer of the Sabha. He issued notices to the accused No.1 to explain about the misappropriation of the funds. The said documents were

placed before the court which indicate the accused No.1 had misappropriated funds of the Sabha. Though no action was taken against accused No.1 from the Sabha, but the evidence placed on record clearly indicates the accused No.1 had misappropriate the funds of the Sabha and thereby he was removed from the Sabha. The aforesaid evidence clearly indicates accused Nos.1, 3 and 4 have developed grudge against the deceased, hatched a plan and committed murder of deceased.

11. Learned Public Prosecutor in so far as last seen theory is concerned would submit the prosecution has examined several witnesses to prove the last seen of the accused persons on the said night and accused persons watched the movements of the deceased and they only committed murder of deceased by showing the incident as if the accident. She submits the witnesses have deposed before the court on 14.05.2014, a family function was held at Muluru. The said function was attended by various persons including the deceased Gangadhar Pangal. Gangadhar Pangal was praying Madhu to the family God and he too attended the said function to pray Madhu. The movements of Gangadhar

Pangal had been continuously watched by accused Nos.1 to 4. On 14.05.2014, Gangadhar Pangal visited Muluru to attend the Thambila function. His daughter, son-in-law and others also attended the said function. After finishing the said function, PW.2 and 3 i.e. son-in-law and daughter of the deceased and deceased left in the car of PW.2, came to Vishwasagara Hotel, Baikampady wherein the scooter of Gangadhar Pangal was parked, PW.2 and 3 dropped deceased there, deceased took his scooter and proceeded towards his house. Then PW.2 and 3 proceeded in their car towards their house. Within a short time, PW.2 and 3 reached their house, PW.2 received a call from PW.1 who told Gangadhar Pangal was lying with sustaining injuries by the side of road and nearby him, his scooter was also lying. Immediately PW.1 called an ambulance and shifted the deceased to hospital wherein he was declared as brought dead. In so far as the presence of accused on the spot and other places, the prosecution examined so many witnesses including PW.2 and PW.3. PW.2 and 3 have clearly deposed in their deposition after Gangadhar Pangal proceeded in the scooter, accused No.2 proceeded in the Bolero vehicle,

thereafter Ritz car and Maruthi 800 car also proceeded behind the scooter of Gangadhar Pangal. The brother of PW.2 also deposed in his deposition on 14.05.2014, accused Nos.1 and 3 came to Muluru village and waiting outside the function place, when he enquired with accused Nos.1 and 3, they told they were waiting for some other person and they left after the PW.2, PW.3 and deceased left from the said place. The prosecution also examined other witnesses who told the accused Nos.1 and 3 visited Muluru and watching the movements of deceased Gangadhar Pangal. PW.8 another villager has clearly deposed on 15.05.2014 in the midnight he saw accused No.1, 3 and 4 near Ganesh Shipping Yard. He also saw an unknown person was lying by the side of road. The aforesaid evidence clearly indicates the accused Nos.1 to 4 were seen in and around the place of incident and they only committed the offence.

12. In so far as, seizure and recovery at the instance of accused is concerned, learned Public Prosecutor submits during the investigation, Bolero vehicle which hit the scooter was seized. At the time of conducting spot cum seizure mahazar, several articles were seized. Some

of the articles were damaged parts of vehicles including damaged parts of scooter. On 20.05.2014, accused Nos.2 to 4 were apprehended. In the voluntary statement, accused Nos.2 to 4 admitted commission of offence and also admitted to produce incriminating articles. At the instance of accused Nos.3 and 4, two vehicles i.e. Ritz car and Maruthi 800 car were seized. At the instance of accused No.2, Bolero vehicle which hit the scooter was seized. PW.6 is the witness to the seizure mahazars. He has clearly supported the case of prosecution. By looking into the evidence of witnesses pertaining to the seizure at the instance of accused No.2, it clearly indicates on 20.05.2014 the accused No.2 took the Investigating officer and panchas to Shakthi Garage and produced Bolero vehicle. The Investigating officer seized Bolero vehicle. The front left portion of the Bolero vehicle and radiator guard of the Bolero vehicle have been damaged. The Investigating officer seized damaged portion of the radiator guard. The Investigating officer also seized portion of damaged part of radiator guard at the spot. All the damaged parts were sent to FSL for examination. The FSL report clearly indicates damaged part which was

lying on the spot and the damaged part which was in the Bolero vehicle were matched with each other. The said recovery clearly indicates the accused No.2 was driving the Bolero vehicle at the time of incident and at the instance of accused Nos.1, 3 and 4, he hit the deceased to the scooter and on account of said hit, deceased sustained injuries and died. PW.25 is the doctor who conducted postmortem examination. It was clearly deposed by PW.25 the deceased had sustained more than nearly 20 injuries. The deceased died on account of blunt force injuries sustained. The prosecution has clearly proved the recovery at the instance of accused.

13. Learned Public Prosecutor submits the prosecution has proved all the three circumstances which relied upon by it and it is very clear the accused Nos.1 to 4 have committed the murder of deceased Gangadhar Pangal. Hence, she seeks to convict the accused Nos.1 to 4 for the offences charged against them.

14. On the other hand, Sri R.K.G, learned counsel for the accused vehemently contended the prosecution has failed to prove the guilt of the accused beyond reasonable

doubt. By elaborating the evidence placed on record, he would submit from the evidence placed on record, it is evident the prosecution case rests on circumstantial evidence. There are no eyewitnesses to the incident. Initially case was registered under Sections 279 and 304A of IPC. In so far as complaint lodged by PW.1 is concerned, there are serious contradictions in the evidence of PW.1 complainant. The complainant in one breath says when he was proceeding in front of railway station, PW.11 Anand Poojary called him and told him a person was lying by the side of road near Ganesh Shipping Godown, immediately he went to the spot, by that time, PW.11 Ananda Poojary also came to the spot, both saw an unknown person was lying in a prone position, they tilted the body and saw the said person was none other than Gangadhar Pangal. Immediately he called police, ambulance and PW.2 son-in-law of deceased. In another breathe, he says when he was proceeding near Ganesh Shipping Godown, he saw an unknown person was lying by the side of road, at the same time, PW.11 Ananda Poojary came in the auto-rickshaw, he and Ananda Poojary tilted the body and saw

the said dead body was that of Gangadhar Pangal. Then he called police, ambulance and PW.2, PW.2 also came to the spot, they shifted Gangadhar Pangal to A.J. Hospital. But PW.2 in his deposition deposes he received call from PW.1 around 12.45 midnight and told Gangadhar Pangal was lying with sustaining injuries and PW.1 and PW.11 were shifting the Gangadhar Pangal in an ambulance to A.J. Hospital, he directly came to the A.J. Hospital. From the evidence of PW.1, PW.2 and PW.11, it is also forthcoming mobile of Gangadhar Pangal was lying on the spot, PW.11 Ananda Poojary took the mobile and called PW.2 from the mobile of Gangadhar Pangal and when PW.2 came to the spot, mobile was handed over to him. But PW.2 deposes in his deposition after 10 days, the police handed over mobile to his wife PW.3. There are serious contradictions in the evidence of PW.1, PW.2 and PW.11 with respect to seeing the incident, shifting the body, lodging the complaint and also with respect to mobile. In the evidence of PW.1, there is also contradiction with respect to the vehicle number of the deceased. In the complaint, it is clearly mentioned Aviator Scooter of Gangadhar Pangal bearing Reg.No. KA-

19-EH-7393 was lying under a tree in a distance of 100 meters from the place wherein Gangadhar Pangal was lying. Even in some subsequent documents, the scooter number has been mentioned as KA-19-EH-7393, but vehicle belongs to Gangadhar Pangal is KA-19-EH-8393. The prosecution has not produced any documents to show neither Scooter bearing Reg.No.KA-19-EH-7393 nor KA-19-EH-8393 belongs to Gangadhar Pangal. Assuming for a moment, the complainant has written the vehicle number wrongly as KA-19-EH-7393 instead of KA-19-EH-8393, the prosecution should have placed some evidence before the court to show which vehicle belongs to Gangadhar Pangal. That has not been done by the prosecution, this is a serious lacuna from the side of prosecution. He further contends the prosecution has relied upon four circumstances to prove the guilt of the accused, viz. motive, last seen theory, conspiracy and seizure at the instance of accused. The prosecution has failed to prove none of the circumstances up to the mark.

15. In so far as motive is concerned, the prosecution has mainly relied upon the oral testimonies of PW.6, PW.2, PW.3, PW.4, PW.5, PW.7, PW.10, PW.39, PW.41,

PW.43 and Ex.P.33 documentary evidence. By referring to the oral testimonies of aforesaid witnesses and Ex.P.33, he submits by looking into the above evidence, it is not forthcoming the prosecution has proved the aspect of misappropriation of funds by the accused No.1 in Mahasabha, school building committee and Gopalakrishna Bajana Mandira. The major witness relied upon by the prosecution is PW.6 Vasudeva Salian. It is the specific case of the accused that entire case was built up by the police at the instance of PW.6 and PW.2. PW.6 is the key master for the creation of the case. By referring to the chief-examination and cross-examination of PW.6, learned counsel submits in the cross-examination, it was clearly admitted by PW.6 though notices were issued to the accused No.1 for misappropriation of funds, neither any action was taken nor any complaint was filed before the jurisdictional police with respect to misappropriation of funds in the Mahasabha, school building committee and Gopalakrishna Bajana Mandira by accused No.1. Except the oral say of PW.6, absolutely there are no documents to show any misappropriation was made by accused No.1. Even in the cross-examination, it was

admitted by PW.6 when accused No.1 was the President of Mahasabha, deceased Gangadhar Pangal was neither Secretary nor Treasurer of the Mahasabha. When Gangadhar Pangal was not a member of the Board, the question of raising objection by Gangadhar Pangal against the accused No.1 for misappropriation of funds does not arise at all. In fact, no such misappropriation was done by accused No.1. It was the say of the members of the Mahasabha and villagers that accused No.1 had misappropriated funds of the Mahasabha and other 2 committees. Absolutely, there is no document to prove the said fact. It was also admitted by PW.6 in the cross-examination, PW.6 was also a Treasurer and Secretary of the Mahasabha when accused No.1 was the President of the Mahasabha. When he was also a member of the Board, PW.6 was held responsible even if any misappropriation was committed. Even PW.6 had not taken any action as a Secretary or Treasurer against the accused No.1 for misappropriation of funds during the said period. It was also admitted by PW.6 in his cross-examination ground floor of school building was completed during the tenure of accused No.1 as a

President of the school building committee. When such being the case, the question of misappropriation of funds does not arise. PW.39, 41 and 43 are the Investigating officers. In the cross-examination, PW.39 has clearly admitted he had not obtained any documents pertaining to the misappropriation of funds of the Mahasabha by the accused No.1. Even he has not investigated anything about the misappropriation of the funds. PW.41 in his cross-examination clearly admits in whose statements witnesses have stated about the misappropriation of funds by accused Nos.1, 3 and 4, he further admits he has not collected any documents with respect to misappropriation of funds. PW.43 in his deposition deposes he verified the documents pertaining to the misappropriation of funds produced by PW.6 and included them into the file. He has not secured original records of Ex.P.33 to verify whether those documents are genuine or not. Ex.P.33 itself is not sufficient to prove accused No.1 had misappropriated funds of the Mahasabha and two other committees and based on the oral evidence of PW.6 and other witnesses, it cannot be concluded the accused No.1 had misappropriated the

funds of the Mahasabha, when the same was questioned by members of Mahashaba, he developed grudge against Gangadhar Pangal as Gangadhar Pangal was the reason to raise said objection. In so far as oral testimonies of PW.2 to 5, 7 and 10, they have clearly deposed they heard from the villagers that the accused No.1 misappropriated funds of Mahasabha and other two committees and accused Nos.1, 3 and 4 were expelled from the Mahasabha. To show accused Nos.1, 3 and 4 were expelled from the Mahasabha, absolutely no documentary evidence is placed on record. The evidence placed on record is not sufficient to hold accused No.1 had misappropriated funds of the Mahasabha. The circumstances surrounding creation and submission of Ex.P.33 further deepen the suspension. The prosecution case suffers even from more serious defects and there is absolutely no independent evidence of any alleged misappropriation of funds. None of the Investigating officers have made any meaningful attempt to collect financial records, audit reports, account books of Mahasabha or other two committees to show any misappropriation by accused No.1. The evidence placed

on record clearly shows that no complaint or whatsoever was lodged regarding the alleged misappropriation either before the jurisdictional police or before any competent authority to take necessary action against the accused No.1. In the absence of such evidence, it cannot be concluded the accused No.1 had misappropriated the funds. The oral evidence of the prosecution witnesses on motive is equally unreliable and riddled with contradictions, improvements and hearsay. Based on the oral testimonies of witnesses and only on Ex.P.33, it cannot be conclude the prosecution has proved the motive to commit the crime.

16. In so far as last seen theory is concerned, it is the case of the prosecution that on 13.05.2014, a Kola function was held at Muluru and said function was attended by deceased, after attending the function, he returned to house. On 14.05.2014 also, a Thambila function was held in the house of PW.2 at Muluru. PW.2, PW.3, deceased Gangadhar Pangal and others attended the said function. According to the prosecution, on 14.05.2014 deceased had parked his scooter at Vishwasagara hotel and went in a bus to Muluru to

attend the function. After attending the function, PW.2, 3 and their children and deceased left the Muluru in a car, PW.2 and 3 dropped deceased at Vishwasagara hotel wherein scooter was parked, after deceased left by taking scooter, they proceeded to their house. Within a short period PW.2 and 3 reached house, they received a message that Gangadhar Pangal was lying with injuries by the side of road near Ganesh Shipping Godown. To prove the last-seen theory, the prosecution examined several witnesses. According to the prosecution, on 14.05.2014, one or other witnesses have seen Gangadhar Pangal proceeded on the scooter near Ganesh Shipping Godown, at the same time, accused Nos.1 to 4 proceeded in three vehicles viz. Bolero, Ritz car and Maruthi 800 car. According to the prosecution, accused No.2 hit the scooter of Gangadhar Pangal from Bolero vehicle from hind side. Accused Nos.1, 3 and 4 were in other two cars behind the Bolero vehicle, after confirming Gangadhar Pangal died all the vehicles left. In so far as evidence of PW.2 and 3 is concerned, they have deposed on 14.05.2014 when they returned in a car to Vishwasagara hotel to drop the deceased, after dropping when they

were proceeding, they saw Bolero vehicle with Pushparaj and Bhaskar Baikampady. After deceased went in scooter, they saw Bolero vehicle followed the scooter, then Ritz car and Maruthi 800 car also followed Bolero car. When the complaint Ex.P.1 was lodged and inquest was conducted, PW.2 was very much present in the hospital. Absolutely, there is no such averment in the complaint and inquest mahazar. Even on 15.05.2014, there was no whisper about the presence of accused Nos.1 to 4 near the spot in the vehicles. After thought story was created, PW.2 and 3 saw the accused Nos.1 to 4 with three vehicles and one of the vehicle hit the scooter. PW.5 is the brother of PW.2 and he deposes in his deposition on 14.05.2014 when the Thambila function was going on in his house, he came out of the house and saw Sathish Baikampady and Harish Baikampady were standing out of the house and when he made an enquiry with them why they were waiting there, they told they were waiting for some other person to come, he went inside the house, after finishing programme, his brother, sister-in-law and deceased left the village in the car of PW.2, then Harish Baikampady and Sathish Baikampady

left the village. PW.4 villager also deposed in his evidence on 14.05.2014, he too saw Sathish Baikampady and Harish Baikampady in the village and he saw after PW.2, PW.3 and deceased left the village accused- Sathish Baikampady and Harish Baikampady left the village in the car. All the witnesses have deposed in their deposition Sathish Baikampady had grudge against the deceased Gangadhar Pangal and had proclaimed in the presence of villagers he would see the fate of Gangadhar Pangal one or other day. When such being the case, the aforesaid witnesses should have informed the same to anybody at least to take some precaution by Gangadhar Pangal, but the same was not done. Their statements were recorded after 2-3 days of the incident. Therefore, the oral testimonies of witnesses cannot be considered. The other witnesses also deposed in their deposition on 15.05.2014 in the midnight they saw accused Nos.1 to 4 near the spot and a person was lying at the spot. Even they too did not inform the same to anybody and after one or two days, they gave statement to the police. Such evidence cannot be believed at all.

17. He submits the prosecution also relied upon the evidence of PW.12. According to PW.12, accused No.1 Sathish Baikampady and accused No.2 Pushparaj came to his house in the midnight, took him to Kuntikana stating that their vehicle was stopped there, he went there and saw front left portion of the vehicle bumper was dented and radiator guard was touching fan and vehicle could not be moved. He pulled radiator guard and kept the same in the vehicle, took the vehicle to garage and then accused Nos.1 and 2 left the garage. On 20.05.2014, the police came along with accused No.2 Pushparaj, at that time, he came to know said vehicle was used for commission of murder. Even according to the prosecution, PW.12 pulled the radiator guard from the radiator portion and kept the same inside the vehicle. But as could be seen from the mahazar conducted while seizure of vehicle, no such radiator guard piece was seized from the vehicle. In the presence of PW.12, mahazar was conducted at Ex.P.39. The place deposed by PW.12, the place wherein the mahazar was conducted are also different. It was clearly admitted by Investigating officer the government vehicles are also left for repair in

the garage of PW.12 and PW.13. That clearly indicates PW.12 and PW.13 have been planted as witnesses. In the evidence, the wife of accused No.2 has clearly deposed on 20.05.2015, the police took the Bolero vehicle from the house. On that day, Bolero vehicle was seized from the garage, that clearly indicates the police have created false story, took the vehicle kept in the garage and created a false story. Therefore, the evidence of PW.12 also cannot be believed. It was clearly admitted by Investigating officer, no mahazar was conducted at Muluru wherein function was held, no mahazar was conducted where Gangadhar Pangal had kept his scooter at Vishwasagar hotel. No mahazar was conducted where PW.2 and 3 had seen the Bolero vehicle near bridge. The above clearly indicates the witnesses never saw accused Nos.1 to 4 on the intervening night of 14.05.2014 and 15.05.2014. The Investigating officers have created story of last-seen theory to falsely implicate the accused.

18. In so far as seizure at the instance of accused persons is concerned, there are serious contradictions in the evidence of witnesses. After registration of the case on 15.05.2014, a spot cum seizure mahazar was

conducted between 11.00 – 3.30 p.m. Several articles were seized on the spot. But PW.1 has not completely supported the case of prosecution. His evidence is here and there. Though the articles were collected and handed over to FSL team, in the mahazar it is not forthcoming about collection of articles by FSL team. According to the prosecution, PW.40 Suresh was the photographer who took photographs and made videography of the entire mahazar. Till the completion of the evidence, the said witness was neither examined by the prosecution nor forthcoming in any of the charge-sheet about taking photographs by him. At the fag end of evidence, he comes into picture and deposed before the court he took photographs while conducting mahazar. From the spot several articles were collected. The articles collected from the spot are not matching with other articles collected subsequently. The Investigating officer suppressed several facts while conducting mahazar. The alleged incident took place on 15.05.2014 at around 00.30 midnight, but mahazar was conducted at 11.00 a.m. Till such time, police personnel were deputed even according to the Investigating officer. But the said police personnel

have not been examined by the prosecution to show the entire spot was secured and to show chain of custody of articles.

19. He further submits in so far as seizure of Ritz Car at the instance of accused Nos.2 to 4 is concerned, the said mahazar was also created for the purpose of the case. In so far as seizure of Bolero vehicle at the instance of accused No.2 is concerned, PW.6, 12 and 13 are planted witnesses. Admittedly, PW.6 is an interested witness. It was the specific case of the accused entire case was fixed at the instance of PW.6 and others. He was witness to the seizure of Bolero car. Bolero car was seized from Shakthi garage. PW.13 is the owner of Shakthi garage. If the mahazar pertaining to the seizure of Bolero car is seen, the said mahazar is not correct. According to PW.12, when he was taken to Kuntikana by accused Nos.1 and 2 to take Bolero car as it was stopped there, he pulled piece of radiator guard which was obstructing fan and kept in the Bolero car. From the mahazar, it is not forthcoming the said piece was seized by the Investigating officer from the car. Even if the photographs are seen, it is not clearly seen whether the

said Bolero vehicle was seized from the garage. The seizure of Bolero car is also not proved by the prosecution. In so far as seizure of Maruthi 800 car and one two-wheeler, both the vehicles belong to accused family and no much credence can be given to the seizure of both the vehicles. Admittedly, both the vehicles were seized from the premises of accused. Therefore, no much credence can be given to the recovery of those vehicles.

20. In so far as conspiracy is concerned, absolutely the prosecution has not proved the conspiracy held between accused Nos.1 to 4. According to the prosecution, the accused Nos.1 to 4 had conspired near APMC gate, waited for arrival of deceased and committed an offence. Only mahazar was conducted at the instance of some of accused and no mahazar was conducted at the instance of other accused. Even conspiracy also has not been proved by the prosecution.

21. The learned counsel further submits in so far as evidence with respect to comparison of radiator guard by the FSL is concerned, the seizure of articles and production of articles to the FSL is also not correctly

proved by the prosecution. Though the FSL report indicates radiator guard part lying on the spot and radiator guard seized by the Investigating officer while seizure of Bolero car are similar, but the prosecution has not produced any evidence to show the said radiator guard belongs to the Bolero car bearing Reg.No.KA-19N-7988. It was also contended by learned counsel for the accused that there was a matrimonial dispute between another daughter of deceased and son-in-law of deceased and son-in-law of deceased had grudge against the deceased. In that line also, the Investigating officer have not conducted any investigation.

22. It was also contended by learned counsel for the accused during the pendency of the investigation, the police have registered another case against the accused with the same similar facts and the said case was already acquitted. The Investigating officer have colluded with PW.2, PW.3 and PW.6 and filed false case against the accused. Hence, he seeks to acquit the accused Nos.1 to 4.

23. I have perused entire materials available on record. Having heard learned counsel for the parties and on perusal of entire evidence on record, the points that arise for my consideration are;

1. Whether the prosecution proves beyond all reasonable doubt that accused Nos.1, 3 and 4 being the brothers, accused No.1 being the President of Baikampady Mogaveera Maha Sabha, also became the President of reconstruction work of Gopalakrishna Bhajana Mandira, Meenakaliya and construction work of High School building and at that time since deceased Gangadhara Pangala publicized that accused No.1 and accused No.4 misused the contribution fund and thereby defamed their reputation in the village and further thinking that said deceased Gangadhara Pangala was the root cause for the suspension of accused No.1 and accused No.4 from the membership of Baikampady Mogaveera Mahasabha and with the same grudge, accused Nos.1 to 4 with their common intention to commit the murder of said Gangadhara Pangala on 13.05.2014 from 6.00 p.m. to 9.00 p.m. near the closed warehouse belonging to accused No.4 situated near Ganesh Shipping Agency cement godown near Meenakaliya-

Baikampady road side conspired with each other to commit the murder of Gangadhara Pangala by making plan that accused No.1 by driving old Bolero vehicle of 2013 model standing in the name of wife of accused No.2 and dashing it to the backside of said Gangadhara Pangala and further accused Nos.3 and 4 along with accused No.1 collecting time to time information of the movements of said Gangadhara Pangala and thereby committed an offence punishable under Section 120-B r/w Section 34 of IPC?

2. Whether the prosecution further proves beyond all reasonable doubt that as per their conspiracy on 13.05.2014 accused Nos.1 to 4 tried to commit the murder of said Gangadhara Pangala, but failed and on the next day i.e. on 14.05.2014 as per their conspiracy, accused Nos.1 and 3 got confirmed that Gangadhara Pangala had gone to Thambila Programme at Muluru, Ermal by going to that place and on that night at about 11.30 p.m. accused Nos.1 and 3 being in that place got confirmed that Gangadhara Pangala was returning home in the car of his son-in-law CW.3 and conveyed this information to accused Nos.2 and 4 and further accused Nos.1 and 3 in the Ritz car bearing Reg.No.KA-19-MD-9146 followed the car in which Gangadhara Pangala was traveling and as

per the conspiracy, accused No.2 was waiting near Baikampady small bridge in the Bolero car bearing Reg.No.KA-19N-7988 and when said Gangadhara Pangala got down from his son-in-law's car near Baikampady Vishwasagara Hotel and proceeding towards his home in his Scooter bearing Reg.No.KA-19-EH-8393 at about 00.30 hours at Baikampady-Meenakaliya road, in front of Cement Warehouse of Meenakaliya Ganesh Shipping at Baikampady village, Mangaluru Taluk, accused No.2 as per the abetment of accused Nos.1, 3 & 4 with intent to commit the murder of Gangadhara Pangala driven the Bolero car bearing Reg.No.KA-19N-7988 and dashed it to the backside of Scooter bearing Reg.No.KA-19-EH-8393, in which Gangadhara Pangala was proceeding and committed his murder and thereby committed an offence punishable under Section 302 r/w Section 34 of IPC?

3. Whether the prosecution further proves beyond all reasonable doubt that on the above said date, time and place, accused No.2 committed the murder of Gangadhara Pangala and that accused Nos.1, 3 and 4 abetted accused No.2 in the commission of murder of said Gangadhara Pangala which was committed as a result of their abetment and thereby committed an

offence punishable under Section 109 r/w
Section 34 of IPC?

4. Whether the prosecution further proves beyond all reasonable doubt that on the above said date, time and place, accused No.2 after committing the murder of said Gangadhara Pangala with intent to cause disappearance of evidence, accused No.2 without stopping his vehicle ran away from the spot along with vehicle and further to confirm the task entrusted to accused No.2 and to make sure the death of Gangadhara Pangala, accused Nos.1 and 3 in car bearing Reg.No.KA-19-MD-9146 and accused No.4 in car bearing Reg.No.KA-19-MB-0998 followed the Bolero vehicle and stopped their vehicles where said Gangadhara Pangala fell down and after boarding from their vehicles confirmed the death of Gangadhara Pangala, left the spot and further with intent cause disappearance of evidence, accused Nos.1 and 2 telling lie kept the vehicles used for commission of offence at Sri Shakthi Garage, Attavara, Mangaluru for the purpose of repair and thereby committed an offense punishable under Section 201 r/w Section 34 of I.P.C.?

5. What Order?

24. My findings to the above raised points are as under:

Point No.1 to 4: As per final order

Point No.5: As per final Order,
for the following:

REASONS

25. **Point Nos.1 to 4:** In order to avoid the repetition, I have taken these points for my common discussion.

26. PW.1 is the complainant who shifted the deceased to hospital. He deposes he knew deceased Gangadhara Pangal as deceased is from same village. He regularly parks his Auto Rickshaw at Baikampady Junction. He runs Auto Rickshaw between 11.00 a.m. and 1.00 a.m. On 14.05.2014, at 12.00 midnight when he was standing at Railway Station, CW.13- Anand Poojary called him and told someone lying in front of Ganesh Shipping Godown by the side of road. Immediately he went to the said place. Anand Poojary also came to the said spot. The person who was lying there was unknown to him and Anand Poojary. He lifted

said unknown person, the said person was Gangadhara Pangal. Gangadhar Pangal had received injuries over head and unconscious. He called Panamburu Police station and gave information. He called Nagaraju an Ambulance driver. On seeing Gangadhara Pangal, he thought Gangadhar Pangal met with an accident and lying on the spot. He also called CW.3 son-in-law of Gangadhara and gave information. He and CW.3 lifted Gangadhara to Ambulance, he went along with Ambulance to the A. J. hospital and CW.3 came on his vehicle. The police came to hospital. The doctors after checkup declared Gangadhara was brought dead. When he lifted Gangadhara Pangal, he noticed his shawl was lying on the spot. In a distance of 100 mtrs., from the place wherein Gangadhara was lying under tree towards right side scooter of Gangadhara was also lying. After the doctors declared death of Gangadhara, he went to police station and lodged compliant. At 11.00 a.m. he went to the spot. The police were present. The police inspected the spot. Public were also present. On the spot parts of Scooter of Gangadhara, shawl and other articles were lying. The police prepared detailed mahazar between

11.00 a.m and 1.30 p.m. He identified shawl, parts of vehicle etc. Learned Public Prosecutor treated him as partly hostile and cross-examined him. In the cross-examination, it was admitted by him he noticed damaged parts of vehicle on the spot and the scooter of the deceased was dragged for some distance on the spot. It was also admitted by him when the mahazar was conducted, FSL team was also present and FSL team collected so many articles and handed over to police. It was further admitted by him he noticed two wheeler tire mark measuring 6x8 cm from the spot up to 250 feet, thereafter up to 49 feet there was no tire mark on the spot. It was suggested to him on 14.05.2014 at 12.00 midnight when he was proceeding after finishing call at Meenakaliya cross in his auto-rickshaw, the driver of Bolero car bearing Reg.No.KA-19-N-7988 came from Baikampady side with high speed and proceeded towards Meenkaliya, behind the said Car accused No.4- Bhaskar Baikampady went in a Maruti car bearing Reg. No.KA-19-MB-0998 with high speed, following the said car another Ritz car bearing Reg.No.KA-19-MD-9146 by Harish Baikampady proceeded with high speed and in the front

left seat Sathish Baikampady was also sitting, he denies the same. Various other suggestions were made to him, he answered accordingly.

27. Learned counsel for the accused Nos.1 to 4 cross-examined him at length. It was admitted by him the vehicles on the road move even in the night hours. It was also admitted by him when CW.13 called him, he was at Surathkal railway station and immediately he came to the spot. It was also admitted by him Anand Poojary had acquaintance with Gangadhar Pangal. It was also admitted by him CW.3 came to the spot before the body was shifted, then body was shifted through ambulance to the hospital.

28. PW.2 is son-in-law of deceased. He deposes deceased Gangadhar Pangal was the President of Baikampady Mogaveera Mahasabha. The deceased was also the priest of Panjurli Daiva of their village. On 14.05.2014, he, his wife and his children had been to Muluru for family Thambila function. On 13.05.2014, Kola function was held in the same village. On 13.05.2014, his father-in-law had attended Madhu

prayer in Mooluru village. On 14.05.2014 also, his father-in-law attended Thambila function in their house in Mooluru. On 14.05.2014, his father-in-law came on the scooter and parked the said scooter at Vishwasagara Hotel, Baikampady, from there he came to Mooluru in bus. After attending Tambila function in his house at Mooluru, he, his wife, his children and his father-in-law left Mooluru and at around 12.15 midnight he dropped his father-in-law at Vishwasagara Hotel, Baikampady as the scooter was parked there and they proceeded in their car to their house. After dropping his father-in-law, they were present there till his father-in-law took his scooter and proceeded towards Meenakali road. He, his wife and his children proceeded in his car to their house via Vishnumoorthy Temple. They reached house situate at Kulai around 12.45 midnight. After 2 minutes of reaching house, PW.1 called him over phone and informed his father-in-law was lying unconscious on the right side of Ganesh Shipping Cement Godan and somebody hit scooter of his father-in-law and he further told PW.1 was lifting his father-in-law to an ambulance to go A.J. Hospital. He directly went to A.J. Hospital. He too

reached A.J. Hospital almost same time when ambulance reached hospital. Doctors after checkup declared his father-in-law was brought dead. Then body was shifted mortuary. At 6-6.30 a.m., he took his wife CW.4 to the spot and they saw the spot. By that time the police have already fixed barricades on the spot. They noticed shawl, blood stains by the side on road, radiator guard of a vehicle on the right side of the road, fiber pieces of the vehicle, indicator of the vehicle, glass pieces, number plate of scooter of his father-in-law, scooter of his father-in-law was dragged on the road for a distance. All the aforesaid articles were lying on the spot wherein barricades were erected. They also noticed scooter of his father-in-law was lying under a tree in a distance of 200 meters from the aforesaid place. Scooter registration number of his father-in-law is KA-19-EH-8393. He again went to A.J. Hospital. The investigating officer and police were present in A.J. Hospital mortuary. The IO enquired him. The IO inspected body of his father-in-law in detail. The Investigating officer prepared inquest mahazar. After conducting inquest mahazar, the body was handed over to them. On 14.05.2014, when he, his father-in-law, his

wife and children were returning in his car from his village Mooluru, he had seen a white colour Bolero vehicle bearing Reg.No.KA-19-N-7988 at Baikampady cross bridge, near the said Bolero vehicle, Pushparaj and Bhaskar Baikampady were standing and discussing. Further when they proceeded and reached near APMC main gate, white colour Maruti 800 car bearing Reg.No.KA-19-MB-0998 belongs to Bhaskar Baikampady was parked. When his father-in-law took his scooter and proceeded to house, Bolero vehicle bearing Reg.No.KA-19-N-7988 proceeded towards Kulooru on Meenakali road. Then Maruti 800 car followed Bolero vehicle. After dropping his father-in-law Vishwasagara Hotel, Baikampady and when he was proceeding in his car, Silver colour Ritz car bearing Reg.No.KA-19-MB-9146 came from opposite side that is from the side of Surathkal near Dwara Hotel. Harish Baikampady was driving Ritz car and Sathish Baikampady was sitting on the front left seat and Ritz car proceeded towards Kuluru. In the year 2013, his father-law was the President of Baikampady Mogaveera Mahasabha. After the term of his father-in-law, Sathish Baikampady became President of

the said Mahasabha. Sathish Baikampady was also President of Gopalakrishna Bajana Mandhira Punarnirmana Karya, Sathish Baikampady was also president of Baikampady High School building committee. The villagers came to know and discussing Sathish Baikampady misappropriated funds of all the aforesaid three institutions. In this regard the committee of Baikampady Mogaveera Mahasabha called Sathish Baikampady, Harish Baikampady and Bhasakar Baikampady and enquired about misappropriation of funds, at that time the aforesaid persons quarreled and left the Mahasabha. The Mahasabha took a decision and expelled all the three persons from the Mahasabha. All the three persons thought the aforesaid acts were done at the instance of deceased and they developed grudge against deceased. All the three persons proclaiming that they would see the fate of deceased and told the same to the villagers. From the above, he strongly suspected on account of aforesaid reason, among the three vehicles above, one of the vehicles hit Scooter of the his father-in-law from hind side with an intention to kill his father-in-law. Learned counsel for the accused cross-examined

him at length. It was admitted by him he knows number of witnesses who were cited in the charge-sheet. It was suggested to him he and CW.8 Vasudeva Salian joined and created false case against the accused persons. It was also suggested to him all the witnesses have been provided by him to the police, he denies the same. With respect to function held on 14.05.2014 at Muluru several suggestions were made, he answered accordingly. Various suggestions were made with respect to movement of vehicles from Muluru to Baikampady, he answered accordingly. It was suggested to him all the mining vehicles and port goods supply vehicles proceed on Ganesh Shipping yard road, he denies the same. It was suggested to him though all the vehicles move on the said road in the night hours, he denies the same. With respect to visiting to hospital and spot, several suggestions were made to him. It was also suggested to him deceased died on account of accidental injuries and the said accident was caused by unknown vehicle, he denies the same. It was also suggested to him accused Nos.1, 3 and 4 never misappropriated the funds of all the three institutions, he denies the same. It was also

suggested to him he, Vasudeva Salian and Gangadhara Hosabettu have crated a false story that he had seen Bolero vehicle along with Pushparaj and Bhaskar Baikampady at small bridge, Maruti 800 car at APMC gate and Ritz car along with accused Nos.1 and 3 on Surathkal-Mangaluru main road, he denies the same. It was also suggested to him on 14.05.2014, night, he did not see all the three vehicles and accused Nos.1 to 4, he denies the same. It was suggested to him, no such functions were held on 13.05.2014 and 14.05.2014 at Muluru village and Gangadhar Pangal never attended the said function, he denies the same. With respect to misappropriation of funds in the three institutions, various suggestions were made, he answered accordingly.

29. PW.3 is the daughter of deceased. She deposes similar to almost PW.2. She deposes deceased Gangadhar Pangal was her father and he was the President of Baikampady Mogaveera Mahasabha and her father was also priest of Panjurli Daiva of her village and her father was visiting for Madhu prayer of Daiva and he was respected person in the locality. On 14.05.2014, she, her husband and her children had been to Mooluru for family

Thambila function. On 14.05.2014, her father attended Thambila function in their house in Mooluru. On 14.05.2014, her father came on scooter and had parked the said scooter at Vishwasagara Hotel, Baikampady, from there came to Mooluru in bus. After finishing Tambila function in her house at Mooluru, at 11.30 p.m., she, her husband, her children and her father left Mooluru. On the way, near small bridge on Baikampady-Surathkal road, we saw a Bolero vehicle, Pushparaj and Bhaskar Baikamapady were standing in-front of said Bolero vehicle bearing Reg.No.KA-19-N-7988 and discussing, further when they reached near APMC gate, on the vacant place of the gate, one Maruthi 800 car bearing Reg.No.KA-19-MB-0998 was parked. At around 12.15 midnight she dropped her father at Vishwasagara Hotel, Baikampady as her father parked the scooter there. After dropping her father, they were present there till her father took scooter and proceeded towards Meenakaliya road. When they started their car to proceed, Bolero vehicle proceeded behind her father scooter, further Maruti 800 car followed said Bolero car. When they were proceeding towards their house, a Ritz

car bearing Reg.No.KA-19-D-9146 came from opposite side that is Surathkal side and proceeded towards Mangaluru, in the said car Harish Baikampady was driving the car and Sathish Baikampady was sitting on the front left seat. She, her husband and her children proceeded in their car to their house and reached house around 12.30-12.50 midnight. After reaching house, PW.1-Naveen called her husband over phone and informed her father was lying unconscious and her husband left house. She stayed in the house itself. Her husband returned at 6.15 a.m. She and her husband went to spot and spot was gathered by police. The spot was near Ganesh Shipping Cement Godown. They noticed shawl, radiator guard of a vehicle on the right side of the road, indicator of the vehicle, glass pieces. Scooter was dragged for about 100 meters on the road. After 200 meters, scooter of her father was lying under a tree. They also noticed blood stains on the spot. Her father Scooter registration number is KA-19-EH-8393. She identified vehicles and articles. Sathish Baikampady was the president of Gopalakrishna Bhajana Mandhira. It was alleged he had misappropriated funds of said

Bhajana Mandhira, hence Baikampady Mogaveera Mahasabha committee called him and enquired about misappropriation of funds but he did not respond to the same, hence he was expelled from the Baikampady Mogaveera Mahasabha. Sathish Baikampady presumed her father was the reason for expelling him from said Mahasabha. Sathish Baikampady was proclaiming he would see the fate of her father. Learned counsel for the accused cross-examined her. In the cross-examination, it was suggested to her on 13.05.2014 and 14.05.2014 no such functions were held at Muluru, she denies the same. Various suggestions were made with respect to the said function. It was further suggested to her she has not seen any articles on the spot, she denies the same. It was also suggested to her that she had no personal knowledge over subject matters of Bykampadi Mogaveera Mahasabha, Gopala krishna Bajana Mandira and High School building committee, she denies the same. It was also suggested to her Sathish Bikampady was in cordial relationship with her father, she denies the same. It was also suggested to her they all created a false story, she denies the same. It was further suggested to her on

14.05.2014, her father did not come to Muloor Village to attend Thambila function, she denies the same. It was suggested to her her father had no scooter bearing Reg No.KA-19-EH-8393. It was also suggested to her accused No.1 never proclaimed that he would see the fate of her father, she denies the same.

30. PW.4 is a villager. He deposes on 13.05.2014 and 14.05.2014, Gangadhar Pangal came to Mooluru to attend Kola and Thambila. On 14.05.2014, while Thambila was going on, at 10.15 p.m. he came out, at that time Harish Baikampady and Sathish Baikampady came in car bearing Reg.No.KA-19-MD-9146 and made an enquiry with him if Gangadhar Pangal had come to attend Thambila function, he told them Gangadhar Pangal was in function. By that time Sathish received a call, hence they proceeded towards car, thereafter he went to the function. The Thambila function was concluded around 11.30 p.m. After the function, deceased Gangadhar Pangal, PW.2-Yadhava Puthran and PW.3-Nayana went in car. After some time, the car of Sathish Baikampady and Harish Baikampady proceeded. At 6.00 a.m. on 15.05.2014, he received a call from

PW.1-Naveen Shriyan who told Gangadhar Pangal met with an accident near Beverage center on Meenakaliya road. He went to spot along with their community people at 7.00 a.m. Police were present there. He noticed Scooter bearing Reg.No.KA-19-EH-8393 belongs to Gangadhar lying on the spot. He also noticed blood traces, damaged parts of vehicle and scooter was dragged for about 200 meters and lying under a tree. On 16.01.2014, villagers have filed complaint. Sathish Baikampady and Harish Baikampady have expressed in the village they would do something to Gangadhar Pangal, as their membership was removed from Mogaveera Samaja. There was some financial embezzlement done by Sathish Baikampady in Mogaveera School of the village. Sathish Baikampady and Harish Baikampady also expressed their opinion before Rohith Kunder – CW.9 that they would do something to Gangadhar Pangal one day. Learned counsel for the accused cross-examined him. Various suggestions were made with respect to the incidence. It was specifically suggested he had no knowledge over financial embezzlement in Baikampady Mogaveera Mahasabha

and its committees, he denies the same. It was also suggested to him he was not at all present in Kola function on 13.05.2014 and Thambila function on 14.05.2014, he denies the same. It was also suggested to him whether he had mobile with him on 15.05.2014, he told PW.1 called mobile of Leeladhar and gave information about the incident. It was suggested to him deceased did not visit Mulur village and did not attend Kola function and Thambila function on 13.05.2014 and 14.05.2014, he denies the same. It was also suggested to him on account of misappropriation of funds, Sathish Baikampady, Harish Baikampady and Bhaskar Baikampady were not removed from the membership, he denies the same.

31. PW.5 is a brother of PW.2. He deposes his family house is in Mooluru Village. On 13.05.2014, a Kola function was arranged in their house at Mooluru. On 14.05.2014, Thambila function was arranged in their house at Mooluru. Deceased Gangadhar Pangal came to pray Madhu for Daiva. Thambila function commenced around 8.00 p.m. and completed around 10.30-11.00 p.m. On that day around 9.30 p.m. when he came out of

the function, Ritz car was parked, Sathish Baikampady and Harish Baikampady were present there, when he asked them to visit the function, they told they were waiting for some other person. Sathish Baikampady was speaking over phone that deal has to be completed today. After finishing Thambila function, his brother Yadhava Puthran-PW.2, his sister-in-law Nayana-PW.3 and Gangadhar Pangal left in the car of his brother around 10.30 p.m. After his brother car left, another vehicle proceeded. On 15.05.2014, in the early morning when he was in house at Mooluru, he came to know Gangadhar Pangal met with an accident near Beverage, Meenakali road. He went to spot and noticed scooter of Gangadhar Pangal was lying under a tree, the said scooter was dragged on the road for some distance, deceased shawl, broken parts of vehicle, a radiator of vehicle, glass pieces were also lying on the spot. Learned Public Prosecutor treated him as partly hostile and cross-examined him. In the cross-examination he admits Sathish Baikampady and Harish Baikampady came the car bearing Reg.No.KA-19-MD-9146 and Sathish Baikampady was speaking over phone that "*He was in Thambila function*

and after he leaves from here, he would make a call and aim should not miss today” and when he went near Sathish Baikampady, Sathish Baikampady disconnected the call. At 11.30 p.m., his brother, his sister-in-law and Gangadhar Pangal left in the car and after his brother car left the village, the car of Sathish Baikampady and Harish Baikampady proceeded behind. He deposes Sathish Baikampady misused funds of Gopalakrishna Bhajana Mandira and High School building construction, hence Mogaveera Samaja had suspended Sathish Baikampady from the Mahasabha. Sathish Baikampady developed animosity against Gangadhar Pangal on the pretext Gangadhar Pangal was the reason for expelling Sathish Baikampady from Mahasabha and Sathish Baikampady and Harish Baikampady proclaiming in the village they would do something to Gangadhar Pangal. Learned counsel for the accused cross-examined him. Various suggestions were made with respect to the functions held at Muluru village, he answered accordingly. It was suggested to him he did not see Sathish Baikampady and Harish Baikampady on 14.05.2014 in the village, he denies the same. It was also

suggested to him Sathish Baikampady had not misappropriated any funds of all the 3 Institutions, he denies the same.

32. PW.6 is a former President of Baikampady Mogaveera Mahasabha and witness to various mahazars. He deposes on 15.05.2014, between 4-4.30 a.m., CW.30-Nithin Mendon called him over phone and told Gangadhar Pangal met with an accident on Meenakaliya-Baikampady road. During 2014, he was the President of Baikampady Mogaveera Mahasabha. He called his committee members and informed the same to them and requested them to assemble at Gopalakrishna Bhajana Mandira. He went there at 6-6.30 a.m., his committee members came to Gopalakrishna Bhajana Mandira, from there they all went to spot which is opposite to Ganesh Shipping Godown. Police were present. They noticed blood traces, Shawl of Gangadhar Pangal, Scooter was dragged for a distance on the Tar road upto 100 feet, on the right side below Mandara flower tree scooter bearing Reg.No.KA-19-EH-8393 of Gangadhar Pangal was lying, broken indicator pieces of scooter and one 4 wheeler radiator guard. From there he went to A.J. Hospital. After

seeing all the above, he thought Gangadhar Pangal did not die on account of real accident, he was murdered in the nature of accident. From the hospital he went to Panamburu Police station. Since he was the President of Baikampady Mogaveera Mahasabha, he lodged complaint to the police to investigate the case as death of Gangadhar Pangal was not in an accident and it was a murder. Based on the complaint, the police have converted the case for the offence punishable U/Sec.302. Then he went to spot at 10.30 a.m. Police officials, Police personnel and others were present. Then he went to the house of Gangadhar Pangal. They performed last rights of Gangadhar Pangal at 5.00 p.m. More than 1000 people attended funeral function. Except accused Nos.1, 3 and 4, all the villagers attended funeral function. On 16.05.2014, he again went to police station. His statement was recorded. On 13.05.2014, Gangadhar Pangal had attended Kola function in Mooluru village. On 13.05.2014, band-set people dropped Gangadhar Pangal to his house. On 14.05.2014, at 8.00 a.m., Gangadhar Pangal met him at Chithrapura Bobbariya Temple and told about his visit to Mooluru village on 13.05.2014.

Gangadhar Pangal also told he would visit Mooluru to attend Thambila function on 14.05.2014 evening. On 20.05.2014, he, Venkatesh Bangera and Bhaskar Kanchan again went to police station to enquire about complaint given by him and case detail. Since Inspector was not in the police station, they were waiting in the police station. At 1.15 p.m, the police Inspector brought Bhaskar Baikampady, Pushparaj and Harish Baikampady along with Ritz car bearing Reg.No.KA-19-MD-9146. Inspector told them they were brought them along with car from Kudhuremukha Junction. The Inspector requested them to assist as Panchaas to enquire aforesaid three persons. Inspector first enquired Pushparaj. Pushparaj told Sathish Baikampady gave Bolero vehicle to him to finish Gangadhar Pangal as there was animosity between Sathish Baikampady and Gangadhar Pangal with respect to Mogaveera Mahasabha. Pushparaj also told Sathish Baikampady and Harish Baikampady went to Mooluru on 14.05.2014 to verify Gangadhara Pangal had been to Mooluru to attend Thambila function. Pushparaj also told he and Bhaskar Baikampady were waiting in Bolero vehicle and

Maruti 800 respectively in front of APMC Yard, waiting for the information to be given by Sathish Baikampady and Harish Baikampady. Pushparaj also told after Gangadhara Pangal, his son-in-law and his daughter left Mooluru, Sathish Baikampady and Harish Baikampady gave information to him and Bhaskar Baikampady. PW.2 son-in-law of Gangadhara Pangal dropped him at Vishwasagara Hotel and after Gangadhara Pangal took his scooter and left the said place, son-in-law of Gangadhara Pangal went in his car. Pushparaj also told he and Bhaskar Baikampady followed the scooter of Gangadhara Pangal in Bolero and Maruti-800. Pushparaj also told in front of Ganesh Shipping Godown he hit from Bolero to the scooter of Gangadhar Pangal from hind side, the scooter dragged for certain distance, thereafter he sped away from the spot with Bolero vehicle. Bhaskar Baikampady told he and Sathish Baikampady developed grudge against Gangadhar Pangal as he and Sathish Baikampady were suspended from Baikampady Mogaveera Mahasabha on the allegation of misappropriation of funds of School building. Bhaskar Baikampady told he, Sathish Baikampady and Harish

Baikampady hatched a plan to kill Gangadhar Pangal and executed the same through Pushparaj. Harish Baikampady also repeated same as stated by Bhaskar Baikampady. Harish Baikampady also told he and Sathish Baikampady had been to Mooluru and after Gangadhar Pangal left Mooluru, they gave information to Pushparaj and Bhaskar Baikampady. The Inspector prepared mahazar between 3.05 and 3.45 p.m. and seized Ritz car bearing Reg.No.KA-19-MD-9146. Pushparaj told in the voluntary statement, he would show the place wherein Bolero car was kept and produce the same if he was taken to. They all 3 persons, the police and Pushparaj left the police station and proceeded in police Jeep as per the instructions given by Pushparaj. Pushparaj took them Shakthi Garage, near Arasu Mundanthaya Daivasthan, Attavara and alighted from Jeep, led them to the said garage and showed white colour Bolero vehicle. In garage Nithesh, mechanic was present. On enquiry with Nithesh, he told he was taken from Konchady to said garage by Sathish Baikampady. On inspection of Bolero vehicle, a small piece of Radiator guard was hanging front of the vehicle. The police

collected said piece of Radiator guard from the vehicle and seized. The said Radiator guard was colour in black on the upper portion and colour in white on the internal portion. The said piece of Radiator guard was packed and sealed and assigned 'R' seal. In the front side Bolero vehicle number was KA-19-N-7988. On the backside, 1 and 7 were not visible and 88 were half visible. The police also seized Bolero Jeep from the garage and mahazar was prepared. They returned to police station at 5.20 p.m. Bhaskar Baikampady told he would show and produce Maruti 800 car if he was taken to. Bhaskar Baikampady took them to his office situate near beverage and showed white colour Maruti 800 car bearing Reg.No.KA-19-MD-998. On the backside glass of the car, it was written 'Shettys'. The police prepared Mahazar between 5.30 and 6.00 p.m. and seized car. Further Bhaskar Baikampady told he would show the place wherein he and Pushparaj were waiting on 14.05.2014 for the information to be given by Sathish Baikampady and Harish Baikampady. Bhaskar Baikampady took them in front of APMC main gate and showed a vacant place in a distance 15 feet from main gate of APMC and told he had waited in

Maruti 800 car at that spot, Bhaskar Baikampady further showed a place near small bridge and told Pushparaj had waited along with Bolero at that spot. Both the spots are on the left side of National Highway. Opposite to spot, Kukkady School is situated, in a distance of 30 feet from the School, Vishwasagar Hotel is situated. The police prepared mahazar between 6.20 and 7.00 p.m. On 06.06.2014, the police called him to the police station. He went to the police station. The police have given notice containing 11 questions to him and asked him to submit his reply along with supporting documents. He submitted reply along with documents on 12.06.2014. In the Resolution the reason for suspending Sathish Baikampady and Bhaskar Baikampady is noted. Learned counsel for the accused cross-examined him at length. It was specifically suggested all the witnesses cited in the charge-sheet are interested and relative witnesses of deceased, he denies the same. It was also suggested to him he provided all the witnesses details to the Investigating officer and diverted the accident into murder by colluding with police, PW.2 and other witnesses, he denies the same. Various questions were

put to him with respect to misappropriation of funds in the Baikampady Mogaveera Mahasabha, Goplalakrishna Bajana Mandali and school committee, he answered all the questions. It was suggested to him, no complaint was filed against accused No.1 before the police with respect to misappropriation of funds, he admits the same. It was also suggested to him no written action was taken against accused No.1 for misappropriation of funds by Mahasabha, he admits the same. It was also suggested to him no notice was issued to accused No.1 with respect to misappropriation of funds, he denies the same. He deposes notices were sent to accused No.1, but accused No.1 did not receive the notice. It was admitted by him when accused No.1 was the President of Baikampady Mogaveera Mahasabha, he was also member of committee. It was also admitted by him deceased Gangadhar Pangal was the President of the Baikampady Mogaveera Mahasabha earlier to accused No.1. With respect to conducting mahazars various questions were put, he answered all the questions. It was specifically suggested on 15.05.2014, he did not receive call from CW.30 about the incident, he denies the same. It was

suggested to him, accused Nos.2 to 4 have not given any voluntary statement before the Investigating officer and said voluntary statements were created, he denies the same. It was also suggested to him, accused Nos.2 to 4 have not produced Ritz car and Maruthi 800 car in the police station, he denies the same. It was also suggested to him, accused No.2 did not take him and others to the Shakthi garage and did not show Bolero vehicle bearing Reg.No. KA-19-N-7988 and the police did not conduct any mahazar and did not seize the Bolero vehicle and radiator guard piece, he denies the same. It was also suggested to him accused No.2 Pushparaj and accused No.4 Bhaskar Baikampady did not take them to Ganesh shipping godown and did not produce Maruthi 800 Car, he denies the same. It was also suggested to him accused No.2 Pushparaj and accused No.4 Bhaskar Baikampady did not take them near APMC yard and did not show the spot, he denies the same. It was suggested to him, accused Nos.1 to 4 have no nexus to the death of Gangadhar Pangal, he denies the same.

33. PW.7 is a villager. He deposes Sathish Baikampady was the president of Baikampady Mogaveera

Mahasabha in the year 2013, working Secretary of Gopalakrishna Bhajana Mandali and President of High School Building Committee. On 15.05.2014, around 5.30-6.00 a.m. he came to know about death of Gangadhara Pangal who met with an accident. Around 6.00 a.m. he went to spot. Shawl of Pangal, blood traces, vehicle was dragged for some distance, radiator guard, indicator pieces and in a distance of 200 meters scooter bearing Reg.No.KA-19-EH-8393 of Gangadhar Pangal were lying. On seeing the above, he thought Gangadhar did not die on account of real accident, he died for some other reason. With respect to misuse of funds of School building, Sathish Baikampady, Harish Baikampady and Bhaskar Baikampady were suspended from the membership of Baikampady Mogaveera Mahasabha. All the three persons used to tell before him they would see the fate of Gangadhar Pangal as Gangadhar Pangal was reason for expelling them from the Mahasabha. Learned counsel for the accused cross-examined him. It was suggested to him he had no personal knowledge over misappropriation of funds by accused No.1 in Baikampady Mogaveera Mahasabha, he denies the same.

It was suggested to him Sathish Baikampady was not suspended from the Mahasaba, he denies the same. It was also suggested to him Sathish Baikampady, Harish Baikampady and Bhaskar Baikampady did not proclaim in the village they would see the fate of Gangadhar Pangal, he denies the same.

34. PW.8 is another villager. He deposes on 14.05.2014 night at around 2.35 midnight, when he was proceeding opposite to Ganesh Shipping Cement Godown, one person was lying, Bhaskar Baikampady, Harish Baikampady and Sathish Baikampady were also present there along with their vehicles Ritz and Maruti-800. One scooter was lying by the side of another road. After seeing the same, he went to his house in his two wheeler vehicle. On the next day morning when he came to know Gangadhar Pangal died in an accident at Ganesh Shipping Cement Godown, he went to spot. When he saw the spot, the very same incident which was observed by him on the previous midnight. he observed on the spot Shawl, blood traces, radiator guard of Bolero vehicle. Vehicle was dragged on the road for some distance. Thereafter he came to know there was clash between

Sathish Baikampady family and Gangadhar Pangal with respect to administration and mismanagement of Mogaveera Maha Sabha and on 16.05.2014, he explained the police above. Learned counsel for the accused cross-examined him. In the cross-examination, it was admitted by him his wife is Gangadhar Pangal's sister-in-law's daughter. It was also admitted by him he is son-in-law of Gangadhar Pangal in relation. With respect to last seen of accused on the spot by him, some suggestions were made. It was admitted by him he left Padubidre at 11.45 p.m. on 14.05.2014 and took 45 minutes to reach Baikampady. Various suggestions were made to him with respect to relation between deceased and other witnesses, he answered accordingly. It was suggested to him since he was a close relative of Gangadhar Pangal, on the request of PW.6, PW.2 and PW.10, he is deposing falsely, he denies the same.

35. PW.9 is another villager. He deposes he is working in MCF and his working time is on shift wise. First shift is between 6.00 a.m and 2.00 p.m. Second shift is between 2.00 p.m and 10.00 p.m. Night shift is between 10.00 p.m. and 6.00 a.m. On 14.05.2014,

around 12.00 midnight, when he was proceeding after finishing his work, at small bridge, Baikampady, one Bolero vehicle bearing Reg.No.KA-19-NB-7988 was parked. Pushparaj driver of Sathish Baikampady and Bhaskar Baikampady were standing near the vehicle by discussing. Bhaskar Baikampady was wearing black pant and white shirt and Pushparaj was wearing light brown colour pant and light blue colour shirt. Near the said place, at APMC yard gate, Maruti 800 car bearing Reg.No.KA-19-NB-0988 of Bhaskar Baikampady was parked. He enquired with Bhaskar Baikampady, why they were standing there, Bhasker Baikampady in-turn told they were waiting for person who was coming from Ermal. By that time Bhaskar Baikampady received a call, he left the spot to home. On 16.05.2014, he saw in newspaper Gangadhar Pangal was murdered by hitting from vehicle while Gangadhar Pangal was coming to house. On seeing paper news, he thought there was some link for the death of Gangadhar Pangal and when Bhaskar Baikampady and Pushparaj standing with vehicles on the said night. Learned counsel for the accused cross-examined him. With respect to last seen of

accused with vehicles on the spot various suggestions were made. It was specifically suggested on 14.05.2014 he did not go MCF for work, he denies the same. It was also suggested to him on 14.05.2014 at 12.00 midnight he did not see Bhaskar Baikampady, Pushaparaj with Bolero vehicle and Maruthi 800 car near APMC gate, he denies the same. It was suggested to him to help Gangadhar Pangal family, he is deposing false, he denies the same.

36. PW.10 is another villager. He deposes accused No.1-Sathish Baikampady was President of Mogaveera Maha Sabha between 12.06.2012 and 20.02.2013 and also President of Gopalakrishna Bhajana Mandira and Chairman of School Building Committee. A problem arose with respect to financial embezzlement in school building construction when Sathish Baikampady was Chairman of the committee. A discussion was held in Mogaveera Maha Sabha meeting with respect to misuse of funds in school building construction. When details of accounts were sought from Sathish Baikampady in the meeting, Sathish Baikampady did not give details. Sathish Baikampady left the meeting without giving

details. Though villagers have advised not to leave the meeting and asked to furnish account details, Sathish Baikampady left the meeting without furnishing accounts. Since Sathish Baikampady left the meeting and did not resume as President of the Maha Sabha, the villagers have unanimously selected Vasudeva Salian as President of the Maha Sabha. On 24.10.2013, a meeting was called in the Presidential ship of Vasudeva Salian, for the said meeting Sathish Baikampady was present, when Vasudeva Salian asked account details, Sathish Baikampady abused him and left the meeting. Thereafter committee meeting was held, notice was issued to Sathish Baikampady, despite the same Sathish Baikampady did not reply or give any explanation, hence Sathish Baikampady was suspended from the Mogaveera Maha Sabha. Thereafter whenever he met Sathish Baikampady, Harish Baikampady and Bhaskar Baikampady, they used to tell Gangadhar Pangal was the reason for suspending Sathish Baikampady from Mahasabha and they would teach a lesson to Gangadhar Pangal. On 15.05.2014 in the morning the President Vasudeva Salian called them and told about the death of

Gangadhar Pangal. At that time they came to know while Gangadhar Pangal was proceeding in scooter on the night of 14/15.05.2014, Gangadhar Pangal died in an accident. He and others went to spot. Police were present and secured place of scene of occurrence. So many people gathered on the spot. Scooter of Gangadhar Pangal was lying under a tree, front guard of vehicle was lying on the spot, scooter was dragged on the road for some distance, shawl and blood traces on the spot. After seeing the above, he got suspicion Gangadhar Pangal was murdered and did not die in the accident. He also got suspicion that Sathish Baikampady, Harish Baikampady and Bhaskar Baikampady are the reason for death of Gangadhar Pangal. Learned counsel for the accused cross-examined him. It was admitted by him he was a member of Baikampady Mogaveera Mahasabha between 2008-2012, when Gangadhar Pangal was President. It was admitted by him in 2010-11, Gopalakrishna Bhajana Mandira and School Building Committee were formed. It was admitted by him Gopalakrishna Bhajana Mandira and School Building Committee come under Baikampady Mogaveera Mahasabha. It was also admitted by him

Gangadhar Pangal was the honorary President of Gopalakrishna Bhajana Mandira and School Building Committee. Devadas Salian was the Treasurer of Gopalakrishna Bhajana Mandira and School Building Committee. It was admitted by him when Sathish Baikampady was President, ground floor of the School Building was inaugurated. When Sathish Baikampady was President, Bhajana Mandira building was inaugurated. At that time Sathish Baikampady and Gangadhar Pangal were honored. When Vasudeva Salian was the President, he was Joint-Secretary. With respect to expelling the accused No.1 Sathish Baikampady, some suggestions were made, he answered accordingly. It was suggested to him no notice was sent to Sathish Baikampady, he denies the same. It was also suggested to him, Sathish Baikampady, Harish Baikampady and Bhaskar Baikampady did not attend the meeting, did not abuse Vasudeva Salian in the Mahasaba, he denies the same. It was suggested to him there was no animosity between Gangadhar Pangal and accused Nos.1, 3 and 4, he denies the same. It was also suggested to him without following any procedure, they created documents with

respect to issuance of notice and suspension of Sathish Baikampady, he denies the same. It was suggested to him he, PW.2, PW.6 and PW.7 have created story to falsely implicate the accused Nos.1 to 4, he denies the same. It was suggested to him Gangadhar Pangal died in an accident, but they diverted the investigation by creating document and providing witnesses, he denies the same.

37. PW.11 is a witness who saw the dead body and shifted the dead body to the hospital. He deposes about 17-18 years ago, he had been to Thalakala Temple and returned from the temple. Around 12.45 midnight when he was returning near Ganesh Shipping Godown, he saw a person was lying facing down, in a distance of 100mtrs one scooter was lying. Hence he called Naveen Shriyan PW.1 and told the same. Naveen Shriyan came to spot. PW.1 turned face of said person, then they came to know the said person was Gangadhar Pangal. PW.1 called Ambulance Nagaraj. He also called PW.2-Yadhava Puthran. Immediately ambulance came to spot. Ambulance took Gangadhar Pangal to hospital, PW.1 also followed ambulance to the hospital, he went to his house.

He also saw on the spot damaged vehicle pieces, radiator guard. On the next day morning he went to A.J. Hospital. Police conducted mahazar on the body of Gangadhar Pangal. Learned Public Prosecutor treated him as partly hostile and cross-examined him. It was suggested to him on that day when he came to dixy cross, the driver of Bolero vehicle bearing Reg.No.KA-19-N-7988 came from K.K. gate, drove the same with a high speed, then slow down the vehicle to enter NH-66, after entering NH-66 the driver proceeded towards Kudhuremukha Junction on the mud road, radiator guard of the said vehicle was missing and left bumper went invats, at the same time from K.K. Gate side a Ritz car bearing Reg.No.KA-19-MD-9146 came, in that car Harish Baikampady and Sathish Baikampady who were known to him were present, from the backside of the said vehicle Bhaskar Baikampady came in Maruti 800 car bearing Reg.No.KA-19-MB-0998, he saw both the vehicles and aforesaid persons with the help of street light and headlight of his auto-rickshaw, the said Bolero and Maruti 800 car proceeded towards Kudhuremukha junction, when he proceeded further, at 12.50 midnight in front of Ganesh Shipping Agency,

PW.1-Naveen Shriyan gave hand signal and asked him to stop the auto-rickshaw, when he alighted from the auto-rickshaw and saw on the right side of the road a person was lying along with white shawl, he denies the same. It was suggested to him then he, PW.1-Naveen Shriya lifted Gangadhar Pangal to ambulance, when they were going to hospital in an ambulance, he told Naveen Shriyan that Bolero car bearing Reg.No.KA-19-N-7988 was proceeded, at the same time Sathish Baikampady and Harish Baikampady came in Ritz car bearing Reg.No.KA-19-MD-9146 and Bhaskar Baikampady came in Maruti 800 bearing Reg.No.KA-19-MB-0998, Bolero car radiator guard was missing, in the A.J. Hospital the doctors after checkup declared Gangadhar Pangal was dead, on observing aforesaid, he thought while Gangadhar Pangal was proceeding in Scooter, on account of previous enmity, with an intention to kill Gangadhar Pangal, the assailants hit the scooter of Gangadhar Pangal from hind side in four wheeler vehicle and murdered him and to hide the same they left the spot, he denies the same. It was admitted by him Gangadhar Pangal was President of Mogaveera Mahasabha, he was also social worker and

mediator of Daiva and people and villagers used to discuss with him to take any decision in the village matters. Learned counsel for the accused cross-examined him. It was suggested to him PW.1 called PW.2 Yadava Puthran over phone, on the call made by PW.1 PW.2 came to spot. PW.1 called PW.2 from the mobile which was lying on the spot (belongs to Gangadhar Pangal). He does not know what PW.1 did with respect to mobile of Gangadhar Pangal. It was suggested to him he did not see radiator guard of Bolero vehicle on the spot, he denies the same. It was suggested to him first time he was deposing that he saw Bolero radiator guard on the spot, he denies the same. It was also suggested to him no such incident was seen by him, he denies the same.

38. PW.12 is a garage mechanic. He deposes he knows Sathish Baikampady. On 15.05.2014 at 2.30 a.m., Sathish Baikampady came to his house and woke-up him and told his vehicle was stopped and could not be moved and sought his help, in turn he told he would see the vehicle in the morning, but Sathish Baikampady made a repeated request. Sathish Baikampady came along with Pushpraj in two wheeler vehicle. He, Sathish

Baikampady and Purshpraj went to his garage in the same two wheeler vehicle, he took tools and went along with them in the same two wheeler. They took him to Kuntikana. A Bolero Vehicle was parked and could not be moved as bumper was obstacle for movement of tyre. When he saw the Bolero vehicle, radiator panel was cut. He pulled bumper and made free of movement of tyre. The Bolero vehicle was made to move. He and Pushpraj took Bolero Vehicle to his garage. Pushpraj drove the vehicle. Sathish Baikmpady left from the spot on the two wheeler vehicle. After leaving Bolero vehicle in their garage, Pushpraj went and he went to his house. On the next day morning, he went to garage. He told owner of the garage above. Sathish Baikmapady and Pushpraj did not come to garage for 2-3 days. On 20.05.2014, police came along with Pushpraj. He explained the above to the police. The police seized Bolero vehicle from their garage. Sathish Baikampady came on two wheeler scooter bearing registration No. KA-19-EK-0229. Bolero vehicle Number is KA-19-N-7988. While taking vehicle from their garage, photographs were taken. On 21.05.2014, the police called him and CW-19 Thripal Kumar to police

station and made an enquiry. The police asked whether he can show the place from where Bolero vehicle was taken to garage. He took the police to the spot. He showed the spot from where Bolero vehicle was taken. The police prepared mahazar between 5.00 and 5.45 p.m. Learned counsel for the accused cross-examined him at length. With respect to taking him by accused Nos.1 and 2 from his house to the place wherein Bolero vehicle was stopped and from the said place to garage, various suggestions were made, he answered all the questions. It was admitted by him, he pulled radiator guard piece and kept in vehicle. With respect to seizure of Bolero car various suggestions were made, he answered accordingly. It was suggested to him he did not take police to Kuntikana and did not show the place wherein Bolero vehicle was stopped and police did not conduct mahazar, he denies the same.

39. PW.13 is the garage owner wherein the Bolero vehicle was seized. He deposes on 20.05.2014, the police came along with Pushpraj in the afternoon to their garage to make an enquiry with respect to Bolero vehicle. On 15.05.2014, when he went to garage in the morning,

Bolero vehicle was parked by the side of their garage. He enquired with PW-12 Nitheesh about Bolero vehicle, Nitheesh told on the said night Sathish Baikampady and Pushpraj took him and brought the said vehicle as it touched. When the police came on 20.05.2014, he came to know the said Bolero vehicle involved in murder crime. The police seized the said Bolero vehicle from their garage. Bolero vehicle number is KA-19-N-7988. While conducting seizure of Bolero police took photographs. On 21.05.2014, the police called him, he and PW-12 went to the police station and police asked PW-12 whether he can show the spot from where Bolero vehicle was shifted to garage, in turn PW-12 told he would show the spot. PW-12 took him, police to the spot. The said spot is at Kuntikana. The police prepared mahazar there. Learned counsel for the accused cross-examined him. It was admitted by him the police and other government vehicles also come to his garage for service. It was suggested to him accused No.2 did not bring Bolero vehicle to the garage for repair and police did not come along with accused No.2 and Bolero vehicle was not seized from his garage, he denies the same.

40. PW.14 is a previous owner of Bolero vehicle bearing Reg.No.KA-19-7988. He deposes in 2012, he purchased Bolero vehicle bearing registration Number KA-19-7988 in auction conducted by Sri Ram finance for a sum of Rs. 1,60,000/-. Subsequently he told CW-21 for search of purchaser of his vehicle. In the year 2013 he met Pushparaj in the garage of CW-21. He sold his Bolero vehicle to Pushpraj around Rs.1,20,000/- and took consideration by way of cash. The said vehicle was transferred to the wife of Pushparaj.

41. PW.15 is a witness who saw the accused Nos.1 to 4 near Ganesh Shipping Godown on 13.05.2014 at 6.00 p.m. along with 3 vehicles. He deposes on 13.05.2014, he had been to market at Baikampady. When he was proceeding, near Ganesh Shipping go-down at 6.00 p.m. he saw Bolero Vehicle bearing registration KA-19-N-7988, Maruti 800 bearing registration KA-19-MD-9146 and another Maruti vehicle bearing registration KA-19-MB-0998 Satish Baikampady, Harish Baikampady, Baskar Baikampady were also present. He returned from market around 9.30-10.00 p.m. While returning the aforesaid vehicle were still parked there.

On 16.05.2014 he saw in newspaper Gangadhar Pangal was murdered an account of old animosity between Satish Baikampady and Gangadhar Pangal. Learned counsel for the accused cross-examined him. It was suggested to him on 13.05.2014, he never saw accused Nos.1 to 4 in between 6.00 p.m. and 9.00 p.m. at Ganesh Shipping Godown, he denies the same. It was admitted by him on 15.05.2014, he has not visited the police station to inform about the incident dated 13.05.2014. It was suggested to him first time he has taken the name of Pushparaj before the court on the say of police, he denies the same.

42. PW.16 is a witness before whom extra judicial confession statement was made by accused No.1. He deposes in the morning on 15.05.2014, he came to know about death of Gangadhar Pangal. On 16.05.2014, in the morning, Sathish Baikampady came to his house and sought help from him. Sathish Baikampady told him that on 15.05.2014 midnight Gangadhar Pangal came from Yermal, took scooter from Vishwasagar Hotel and while he was proceeding at Ganesh Shipping go-down, from pick-up tempo vehicle hit scooter of Gangadhar

Pangal from back side on account of grudge between him and Gangadhar Pangal and sought his help in that regard and asked protection. He refused for the same. Learned Public Prosecutor treated the witness as partly hostile and cross-examined him. In the cross-examination, he admitted that Sathish Baikampady told Pushpraj as a driver in KA-19-N-7988 Bolero and Sathish Baikampady, his brother Harish in Vehicle KA-19-MD-9164 Ritz car and his brother Baskar Baikampady in vehicle bearing registration No. KA-19-MB-0998 followed scooter of Gangadhar Pangal, at Ganesh shipping cement go-down as per their plan Pushpraj hit scooter of Gangadhar Pangal from back side with force, Gangadhar Pangal fell on the road, Sathish Baikampady and his brothers stopped their vehicles and saw Gangadhar Pangal had received severe injuries over head and not in a position to respond, hence they left the spot. He further admitted after death of Gangadhar Pangal, the villagers and police started to search Sathish Baikampady and his brothers as they murdered Gangadhar Pangal, Sathish Baikampady came and requested him to make an arrangement of an advocate

obtaining bail and to give asylum till they get bail. He further admits since on 16.05.2014 he has some urgent work in Bengaluru, he could not visit police station on that day, he went to police station on 18.05.2014 and stated above before the police. Learned counsel for the accused cross-examined him. It was suggested to him he has not stated before the police that he was in Yelu Patna Mogavera Samyukta Saba, he denies the same. It was admitted to him Gangadhar Pangal was also trustee in Urwa Mariyamma temple committee. It was also admitted by him Sathish Baikampady was president of Baikampady Mogavera Maha Saba after the term of Gangadhar Pangal. It was admitted by him he has contact numbers of Gangadhar Pangal family members. It was also admitted by him on 16.05.2014, he did not inform about the help sought by Sathish Baikampady to the family members of Gangadhar Pangal and police. It was suggested to him accused No.1 never came to him and never disclosed about the incident and never sought support from him, he denies the same.

43. PW.17 is an ambulance driver. He deposes on the intervening night of 14/15.05.2014 around 12.30-

1.00 midnight auto driver Naveen Shriyan called to his mobile and told someone lying with injuries and asked him to bring an ambulance. Immediately he took an ambulance to the spot. The said spot is at Meenkaliya. One person was lying facing by the side and had received injuries. Scooter was also lying in a distance of 100 feet. The scooter was dragged for some distance on the road. Naveen and Anand were present. They all lifted the injured to ambulance. He took an injured to A.J. Hospital. The injured was taken inside the hospital. On the next day, he came to know the injured was dead and also came to know the deceased as Gangadhar Pangal.

44. PW.18 is another witness regarding extra judicial confession given by accused No.1. He deposes he does not know about the death of Gangadhar Pangal. Accused No.1 did not seek any help with respect to the death of Gangadhar Pangal. Learned Public Prosecutor treated him as hostile witness and cross-examined him. In the cross-examination, it was suggested to him Sathish Baikampady was his friend, hence they both family used to attend family functions and also share problems, and also he had financial transaction with Sathish

Baikampady, he denies the same. It is also suggested to him on 15.05.2014, Satish Baikampady called from his mobile number 94485456128 to his mobile number 9448878888 and told his friend who is government employee was facing some case and the police also making search of his friend in the said case and sought his help to contact any advocate, in turn he asked Sathish Baikampady to contact him in person but Sathish Baikampady did not come to him, he denies the same. It is also suggested to him thereafter the police have arrested Bhaskar Baikampady and his brother Harish Baikampady with Pushpraj with respect to Gangadhar Pangal and the same was told by wives of Bhaskar Baikampady and Sathish Baikampady and sought his help to engage a good advocate to save Sathish Baikampady from his arrest, he denies the same. It is also suggested to him he took Neetha Baskar Baikampady and Geetha Sathish Baikampady to advocate P.P. Hegde, after introducing an advocate, he left the office of advocate, he denies the same.

45. PW.19 is a witness before whom accused Nos.2 to 4 were apprehended along with Ritz car bearing Reg.

No.KA -19-MD-9146. He deposes on 25.11.2014, he and CW-32 were proceeding towards Mangaluru at 12.00 noon at Kudremuka Junction, at that time police were checking vehicles by placing barricades on the road. The police also checked his motorcycle. The police told they were checking the vehicles on the credible information received that accused in a case were coming on the said road. The police also sought their assistance as Panchas, they agreed for the same. When they were standing by the side of road, the police were checking the vehicles. At that time one Ritz car bearing Reg. No.KA-19-MD-9146 came with high speed from Surathkal side, the police made an attempt to stop the vehicle by placing barricade on the road, on seeing the police, the driver of the Ritz car veered the vehicle and made an attempt to escape. The police and they covered the said vehicle. In the said car in driver seat Harish Baikampady was present, in back seat Baskar Baikampady and Pushpraj were sitting. The police took them into their custody and seized car. The police prepared a detail mahazar between 12.30 and 1.30 noon. Learned counsel for the accused cross-examined him. Various questions were made to him with

respect to apprehending of accused Nos.1 to 4 along with Ritz Car, he answered accordingly. It was suggested to him to help PW-2, PW-6 and PW-10, he is deposing false, he denies the same.

46. PW.20 is a witness to spot cum seizure mahazar. He deposes on 15.05.2014 at 10.30 a.m. when he was proceeding on Meenakaliya road at cement shipping go-down, police and public were gathered. The police told in the said spot murder had taken place. The police sought assistance from him, Dhanpal and Yogish. PW-1 Naveen Shriyan was also present. On the spot, he noticed by the left side of the road one white shawl with red and green stripe, further in some distance fiber pieces, indicator pieces, on the left side of the road blood stains, on the road a mark dragging vehicle for some distance and tyre mark both big and small, radiator guard piece (front colour in black, inside colour in white), in a distance of 100 meters towards west a scooter bearing Reg. No. KA-19-EH-8393 was lying slantly under a tree, mirror of the scooter was damaged, back portion of scooter was also damaged, key of the scooter was in the seat locking place. Police prepared detail mahazar and seized

aforesaid articles. Learned counsel for the accused cross-examined him at length. It was specifically suggested to him radiator guard pieces were not at all lying on the spot when the mahazar was conducted, he denies the same. It was also suggested to him no photographs and no videography was made while conducting mahazar, he denies the same. It was also suggested entire mahazar was created in police station on 19.05.2014 and took his signature on 19.05.2014, he denies the same.

47. PW.21 is a wife of accused No.2 owner of Bolero vehicle. She deposes she is the owner of Bolero vehicle bearing Reg No. KA-19-MN-7988 and she got released the aforesaid vehicle from court. The aforesaid vehicle was purchased from Tharanath PW-14 for one lakh and add. She does not remember date. Panambur police came to her house on 22.05.2014 and took vehicle. Learned Public Prosecutor treated her as partly witness and cross-examined her. In the cross-examination, she admits her husband was working as a Jeep driver in ESI Hospital Konaje in 2014. It is suggested to her that her husband was working as a driver under Sathish

Baikampady before 2014, she denies the same. She admits her husband was working as a driver in KEB on contract basis for some time. It is further suggested to her that Sathish Baikampady used to visit her house and discuss with her husband during 2013, she denies the same. It is also suggested to her in January 2013 Sathish Baikampady enquired with her husband about old vehicle for purchase, she denies the same. It is also suggested to her while searching old vehicle, her husband found Bolero vehicle with Tharnath, the same was informed to Sathish Baikampady, her husband, Sathish Baikampady decided to purchase said vehicle, she was called on 23.03.2013 to RTO office and got registered the vehicle in her name though the vehicle was purchased by Sathish Baikampady for Rs.1,50,000/- since Sathish Baikampady had so many vehicles in his name already, since her husband working with him as a good driver, the vehicle was registered in her name by giving gift, but the vehicle was continued to be in possession of Sathish Baikampady, she denies the same. It is further suggested to her she knew grudge between Gangadhar Pangal and Sathish Baikampady, Baskar

Baikampady and Harish Baikampady, she denies the same. It is further suggested to her on 14.05.2014 midnight when Gangadhar Pangal was proceeding on his scooter, in furtherance of conspiracy held by Sathish Baikampady, Baskar Baikampady, Harish Baikampady and her husband, on the instigation of aforesaid persons, her husband hit scooter of Gangadhar Pangal from Bolero vehicles bearing Reg. No.KA -19-N-7988 from hind side and committed murder of Gangadhar Pangal, she denies the same. It is further suggested to her the police arrested her husband and seized aforesaid vehicle, she denies the same.

48. PW.22 is a witness to mahazar at the instance of accused No.2. He deposes on 20.05.2014, at 7.00 a.m. he and CW.34 Franky were returning after walk in front of Panambur police station, the police called them to police station. Pushparaj was in the police station. The police asked them whether they know Pushparaj, he told did not have acquaintance with Pushparaj. They, police and Pushparaj left police station, Pushparaj took them near Akash Bhavan via Kuluru Derebail. Pushparaj showed the place where Bolero was kept, the police prepared

mahazar. Further Pushparaj took them to Go-down situated at Meenakaliya stating that in the said place they hatched plan. There also mahazar was prepared. Learned counsel for the accused cross-examined him. It was suggested to him on the influence of PW.2, 6, 7 and 10 and also anticipating damage to his consultancy work, he was falsely deposing before the court, he denies the same. Various suggestions were made with respect to conducting mahazar, he answered accordingly.

49. PW.23 is a witness regarding previous conduct of accused Nos.1 and 2. He deposes police have not enquired him in this case. Learned Public Prosecutor treated the witness as partly hostile and cross-examined him. It is suggested to him that he was working under Baskar Baikampady as a water man, as Baskar Baikampady had taken a tender to release drainage water after treating to sea, at that time Sathish Baikampady took him, Pushparaj and others to Kota to erect electric poles in fishing plant of his friend as the localites objecting for erecting electric poles, since the neighbors objected for erecting electric pole they stopped the said work and returned back, after some days, while

they were going once again, Sathish Baikampady requested him to hit lorry and kill Shambu Poojary who took lead of the said protest, in turn he refused the said proposal, after some days Sathish Baikampady and Pushparaj informed him when Shambu Poojary was proceeding in his car Sathish Baikampady Pushparaj and others hit Shambu Poojary car from lorry and made an attempt to kill him however Shambu Poojary escaped from the said incident without sustaining injuries, after coming to know about the same, he disconnected with Sathish Baikampady, Harish Baikampady, they too did not take him to work but used to visit their house only in functions, he had knowledge that Sathish Baikampady, Harish Baikampady and Baskar Baikampady had grudge against Gangadar Pangal with respect to suspension of membership from the Baikampady Moghaveera Mahasabha then he came to know Sathish Baikampady, Harish Baikampady and Baskar Baikampady made a plan with Pushparaj to kill Gangadhar Pangal, accordingly on 14.05.2014, at 12.30 midnight, when Gangadhar Pangal was proceeding towards his house on his scooter, they hit scooter of Gangadar from hind side

and committed murder without leaving proof on the spot and escaped, he came to know among the above Pushparaj, Harish Baikampady and Baskar Baikampady were arrested by the police and produced before the court, and he had no knowledge whereabouts of Sathish Baikampady, accordingly he gave statement before police on 10.06.2014, he denies the same.

50. PW.24 is a Scientific Officer who examined blood sample and viscera samples. He deposes on 20.06.2014, his office received sealed articles from Panambur police station pertains to Crime No.98/2014 through Chidananda, HC-1807 for examination. On opening of the articles, he found blood (Received from Biology section of the laboratory on 24.06.2014), stomach with its contents; portion of small intestine and its contents, portion of liver and kidney, common salt as preservative. All the articles were subjected to chemical examination. He assigned marking as per the IO marking. After examination, he was of the opinion that Colour tests and thin layer Chromatographic methods of analysis have responded negative for residues of Volatile poisons, Pesticides, Barbiturates, Benzodiazepine group of drugs,

Toxic metal ions and anions in above stated exhibits, accordingly, he furnished test report. Learned counsel for the accused cross-examined him. It was suggested to him he has not examined any articles and furnished report at the behest of police, he denies the same.

51. PW.25 is a doctor who conducted postmortem examination. He deposes on 15.05.2014, at 2.00 p.m. a dead body of Gangadhar Pangal was brought by Panambur police along with a requisition for postmortem examination. He conducted postmortem examination on the dead body on the same day between 2.05 pm and 3.15 pm. He inspected the entire dead body. He found 19 external injuries on the body. After detail examination, he furnished report stating that cause of death was due to head injury secondary to blunt force impact to the head. All the injuries found on the dead body were fresh in duration less than 12 hours before the death and injuries were ante-mortem in nature and caused by blunt force impact. He further deposes on 22.07.2014, he received another requisition from investigating officer seeking clarification regarding the causation of injuries causing death. After going through the postmortem examination

report, he furnished report that external injuries Nos.1 to 19 were caused by the blunt force impact and deceased died due to head injury secondary to blunt force impact to the head, accordingly he furnished his opinion. He further deposes on 06.08.2014, he received another requisition from investigating officer seeking clarification regarding the postmortem report with respect to time since death and time since injuries. After going through postmortem examination report, he furnished opinion that external injuries were not more than 12 hours in duration before death and the time since death was 12 to 24 hours prior to the conduct of the postmortem examination, accordingly he furnished his opinion. Learned counsel for the accused cross-examined him. It was suggested to him in general if a person riding on two-wheeler is thrown from the two-wheeler, the injuries mentioned in postmortem examination report are possible, he denies the same. Other suggestions were made to him with respect to injuries, he answered accordingly.

52. PW.26 is a Motor Vehicle Inspector. He deposes on 23.06.2014, his office received a requisition from

Panamburu Police station to inspect vehicle bearing Reg.No.KA-19-EH-8393 motorcycle and KA-19-N-7988 LMV Bolero Mahendra Vehicle and vehicles were kept in the precincts of Panamburu Police station. On the same day, he visited Panamburu Police station at 2.15 p.m. and inspected both the vehicles and he noted down damage of the vehicles and accordingly, he furnished his report. Learned counsel for the accused cross-examined him. It was suggested to him there was no written requisition from investigating officer, he denies the same. Some other questions were posed with respect to visiting the police station and conducting inspection, he answered accordingly. It was suggested to him on 23.06.2014 he prepared report in his office and without inspecting the vehicle simply as per the requisition of police, he furnished report, he denies the same.

53. PW.27 is PWD Engineer. He deposes on 11.06.2014, Purushotham, HC-498 took him to spot and showed the spot and he prepared the sketch at the spot and handed over the same to his office. Learned counsel for the accused cross-examined him. It was suggested to him he has not mentioned building details on both sides

of Ganesh Shipping Yard, he admits the same. It is suggested to him he has prepared sketch in his office on the instructions given by police without visiting the spot, he denies the same.

54. PW.28 is a Scientific Officer who examined the damaged vehicle parts. She deposes on 24.06.2014, she received sealed articles from Panambur police station pertains to Crime No.98/2014 through Chidananda, HC-1807 for examination. On opening of the articles for examination, she found blood and colorless fiber pieces, orange, maroon, colorless fiber pieces, maroon, red, black color fiber pieces, black color fiber piece, maroon, red, black, colorless fiber pieces and colorless & shiny glass pieces, black color soil, black color soil, grey color cement, two maroon color fiber pieces, one colorless fiber piece along with soil particles, grey and black color particles, grey color particles, number plate along with black color fiber pieces and two black color fiber pieces. All the articles were subjected to scientific examination and she assigned marking as per the IO marking. After examination, she issued test report with an opinion that black color radiator pieces marked as articles B, G and R

physically match to form part of one and the same radiator piece, black color radiator pieces marked as article B, G and R may belong to any four wheeler vehicle, maroon color fiber piece found in article F and maroon color fiber piece found in article N are similar, black color soil samples marked as articles K and L are similar, black color soil samples marked as articles K and L could not be compared with grey color cement sample marked as article M., black color radiator pieces marked as article G and R are similar, black color scrapped particles collected from articles G and R are similar to black color particles found in article O, colorless fiber piece found in article B is similar to colorless fiber piece found in article N., grey color cement particles marked as article M is similar to grey color particles found in article P., colorless fiber piece found in article B and N physically match to form part of one and article P. and black color fiber piece found in articles B and Q physically match to form part of one and the same fiber piece, accordingly, she furnished report. Learned counsel for the accused cross-examined her. It was suggested to her in the report, there is no opinion with respect to

article 'C' and 'J', she denies the same. It was suggested to her article 'G' one surface is black colour, she admits the same. It was suggested to her, she has not compared all the parts, she denies the same. It was also suggested to her, she has not received any articles and not conducted any examination on any articles and at the behest of police, she furnished report, she denies the same.

55. PW.29 is a Scientific Officer who visited the spot, collected articles, handed over articles to the investigating officer and examined 3 vehicles alleged to be involved in the case and also examined the articles which were collected from the spot. She deposes on 15.05.2014, she received a requisition from P.I. Panamburu to visit spot and collect clue materials with respect to the incident in crime no.98/2014 of Panambur Police station. As per the requisition, Deputy Director deputed her and others to visit the spot. On the same day she and her colleagues went to spot around 11-11.30 a.m. Police were present. They inspected the spot and collected 15 clue materials from the spot and handed over the same to IO along with letter. On 20.06.2014, her office received four

vehicles viz, one Scooter bearing No.KA-19-EH-8393, one Bolero car bearing No.KA-19-N-7988, one Ritz car bearing No.KA-19-MD-9146 and one Maruthi 800 car bearing No.KA-19-MB-0998 from Panambur police station pertains to Crime No.98/2014 for examination. All the vehicles were subjected to chemical examination. During examination of vehicles, hairs were detected in S, S1 and S2 vehicles. On the same day that is on 20.06.2014, the vehicles were handed over to the concerned police. After examination, she gave opinion that bloodstains were found at vehicle marked at 'S'. Bloodstains were not found in vehicles marked at 'H', 'S1' and 'S2' and hairs were detected in articles No.'S', 'S1' and 'S2', accordingly, she submitted report stating that stains in item 'S' were not sufficient for serological examination. After serological examination, accordingly she furnished report. She further deposes on 20.06.2014, her office received sealed articles from Panambur police station pertains to same crime for examination. On opening of the packets for examination, she found one sealed cloth packet containing one shawl, one sealed cloth packet containing bloodstained mud, one sealed

cloth packet containing control mud, one sealed cloth packet containing one kurta, one dhoti, one banian, one barmuda chaddi, one underwear, one plastic container completely covered with bandage cloth and sealed containing blood sample, one sealed paper envelope containing blood on filter papers (Four). She collected cuttings from the aforesaid articles for serological examination. Except in article marked at 'E', in all other articles bloodstains were detected. Bloodstains detected in the articles were human blood with AB group, the blood sample in 'W' was disintegrated, hence origin could not be determined, accordingly, she furnished report. Learned counsel for the accused cross-examined her. It was suggested to her there is no mention in the spot mahazar about her visit to the spot, she admits the same. It was suggested to her she did not visit the spot and did not collect articles and did not hand over articles to the investigating officer, she denies the same. It was suggested to her DNA Test can be conducted from human hairs, she admits the same. It was further suggested blood stains were not found in 'S' vehicle, she denies the same.

56. PW.30 is the neighbour of owner of Ritz Car. She deposes police have called her about 7-8 year ago for enquiry, she does not know anything about car of Lekha Jaikar, she also does not know Lekha Jaikar. Learned Public Prosecutor treated her as hostile witness and cross-examined her. It was suggested to her CW.23-Lekha Jaikar is her neighbor and she knows her since 5 years prior to 2014, Lekha Jaikar husband has been working in Africa and went to Africa on 04.05.2014 based on visiting Visa, she denies the same. It is further suggested that CW.23-Lekha Jaikar purchased Ritz car bearing Reg.No.KA-19-MD-9146 in January 2014, since Lekha Jaikar had no space in her house to park the vehicle, used to park the vehicle in front of her compound, she denies the same. It is further suggested to her Bhaskar Baikampady and Harish Baikampady are friends to her and Lekha Jaikar, after purchase of the car by Lekha Jaikar, Bhaskar Baikampady and Harish Baikampaday used to take the aforesaid car for their personal use, when Lekha Jaikar went to foreign, parked car in front of her compound and handed over key of the car and told to give car key to Bhaskar Baikampady and

Harish Baikampady if they ask, after Lekha Jaikar went to foreign, one day Bhaskar Baikampady came, took the car key from her and took the car on the pretext to go temple, on the next day Bhaskar Baikampady brought the car, parked the same and handed over key to her, on 13.05.2014 at 6.00 p.m. Harish Baikampady came and asked key of the car to go to temple, accordingly, she handed over key, Harish Baikampady took the car and did not bring car return, when she called him over phone, Harish Baikampady did not pick up the call, on 22.05.2014, Lekha Jaikar called her over phone and told car was seized in a case by Panambur Police and requested her to enquire about the same in the Panambur police station, accordingly on 23.05.2014, she went to Panambur Police station and made an enquiry and came to know Harish Baikampady, Bhaskar Baikampady, Sathish Baikampady and Pushparaj traveled in the car on 14/15.05.2014 and at 12.30 midnight on Baikampady-Meenakaliya road Pushparaj hit Bolero vehicle bearing Reg.No.KA-19-7988 to the scooter of Gangadhar Pangal and committed murder and later on they absconded, at the time of incident the

aforesaid persons also used car of Lekha Jaikar, she denies the same.

57. PW.31 is a witness to seizure of vehicle at the instance of accused No.1. He deposes he has seen the accused No.1 about 12 years ago on 22.11.2014. On that day he and CW.58-Raghava were called to Panambur police station. In the police station, accused no.1 Sathish Baikampady was present. From the police station they were taken to Prashantha Nilaya situate at Konchady Village. In the precincts of house compound Sathish Baikampady showed two vehicles one four-wheeler and one two-wheeler. Number plate of four-wheeler vehicle was not exposed, but was kept inside the vehicle. The police seized both the vehicles by preparing mahazar. Learned counsel for the accused cross-examined him. It was admitted by him he does not know the contents of mahazar. It was suggested to him mahazar was prepared in the police station and his signature was taken in the police station, he denies the same.

58. PW.32 is a police constable who wrote inquest mahazar. He deposes on 15.05.2014, he went along with

investigating officer to A.J. Hospital. In the hospital, dead body of Gangadhara Pangal was kept in a mortuary. Investigating officer secured Ashok, Gopala Kotian and Anand as panchaas to conduct Inquest mahazar and conducted Inquest mahazar between 8.00 and 10.30 a.m. As per the direction of investigating officer, he wrote Inquest mahazar. While conducting Inquest Videography was made. After Inquest, a requisition was made to medical officer to conduct postmortem examination and he was deputed by investigating officer to complete the postmortem examination process and handover the dead body to relatives of deceased and after postmortem examination, he handed over dead body to relative of deceased by obtaining acknowledgment. Learned counsel for the accused cross-examined him. It was suggested to him inquest mahazar was not written by him, he denies the same. It was further denied by him, he was not at all present when the inquest was conducted. It was further denied by him no videography was made while conducting inquest.

59. PW.33 is a Police Constable who handed over FIR to the Court. He deposes on 15.05.2014, at 8.00 a.m.

CW.52 handed over an FIR and original complaint with a direction to hand over the same to Jurisdictional Magistrate, accordingly, he went to Court at 11.00 a.m. and handed over the same to Magistrate. On that day he was on Court duty and returned to station in the evening. On the same day, around 7-8.00 p.m. IO-CW.53 handed over a requisition to alter the offence and instructed him to submit the same to the Jurisdictional Magistrate, accordingly he went to home office of Magistrate and handed over the same. Learned counsel for the accused cross-examined him. It was suggested to him after handing over requisition to alter offence, the Magistrate did not handover any order or an endorsement to the effect permission was given, he admits the same.

60. PW.34 is an ASI who handed over vehicles and articles to RFSL and FSL. He deposes on 20.06.2014, as per the direction of IO, he took four vehicles, sealed cloth packets to RFSL, Mangaluru and handed over them and in the evening the said four vehicles were re-handed over to him, he brought them back and handed over to IO. On 23.06.2014, the IO handed over 13 sealed articles with a

direction to handover them to FSL, Bangalore. On the same day he left Mangaluru and reached Bangalore on 24.06.2014, handed over all the articles to FSL, obtained acknowledgment and passport and returned to Mangaluru on 25.06.2014. Learned counsel for the accused cross-examined him. It was suggested to him on 20.06.2014, he did not hand over articles and vehicles to R.F.S.L., he denies the same.

61. PW.35 is a Police Constable who assisted for apprehending the accused Nos.2 to 4, held Ritz Car and assisted while conducting mahazar at the instance of accused Nos.2 to 4. He deposes on 20.05.2014, CW.53-IO took him and CW.49-Radhakrishna to Kudhuremukha Junction as IO received some credible information. The IO secured two panchaas Vasanth and Devdas. When they were waiting at Kudhuremukha Junction at 12.30 noon one silver colour car came from Surathkal side, as per the direction of IO they stopped said car, in that process the driver of the car made an attempt to escape, but they stopped the said car, it was KA-19-MD-9146, in the car, driver and two persons were sitting in the back seat, on enquiry with them by IO, the driver disclosed his

name as Harish, other two persons disclosed their names as Bhaskar and Pushparaj, the IO confirmed they were involved in this case. The IO prepared mahazar between 12.30 and 1.15 noon. They returned to police station along with car and three aforesaid persons. The IO interrogated three persons. After arrest, their voluntary statement was recorded. He computerized voluntary statements. The IO secured panchaas Vasudev, Bhaskar and Venkatesh and seized car by preparing mahazar. He computerized mahazar. Accused Pushparaj took panchaas, him, IO and his staffs to Shakthi Garage situate near Mandithayi temple and showed Bolero car. The IO made an enquiry with garage person. Mechanic of garage identified Pushparaj and told Pushparaj brought the vehicle to the garage. Said vehicle was bearing Reg.No.KA-19-N-7988. Front portion of the vehicle was damaged. Radiator and bumper of the vehicle were damaged. Front Radiator piece was seized by the Investigating officer and as per the direction of IO, he computerized mahazar between 4.20 and 5.00 p.m. While conducting mahazar photographs were taken. The accused Bhaskar told he would show and produce

vehicle which was used for commission of offence. Accused Bhaskar took them near a building adjacent to Ganesh Shipping and showed Maruti 800 car bearing Reg.No.KA-19-MB-0998. As per the dictation of IO, he computerized mahazar and vehicle was seized. Further Bhaskar Baikampady took them in front of APMC yard and told they had waited in the said place before commission of offence, accordingly mahazar was prepared and he computerized mahazar. On 22.11.2014, accused Sathish was arrested. In the voluntary statement Sathish revealed he would show Scorpio car and scooter which were used. Investigating officer secured panchaas Rajesh and Raghava. Accused Sathish took him, IO-Lokesh, ASI-Harish and Panchaas to Prashanthi Nilaya, near Akash Bhavan, Sujikal Gudde and showed Scorpio vehicle, the said vehicle had no number plates. On checkup with the vehicle, both number plates were kept beneath middle seat of the car and number was KA-19-Z-5181. In the vehicle there were vehicle documents. Sathish also showed black colour scooter bearing Reg.No.KA-19-EK-0229. Vehicles and number plates were seized by preparing mahazar and his staff Harish

wrote mahazar. Learned counsel for the accused cross-examined him. It was suggested to him on 20.05.2014, he and investigating officer did not go to Kuduremukha junction and did not apprehend accused Nos.2 to 4 along with Ritz Car bearing Reg.No. KA-19-MD-9146, he denies the same. It was further suggested to him accused Nos.2 to 4 did not give voluntary statements and did not produce vehicles, he denies the same. It was also suggested to him accused Pushparaj and Bhaskar Baikampady did not take them near APMC Yard and did not show the spot, he denies the same. It was also suggested to him all the mahazars pertaining to seizure of Maruti Ritz, Bolero vehicle and Maruti 800 car were prepared in the police station, he denies the same.

62. PW.36 is an employer of accused No.2 and furnished details accused No.2. He deposes in June 2014, he received a requisition through Chief Medical Officer, Deralakatte, Mangaluru to furnish leave details of Pushparaj as Pushparaj was working as a driver with Medical Officer, BWWF Dispensary, Deralakatte. Along with requisition, Chief Medical Officer, Deralakatte sent service particular more particularly leave details as

sought by police and he forwarded the very same details to the concerned police. As per the information provided by Chief Medical Officer, Pushparaj was joined duty in their organization on 05.08.2002 and as per the information provided, Pushparaj was on official duty on 15.05.2014. Since 14.05.2014 was general holiday, there was no duty. Pushparaj was on leave from 02.05.2014 to 19.05.2014, thereafter Pushparaj was absent.

63. PW.37 is the owner of Ritz Car bearing Reg.No. KA-19-MD-9146. She deposes she is the owner of car bearing Reg.No. KA-19-MD-9146. On 30.04.2014 or 1st or 2nd May 2014, she went to Africa on residential Visa. On 23.05.2014, she came to know about seizure of her car. She called Panambur Police station and enquired about her car. The police told car bearing Reg.No.KA-19-MD-9164 was involved in the crime and they seized the car, in turn, she told her car number was KA-19-MD-9146. However, police told since car has been reported to the court, asked her to release the car from the court. Learned Public Prosecutor treated her as partly hostile and cross-examined her. It was suggested to her by oversight in the statement car number was wrongly

mentioned, but the police have seized her car as it involved in the criminal case, she denies the same. It was suggested to her she parked her car in her neighbour's house and asked her neighbour to give car to Sathish Baikampady, Bhaskar Baikampady and Harish Baikampady if they ask, accordingly Sathish Baikampady took her car and said car involved in the commission of offence, she denies the same.

64. PW.38 is the Investigating officer who visited the spot immediately on receipt of information about the incident, then visited the hospital and recorded the statement of PW.1 and made search of accused No.1. She deposes on 15.05.2014, around 1.00-1.15 a.m, she received a call from police station, based on the call she visited Meenakaliya. On the spot an incident had taken place. She protected the incident spot by placing barricades and deputed two staffs to protect the scene of incident and proceeded to A.J. Hospital. By the time she visited A.J. Hospital, the injured who was taken to hospital was dead. She received death intimation from the hospital. In the hospital she recorded statement of PW.1. She returned to Police station, based on the

statement, she registered case in Crime No.98/2014 for the offence punishable under Sec.279, 304(a) IPC and 134(a) and (b) of IMV Act. Later she sent an FIR to Jurisdictional Court and handed over further investigation to CW.53-P.I. On the direction of P.I., she made a search of accused Sathish Baikampady and made severe effort for search of accused Sathish Baikampady and submitted report to PI on 06.06.2014. Learned counsel for the accused cross-examined her at length. Various suggestions were made with respect to visit to spot and also A.J. hospital, she answered accordingly. With respect to search of accused No.1, several suggestions were made by the counsel for the accused, she answered accordingly. It was admitted by her, she secured CDR details from investigating officer and based on the CDR details, she made search of accused No.1, but did not find whereabouts of accused No.1, as he was absconding. It was suggested to her she had not made any effort for search of accused No.1, she denies the same.

65. PW.39 is the Investigating officer who conducted part of the investigation. He deposes on 29.05.2014, he

took further investigation of the case from CW.53-N.R. Mukri. On the same day he made a request to RTO, Mangaluru to furnish B-Register Extract of vehicle bearing Reg.Nos.KA-19-N-7988, KA-19-MD-9146 and KA-19-MB-0998. On the same day he received B-Register Extract of all the three vehicles. On perusal of B-Extract of vehicle bearing Reg.No.KA-19-N-7988, it was standing in the name of Tharanatha N.M, as per column no.28, the NOC was issued to RTO, Udupi on 18.03.2013 and the said vehicle is Mahendra Bolero 2WGD. Vehicle bearing Reg.No.KA-19-MD-9146 stands in the name of Lekha Jayakara Karkera, it was Maruti Ritz VXi BS4 vehicle. Vehicle bearing Reg.No.KA-19-MB-0998 belongs to Bhaskar Baikampady S/o. S.G. Karkera and it was Maruti 800. On 06.06.2014, he made a request to RTO, Udupi to furnish B-Extract of KA-19-N-7988. On the same day he sent a letter with questionnaire to President, Baikampady Mogaveea Mahasabha. The said letter contains 11 questions. On the same day PW.38 submitted a detail report with respect to search of Accused No.1. PW.38 also produced statement of Ravi Poojary S/o. Sanjeeva Poojary which was recorded by her

on 21.05.2014. On the same day he made a request to Chief Medical Officer, BD workers Welfare Association, Deralakatte to furnish service details of Accused - Pushparaj. On 07.06.2014, he visited Mulky, enquired Tharanath-PW.14 and recorded his statement. On the same day he recorded statement of CW.21. On 09.06.2014, PW.34 brought five sealed articles and five sealed clothes from A.J. Hospital. He also received postmortem examination report from Medical Officer through PW.34. As per medical report, blood group of deceased was AB+. On the same day he prepared corresponding letters to ACP and RFSL, Mangaluru to send vehicles to RFSL for examination and sent vehicle bearing Reg.Nos.KA-19-EH-8393, KA-19-N-7988, KA-19-MD-9146 and KA-19-MB-0998 through PW.34 and other staffs to RFSL through ACP. On the same day he sent nine sealed articles to RFSL through ACP for examination. On 11.06.2014, he received B Register Extract of KA-19-N-7988 from Udupi RTO. As per B-Extract vehicle Mahendra Bolero stands in the name of Geetha W/o. Pushparaj. On 14.06.2014, he visited Udupi and recorded statement of PW.21-Geetha. On the same

day he sent 12 sealed articles to FSL, Bangalore for examination. Learned counsel for the accused cross-examined him. It was admitted by him he has not made requisition to furnish details pertaining to scooter bearing Reg.No. KA-19-EH-8393 belongs to deceased. He further admits he has not made any requisition to obtain documents pertaining to vehicle bearing Reg.No. KA-19-EH-7393. It was admitted by him he has not made any attempt to obtain documents pertaining to vehicle bearing Reg.No. KA-19-MB-9164. It was also admitted by him he has not obtained any documents pertaining to vehicle bearing Reg.No. KA-19-MD-9164. It was admitted by him he has obtained CDR and CAF details of accused. It was also admitted by him he has not collected any documents from PW.38 pertaining to the places of her visit. It was also admitted by him he has not made any requisition to Baikampady Mogaveera Mahasabha to obtain documents. It was admitted by him motive to commit the crime is an animosity between deceased Gangadhar Pangal and Sathish Baikampady and his brothers with respect to misappropriation of funds.

66. PW.40 is the photographer. He deposes on 15.05.2014, the Panambur police have called him for taking photographs. He went to police station at 6.30 a.m. Police Inspector took him in Jeep to A.J. Hospital. In the hospital a dead body was kept. As per the instructions of P.I., he made videography and took photographs on the dead body. From there police took him in Jeep to Meenakaliya-Baikampady road near a godown. As per the instructions and direction of P.I., he took photographs. Videography was also made. On the spot police, FSL team and others were present. On 20.05.2014, again police called him to police station. The police asked him to take photographs of Ritz car which was kept in precincts of police station, accordingly he took photographs. The police took him to Shakthi garage, situate at Attavara and police asked him to take photographs of Bolero vehicle, accordingly he took photographs. From there he was taken to inside compound of a godown on Meenakaliya road. Maruti 800 car was parked there and as per instructions of police, he took photographs of car. He took photographs and made videography in his camera. He transferred photographs

and video to computer, from computer to CD and handed over photographs and CD to P.I, accordingly he issued 65B certificate. Learned counsel for the accused cross-examined him. It was suggested to him on 21.05.2014, he has not issued 65B certificate, he denies the same. It was further denied by him he has issued 65B certificate on 20.12.2025. It was also suggested to him he has not done videography continuously from 11.30 to 3.30 p.m. He deposed he has not included any other videos or songs to the video. The video recording was shown to him and he admits in video recording, song is also played. It was suggested to him date of modification is varying in the C.D., he admits the same.

67. PW.41 is the Investigating officer who conducted major portion of the investigation. He deposes on 15.05.2014, around 00:30-00:45, PW.38 gave information over phone that near Ganesh Shipping godown on Meenakaliya-Baikampady road, an accident took place. Immediately he went to spot and reached spot at 1.00 a.m. By that time, injured was taken to hospital. He deputed his staffs to secure the scene of incident. He further deposes PW.38 immediately went to spot at 1.00

a.m., by the time she reached, injured was shifted, she deputed staffs to secure scene of incident. At 1.20 a.m. PW.38 again called him and told an injured died in A.J. Hospital. He came to know injured name as Gangadhar. PW.38 received death intimation from A.J. Hospital and also received complaint from PW.1 in the hospital. PW.38 returned to police station and registered case in Crime No.98/2014 for the offence p/u/Sec.279, 304(a) IPC and Sec.134(a & b) of IMV Act and gave information about registration of case at 3.15 a.m. and handed over complaint, FIR and death intimation. He instructed her for search of accused. He went to spot at 5.00 a.m. His staffs were present on the spot and secured scene of incident. He inspected spot and returned to police station. He secured Ashok, Gopala, Anand and Suresh to police station. Along with them, his staff went to A.J. Hospital at 8.00 a.m. He verified dead body. Yadhava Puthran and Sudheer were present. He noted injuries found on the body in Inquest mahazar and prepared Inquest mahazar between 8.00 and 10.30 a.m. Suresh took photographs while conducting Inquest mahazar. While conducting Inquest, videography was also done by

Suresh. He recorded statements of Yadhava Puthran and Sudheer. From the statements of aforesaid persons and injuries found on the body, he came to know the deceased did not die on account of accidental injuries, was murdered. He made a requisition to Medical Officer to conduct postmortem examination on the body and deputed CW.47-Dayanand to handover the dead body to the relatives of deceased after postmortem examination. He returned to police station. Vasudeva Salian, President of Baikampady Mogaveera Mahasaba and other were in police station. They told Gangadhar did not die in accident, somebody murdered Gangadhar. He made a request to the Jurisdictional Court to alter offence to 302. He sent a communication to concerned authorities to depute Fingerprint Expert, Dog Squad and FSL team to spot. He went to spot at 11.30 a.m along with Suresh, photographer and his staffs. He secured panchaas Nithin, Yogesh and Dhanpal. PW.1-Shriyan was also present on the spot. FSL team (including Geethalaxmi), Fingerprint Expert and Dog Squad came to spot. The total width of the road is 21 feet East-West, on both side 3 feet mud footpath, in a distance of 26 inch from the

spot, white with green and red border shawl was lying, the FSL team collected the same and handed over to him, he packed and sealed in cloth packet and assigned mark 'A', in a distance of 48 inches from the spot towards West side some fiber broken pieces lying, the same were collected by the FSL team and handed over to him, he packed them in cloth packet and assigned mark 'B', in a distance of 27 feet from the place wherein shawl was lying, towards West side, indicator glass pieces of vehicle bearing Reg.No.KA-19-EH-8393 were lying, the same were collected, packed and sealed and assigned mark 'C', in a distance of 77.5 feet from the place wherein Shawl was lying, towards West side on the mud footpath blood stains were seen, the same were collected, packed and sealed and assigned mark 'D' and sample mud was also collected, packed and sealed and assigned mark 'E', in a distance of 10 feet from there towards South on the left side, indicator pieces were lying, the same were collected, packed and sealed and assigned mark 'F', in a distance of 29 feet from the place wherein blood stain was present, towards right side radiator guard measuring 11x29.5 inch was lying, the same were collected, packed and

sealed and assigned mark 'G', from there upto 250 feet, they found two wheeler tire mark 6x8 inch, thereafter there was no tire mark for 49 feet on the road, in a distance of 171 feet from the place wherein Shawl was lying, they found scratch mark measuring 44 inch and said scratch mark ended on the left turn on the road in zig-zag manner, from there in a distance of 62 feet on the right side mud road under tree they found scooter bearing Reg.No.KA-19-EH-8393, the vehicle front tire was turned towards right side and said scooter was completely damaged, left side rear mirror was damaged, the said scooter was Hero Honda Matrix Aviator colour in moron, key with bunch of the scooter was in the seat lock of the scooter, the same were taken and assigned mark 'H' and 'I', in a distance of 29 feet from the place wherein scooter was lying break light pieces, side mirror cover, side mirror glass pieces were found, the same were collected, packed and sealed and assigned mark 'J', the FSL team also collected mud stained to scooter indicator pieces, the same were packed and sealed and assigned mark 'K', the FSL team also collected sample mud from the said place, the same was packed and sealed and

assigned mark 'L', in a distance of 10 feet from the place wherein scooter was lying, cement pieces were lying, the same were collected, packed and sealed and assigned mark 'M', from the place wherein scooter was lying, we found fiber pieces, the same were collected, packed and sealed and assigned mark 'N', the FSL team also collected scrap from backside scooter, the same were collected, packed and sealed and assigned mark 'O', the FSL team also collected scrap from front side scooter, the same were collected, packed and sealed and assigned mark 'P', they also collected number plate of the scooter bearing Reg.No.KA-19-EH-8393, the same was packed and sealed and assigned mark 'Q', accordingly he prepared mahazar and seized aforesaid articles. While conducting mahazar, videography and photographs were taken. He recorded further statement of PW.1 on the spot. PW.1 in his further statement also stated he had seen Bhaskar Baikampady in vehicle bearing Reg.No. KA-19-MB-0998, Harish Baikampady and Sathish Baikampady in vehicle bearing Reg.No.KA-19-MB-9146 before the incident. On 16.05.2014, he deputed PW.38, PC-926, HC-996, PC-2137 for search of accused. On the same day he recorded

statements of Yadhava Puthran, Nayana, Poornima, Vasudeva Salian, Harishchandra, Anand, Manoj, Dileep Kumar, Rohith and Rajesh. From the statements, he came to know on the night of incident, the deceased had attended Thambila program and some of them also saw accused in the village wherein Thambila program held. He also came to know from the statements Sathish Baikampady, Harish Baikampady and Bhaskar Baikampady were suspended from Mogaveera Mahasabha when deceased Gangadhar was President of the said Mahasabha. On 17.05.2014, PW.38 reported him Sathish Baikampady, Harish Baikampady and Bhaskar Baikampady have been absconded. On 18.05.2014, he recorded statement of Manohar Bolor. On 20.05.2014, at 12.00 noon when he was in police station, he received a credible information that accused were coming in a vehicle from Surathkal side. he, his staffs, two panchas Devadas and Vasanth Salian went to Kudhuremukha Junction Mangaluru. At 12.30 noon, a silver colour Ritz car bearing Reg.No.KA-19-MD-9146 came from Surathkal side, when they made an attempt to stop the vehicle, the said vehicle veered and made an

attempt to go back, they however stopped the vehicle. In the vehicle there were three persons including driver. On enquiry they revealed their names as Harish Baikampady, Driver, Pushparaj and Bhaskar who were sitting in back seat. He confirmed after their enquiry they were the accused of the case and prepared mahazar. He brought accused and car to police station. He interrogated them, they admitted commission of offence. He arrested them by following formalities of arrest and recorded their voluntary statement. In the voluntary statement, they revealed they would show the place wherein they were waiting to commit an offence and produce vehicles which were used for commission of offence. PW.6, CW.26 and 27 were in police station at that time. When he made an enquiry with accused, PW.6, CW.26 and 27 were also present. He prepared mahazar and seized Ritz car bearing Reg.No.KA-19-MD-9146. In the voluntary statement of accused Pushparaj, accused revealed he would show vehicle which was used for commission of offence if accused was taken to. Accordingly, he, his staffs, PW.6, CW.26, CW.27, Suresh photographer and Pushparaj left the police station. The

accused Pushparaj led them in vehicle and took to a garage behind KMC Hospital, Attavara and showed Nithesh who was in garage and told accused Pushparaj and Sathish left vehicle bearing Reg.No.KA-19-N-7988 in the garage and showed vehicle. He inspected vehicle. The said vehicle was Bolero. In backside number plate '1 and 7' were not visible, in '88, there was scratch, it was white colour vehicle, left side bumper went inwards, indicator on the bumper was damaged, radiator guard was cut, a piece of radiator guard was entangled still, said piece of radiator guard was colour in black outside and white inside. He took piece of radiator guard, packed and sealed and assigned mark 'R' and prepared mahazar and seized Bolero vehicle. Suresh took photographs while conducting mahazar. In the voluntary statement, Bhaskar Baikampady revealed he would produce his 800 car and show the place wherein they have waited. He, PW.6, CW.26, CW.27, Suresh photographer, his staffs and Bhaskar Baikampady left police station. Accused led them to go-down situate at Meenakaliya and showed Maruti 800 vehicle bearing Reg.No.KA-19-MB-0998 and he prepared mahazar and seized car. While conducting

mahazar Suresh took photographs. In the voluntary statement, Pushparaj and Bhaskar Baikampady revealed they would show the place wherein they had waited for arrival of Gangadhar Pangal to take his scooter, accordingly they led him, PW.6, CW.26, CW.27 and his staffs in front of APMC main gate and showed the spot and he prepared mahazar. He recorded statements of Vasudeva Salian-PW.6, Nithish-PW.12, Thripal Kumar-PW.13, Venkatesh Bangera-CW.26 and Bhaskar-CW.27. In the voluntary statement, Pushparaj told he would show the place wherein he had parked Bolero vehicle and would show the place wherein himself, Sathish Baikampady, Bhaskar Baikampady and Harish Baikampady made a conspiracy on 13.05.2014 if he was taken to. On the next day on 21.05.2014, he secured PW.22 and CW.34 as pahcaas and explained case details to them. Pushparaj took them to Borugudde, Akasha Bhavan road and showed the spot and he prepared mahazar. From there Pushparaj took them to building belongs to Bhaskar Baikampady and showed the spot. He inspected the spot and prepared mahazar. On the same day, PW.12-Nithish told he would show the place wherein

Bolero vehicle was parked after the incident. PW.12 and PW.13 took them to Borugudde, Akasha Bhavan road and showed the spot and he prepared mahazar. On the same day he recorded further statements of Raghuram, Franki, Nithish-PW.12 and Thripal Kumar-PW.13. On the same day he sent accused after medical examination to Jurisdictional Court along with remand application. On 23.05.2014, he recorded statements of Babitha-PW.30. Nagaraju-CW.17. On the same day, he received photographs, CDs and 65B certificate from PW.40-Photographer. On 26.05.2014, he made a request to the Court to issue Warrant against Sathish Baikampady who had absconded. Learned counsel for the accused cross-examined him at length. With respect to visit to the spot immediately after the incident, various suggestions were made, he answered accordingly. With respect to seizure of articles from the spot, so many suggestions were made, he answered accordingly. It was suggested to him in the remand application the Investigating officer is required to mention gist of the investigation upto date done till the remand of the accused to the Jurisdictional Magistrate. In his investigation there is reference about

the procedure adopted and report submitted by Fingerprint Expert and Dog Squad Expert. He admits Dog Squad and Fingerprint Experts have not submitted any report as no incriminating evidence was collected by the said teams. It was admitted by him key of the Scooter was attached with key bunch and key was in the Dickey locker. It was suggested to him on the road wherein incident took place movement of heavy vehicles will be present always, he denies the same. It was suggested to him on 23.05.2014, PW.40 did not issue 65B certificate, he denies the same. It was suggested to him 65B certificate was issued on 20.12.2025, he denies the same. He admits he has not conducted any mahazar at Mulur wherein Thambila function was held on 13.05.2014 and 14.05.2014. It was also admitted by him, he has not conducted mahazar at Vishwasagara hotel. With respect to seizure of Ritz Car, various suggestions were made, he answered accordingly. With respect to seizure of Bolero vehicle and radiator guard pieces various questions were put to him, he answered accordingly. It was suggested to him all the mahazars were created subsequent to 22.05.2014 at the instance of

PW.6, he denies the same. It was admitted by him he has not collected documents from Baikampady Mogaveera Mahasabha, Goplakrishna Bajana Mandalai and school building committee, pertaining to misappropriation of funds. It was suggested to him during his investigation though he came to know Gangadhar Pangal met with an accident and died in the accident, he is deposing false, he denies the same.

68. PW.42 is another Investigating officer who conducted part investigation. He deposes on 15.06.2014, he took up further investigation of the case and verified investigation upto date. On 16.06.2014, Sathish and Maniyani submitted report that accused Sathish Baikampady had been absconding though they made a search at various places such as Bangalore, Hassan, Bellary, Tumkur etc. On 23.06.2014, he sent 13 articles which were seized from the spot to FSL, Bangalore for examination through Chidananda. On the same day, Motor vehicle inspector came to Panamburu police station and inspected KA-19-EH-8393 and KA-19-N-7988. On 28.06.2014, he received notarized documents from PW.6-Vasudeva Salian pertaining to Baikampady

Mogaveera Mahasabha. Learned counsel for the accused cross-examined him. It was suggested to him he has not made any requisition to furnish details pertaining to vehicle bearing Reg.No. KA-19-EH-8393. It was also admitted by him he has not made requisition to obtain documents pertaining to vehicle bearing Reg.No. KA-19-EH-7393. It was also admitted by him he has not made any requisition to obtain documents pertaining to vehicle bearing Reg.No. KA-19-MB-9164 and vehicle bearing Reg.No. KA-19-MD-9164. He has not collected any documents pertaining to mobile numbers of PW.1, PW.2, accused and deceased. It was suggested to him he has not obtained Ex.P.33 document from PW.6 and the said documents were created, he denies the same.

69. PW.43 is the Investigating officer, who conducted part of the investigation. He deposes on 04.07.2014, he took further investigation of the case from PW.42 and verified investigation done upto date. On 09.07.2014, he received test report from RFSL, Mangaluru. On 17.07.2014, he recorded statement of PW.37. In the statement, the vehicle number has been wrongly mentioned as KA-19-MD-9164 instead of KA-19-MD-

9146. On 24.07.2014, he released vehicle bearing Reg.No. KA-19-N-7988 to Geetha-PW.21. On the same day he released vehicle bearing Reg.No. KA-19-MD-9146 to Rekha Jaikar-PW.37. On 27.07.2014, he received IMV report of vehicle bearing Reg.No. KA-19-MD-9146. On the same day he received serology report from RFSL. On the same day, he received opinion from Medical Officer, A.J. Hospital over injuries on the body of the deceased. On 07.08.2014, he received opinion regarding time since death from Medical Officer, A.J. Hospital. On the same day, he received report from MESCOM regarding supply of power to the place of incident. On 22.08.2014, he received Toxicology report from RFSL. On the same day, he received 164 statement of CW.35 from Court. On 13.10.2014, he received report pertaining to hairs from RFSL. On 04.11.2014, the accused no.1 Sathish Baikampady appeared before him along with order passed by the Hon'ble High Court of Karnataka. He complied order, arrested, interrogated and recorded his voluntary statement. In the voluntary statement, accused No.1 volunteered he would produce two vehicles Scorpio vehicle bearing Reg.No. KA-19-Z-5181 and two-wheeler

Maestro vehicle bearing Reg.No. KA-19-EK-0229 which were used for commission of offence and kept in accused No.1 house at Derebail. Since 24 hour was over, he left him with a direction to appear before him on the next day. On 06.11.2014, he came to know the Accused No.1 was arrested in Crime No.133/2013 of Surathkal police station and remanded to JC. On the same day he made a request to Jurisdictional Court seeking for police custody of accused No.1. On 21.11.2014, the Court granted police custody of accused No.1 and on the same day he took police custody of accused No.1. On 22.11.2014, he secured PW.31 and CW.58 as panchaas to the police station and enquired accused no.1 in their presence. They left police station at 9.00 a.m. along with accused no.1 in their department vehicle. The accused no.1 took them to Derebail, Konchady, further took them to near his house, they reached at 9.30 a.m. In front of house, accused No.1 showed two vehicles Scorpio vehicle bearing Reg.No. KA-19-Z-5181 and two-wheeler Mastro vehicle bearing Reg.No. KA-19-EK-0229. He inspected inside Scorpio vehicle. Beneath center seat he found number plate bearing number KA-19-Z-5181, in the dash

board he found R.C. of KA-19-Z-5181 and driving license of accused No.1 and he prepared mahazar and seized aforesaid vehicles, R.C., driving license and number plate. After medical examination, he sent the accused no.1 to the Jurisdictional Court along with remand application. On 20.12.2014, he received test report from FSL, Bangalore. On 23.12.2014, he released vehicle bearing Nos. KA-19-MB-0998 to Bhaskar Baikampady, KA-19-EK-0229 to Dhanush, KA-19-Z-5181, R.C., D.L., and number plate no.KA-19-Z-5181 to Geetha W/o. Sathish Baikampady. Learned counsel for the accused cross-examined him. It was suggested to him as per the investigation, the motive for committing murder of Gangadhar Pangal is misappropriation of funds and removal of Sathish Baikampady in Baikampady Mogaveera Mahasabha, he admits the same. It was admitted by him he has not verified documents of Baikampady Mogaveera Mahasabha. It was also admitted by him, he has not collected documents from Baikampady Mogaveera Mahasabha for suspending Sathish Baikampady from the Mahasabha. It was admitted by him the documents which were collected by

PW.42 were enclosed along with charge-sheet. It was admitted by him he has not obtained CAF and CDR of mobile numbers of accused. It was denied by him he has not recorded voluntary statement of accused No.1. Accused No.1 did not produce any vehicles, he denies the same. It was admitted by him he has not obtained documents pertaining to function held at Muluru on 13.05.2014 and 14.05.2014. It was suggested to him, he filed false charge-sheet at the instance of PW.2, PW.6 and PW.10.

70. Ex.P.1 is the complaint. Ex.P.2 is the spot mahazar. Ex.P.3 is the spot sketch. Ex.P.4 is the photos (8 in nos.). Ex.P.5 is the slip affixed to cloth cover containing MO.1. Ex.P.6 is the slip affixed to cloth cover containing MO.2. Ex.P.7 is the slip affixed to cloth cover containing MO.3. Ex.P.8 is the slip affixed to cloth cover containing article 'D'. Ex.P.9 is the slip affixed to cloth cover containing MO.8 article 'E'. Ex.P.10 is the slip affixed to cloth cover containing article 'F'. Ex.P.11 is the slip affixed to cloth covers containing article 'G'. Ex.P.12 is the photographs of Scooter. Ex.P.13 is the slip affixed to cloth cover containing article 'T'. Ex.P.14 is the slip

affixed to cloth cover containing article 'J'. Ex.P.15 is the slip affixed to cloth cover containing article 'K'. Ex.P.16 is the slip affixed to cloth cover containing article 'L'. Ex.P.17 is the slip affixed to cloth cover containing article 'M'. Ex.P.18 is the slip affixed to cloth cover containing article MO.9. Ex.P.19 is the slip affixed to cloth cover containing article 'O'. Ex.P.20 is the slip affixed to cloth cover containing article 'P'. Ex.P.21 is the slip affixed to cloth cover containing article 'Q '. Ex.P.22 is the portion marked in the statement of PW.1. Ex.P.23 is the photographs (2 in nos.). Ex.P.24 is the photographs of Bolero vehicle with receipt. Ex.P.25 is the photographs of Ritz Car with receipt. Ex.P.26 is the mahazar. Ex.P.27 is the photo of Ritz car. Ex.P.28 is the mahazar. Ex.P.29 is the photo of Bolero car. Ex.P.30 is the mahazar. Ex.P.31 is the photo of Maruthi 800 car. Ex.P.32 is the mahazar. Ex.P.33 is the reply with documents. Ex.P.34 is the C.D. Ex.P.35 is the notice. Ex.P.36 is the inquest mahazar. Ex.P.37 is the C.D. Ex.P.38 is the portion marked in the statement of PW.11. Ex.P.39 is the mahazar. Ex.P.40 is the statement of PW.18. Ex.P.41 is the mahazar. Ex.P.42 is the CD containing video. Ex.P.43 is the statement of

PW.21. Ex.P.44 is the CD containing photos. Ex.P.45 is the mahazar. Ex.P.46 is the mahazar. Ex.P.47 is the statement of PW.23. Ex.P.48 is the R.F.S.L. Test report. Ex.P.49 is the postmortem examination report. Ex.P.50 is the clarification. Ex.P.51 is the opinion. Ex.P.52 is the IMV Report. Ex.P.53 is the sketch prepared by PW.27. Ex.P.54 is the FSL Report. Ex.P.55 is the sample seal. Ex.P.56 is the letter dated 15.05.2014 given by PW.29. Ex.P.57 is the RFSL report. Ex.P.58 is the serology report. Ex.P.59 is the report on hairs. Ex.P.60 is the RFSL report. Ex.P.61 is the sample seal. Ex.P.62 is the serology report. Ex.P.63 is the statement of PW.30. Ex.P.64 is the seizure mahazar. Ex.P.65 is the photographs of Scorpio car and number plate. Ex.P.66 is the photos of Scooter. Ex.P.67 is the receipt. Ex.P.68 is the acknowledgment for handing over vehicle. Ex.P.69 is the acknowledgment for handing over articles. Ex.P.70 is the acknowledgment for handing over articles. Ex.P.71 is the information provided by PW.36. Ex.P.72 is the portion marked in the statement of PW.37. Ex.P.73 is the death intimation. Ex.P.74 is the FIR. Ex.P.75 is the report of PW.38. Ex.P.76 is the 'B' register extract of

vehicle bearing Reg.No.KA-19N-7988. Ex.P.77 is the 'B' register extract of vehicle No.KA-19-MD-9146. Ex.P.78 is the 'B' register extract of vehicle No.KA-19MB-0998. Ex.P.79 is the requisition sent by PW.39. Ex.P.80 is the 'B' Register extract of vehicle No.KA-19N-7988. Ex.P.81 is the certificate u/s.65B of Indian Evidence Act. Ex.P.82 is the requisition given by PW.41 for alteration of Section. Ex.P.83 is the portion marked in the voluntary statement of accused No.2. Ex.P.84 is the portion marked in the voluntary statement of accused No.4. Ex.P.85 is the receipt. Ex.P.86 is the receipt. Ex.P.87 is the report. Ex.P.88 is the portion marked in the confession statement of accused No.1.

71. MO.1 is the white colour shawl. MO.2 is the broken plastic pieces. MO.3 is the broken glass pieces of indicator. MO.4 is the Scooter. MO.5 is the pieces of brake light, side mirror cover, glass pieces of side mirror of scooter. MO.6 is the backside number plate of Scooter. MO.7 is the blood-stained mud. MO.8 is the sample mud. MO.9 is the fiber pieces of Scooter. MO.10 is the radiator guard. MO.11 is the cream colour nylon full shirt Kurtha. MO.12 is the white colour dhothi. MO.13 is the white

colour banian. MO.14 is the white colour cotton inner-wear. MO.15 is the brown colour inner-wear. MO.16 is the broken radiator guard. MO.17 is the mud contained in scooter indicator. MO.18 is the mud collected from the place where scooter was stopped. MO.19 is the cement pieces collected from the place where scooter was parked. MO.20 is the glass pieces of indicator of the vehicles involved in the accident. MO.21 is the key of scooter and other keys with key bunch. MO.22 is the powder scratched from backside of scooter. MO.23 is the powder scratched from front side of Scooter.

72. It is the case of the prosecution that deceased Gangadhar Pangal was an active member in Baikampady Mogaveera Mahasabha, Gopalakrishna Bajana Mandali and school building committee, temple committee etc. He used to question other members who misappropriate funds of the committees. He was the president of Baikampady Mogaveera Mahasabha. After his tenure, accused No.1 became president of Baikampady Mogaveera Mahasabha and also looking after Gopalakrishna Bajana Mandali and school building committee. During the tenure of accused No.1, he

misappropriated funds of Baikampady Mogaveera Mahasabha, Gopalakrishna Bajana Mandali and school building committee. The same was questioned by members of Mogaveera Mahasabha in Annual General Body meeting and the accused No.1 was asked to resign from the president post. Accused Nos.1, 3 and 4 were present in the said meeting. Accused No.1 orally submitted his resignation and went out of the meeting without furnishing the details of misappropriation of funds. Thereafter he developed grudge against deceased Gangadhar Pangal on the ground deceased Gangadhar Pangal was the reason for raising such an objection in the General Body Meeting and nursing ill-will against Gangadhar Pangal and accused Nos.1, 3 and 4 openly proclaimed they would see the fate of Gangadhar Pangal one or the other day. On account of grudge, accused Nos.1, 3 and 4 have hatched a plan with accused No.2 to eliminate the deceased. Accordingly, on the intervening night of 14.05.2014 and 15.05.2014, when deceased Gangadhar Pangal was proceeding on his Scooter near Ganesh Shipping Go-down at Meenakaliya, accused No.2 followed the Scooter, hit the Scooter from hind side,

Gangadhar Pangal fell on the road and sustained severe injuries and succumbed to the injuries. Accused Nos.1, 3 and 4 followed in other two vehicles. After noticing Gangadhar Pangal died, the accused Nos.1 to 4 left the spot. Accused Nos.1 to 4 have committed murder of deceased Gangadhar Pangal by and tried to turn it as an accident. Initially case was registered for the offence punishable u/s.304A of IPC, on the next day based on the materials collected and statement of witnesses, the case was converted into the offence u/s.302 of IPC.

73. The prosecution in all examined 43 witnesses as PW.1 to PW.43 and got marked 88 documents at Ex.P.1 to Ex.P.88 and MO.1 to 24.

74. The case of the prosecution rests on circumstantial evidence. The law in a case of circumstantial evidence is well-settled. The Hon'ble Apex Court has set out golden principles in the case of **Rahul vs. STATE OF DELHI MINISTRY OF HOME AFFAIRS & ANR. (2023) 1 SCC 83** in para No.17. The Hon'ble Apex Court has held as under:

“(1) the circumstances from which the conclusion of guilt is to be drawn should be fully established.

(2) the facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty,

(3) the circumstances should be of a conclusive nature and tendency,

(4) they should exclude every possible hypothesis except the one to be proved, and

(5) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused.”

Firstly, every link in the chain of circumstances necessary to establish the guilt of the accused must be

established by the prosecution beyond reasonable doubt and secondly all the circumstances must be consistent pointing out only towards the guilt of the accused.

75. In so far as, death of Gangadhar Pangal is concerned, there is sufficient evidence placed on record to show while Gangadhar Pangal was proceeding on a Scooter, some other vehicle hit from hind side, the vehicle was dragged on the road for a long distance, Gangadhar Pangal fell on the road, further the vehicle was dragged for some distance and lying under a tree. Ex.P.49 is postmortem examination report. Postmortem examination report indicates there were 19 injuries on the body. PW.25 is the doctor who conducted postmortem examination. A specific suggestion was made to the PW.25 doctor who conducted postmortem examination that if a person who is riding a two-wheeler with high speed, got skid and fell on the road, injuries found on postmortem examination report are possible, he denies the said suggestion flatly. According to him, deceased sustained injuries on account of hit from back by another vehicle, fell and sustained injuries. The body was found by PW.1 and PW.11 around 12.30 midnight.

PW.2 and PW.3 have clearly deposed in their deposition they dropped Gangadhar Pangal at Vishwasagar hotel, after Gangadhar Pangal proceeded in his Scooter, they left in the car to reach house. They reached the house around 12.30 midnight. Within two minutes they received a call from PW.1 who told Gangadhar Pangal was lying by the side of road by sustaining injuries. From the above, it is clearly evident the incident took place in between 12-12.30 midnight. From the evidence placed on record, it is evident death of Gangadhar Pangal is homicide. Whether Scooter of Gangadhar Pangal was hit by accused vehicle or some other vehicle will be discussed in the following paragraphs.

76. The prosecution has relied upon following circumstances; motive, last seen of deceased and accused by the witnesses, seizure at the instance of accused and conspiracy. Before going to deal with proof of circumstances relied upon by the prosecution, since the counsel for the accused has disputed the incident, conducting of mahazar, collecting of articles from the spot under the mahazar, it is just and proper to answer the said question. The incident took place on the

intervening night of 14.05.2014 and 15.05.2014. PW.1 is the complainant. According to the complaint averments, around 12.30 midnight, when he was proceeding on Meenakaliya road near Ganesh Shipping yard, he saw an unknown person was lying by the side of road, at the same time, PW.11 Anand Poojary also came, they tilted the body and saw the said person was Gangadhar Pangal. Immediately, he gave information to police, ambulance and PW.2. Immediately, ambulance came to spot, he and PW.11 shifted Gangadhar Pangal to hospital. In the hospital, the doctors after check-up declared Gangadhar Pangal was dead. Since information was given to the police, the police also rushed to the hospital. Immediately, PW.1 lodged complaint to the police in the hospital itself. The incident took place around 12-12.30 midnight, the complaint was lodged at 03.15 a.m. Absolutely, there is no delay in lodging the complaint. Normally, first information contains real facts, unless it is shown the said first information report was tainted or manipulated. By looking into the sequences, absolutely there is no doubt to create or manipulate the complaint. It is the contention of learned counsel for the

accused in the complaint, the complainant says he gave information to police, PW.2 and ambulance, he and PW.11 shifted Gangadhar Pangal to the hospital and PW.2 came to the hospital. But in the deposition, he deposes at 12.30 midnight he received a call from PW.11 Anand Poojary, who told one person was lying by the side of road, when he went there, Anand Poojary was also came there and then he gave information to police, ambulance and PW.2, PW.2 also came to the spot and they shifted Gangadhar Pangal to the hospital. This is not a serious contradiction compared to complaint averments. The incident took place in the year 2014 and he deposes in the year 2025. While deposing, PW.1 might have deposed PW.2 also came to the spot and they shifted the body to the hospital. Assuming for a moment, PW.2 also came to the spot and shifted Gangadhar Pangal to the hospital, it has no relevance. In the evidence, PW.2 and 3 have clearly deposed on receipt of information from PW.1, PW.2 directly went to the A.J. Hospital. Even PW.3 daughter of deceased also deposed in the deposition, her husband directly went to the hospital from the house.

77. It is the further marathon argument of learned counsel for the accused that on 15.05.2014 no such mahazar was conducted and no articles were seized from the spot, as the spot cum seizure mahazar was reached to the court after 2-3 days of 15.05.2014. Ex.P.2 is the mahazar. Ex.P.2 mahazar was conducted on 15.05.2014 between 11.30 a.m. to 3.30 p.m. After Gangadhar Pangal was shifted to hospital, the Investigating officer visited the hospital immediately in the early morning, conducted inquest mahazar, after conducting inquest mahazar, he went to the spot around 10.30 a.m. He secured FSL team, dog squad, finger print expert to the spot as could be seen from the evidence. He conducted mahazar between 11.30 and 3.30 p.m. PW.1 was also present when the mahazar was conducted. PW.2 was also present at that time. Several witnesses were present while conducting the mahazar. PW.1 and PW.20 are the witnesses to the said mahazar. PW.29 Dr. Geethalaxmi is the Scientific Officer who collected articles which were lying on the spot and handed over them to the Investigating officer. PW.40 is the photographer who took photographs while conducting mahazar. A perusal of

Ex.P.2 mahazar, deposition of PW.1 and PW.20 witnesses to the mahazar, PW.1 complainant, PW.29 Scientific Officer who collected the articles which were lying on the spot and handed over them to the Investigating officer, PW.40 who took photographs while conducting mahazar and PW.41 Investigating officer, it is evident the mahazar was conducted between 11.30 to 3.30 p.m. According to the counsel for the accused, though PW.40 took photographs according to the prosecution, but in the charge-sheet, the Investigating officer has not cited him as a witness and no 65B certificate was enclosed along with charge-sheet, therefore this witness was planted during trial. According to him, PW.1 in his deposition deposes he signed on the mahazar in the police station. In the charge-sheet, PW.40 was not cited as a photographer and 65B certificate was also not along with charge-sheet. During trial, a requisition was made to cite PW.40 as a witness and to take 65B certificate on record as PW.40 issued 65B certificate while conducting mahazar during investigation. Ex.P.4 are the photographs. The photographs were very much available in the charge-sheet. The photographs were taken while

conducting mahazar. PW.40 has clearly deposed in his deposition he took photographs while conducting mahazar and he issued 65B certificate in the year 2014 itself. Merely because, he was not cited as a witness and 65B certificate was not available along with charge-sheet, it cannot be said the entire mahazar was not conducted on 15.05.2014 and it was created. It is also contended by learned counsel for the accused that in the requisition and case diary, it is not forthcoming PF number of mahazar dated 15.05.2014, therefore, the said mahazar was created subsequently. The said contention also cannot be accepted. In the requisition, the Investigating officer has stated about conducting mahazar, but merely PF number is not mentioned that does not mean that no such mahazar was conducted. No doubt, PW.1 deposed in his evidence he signed in the police station. When witnesses to the mahazar, the Investigating officer, FSL Scientific Officer, other witnesses have clearly deposed mahazar was conducted between 11.30 to 3.30 p.m., it cannot be said that signature of PW.1 was taken in the police station. PW.1 somewhere supported the case of prosecution and somewhere deposed against the

prosecution. But on that ground alone, it cannot be said no mahazar was conducted on that day. By looking into the entire evidence placed on record, it is evident the incident took place on the intervening night of 14.05.2014 and 15.05.2014 and mahazar was conducted and articles were collected from the spot on 15.05.2014.

78. Now coming to the circumstances relied upon by the prosecution, the 1st circumstance relied upon by the prosecution is motive. According to the prosecution, for some time, accused No.1 was the president of Baikampady Mogaveera Mahasabha, Gopalakrishna Bajana Mandali and school building committee. Accused Nos.3 and 4 were also members of the said Mahasabha and for some time they too had discharged as office bearers of the said institutions. Deceased Gangadhar Pangal was also president of all the three institutions for some time. According to the prosecution, when Gangadhar Pangal was the president of the institutions, some development works have been carried out, but when the accused No.1 was the president of the institutions, he misappropriated the funds of the institutions, when the meetings were held, some of the

members have raised objection against accused No.1 to furnish accounts for misappropriation of funds, at that time, accused Nos.1, 3 and 4 left the meeting without giving any particulars, in the subsequent meeting, a decision was taken to suspend the accused Nos.1, 3 and 4 from the membership and notices were issued to them. The accused Nos.1, 3 and 4 developed grudge against Gangadhar Pangal on the ground that Gangadhar Pangal was the reason for expelling them from the Mahasabha and nurturing an ill-will against Gangadhar Pangal, by hatching a conspiracy with accused No.2, accused Nos.1 to 4 committed murder of Gangadhar Pangal. The prosecution in order to prove this circumstance has relied upon oral testimonies and documentary evidence. The prosecution has relied upon depositions of PW.2, PW.3, PW.4, PW.5, PW.6, PW.7, PW.10, PW.11, PW.41 and PW.42. PW.2 and PW.3 are the son-in-law and daughter of Gangadhar Pangal, PW.4 is a villager, PW.5 is a brother of PW.2, PW.6 is a villager and also former president of Baikampady Mogaveera Mahasabha, PW.7, PW.10 and PW.11 are also the villagers, PW.41 is the Investigating officer who recorded statements regarding

motive, PW.42 is the Investigating officer who received documents from the Mahasabha with respect to allegation leveled against accused Nos.1, 3 and 4.

79. To prove the motive, the court can not expect concrete evidence. From the evidence available on record, the court has to assess whether any such motive was present to continue with the offence. Ex.P.33 is the documents collected from Baikampady Mogaveera Mahasabha by PW.42 Investigating officer. During investigation, the Investigating officer issued notice to the Baikampady Mogaveera Mahasabha to furnish documents relating to allegation made against accused No.1 with respect to misappropriation of funds in the Mahasabha. In pursuance of the said notice, Baikampady Mogaveera Mahasabha submitted Ex.P.33 documents. The Investigating officer received the notarized copies of the said documents and included them into file. While marking those documents, the counsel for the accused objected as the said documents were not original, same cannot be taken on record. The said documents were placed along with charge-sheet and the documents under Ex.P.33 were notarized and

attested copies by the Baikampady Mogaveera Mahasabha. Since Ex.P.33 was taken in ordinary course of investigation by the Investigating officer from the Baikampady Mogaveera Mahasabha, those documents have been marked. As could be seen from Ex.P.33, in so far as allegation of misappropriation of funds, in the Resolution dated 24.10.2023, an objection was raised by some of the members and sought account details from the accused No.1 with respect to misappropriation of funds of the Mahasabha. The same was recorded in the Resolution which reads thus:-

“ಗತ ಮಹಾಸಭೆಯ ವರದಿಯನ್ನು ಕಾರ್ಯದರ್ಶಿಯವರು ಮಹಾ ಸಭೆಯಲ್ಲಿ ಓದಿ ತಿಳಿಸಿದರು. ವರದಿ ಓದಿದ ನಂತರ ನವೀನ್ ಕೋಟ್ಯಾನ್ ರವರು ವರದಿಯಲ್ಲಿ ನಮೂದಿಸಿದಂತೆ ಜೀರ್ಣೋದ್ಧಾರ ಸಮಿತಿಯ ಲೆಕ್ಕಪತ್ರದ ಬಗ್ಗೆ ಮಾಹಿತಿ ಕೇಳಿದಾಗ ಅಧ್ಯಕ್ಷರು ವರದಿಗೆ ಸೂಚನೆ ಅನುಮೋದನೆ ಬಂದ ನಂತರ ಸಭೆಯಲ್ಲಿ ಉಪಸ್ಥಿತರಿದ್ದ ಜೀರ್ಣೋದ್ಧಾರ ಸಮಿತಿಯ ಅಧ್ಯಕ್ಷರಾಗಿದ್ದ ಸತೀಶ್ ಬೈಕಂಪಾಡಿಯವರು ಈ ಬಗ್ಗೆ ವಿವರಣೆ ನೀಡಬೇಕೆಂದು ಕೇಳಿಕೊಂಡರು. ವರದಿಗೆ ಸೂಚನೆ ಅನುಮೋದನೆ ಬರುವ ಮೊದಲೇ ಸತೀಶ್ ಬೈಕಂಪಾಡಿಯವರು ಎದ್ದು ನಿಂತು ಅಧ್ಯಕ್ಷರಿಗೆ ಬ್ಯಾವರ್ಸಿ, ಈ ಜಪ್ತು ತಿರ್ತು ಇತ್ಯಾದಿ ಕೀಳು ಮಟ್ಟದ ಪದಗಳನ್ನು ಬಳಸಿ ಮಹಾಸಭೆಯ ಘನತೆಗೆ ಅಗೌರವವಾಗುವ ರೀತಿಯಲ್ಲಿ ವರ್ತಿಸಿದರು ಮತ್ತು ಭಾಸ್ಕರ ಬೈಕಂಪಾಡಿಯವರು ವರದಿಯ ಮೇಲಿನ ವಿಷಯದ ಬಗ್ಗೆ

ಹಿಂದಿನ ಮಹಾಸಭೆಯಲ್ಲಿ ಗೈರು ಹಾಜರಾಗಿದ್ದರೂ ಇಂದಿನ ಮಹಾಸಭೆಯಲ್ಲಿ ಹಾಜರಾದವರಿಗೆ ಚರ್ಚೆಗೆ ಅವಕಾಶ ಇಲ್ಲದಿದ್ದರೂ ವಿಷಯವನ್ನು ಚರ್ಚೆಗೆ ಎತ್ತಿ ಮತ್ತು ಲಕ್ಷಣ ಪೂಜಾರಿಯವರ ವೈಯುಕ್ತಿಕ ವಿಷಯದ ಬಗ್ಗೆ ನಿಂದಿಸಿದ ಪರಿಣಾಮ ಸಭೆಯಲ್ಲಿ ಗಲಾಟೆ ಮತ್ತು ಗೊಂದಲಮಯ ವಾತಾವರಣಕ್ಕೆ ಈ ಇಬ್ಬರು ಸದ್ಯಸರು ಕಾರಣರಾಗಿ ಸಭೆಯನ್ನು ಮುಂದುವರಿಸಲಾಗದೆ ಈ ಬಗ್ಗೆ ಆಡಳಿತ ಸಮಿತಿಯಲ್ಲಿ ಸತೀಶ್ ಬೈಕಂಪಾಡಿ ಮತ್ತು ಭಾಸ್ಕರ್ ಬೈಕಂಪಾಡಿಯವರ ಮೇಲೆ ನ್ಯಾಯ ವಿಚಾರಣೆ ಮಾಡುವ ಸೂಚನೆ ನೀಡಿ ಮುಂದಿನ ಮಹಾಸಭೆಯನ್ನು ದೈವದೇವರ ಪ್ರಾರ್ಥನೆಯೊಂದಿಗೆ (ಬಬ್ಬರ್ಯ ಗುಂಡದಲ್ಲಿ ಸಾಮೂಹಿಕ ಪ್ರಾರ್ಥನೆ) ಪ್ರಾರಂಭ ಮಾಡುವುದೆಂದು ಅಧ್ಯಕ್ಷರು ಹೇಳಿಕೆ ಕೊಟ್ಟು ಮತ್ತು ದಿನಾಂಕ 25/10/2013 ರಂದು ಪ್ರಾರಂಭವಾಗಲಿದ್ದ 48 ದಿನಗಳ ಭಜನಾ ಕಾರ್ಯಕ್ರಮವನ್ನು ರದ್ದು ಪಡಿಸುವರೇ ಅರ್ಚಕರಿಗೆ ಸೂಚನೆ ಕೊಟ್ಟು ಸಭೆಯನ್ನು ಅರ್ಧಕ್ಕೆ ವಿಸರ್ಜಿಸುವರೇ ಆದೇಶಿಸಿ ಅಂತಿಮವಾಗಿ ಜೊತೆ ಕಾರ್ಯದರ್ಶಿಯವರ ಧನ್ಯವಾದದೊಂದಿಗೆ ಅಂದಿನ ಮಹಾಸಭೆಯನ್ನು ವಿಸರ್ಜಿಸಲಾಯಿತು."

80. Thereafter notices were issued to the accused No.1 to give explanation about the objection raised by the members of Mahasabha with respect to allegation of misappropriation of funds. When no explanation was offered by the accused No.1, in the subsequent Resolution dated 21.11.2013, accused No.1 was suspended pending enquiry. The Resolution reads thus:-

"ಶ್ರೀ ಸತೀಶ್ ಬೈಕಂಪಾಡಿ ಮತ್ತು ಶ್ರೀ ಭಾಸ್ಕರ್ ಬೈಕಂಪಾಡಿಯವರಿಗೆ ಪತ್ರ ಮುಖೇನ ಹೇಳಿಕೆ ಕೊಟ್ಟರೂ ಅದನ್ನು ಸ್ವೀಕರಿಸದೆ ಇರುವುದರಿಂದ ಪತ್ರದಲ್ಲಿನ ವಿಚಾರವನ್ನು ಅವರಿಗೆ ಫೋನ್ ಮುಖಾಂತರ 21.11.2013 ರಂದು ಬೆಳಿಗ್ಗೆ 9.30 ಕ್ಕೆ ನ್ಯಾಯ ವಿಚಾರಣೆಗಾಗಿ ತಮೇರಿ ಸಮೇತ ಹಾಜರಾಗಬೇಕೆಂದು ತಿಳಿಸಿದ್ದರೂ ಗೈರು ಹಾಜರಾಗಿ ಮಹಾಸಭೆಯ ಆದೇಶವನ್ನು ಉಲ್ಲಂಘಿಸಿರುತ್ತಾರೆ ಹಾಗೂ ಈ ಇಬ್ಬರ ನಡವಳಿಕೆಯನ್ನು ಆಡಳಿತ ಸಮಿತಿಯಲ್ಲಿ ಕೂಲಂಕುಶವಾಗಿ ಚರ್ಚಿಸಿ ಊರಿನ ಕಟ್ಟು ಕಟ್ಟಳೆಯ ಚೌಕಟ್ಟಿನೊಳಗೆ ಇವರಿಬ್ಬರ ಮಹಾಸಭೆಯ ಸದಸ್ಯತ್ವವನ್ನು ಅಮಾನತಿನಲ್ಲಿ ಇಡುವುದೆಂದು ಸರ್ವಾನುಮತದಿಂದ ನಿರ್ಧರಿಸಲಾಯಿತು. ಈ ವಿಚಾರವನ್ನು ಊರಿನ ಸರ್ವ ಸದಸ್ಯರಿಗೆ ಹಾಗೂ ಭಜನಾ ಮಂಡಳಿ ಹಾಗೂ ಎಲ್ಲಾ ಅಂಗ ಸಂಸ್ಥೆಗಳಿಗೆ ತಿಳಿಸಲು ಜಾರಿಯಾಗುವಂತೆ ನೋಟಿಸ್ ಹಚ್ಚುವುದೆಂದು ಸರ್ವಾನುಮತದಿಂದ ನಿರ್ಧರಿಸಲಾಯಿತು. ಈ ಬಗ್ಗೆ ಮುಂದಿನ ಘರ್ಷಣೆಯನ್ನು ತಪ್ಪಿಸಲು ಮುಂಜಾಗ್ರತಾ ಕ್ರಮಕ್ಕಾಗಿ ಪಣಂಬೂರು ರಾಣಿಯಲ್ಲಿ ಮಾಹಿತಿಯನ್ನು ನೀಡುವುದೆಂದು ಸರ್ವಾನುಮತದಿಂದ ನಿರ್ಧರಿಸಲಾಯಿತು."

81. Thereafter, a notice was issued to the accused No.1 to give proper explanation with respect to allegation of misappropriation of funds. The notice issued by the Baikampady Mogaveera Mahasabha reads thus:-

"ಸರ್ವ ಸದಸ್ಯರ ಅವಗಾಹನೆಗೆ

ಬೈಕಂಪಾಡಿ ಮೊಗವೀರ ಮಹಾಸಭಾದ ಸರ್ವ ಸದಸ್ಯರಿಗೆ ಈ ಮೂಲಕ ತಿಳಿಯಪಡಿಸುವುದೇನೆಂದರೆ, ದಿನಾಂಕ 24-10-2013 ರ

ಮಹಾಸಭೆಯಲ್ಲಿ ಮಹಾಸಭಾದ ಗೌರವಕ್ಕೆ ಧಕ್ಕೆ ಬರುವಂತಹ ಹೇಳಿಕೆಯಿಂದ ಸಭೆಯ ಗೊಂದಲಕ್ಕೆ ಕಾರಣರಾದ ಶ್ರೀ ಸತೀಶ್ ಬೈಕಂಪಾಡಿ ಮತ್ತು ಶ್ರೀ ಭಾಸ್ಕರ ಬೈಕಂಪಾಡಿಯವರು ದಿನಾಂಕ 21-11-2013ರ ನ್ಯಾಯ ವಿಚಾರಣೆಗೆ ಗೈರು ಹಾಜರಾಗಿ ಮಹಾಸಭೆಯ ಆದೇಶವನ್ನು ಉಲ್ಲಂಘಿಸಿರುವುದರಿಂದ ಶಿಸ್ತು ಕ್ರಮ ಜಾರಿಗೊಳಿಸಿ ಶ್ರೀ ಸತೀಶ್ ಬೈಕಂಪಾಡಿ ಮತ್ತು ಶ್ರೀ ಭಾಸ್ಕರ ಬೈಕಂಪಾಡಿಯವರ ಬೈಕಂಪಾಡಿ ಮೊಗವೀರ ಮಹಾಸಭಾದ ಸದಸ್ಯತ್ವವನ್ನು ಅಮಾನತಿನಲ್ಲಿ ಇಡಲಾಗಿದೆ.

ಆದೇಶವು ಈ ದಿನದಿಂದಲೇ ಜಾರಿಯಲ್ಲಿರುತ್ತದೆ.”

82. From the aforesaid material, it is seen there was an allegation against accused No.1 with respect to misappropriation of funds in the Baikampady Mogaveera Mahasabha, school building committee and Gopalakrishna Bajana Mandali. PW.2, PW.3, PW.4, PW.5, PW.6, PW.7, PW.10, PW.41 and PW.42 have deposed the very same fact. PW.6 is the subsequent president of the Baikampady Mogaveera Mahasabha, he was also active member of Mahasabha since long time. In the chief-examination, he deposes as under:-

“On 06.06.2014, the police called me to the police station. I went to the police station. The police have given notice containing 11 questions to me and asked me to submit my reply along with supporting

documents. I submitted reply along with documents on 12.06.2014. I now see Reply along with documents (Resolution dated 12.07.2012, Resolution dated 20.02.2013, Resolution dated 24.10.2013, Intimation dated 24.11.2013 to the members of the Mahasabha indicating suspension of Sathish Baikampady and Harish Baikampady, Notice dated 09.11.2013 issued to Sathish Baikampady, Notice dated 09.11.2013 issued to Bhaskar Baikampady, Notice dated 17.11.2013 issued to Sathish Baikampady, Resolution dated 21.11.2013, Communication dated 29.06.2013 received from Mogaveera Yelupattana Samyuktha Sabha along with Resolution extract, Communication dated 21.08.2013 to Mangaluru Mogaveera Yelupattana Samyuktha Sabha), it bears my signature. [Counsel for Accused objects for marking of documents other than the reply. A perusal of documents, the said documents were issued by respective societies by attesting them and handed over to the IO during investigation, hence the objection is over ruled]. The reply along with documents together marked as Ex.P33 and signature of witness is marked as 33(a). In the

Resolution the reason for suspending Sathish Baikampady and Bhaskar Baikampady is noted. ”

83. Learned counsel for the accused cross-examined him at length. In the cross-examination, he deposes as under:-

“When Gangadhar Pangal was the President of Baikampady Mogaveera Mahasabha between 2008 and 2011, I was Secretary. At that time Accused Nos.1, 3 and 4 were not in the committee. Before 2008 Bhaskar Baikampady was the President of Baikampady Mogaveera Mahasabha. In 2011-12, a renovation committee was formed for Gopalakrishna Bhajana Mandali. It is false to suggest that said committee was formed in the year 2011.

Shri. Ramanjaneya Mandira is sub organization of Baikampady Mogaveera Mahasabha, but the management or Shri. Ramanjaneya Bhajana Mandira is different. Sathish Baikampady was President of Shri. Ramanjaneya Bhajana Mandira renovation committee. The committee consists of President, Secretary and Treasurer. Witness

volunteers some time Honorary President will be also appointed. Gangadhar Pangal was not Honorary President of Shri. Ramanjaneya Bhajana Mandira renovation committee.

Gopalakrishna Bhajana Mandali Renovation Committee consisted Honorary President, President, 2 Secretaries and 2 Treasurers. I was one of the Secretaries. Treasurers were Nagesh and Bhaskar Baikampady. Gangadhar Pangal was Honorary President. Building inauguration of the Gopalakrishna Bhajana Mandali was done in 2012. It is true in January 2011, the building inauguration was made. Before inauguration, invitation was published in News Paper. Inauguration function was held between 15.01.2011 and 24.11.2011.

I do not know various organizations and institutions have felicitated Sathish Baikampady considering his social work.

It is true Gopalakrishna Bhajana Mandali Renovation Committee conferred 'Samaja Bhandu' on Gangadhara Pangal by considering his 40 years social service and 'Yuvarathna Birudhu' on NAI

National Awardee Sathish Baikampady considering his social services. It is false to suggest that Sathish Baikampady was selected as President by considering his social services.

On 05.01.2011, School Renovation inauguration was held. Witness states for construction of computer room the said inauguration was held. High School consists of Three floors. As on 01.04.2012, ground floor of the school building was completed and handed over for School, the 1st and 2nd floor structure was made but it was not finished.

After the term of Gangadhar Pangal, Sathish Baikampady became President of Baikampady Mogaveera Mahasabha on 12.07.2012. I was not in the said committee. Treasurer was Keshava Suvarna. After the term of Gangadhar Pangal in Baikampady Mogaveera Mahasabha, he was continued as Honorary President of Gopalakrishna Bhajana Mandali.

Regular meetings were held in Baikampady Mogaveera Mahasabha, Gopalakrishna Bhajana Mandali and School building committee. Witness

states all the meetings were held in respective offices separately. It is false to suggest that Treasurer is more responsible for financial matters. Witness states more responsibility is on President though Treasurer is only looking after the accounts. Duty of the Secretary is to holding meetings, exchanging correspondences etc.,.

Gopalakrishna Bhajana Mandali money transaction was around One crore in 2011. School Renovation Building committee money transaction was 80-90 lakhs.

In the year 2015, construction of 1st and 2nd floor of the school was completed during my tenure. Between July 2012 and February 2013 Sathish Baikampady was President of Baikampady Mogaveera Mahasabha.

Fund was collected for construction of Gopalakrishna Bhajana Mandali and High School Building from our community and also from outside. For collection of fund and management of both the institutions records were maintained. Every year Audit was done. Janardhan was Chartered Accountant of Baikampady Mogaveera Mahasabha.

There was no Audit for Gopalakrishna Bhajana Mandali and High School Building Committee. In both the committees, accounts were verified by the committee and send the report to the Baikampady Mogaveera Mahasabha. It is false to suggest that Audit was being done by the Chartered Accountant in respect of Gopalakrishna Bhajana Mandali and High School Building Committee as they are sub-committees of Baikampady Mogaveera Mahasabha.

Every month meeting is held in Baikampady Mogaveera Mahasabha. Depend on the work meetings are held in Gopalakrishna Bhajana Mandali and High School Building Committee. The respective Secretaries maintain all the records. Before commencing meeting, presence of members will be noted. The name of committee members are written in the resolution, the members who are present will sign in front of their names. In AGM, Mahasabha in December and March of Baikampady Mogaveera Mahasabha, the same procedure is followed. Agenda of the AGM and Mahasabha will be decided by the committee and the same will be placed in AGM and Mahasabha. If

any member is having problem and about his grievance, he has to make representation to the committee. This applies to committee member.

Problems and grievances of Gopalakrishna Bhajana Mandali and High School Building Committee will be brought to the knowledge of Mahasabha. In special cases notices are being issued to the members for enquiry. Secretary used to serve notice. On the office copy signature of concerned receiver will be taken. We have not followed practice to send notice through Register post.

On 24.10.2013, in the Mahasabha meeting one of the members of the Mahasabha raised an issue that Sathish Baikampady did not provide School Building Committee accounts to the Mahasabha, in-turn when I asked Sathish Baikampady why he did not provide accounts of the School Building Committee, he abused me and asked me to step-down from Presidential ship, Bhaskar Baikampady was also in the meeting joined with Sathish Baikampady and he too repeated the same.

As on 24.10.2013, I was also member in High School Building Committee. Witness states but

meetings were not being held.

High School Building was completed in 2015. Since meetings were not held, committee was not existing. After I became President, in the village Nagamandala Utsava was held and in the said Utsava a fund was created, by taking approval from the Baikampady Mogaveera Mahasabha, 1st and 2nd floor of the School building was finished.

I elected as President of Baikampady Mogaveera Mahasabha in April-2014. Since the IO did not ask me to provide about my Presidential ship selection, I did not handover the said document to the IO. In 2015, Baikampady Mogaveera Mahasabha held School building inauguration.

Except in 24.10.2013 Mahasabha, in no other meetings or Mahasabhas the issue of Sathish Baikampady was not discussed. No one lodged complaint even today about misappropriation of fund by the Sathish Baikampady in School Building Committee. Neither me nor any other committee members have lodged any complaint with respect to the misappropriation of fund by Ssthis Baikampady. Witness states Sathish Baikampady

created E-mail ID in the name of his mother by furnishing his mobile number and diverted collection of fund from the General Public. When we made an enquiry why construction 1st and 2nd floor of the school building was stopped, at that time we came to know about misappropriation and diversion of fund. I cannot exactly state the month and year. 1st and 2nd floor building finishing work was stopped after inauguration of ground floor of the building. Since account papers of the building committee were not provided, we did not make complaint to the Baikampady Mogaveera Mahasabha about the same. As per direction of the President, the account papers will be with Treasurer.

On 20.02.2013, Sathish Baikampady and his team submitted oral resignations in the Baikampady Mogaveera Mahasabha and left from the committee though their term was not yet completed. On the same day their oral resignations were accepted. The Secretary of the Baikampady Mogaveera Mahasabha made an entry in the minute book about the same on the same day.

Que:- I put it to you is in minute of Mahasabha it is mentioned the oral resignations of Baikampady Mogaveera Mahasabha was accepted?

Ans:- Since inspite of request made by Senior members of the Mahasabha to continue for the remaining period, Sathish Baikampady and his team did not adhere to their request and left the Mahasabha, therefore acceptance of resignation has not been recorded separately in the minutes Ex.P34.

It is false to suggest that without accepting resignation of Sathish Baikampady and his team, I became President of Baikampady Mogaveera Mahasabha illegally.

On 20.11.2013, we issued notice to Sathish Baikampady to furnish account papers of School Building Committee. The notice dated 20.11.2013 was not provided to the IO. Notices dated 24.11.2013, 09.11.2013, 09.11.2013 and 17.11.2013, do not bear signature of Sathish Baikampady and Bhaskar Baikampady for receipt of said notices. Witness states Sathish Baikampady and Bhaskar Baikampady did not receive those

notices, the Secretary informed them orally.

It is false to suggest that aforesaid documents were created to harass them. It is false to suggest that since we have created those documents, I have produced copies of those documents to the IO.

In meeting dated 24.10.2013 Resolution copy, signature of Sathish Baikampady and Bhaskar Baikampady are not forthcoming. Witness states but they were present on that day. It is false to suggest that I am falsely deposing they were present in the meeting though they were not present in the meeting. It is false to suggest that I and Secretary have created Resolution dated 24.10.2013 after the incident as supporting document to prove the motive.

I have not enclosed notice issued by IO along with Ex.P33. I have not mentioned in Ex.P33, the date on which IO issued notice to me.

We have not lodged complaint to the police about misappropriation of funds by the Sathish Baikampady.

It is false to suggest that 24.10.2013 meeting

minute was created to suit our convenience. It is false to suggest that Sathish Baikampady did not create any E-mail and did not divert any funds. It is false to suggest that the said allegation is false. It is false to suggest that only to become a President, I created the aforesaid story.

Baikampady Mogaveera Mahasabha pertains to our village. Baikampady Mogaveera Mahasabha comes under Yelu Pattna Mogaveera Samyuktha Sabha. The said Samyuktha Sabha consists of 11 villages/Mahasabas. Baikampady Mogaveera Mahasabha and Yelu Pattna Mogaveera Samyuktha Sabha come munder Hadinalku Pattna Mogaveera Samyuktha Sabha which consists of 21 villages/Mahasabhas. Two District Dakshina Kannada and Udupi are having Mogaveera Mahajana Sangha which consists of 156 villages/Mahasabhas which is head of all the Mogaveera Mahasabhas.

If any grievances within the villages of the villager/member, the said grievances have to be resolved with village Mahasabha. If any grievances between 2 villages/Mahasabhas, the said

grievances will be hear by Yelu Pattna Mogaveera Samyuktha Sabha. I any grievances, the said grievances have to be raised before higher Mahasabha through village Mahasabha.

We have not given any complaint to Yelu Pattna Mogaveera Samyuktha Sabha with respect to allegation of Sathish Baikampady and Bhaskar Baikampady. Witness states they received communication from Yelu Pattna Mogaveera Samyuktha Sabha for change of Sathish Baikampady and his team. In the minute dated 20.02.2013, there is a reference about receipt of communication from Yelu Pattna Mogaveera Samyuktha Sabha and discussion was held in the meeting with respect to the said communication. Initially Sathish Baikampady did not read out the communication, on the pressure made by members, the said letter was read out in meeting. It is false to suggest that in the said communication only it was communicated for change of representatives of Yelu Pattna Mogaveera Samyuktha Sabha and not for change of Sathish Baikampady.”

84. From the above, it is evident there was an allegation against the accused No.1 for missappropriation of funds of the Mahasabha and other two institutions. Admittedly, the accused No.3 and 4 are brothers of the accused No.1. The other witnesses have also deposed in the same line. All the witnesses have deposed accused No.1 was the president of Baikampady Mogaveera Mahasabha, Gopalakrishna Bajana Mandali and school building committee. During such time, he collected funds from the members and general public for the institutions and misused the said funds. From the aforesaid evidence, it is crystal clear an allegation was leveled against accused No.1 for misappropriation of funds of the above institutions during his tenure. This court is not concerned whether any action was taken against accused No.1 on such allegation or what was the consequences of the action. This court is only concerned whether there was any such motive.

85. It was categorically contended by learned counsel for the accused that though an allegation was made against accused No.1, no such action was initiated subsequently, no such complaint was filed before the

police, therefore the allegation made against the accused No.1 itself was not correct and said allegation was only created after the death of Gangadhar Pangal by PW.6 and others. The documents produced at Ex.P.33 were in the year 2013. Gangadhar Pangal died on 14.05.2014/15.05.2014. The documents Ex.P.33 were existing before the death of Gangadhar Pangal. The only question is whether there was an allegation against accused No.1 with respect to misappropriation of funds and he developed grudge against Gangadhar Pangal with respect to the said issue. Whether any action was taken against him or any complaint was filed before the police can not to be decided by this court. All the witnesses referred above have deposed the accused Nos.1, 3 and 4 have developed enmity against the deceased and openly proclaimed to see the fate of the deceased. From the oral evidence of witnesses, it is evident the allegation was made against accused No.1 by the members of Mahasabha, he was suspended from the Mahasabha, thereafter he developed grudge against Gangadhar Pangal on the ground that Gangadhar Pangal was the reason for making such allegation against him and

expelling accused Nos.1, 3 and 4 from the membership. From the aforesaid evidence, it is evident the prosecution has proved motive.

86. Now coming to last seen theory, the prosecution has relied upon the oral testimonies of PW.1, PW.2, PW.3, PW.4, PW.5, PW.8, PW.9, PW.11, PW.12, PW.16 and PW.17. Some of the witnesses have last seen the deceased on the spot and near the spot before the incident. Some of the witnesses have seen the accused persons before the incident and after the incident on the spot and nearby the spot. PW.1 and PW.11 are the witnesses who saw the deceased on the spot after the incident. They have supported the said aspect of the matter. PW.1 and PW.11 have deposed in their deposition on the intervening night of 14.05.2014 and 15.05.2014 around 12.30 midnight, when they were proceeding on Meenakaliya road near Ganesh Shipping Go-down, they found an unknown person lying by the side of road, when they tilted the body as the said person was in a prone position, they saw the said person was Gangadhar Pangal, immediately an information was given to police, ambulance and family of Gangadhar Pangal. Learned

counsel for the accused even cross-examined both the witnesses at length that they have not at all seen Gangadhar Pangal on the spot, they have denied the said suggestion. With respect to PW.1 and PW.11 last seen the deceased on the spot, their oral testimony is very firm. According to the prosecution, they had also seen the accused Nos.1 to 4 proceeding in 3 vehicles before and after the incident nearby the spot. But PW.1 and PW.11 have not supported the said part of the fact. PW.2 and PW.3 are son-in-law and daughter of the deceased. They deposed with respect to last seen of the deceased and accused Nos.1 to 4. They deposed in their deposition on 14.05.2014 they had been to Muluru village to attend Thambila function, Gangadhar Pangal also attended the said function, after attending the function, they left Muluru at 11.30 night on 14.05.2014, dropped Gangadhar Pangal at Vishwasagar Hotel as Gangadhar Pangal had parked his scooter there, after Gangadhar Pangal left in the scooter, they proceeded to their village. They also deposed after Gangadhar Pangal left along with scooter, one Bolero vehicle proceeded, behind Bolero vehicle one Ritz car and Maruthi 800 car also proceeded.

In the said vehicles, they saw accused Nos.1 to 4. They further deposed when they reached house, PW.1 called PW.2 and gave information about the incident, immediately, PW.2 went to hospital. Learned counsel for the accused cross-examined both the witnesses at length with respect to attending function, dropping Gangadhar Pangal at hotel and seeing the accused Nos.1 to 4 in the vehicles. They have given answers accordingly and denied suggestions made by the counsel. Nothing is elicited from the mouth of PW.2 and 3 to disbelieve their version. PW.4 and PW.5 are the villagers and they deposed on 14.05.2014 Gangadhar Pangal attended Thambila function at Muluru, when function was going on, accused Nos.1 and 3 were waiting outside the function, when an enquiry was made, they told they were waiting for somebody, after Gangadhar Pangal left the village, they too left in the vehicle. In the cross-examination, they denied the suggestion made by the accused. PW.8 and PW.9 are the villagers. PW.8 deposed in his deposition on 15.05.2014 around 2.30 a.m. he saw the accused Nos.1, 3 and 4 near Ganesh Shipping Go-down. In the cross-examination, it was clearly admitted

by him, he left Padubidri at 11.45 p.m. and took 45 minutes to reach Baikampady. That indicates he reached the spot around 12.15-12.30 midnight. PW.9 deposes in his deposition on the intervening night of 14.05.2014 and 15.05.2014, he saw accused No.2 Pushparaj and accused No.4 Bhaskar Baikampady near APMC gate along with Bolero and Maruthi 800 car. PW.12 is another important and un-contraverted witness who deposed about last seen of accused Nos.1 and 2 after the incident. He deposes in his deposition on 15.05.2014 around 2.30 a.m. the accused No.1 Sathish Baikampady came to his house, took him for repair of vehicle, one Bolero vehicle was stopped on Akash Bhavan road, the left front portion bumper was dented and touching the wheel and radiator guard piece was entangled to radiator, he pressed the dented portion and made easy for movement of vehicle, then he and accused No.2 took the vehicle to his garage for repair. On 20.05.2014, the accused No.2 brought police to the garage, at that time, he came to know accused Nos.1, 2 and others have committed murder in the nature of accident and the said Bolero vehicle was involved in the said incident. The police seized Bolero

vehicle and radiator guard peice from the garage. On 21.05.2014, he took the police and panchas to the place wherein Bolero vehicle was stopped, accordingly, mahazar was also conducted. PW.16 is the witness before whom an extra judicial confession was made by accused No.1 after the incident. He deposes after the incident, accused No.1 came to him and sought legal assistance. PW.17 is the ambulance driver who shifted Gangadhar Pangal to the hospital, he has clearly deposed in his deposition, PW.1 made a call to bring the ambulance near Ganesh Shipping Go-down, he went there, a person lying there, he took the said person to A.J. hospital in the ambulance and he came to know name of said person as Gangadhar Pangal and Gangadhar Pangal died in the hospital. Learned counsel for the accused cross-examined all the witnesses at length. It was the contention of learned counsel for the accused that though the above witnesses have come to know about last seen of the deceased and accused before the incident, but their statements were recorded only on 15.05.2014 or subsequent to said date, therefore, their oral testimonies cannot be believed. The incident took

place on the intervening night of 14.05.2014 and 15.05.2014. Immediately on the next day, the entire mahazar proceeding was conducted, while collecting evidence, the Investigating officer came to know the it was not an accident, but it was a crime to commit murder, then he collected information and recorded statements of witnesses. The witnesses who saw the deceased and accused on the spot have given statements to the Investigating officer accordingly. Merely witnesses did not rush to the police station and give statement immediately after the incident, it is not mean that witnesses have not seen either deceased or accused on the spot. No doubt, PW.2 and PW.3 are the interested witnesses. Assuming for a moment, PW.2 and PW.3 have not seen the accused going in vehicles on the date of incident, the other oral testimonies of witnesses more particularly oral testimony of PW.12 is very important.

87. PW.8 is the villager of deceased and accused. He deposes in his deposition on 15.05.2014 when he was proceeding near Ganesh Shipping Yard, he saw accused Nos.1, 3 and 4 on the spot and proceeded. In the chief-examination, he deposes he saw accused Nos.1, 3 and 4

on the spot around 2.35 a.m. on 15.05.2014. But in fact it was not at 2.35 a.m., it was in fact at around 12.35 midnight. This was clarified in the cross-examination done by learned counsel for the accused. In the cross-examination, witness deposes he left Padubidri at 11.45 p.m. on 14.05.2014 and took 45 minutes to reach Baikampady i.e. the spot, that means he reached the spot around 12.30 on 15.05.2014. PW.9 is another villager, he deposes in his deposition, when he was proceeding after finishing his 2nd shift, he saw Bhaskar Baikampady, Pusharaj in Bolero vehicle and Maruthi 800 car near APMC gate at 12.00 midnight. This supports the oral testimonies of PW.2, 3 and 8. PW.4 and 5 have deposed in their deposition on 14.05.2014, PW.2 and PW.3 left the village along with deceased after finishing function around 11.30 p.m. They also deposed Harish Baikampady and Sathish Baikampady who were waiting outside the function, also left the village after leaving PW.2, 3 and deceased. The evidence of PW.2, 3, 4, 5, 8 and 9 is almost matching to the timings deposed by them. PW.12 is the major witness who deposes about the events which had taken place after the incident. He

deposes on 15.05.2014 around 2.30 a.m. accused No.1 came to his house and took him to Akashbhavan road wherein Bolero vehicle was stopped. The front left portion of the Bolero vehicle had dented and went inwards touching left wheel. He pressed said dent and made easy movement of the wheel. He also found radiator guard was damaged and one piece was entangled with the radiator and touching fan, he took the same and kept in the vehicle. Accused No.2 and he took the vehicle to his garage for repair and kept the vehicle. Thereafter, accused Nos.1 and 2 left the garage. He further deposes accused No.1 told he would come after some time for repair of vehicle. He further deposed on 20.05.2014, accused No.2 brought police and at that time, he came to know said vehicle was involved in the murder case. In the chief-examination, he deposes as under:-

"I know Sathish Baikampady. On 15.05.2014 at 2.30 a.m., Sathish Baikampady came to my house and woke-up me and told his vehicle was damaged and could not be moved and sought my help, inturn I told I would see the vehicle in the morning, but he made a repeated request. Sathish Baikampady came along with Pushpraj in two wheeler vehicle.

I, Sathish Baikampady and Pushpraj went to our garage in the same two wheeler vehicle, I took tools and went along with them in the same two wheeler. They took me to Kuntikan. A Bolero Vehicle was parked and could not be moved as bumper was obstacle for movement of tyre. When I saw the Bolero vehicle, radiator panel was cut. I pulled bumper and made free of movement of tyre. The Bolero vehicle was made to move. I and Pushpraj took Bolero Vehicle to our garage. Pushpraj drove the vehicle. Sathish Baikampady left from the spot on his two wheeler vehicle. After leaving Bolero vehicle in our garage, Pushpraj went and I went to my house.

On 21.05.2014, the police called me and CW-19 Thripal Kumar to police station and made an enquiry. The police asked whether I can show the place from where Bolero vehicle was taken to garage. I took the police to the spot. I showed the spot from where Bolero vehicle was taken. The police prepared mahazar between 5.00 and 5.45 p.m. and took my signature. I now see mahazar, it bears my signature. The same are marked as Ex.P-39 and 39(a). ”

88. In the cross-examination, he deposes as under:-

“12. Since it was night, all were sleeping when Sathish Baikmapady and Pushpraj were came. The distance between our flat and

Kuntikan is 7-8 kms. Since bumper was touching wheel, I did not start Bolero vehicle immediately I went their. One piece of radiator guard was missing, another piece of radiator guard touching fan, I pulled out. Fan is in middle portion of radiator guard. I removed another piece of radiator guard and kept in vehicle. We were on the spot for about half an hour. I reached my house around 3.45 a.m.

It is false to suggest that the police today showed me Sathish Baikampady and Pushpraj, based on that I identified them. It is false to suggest that at the instance of PW-2, PW-6 and PW-10 and the police, I am deposing false. It is false to suggest that though and not aware of any facts above, I am deposing false at the instance of PW-2, PW-6, PW-10 and police."

89. From the above, it is clear though learned counsel for the accused made an attempt to destroy the deposition of witness, but the witness has clearly deposed what had taken place. According to learned counsel for the accused since the vehicles of government department were repairing in the said garage, the police created false story by planting PW.12 Mechanic and also PW.13 owner of the garage. Merely because the government vehicles were repaired in the said garage is

not a ground to disbelieve the evidence of PW.12. PW.12 in his deposition deposes even the accused No.1 also used to get repair the vehicle in his garage and he had acquaintance with accused No.1, based on the said acquaintance accused No.1 called him, came to his house and took him to Akashbavan road for repair of vehicle. The oral testimonies of the witnesses indicate the witnesses have seen the deceased on the spot and the accused persons on the spot and in and around the spot. It is the contention of learned counsel for the accused that statement of witnesses have been recorded after 2 or 3 days, therefore their statements cannot be accepted. Section 161 Cr.P.C. deals with recording of statement by the Investigating officer making enquiry of the witnesses who know the facts and circumstances of the incident. Their statements were recorded immediately within one or two days of the incident. Whenever the witnesses were made available, their statements were recorded. Merely because, their statements were recorded one or two days after the incident, it is not a ground to disbelieve their version when they supported the case of prosecution in tune with the statement given by them. If the statement

of witnesses is to the effect of their knowledge during investigation their statements have no effect. When they have clearly stated in their statements and deposed with respect to the facts and circumstances of the incident, their testimonies are reliable. Therefore, the prosecution has proved last seen of the deceased and accused persons by the witnesses.

90. Another important circumstance is seizure. Seizure includes seizure of articles which were seized under spot cum seizure mahazar on 15.05.2014 and seizure of Bolero vehicle bearing Reg.No.KA-19N-7988. The most important aspect is the seizure of articles which were seized on 15.05.2014 connected to seizure of Bolero vehicle and radiator guard on 20.05.2014. To prove this circumstance, the prosecution has relied upon oral and documentary evidence. The prosecution has also relied upon oral testimonies of PW.6, PW.12, PW.13, PW.14, PW.19, PW.20, PW.21, PW.22, PW.28, PW.29, PW.31, PW.35, PW.36, PW.37, PW.40, PW.41 and PW.43. According to the prosecution, accused No.2 hit Bolero vehicle bearing Reg.No.KA-19N-7988 to the scooter of deceased. Accused Nos.1, 3 and 4 were in other two

vehicles viz., Ritz Car bearing Reg.No.KA-19-MD-9146 and Maruthi 800 Car bearing Reg.No.KA-19MB-0998. After hit, accused Nos.1 to 4 left the spot. On 15.05.2014 between 11.30 a.m. and 3.30 p.m., a detail spot cum seizure mahazar was conducted as per Ex.P.2. PW.1 is the complainant who was present and PW.20 is witness to the mahazar. They have clearly supported the case with respect to conducting the mahazar. PW.1 is the complainant who was present when the mahazar was conducted. He deposed a detail mahazar was conducted and several articles were seized. However he deposed he does not remember about seizure of some of the articles, but in the cross-examination of learned Public Prosecutor, he admits seizure of some of the articles also. PW.29 is the Scientific Officer who collected articles from the spot and handed over them to the Investigating officer. From the spot, damaged vehicle parts of scooter and damaged suspected vehicle parts were seized under Ex.P.2. A perusal of Ex.P.2, it indicates articles were seized from the spot. While conducting mahazar, photographs were also taken. The photographs also clearly indicate mahazar was conducted and articles were

seized, the presence of witnesses, Scientific officer and Investigating officer are seen in the photographs. On 20.05.2014, Bolero vehicle bearing Reg.No.KA-19N-7988 was seized at the instance of accused No.2. PW.6 is the witness to the said mahazar. Before seizure of Bolero vehicle, accused Nos.2 to 4 were arrested on 20.05.2014, they were brought to the police station along with Ritz Car bearing Reg.No.KA-19-MD-9146. In the police station, voluntary statement of accused Nos.2 to 4 were recorded in the presence of PW.6 and another witness. In the voluntary statement, accused Nos.2 to 4 produced Ritz Car bearing Reg.No.KA-19-MD-9146. A mahazar Ex.P.26 was prepared and Ritz Car bearing Reg.No.KA-19-MD-9146 was seized. In so far as the vehicle Ritz Car bearing Reg.No.KA-19-MD-9146, the said vehicle belongs to PW.37. She denies about handing over of vehicle to Sathish Baikampady. According to the prosecution, PW.37 parked her vehicle in her neighbor house and handed over key to her as she had gone to foreign and asked her neighbor to handover key if accused Nos.1, 3 and 4 ask. Accordingly, PW.30 handed over key to accused No.1 when accused No.1 asked key. The accused

Nos.1, 3 and 4 have utilized the car on 13.05.2014 and 14.05.2014. In the evidence, PW.30 deposed against the prosecution. PW.37 owner of the car also deposed though her vehicle was seized, but police gave her vehicle number as KA-19-MD-9164, but her vehicle number is KA-19-MD-9146. In the statement, the vehicle number is mentioned as KA-19-MD-9164. She took the advantage of the same and deposes police told vehicle bearing Reg.No.KA-19-MD-9164 involved in the offence and seized her vehicle bearing Reg.No.KA-19-MD-9146. The above indicates she deposed against the prosecution by taking advantage of wrong mentioning of vehicle number in the statement, but the vehicle seized was KA-19-MD-9146. The Investigating officer and PW.6 have clearly deposed on 20.05.2014 on the voluntary statement of accused Nos.1, 3 and 4, vehicle bearing Reg.No.KA-19-MD-9146 was seized in the police station.

91. In so far as seizure of seizure of Bolero vehicle bearing Reg.No.KA-19N-7988 is concerned, in the voluntary statement, accused No.2 volunteered he would show Bolero car in which he hit the scooter of deceased if he was taken to. Accordingly, he took the Investigating

officer and PW.6 and another pancha to Shakti garage belongs to PW.13. He showed Bolero vehicle which was parked in the garage and told in the said vehicle, he hit the deceased the vehicle. The Investigating officer prepared mahazar and seized Bolero vehicle bearing Reg.No.KA-19N-7988 under Ex.P.28. The Investigating officer also seized radiator guard piece from the Bolero vehicle. By looking into the oral testimonies of PW.6, PW.12 Mechanic of the garage, PW.13 owner of the garage and Investigating officer, the Bolero vehicle was seized under Ex.P.28. PW.40 is the photographer who took photographs while seizure of Bolero vehicle. He too deposed he was taken to Shakthi garage for taking photographs while conducting mahazar and while seizure of Bolero vehicle, he took photographs. The seizure of Bolero vehicle with radiator guard has been proved, however, it is contended by learned counsel for the accused that in the evidence of PW.12, he deposes when the Bolero vehicle was stopped in the midnight on 15.05.2014 at Akashbavan road, accused Nos.1 and 2 came to him, took him to the said place, front left mudguard was touching wheel, he pulled mudguard,

radiator piece was also touching fan. He removed radiator guard piece and kept in the vehicle, as per Ex.P.28 radiator guard was seized radiator portion, that indicates clear doubt about seizure of Bolero vehicle and radiator guard. Under Ex.P.28, Bolero vehicle and radiator guard were seized, but whether radiator guard was still entangled with the radiator or it was removed and kept in the vehicle is not clearly forthcoming. That does not mean that the radiator guard piece and Bolero vehicle were not seized under Ex.P.28. The witnesses have clearly deposed Bolero vehicle and radiator guard were seized. PW.13 is the owner of the garage. He deposes on 20.05.2014, the police brought accused No.2 when he was present in the garage, accused No.2 showed Bolero vehicle, the police seized Bolero vehicle and radiator guard. PW.12 also supported the same. From the evidence of PW.6, PW.12 and PW.13, PW.40 photographer and Investigating officer PW.41, it is very clear seizure of Bolero vehicle and radiator guard piece has been proved.

92. In so far as seizure of Ritz car and Maruthi 800 car, it was only a formal. It is the specific case of the

prosecution that the said cars were only used by the accused Nos.1 to 4 during the incident and after the incident. But in so far as seizure of Bolero vehicle is most important as Bolero vehicle hit the scooter of deceased. During investigation, the Investigating officer has sent all the seized articles more particularly damaged parts of scooter which were seized from the spot, damaged suspected vehicle parts, paint scratches collected from back portion of the scooter, major portion of radiator guard and radiator guard piece which were seized on 15.05.2014 under Ex.P.2 and under Ex.P.28 on 20.05.2014 to FSL for examination. All the three vehicles were also sent to R.F.S.L. for examination. Under Ex.P.2 spot cum seizure mahazar conducted on 15.05.2014, suspected vehicle fiber pieces were marked as 'B'. The radiator guard was marked as 'G'. The paint scratches from backside of scooter were marked as 'O'. Under Ex.P.28 seizure of Bolero vehicle and piece of radiator guard conducted on 20.05.2014, piece of radiator guard was marked as 'R'. Ex.P.54 is the FSL report pertaining to examination of all the articles which were collected under Ex.P.2 and Ex.P.28. After examination of articles,

the Scientific Officer PW.28 furnished report. The relevant portion of opinion is as under:-

1. The black color radiator pieces marked as articles B, G and R physically match to form part of one and the same radiator piece.
2. The black color radiator pieces marked as article B, G and R may belong to any four wheeler vehicle.
6. The black color radiator pieces marked as article G and R are similar.
7. The black color scrapped particles collected from articles G and R are similar to black color particles found in article O.

93. From the above report, it is evident the radiator guard collected from the spot under Ex.P.2 and radiator guard piece seized under Ex.P.28 are the part and parcel of same radiator. From the above report, it is also evident the suspected vehicle fiber pieces also matched with the radiator guard of the vehicle. During investigation, all the three vehicles were sent to R.F.S.L. for examination. PW.29 examined all the three vehicles. Vehicle bearing

Reg.No.KA-19-MD-9146 was assigned mark as 'S1', Bolero vehicle bearing Reg.No.KA-19N-7988 was assigned mark as 'S' and Maruthi 800 Car bearing Reg.No.KA-19MB-0998 was assigned mark as 'S2'. PW.29 examined all the three vehicles. Ex.P.57 is the test report submitted by PW.29. A perusal of test report, bloodstains found at left front portion of Bolero vehicle bearing Reg.No.KA-19N-7988. The report further indicates bloodstains were not sufficient to ascertain blood group and origin, but bloodstains were detected on the front left portion of Bolero vehicle. From the photographs which were taken while seizure of Bolero vehicle bearing Reg.No.KA-19N-7988 under Ex.P.28, it is very clear left front portion of mudguard of Bolero vehicle was dent, went inwards. PW.12 has clearly deposed in his deposition he was taken to the place wherein Bolero vehicle was stopped, he pulled bumper as it was touching wheel. The FSL report Ex.P.54 also indicates paint scratches on the vehicle found and matched with fiber paint. PW.12 pulled the mudguard to make free movement of wheel and then vehicle was taken to garage. The above clearly indicates Bolero vehicle hit the scooter, as a result deceased fell on

the road and sustained severe injuries. Ex.P.57 Test report further indicates hairs were found in all the three vehicles and the said hairs belongs to human being. No doubt, hairs of accused Nos.1 to 4 were not collected by the Investigating officer during investigation for conduction DNA. It was contended by learned counsel for the accused that if the hairs of accused Nos.1 to 4 were collected and sent to FSL for DNA analysis along with hairs found in vehicle as per Ex.P.57 report, the real truth could have been found. No doubt, if that was done a better result would have come, but the hairs of accused Nos.1 to 4 were not collected. That does not mean that the remaining evidence has no relevance would take away on that ground alone. It was strongly contended by learned counsel for the accused that the conducting of mahazar at the instance of accused with respect to seizure of Bolero vehicle and showing the place wherein the Bolero vehicle was stopped and conducting of mahazar at the instance of PW.12 where the vehicle was stopped itself is not proved by the prosecution, as the place mentioned by PW.22 is different. Ex.P.39 is the mahazar conducted at the instance of PW.12 where

Bolero vehicle was stopped. Ex.P.45 is the mahazar conducted at the instance of accused No.2 with the assistance of panch witness PW.22. The place mentioned in Ex.P.39 reads thus:-

“ಮಂಗಳೂರು ತಾಲೂಕು ದೇರೆಬೈಲು ಗ್ರಾಮದ ಬೋರುಗುಡ್ಡೆ ಎಂಬಲ್ಲಿ ದೇರೆಬೈಲ್ ನಿಂದ ಆಕಾಶಭವನಕ್ಕೆ ಹಾದುಹೋಗುವ ಡಾಮಾರು ರಸ್ತೆಯ ಬಲಬದಿ ಇರುವ ಖಾಲಿ ಜಾಗದಲ್ಲಿ ಚಂದ್ರಶೇಖರ ಎಂಬವರ ಬಾಬ್ತು ಆರ್.ಸಿ.ಸಿ. ಮನೆಯ ಹಿಂಬದಿ.”

94. The place mentioned in Ex.P.45 reads thus:-

“ಮಂಗಳೂರು ತಾಲೂಕು ದೇರೆಬೈಲು ಗ್ರಾಮದ ಬೋರುಗುಡ್ಡೆ ಎಂಬಲ್ಲಿ ದೇರೆಬೈಲ್ ನಿಂದ ಆಕಾಶಭವನಕ್ಕೆ ಹಾದುಹೋಗುವ ಡಾಮಾರು ರಸ್ತೆಯ ಬಲಬದಿ ಇರುವ ಖಾಲಿ ಜಾಗದಲ್ಲಿ ಚಂದ್ರಶೇಖರ ಎಂಬವರ ಬಾಬ್ತು ಆರ್.ಸಿ.ಸಿ. ಮನೆಯ ಹಿಂಬದಿ.”

95. PW.12 deposed in his chief-examination as under:-

“8. On 21.05.2014, the police called me and CW-19 Thripal Kumar to police station and made an enquiry. The police asked whether I can show the place from where Bolero vehicle was taken to garage. I took the police to the spot. I showed the spot from where Bolero vehicle was taken. The police prepared

mahazar between 5.00 and 5.45 p.m. and took my signature. I now see mahazar, it bears my signature. The same are marked as Ex.P-39 and 39(a). ”

96. In the cross-examination, he deposes as under:-

“It is false to suggest that on 21.05.2014, I did not take police and did not show the spot. It is false to suggest that the said mahazar was prepared in police station. ”

97. PW.22 in his chief-examination deposes as under:-

“I know Gangadhar pangal and about his death. On 20.05.2014, at 7.00 a.m I hand CW.34 Franky were returning after walk in front of Panambur police station, the police called us to police station. At Panambeer beach, the police came there. Pushparaj was in the police station. The police asked us whether we know Pushparaj who is present before the court today, I told I did not have acquaintance with Pushparaj. We, police and pushparaj left police station, pushparaj took us to near Akash Bhavan via Kooluru Derebail. Pushparaj showed the place where Bolero was kept, Bolero was not

present. The police prepared mahazar between 8 and 8.30 a.m. and took our signitures on the mahazar. I now see mahazar, it bears my signiture. The same are marked as Ex.P45 and 45(a). ”

98. In the cross-examination, PW.22 deposes as under:-

“The distance between Kulai and Surathkal is 4 k.m. The distance between kulai and Panambur beach is 6 k.m. From Kulai, we can directly go to beach without going to Panambur. It is false to suggest that in our presence the police did not conduct Ex.P45 and 46 mahazars. It is false to suggest that I have singed on the both mahazars in police station. It is false to suggest that I do not know contents of both the mahazars. It is false to suggest that since I do not know about Ex.p45 and 46, I have wrongly stated date of mahazar. ”

99. From the above evidence, it is evident the place shown by PW.12 and the place shown by accused No.1 are one and the same. According to the prosecution, Bolero vehicle belongs to accused No.2. Accused Nos.1, 3 and 4 have made conspiracy with accused No.2 and act

was committed. PW.14 is the previous owner of Bolero vehicle bearing Reg.No.KA-19N-7988. He sold the vehicle to accused No.2. In his deposition, he clearly deposed he was the owner of Bolero vehicle bearing Reg.No.KA-19N-7988 and he sold the vehicle to accused, thereafter the vehicle was transferred. PW.21 is the wife of accused No.2. She deposes Bolero vehicle bearing Reg.No.KA-19N-7988 stands in her name and she purchased the vehicle from PW.14. She further deposes Bolero vehicle was taken by the police on 22.05.2014 from her house. The deposition with respect to seizure on 22.05.2014 is contrary to the evidence placed on record. On 20.05.2014, Bolero vehicle was seized from Shakthi garage by the Investigating officer at the instance of accused No.2. PW.12 has clearly deposed in his deposition accused Nos.1 and 2 came to him, took him to Akashbhavan road wherein Bolero vehicle was stopped, he made easy for movement of Bolero vehicle, then vehicle was took to garage along with accused Nos.1 and 2. But PW.21 who is the wife of accused No.2 deposes Bolero vehicle was seized on 22.05.2014. Absolutely there is no evidence to show Bolero was taken from her house on

22.05.2014. PW.36 is an employer of accused No.2. He furnished Ex.P.71 service details of accused No.2. As per the service details provided by him on 14.05.2014 was the government holiday and on that day accused No.2 did not come to work. On 15.05.2014, accused No.2 came to work and worked till 19.05.2014. After 20.05.2014, accused No.2 did not report to the work. Accused Nos.2 to 4 were arrested on 20.05.2014 at Kuduremukha junction on Panambur-Kulur NH66. PW.19 is the witness before whom accused Nos.2 to 4 were apprehended and a mahazar was also prepared there. He has clearly deposed accused Nos.2 to 4 were arrested at Kuduremukh junction on 20.05.2014. Therefore, the deposition of PW.21 wife of accused No.2 that on 22.05.2014 her vehicle was taken from the house is absolutely incorrect. From the above, it is evident the Bolero vehicle bearing Reg.No.KA-19N-7988 hit scooter belongs to the deceased on 15.05.2014 around 12.00-12.30 midnight. The prosecution has proved the seizure at the instance of accused.

100. In so far as conspiracy is concerned, during investigation, the Investigating officer has conducted

mahazars at the instance of accused Nos.2 to 4. On the voluntary statement given by accused Nos.2 to 4, mahazars were conducted. PW.15 is a witness who deposes about conspiracy. He deposes in his deposition on 13.05.2014 at 6.00 p.m. while he was proceeding, accused Nos.1 to 4 were standing and discussing with each other, he returned back at 9.30 p.m., even at that time also, accused Nos.1 to 4 still standing there by discussing along with three vehicles. Whether accused Nos.1 to 4 were standing there to discuss about the commission of offence or for different reason, is a different aspect. The oral testimony of PW.15 is only supporting evidence, but at the instance of accused Nos.2 to 4 the Investigating officer conducted mahazars. Since the prosecution has proved other three circumstances, the conspiracy is only a connecting circumstance and the evidence placed on record indicates accused Nos.1 to 4 did the act collectively and that indicates they conspired with each other and committed the offence.

101. It was contended by learned counsel for the accused that the accused Nos.1 to 4 have been falsely

implicated and the investigation done by the Investigating officer was not proper, the investigating agency has suppressed several facts, the investigating agency has withheld important material fact. According to learned counsel for the accused, the accused have been falsely implicated in another case also by the police and a trial was held against the accused and accused were acquitted in S.C. No.31/2015. In 313 Statement, copy of judgment passed in S.C. No.31/2015 has been enclosed. The said case has no bearing with the present case. The said judgment was based on the evidence led in the said case. It was also contended by learned counsel for the accused that PW.40 photographer was subsequently created though he had not taken photographs while conducting mahazars. According to learned counsel for the accused, they took documents under Right to Information that he was not at all running any photo shop and he was working as a home-guard. Assuming for a moment, he has no photo shop and working as a home-guard that cannot be a ground that he was not at all doing photography work. In the deposition, PW.40 photographer has clearly deposed he was running a

photo shop and taking photographs at that time and he was also working in part time. Therefore, on that ground alone, it cannot be said PW.40 had not taken photographs. According to learned counsel for the accused during investigation, CDR of accused mobile numbers have been collected, but not produced before the court, that clearly indicates the Investigating officer has withheld crucial evidence to falsely implicate the accused. It is the discretion of the Investigating officer to produce relevant material to the case along with charge-sheet. It is not necessary to produce all the materials collected by the Investigating officer. It is the prerogative of the Investigating officer to produce relevant materials to the facts and circumstances of the incident and not all the materials collected during investigation. The Investigating officer has to decide which material has to be produced and which material is not required. On that ground alone, it cannot be said that the Investigating officer had withheld relevant material.

102. It is also contended by learned counsel for the accused no mahazar was conducted at Muluru village wherein function was held and at Vishwasagar hotel

wherein Gangadhar Pangal took his scooter, i.e. fatal to the case of prosecution. The witnesses have clearly deposed in their deposition on 13.05.2014 and 14.05.2014 functions were held at Muluru village and on both the dates, Gangadhar Pangal had attended the functions. PW.2 and PW.3 have clearly deposed in their deposition on 14.05.2014, they brought Gangadhar Pangal in their vehicle, dropped Gangadhar Pangal at Vishwasagar hotel wherein Gangadhar Pangal had parked scooter and took the scooter from the said hotel. Merely because the Investigating officer did not conduct mahazar at Mulur is not a ground to hold no functions were held at Muluru on 13.05.2014 and 14.05.2014 and Gangadhar Pangal had not parked his vehicle at Vishwasagar hotel on 14.05.2014. The accused Nos.1 to 4 have been charged for the offences punishable under Sections 120-B, 302, 109, 201 r/w Section 34 of I.P.C. Accused Nos.1 to 4 have been charged for the offences punishable u/s. 120-B, 302, 109, 201 r/w Section 34 of I.P.C. It has come in the evidence though accused No.2 hit Scooter of deceased from Bolero vehicle, but accused Nos.1, 3 and 4 were also present at that time. The

accused Nos.1 to 4 came to the spot with an intention to kill the deceased. Accused Nos.1, 3 and 4 have instigated accused No.2. At the instigation of accused No.1, 3 and 4, accused No.2 hit the scooter of deceased and accused Nos.1, 3 and 4 were also present at that time. Once it has been established and proved by the prosecution that all the accused came at the place of incident with a common intention to commit certain offence and shared common intention as such, whether any one of the accused actively participated in commission of offence is immaterial and the presence of such accused is sufficient to rope him under Section 34 of IPC. In view of the detailed discussion made above, the prosecution has proved guilt of the accused Nos.1 to 4 for the offence punishable under Sections 120-B, 302, 109, 201 r/w Section 34 of I.P.C. Hence, I answered point Nos.1 to 4 in the '**Affirmative**'.

103. **Point No.5:** In view of aforesaid discussion, I proceed to pass the following:

ORDER

Acting under Section 235 (2) of Cr.P.C. the accused Nos.1, 3 and 4 are convicted for the offence punishable under Sections 120-B, 302, 109, 201 r/w Section 34 of Indian Penal Code.

Acting under Section 235 (2) of Cr.P.C. the accused No.2 is convicted for the offence punishable under Sections 120-B, 302 and 201 r/w Section 34 of Indian Penal Code.

To hear on sentence by 23.07.2026.

(Dictated to the SG-I, typed by her, corrected and then pronounced by me in the Open court, on this the **21st day of July 2026**)

(JAGADEESH V.N.)

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

DATED 27.07.2026:

ORDER ON SENTENCE

Heard, learned Public Prosecutor and *Sri R.K.G.* learned counsel for the accused Nos.1 to 4 on sentence.

2. It is contended by learned Public Prosecutor that the manner in which the offence was committed clearly indicates the accused persons have planned to commit the murder of deceased. When deceased was proceeding in a two-wheeler, they hit the deceased from another vehicle and created the said incident as if an accident. That clearly indicates *mens rea* of the accused persons. The accused persons have committed the murder of deceased Gangadhar Pangal. Therefore, the accused persons are liable to be sentenced for maximum punishment provided under the respective provisions.

3. On the other hand, *Sri R.K.G.* learned counsel for the accused would submit, a perusal of entire evidence placed on record, admittedly the case of the prosecution is based on circumstantial evidence. It is settled principle of law that if the case is based on circumstantial evidence and even if the prosecution proves, the accused cannot

be sentenced for death punishment. He would further submit the accused No.1 is having children and they settled in Bengaluru, he is aged 59 years and having old age ailments; accused No.2 is a public servant and having family; Accused Nos.3 and 4 are also having family. By considering the aforesaid circumstances, a lenient view may be taken while awarding sentence.

4. Heard the learned Public Prosecutor and learned counsel for the accused. Perused the entire material available on record.

5. I have gone through the entire evidence placed on record. It has come in the evidence, the accused persons have hatched a plan to eliminate the deceased, when deceased was proceeding in a Scooter, they proceeded in three vehicles, in one vehicle the vehicle of deceased was hit. Then they turned incident into an accident and left the spot. The accused persons are convicted for the offences punishable under Sections 120-B, 302, 109, 201 r/w Section 34 of I.P.C. A perusal of entire case of the prosecution, it is based on circumstantial evidence. In a case based on circumstantial evidence, it is very difficulty

to come to the conclusion that the case falls under rarest of rare case. As could be seen from the evidence, the offence was committed with respect to rivalry between deceased and accused. By considering the entire circumstances, I am of the opinion that the present case does not come under rarest of rare case category so as to record death punishment on the accused.

Findings on disposal of Material Objects:

6. MO.4 is the Scooter bearing Reg.No. KA-19-EH-8393. It has clearly come in the evidence the Scooter has been completely damaged. Even if it is released to PW.2 and PW.3 who are the son-in-law and daughter of deceased, it has no use. Hence the same is confiscated to the State. Ex.P.24 is the photograph of Bolero vehicle bearing Reg.No.KA-19N-7988. It has come in the evidence said vehicle actively involved in the accident, accused No.2 hit the scooter of deceased from Bolero vehicle bearing Reg.No.KA-19N-7988. PW.21 wife of accused No.2 is the owner of Bolero vehicle bearing Reg.No.KA-19N-7988. PW.21 got released the vehicle as interim custody and vehicle is with the PW.21. She

identified the car in Ex.P.24 photograph. Therefore, Bolero vehicle bearing Reg.No.KA-19N-7988 is liable to be confiscated to the State. Ex.P.25 is the photograph of Ritz car bearing Reg.No.KA-19-MD-9146. It has come in the evidence Ritz car bearing Reg.No.KA-19-MD-9146 was used for commission of offence prior to the incident and after the incident by accused Nos.1, 3 and 4. PW.37 is the owner, she has not supported the case of prosecution though she is the owner of vehicle and handed over the vehicle to PW.30 with a request to give the vehicle to accused No.1. Since the said vehicle also involved in the incident, Ritz car bearing Reg.No.KA-19-MD-9146 is liable to be confiscated to the State. Ex.P.31 is the photograph of Maruthi 800 car bearing Reg.No.KA-19-MB-0998. It has come in the evidence before the accident and after the accident, the accused Nos.1, 3 and 4 have utilized the said car. The accused No.4 is the owner of Maruthi 800 car bearing Reg.No.KA-19-MB-0998. Hence, Maruthi 800 car bearing Reg.No.KA-19-MB-0998 is liable to be confiscated to the State. Other MOs are worthless, hence, they are liable to be destroyed.

7. Taking into consideration of the entire evidence available on record and facts and circumstances of the case and having regard to the gravity of the offence, I find it is just and proper to sentence to the accused as under;

ORDER

The accused Nos.1, 3 and 4 (Sathish Baikampady, Harish Baikampady and Bhaskar Baikampady) are sentenced to undergo Imprisonment for Life and to pay fine of Rs.15,000/- each (Fifteen thousand rupees each) for the offence punishable under Section 302 r/w Sections 120-B, 109 and 34 of Indian Penal Code. In default to pay fine, they shall undergo simple imprisonment for a period of one year.

The accused No.2 (Pushparaj) is sentenced to undergo Imprisonment for Life and to pay fine of Rs.15,000/- (Fifteen thousand rupees only) for the offence punishable under Section 302 r/w Section 120-B and 34 of Indian Penal Code. In

default to pay fine, he shall undergo simple imprisonment for a period of one year.

The accused Nos.1 to 4 are sentenced to undergo simple imprisonment for a period of 2 (two) years and to pay fine of Rs.1,000/- each (One thousand rupees only) for the offence punishable under Section 201 r/w Section 34 of Indian Penal Code. In default to pay fine amount, they shall undergo simple imprisonment for a period of one month.

On realization of fine amount, out of total fine amount of Rs.64,000/-, a sum of Rs.14,000/-shall be remitted to the State and Rs.50,000/- is ordered to be released to PW.3 daughter of deceased as compensation under Section 357 of Code of Criminal Procedure.

All the sentences shall run concurrently.

The accused Nos.1 to 4 shall be entitled to the benefit of set-off for the period of

detention undergone as under trial prisoner in terms of 428 of Criminal Procedure Code.

MO.1 to 3, 5 to 23 are being worthless, they are ordered to be destroyed; MO.4 Scooter bearing Reg.No.KA-19-EH-8393, Bolero vehicle bearing Reg.No.KA-19N-7988, Ritz car bearing Reg.No.KA-19-MD-9146 and Maruthi 800 car bearing Reg.No.KA-19-MB-0998 are ordered to be confiscated to the State, after an appeal period is over, if any appeal is filed, subject to result of the appeal.

PW.21 wife of accused No.2 the owner of Bolero vehicle bearing Reg.No.KA-19N-7988, PW.37 the owner of Ritz car bearing Reg.No.KA-19-MD-9146 and accused No.4 the owner of Maruthi 800 car bearing Reg.No.KA-19-MB-0998 are directed to hand over the vehicles to the court within 30 days from today.

Furnish copy of the Judgment of Conviction and an order of sentence to accused Nos.1 to 4 free of cost, forthwith.

Office to issue conviction warrant, accordingly.

Keep the original judgment in SC/93/2014 and copy thereof in SC/99/2014.

(Dictated to the SG-I, typed by her, corrected and then pronounced by me in the Open court, on this the 27th day of July 2026)

(JAGADEESH V.N.)

II Addl. District & Sessions (Special) Judge
D.K., Mangaluru

ANNEXURE

List of witnesses examined for the prosecution:

<u>Nos.</u>	<u>Name of witnesses</u>	<u>Description</u>
PW.1	Naveen Shriyan	Complainant who showed the spot.
PW.2	Yadhava Puthran	Son-in-law of the deceased
PW.3	Nayana	Daughter of the deceased
PW.4	Harishchandra	Villager
PW.5	Rajesh Puthran	Brother of PW.2
PW.6	Vasudeva Salian	Former President of Baikampady Mogaveera Mahasabha and witness to seizure mahazars.
PW.7	Rohith Kunder	Villager
PW.8	Dileep Kumar	Villager
PW.9	Manoj	Villager
PW.10	Vasanth Amin	Villager
PW.11	Anand Poojary	Witness who saw the dead body and shifted the dead body to the hospital
PW.12	Nithesh R. Attavar	Garage mechanic
PW.13	A. Thripal Kumar	Owner of the garage where Bolero vehicle was seized.
PW.14	Tharanath	Previous owner of Bolero vehicle
PW.15	Anand Kukyan	Witness who saw accused Nos.1 to 4 near Ganesh Shipping Go-down at 6.00 p.m. on 13.05.2014 along with 3 vehicles.

PW.16	Manohar Boluru	Witness before whom extra judicial confession statement was made by accused No.1.
PW.17	Nagaraj	Ambulance driver
PW.18	Ravi Poojary	Another witness regarding extra judicial confession given by accused No.1.
PW.19	Devadas R. Puthran	Witness before whom accused Nos.2 to 4 were apprehended along with Ritz car.
PW.20	Nithin Mendon	Witness to spot cum seizure
PW.21	Geetha	Wife of accused No.2 and owner of Bolero vehicle.
PW.22	Raghuram	Witness to mahazar at the instance of accused No.2.
PW.23	Yadava Salian	Witness regarding previous conduct of accused Nos.1 and 2.
PW.24	Dr. N.R. Nayak	Scientific officer who examined blood samples and viscera samples.
PW.25	Dr. Francis N.P. Monterio	Doctor who conducted postmortem examination.
PW.26	Kannan C.S.	Motor vehicle Inspector.
PW.27	Rajesh Rai	PWD Engineer
PW.28	Smt. C. Srividya	Scientific officer who examined damaged vehicles parts.
PW.29	Dr. Geethalakshmi P.	Scientific officer who visited the spot and collected articles.

PW.30	Babitha	Neighbor of the owner of Ritz car.
PW.31	Rajesh Bhandary	Witness to seizure of vehicles at the instance of accused No.1.
PW.32	Dayanand M.	PC who wrote inquest.
PW.33	Padmanabha R.	PC who handed over FIR to the court.
PW.34	Chidanand	ASI who handed over vehicles and articles to RFSL.
PW.35	Rashid Sheik	PC who assisted for apprehending accused Nos.2 to 4, held Ritz car and assisted while conducting mahazar.
PW.36	N.H. Wawre	Employer of accused No.2.
PW.37	Smt. Lekha Jaikar	Owner of Ritz car bearing Reg.No.KA-19-MD-9146
PW.38	Smt. Bharathi G.	Investigating officer who visited the spot, hospital, recorded statement of PW.1 and made search of accused No.1.
PW.39	Bhaskar Rai N.G.	Investigating officer who conducted part of the investigation.
PW.40	Suresh	Photographer
PW.41	N.R. Mukri	Investigating officer who conducted major part of the investigation.
PW.42	Raveesh Nayak	Investigating officer who conducted part of the

investigation.

PW.43 A.C. Lokesh Investigating officer who conducted part of the investigation.

List of witnesses examined for the accused:

<u>Nos.</u>	<u>Name of witnesses</u>	<u>Description</u>
	NIL	

List of documents exhibited for the prosecution:

<u>Exhibit No.</u>	<u>Description of the Exhibit</u>	<u>Proved by / Attested by</u>
Ex.P.1	Complaint	PW.1
Ex.P.1(a)	Signature of PW-1	PW.1
Ex.P.1(b)	Signature of PW.38	PW.38
Ex.P.2	Spot mahazar	PW.1
Ex.P.2(a)	Signature of PW-1	PW.1
Ex.P.2(b)	Signature of PW-20	PW.20
Ex.P.2(c)	Signature of PW-41	PW.41
Ex.P.3	Spot sketch	PW.1
Ex.P.3(a)	Signature of PW-1	PW.1
Ex.P.3(b)	Signature of PW-20	PW.20
Ex.P.3(c)	Signature of PW-41	PW.41
Ex.P.4	Photographs (8 in Nos.)	PW.1
Ex.P.5	Slip affixed to cloth cover containing MO.1	PW.1
Ex.P.5(a)	Signature of PW-1	PW.1

Ex.P.5(b)	Signature of PW-20	PW.20
Ex.P.5(c)	Signature of PW-41	PW.41
Ex.P.6	Slip affixed to cloth cover containing MO.2	PW.1
Ex.P.6(a)	Signature of PW-1	PW.1
Ex.P.6(b)	Signature of PW-20	PW.20
Ex.P.6(c)	Signature of PW-41	PW.41
Ex.P.7	Slip affixed to cloth cover containing MO.3	PW.1
Ex.P.7(a)	Signature of PW-1	PW.1
Ex.P.7(b)	Signature of PW-20	PW.20
Ex.P.7(c)	Signature of PW-41	PW.41
Ex.P.8	Slip affixed to cloth cover containing article "D"	PW.1
Ex.P.8(a)	Signature of PW-1	PW.1
Ex.P.8(b)	Signature of PW-20	PW.20
Ex.P.8(c)	Signature of PW-41	PW.41
Ex.P.9	Slip affixed to cloth cover MO.8 containing article "E"	PW.1
Ex.P.9(a)	Signature of PW-1	PW.1
Ex.P.9(b)	Signature of PW-20	PW.20
Ex.P.9(c)	Signature of PW-41	PW.41
Ex.P.10	Slip affixed to cloth cover containing article "F"	PW.1
Ex.P.10(a)	Signature of PW-1	PW.1
Ex.P.10(b)	Signature of PW-20	PW.20
Ex.P.10(c)	Signature of PW-41	PW.41
Ex.P.11	Slip affixed to cloth cover containing article "G"	PW.1

Ex.P.11(a)	Signature of PW-1	PW.1
Ex.P.11(b)	Signature of PW-20	PW.20
Ex.P.11(c)	Signature of PW-41	PW.41
Ex.P.12	Photographs of motorcycle (4 in Nos.)	PW.1
Ex.P.13	Slip affixed to cloth cover containing article "I"	PW.1
Ex.P.13(a)	Signature of PW-1	PW.1
Ex.P.13(b)	Signature of PW-20	PW.20
Ex.P.13(c)	Signature of PW-41	PW.41
Ex.P.14	Slip affixed to cloth cover containing article "J"	PW.1
Ex.P.14(a)	Signature of PW-1	PW.1
Ex.P.14(b)	Signature of PW-20	PW.20
Ex.P.14(c)	Signature of PW-41	PW.41
Ex.P.15	Slip affixed to cloth cover containing article "K"	PW.1
Ex.P.15(a)	Signature of PW-1	PW.1
Ex.P.15(b)	Signature of PW-20	PW.20
Ex.P.15(c)	Signature of PW-41	PW.41
Ex.P.16	Slip affixed to cloth cover containing article "L"	PW.1
Ex.P.16(a)	Signature of PW-1	PW.1
Ex.P.16(b)	Signature of PW-20	PW.20
Ex.P.16(c)	Signature of PW-41	PW.41
Ex.P.17	Slip affixed to cloth cover containing article "M"	PW.1
Ex.P.17(a)	Signature of PW-1	PW.1
Ex.P.17(b)	Signature of PW-20	PW.20

Ex.P.17(c)	Signature of PW-41	PW.41
Ex.P.18	Slip affixed to cloth cover containing MO.9	PW.1
Ex.P.18(a)	Signature of PW-1	PW.1
Ex.P.18(b)	Signature of PW-20	PW.20
Ex.P.18(c)	Signature of PW-41	PW.41
Ex.P.19	Slip affixed to cloth cover containing article "O"	PW.1
Ex.P.19(a)	Signature of PW-1	PW.1
Ex.P.19(b)	Signature of PW-20	PW.20
Ex.P.19(c)	Signature of PW-41	PW.41
Ex.P.20	Slip affixed to cloth cover containing article "P"	PW.1
Ex.P.20(a)	Signature of PW-1	PW.1
Ex.P.20(b)	Signature of PW-20	PW.20
Ex.P.20(c)	Signature of PW-41	PW.41
Ex.P.21	Slip affixed to cloth cover containing article "Q"	PW.1
Ex.P.21(a)	Signature of PW-1	PW.1
Ex.P.21(b)	Signature of PW-20	PW.20
Ex.P.21(c)	Signature of PW-41	PW.41
Ex.P.22	Portion marked in the statement of PW-1	PW.1
Ex.P.23	Photographs (2 in Nos.)	PW.2
Ex.P.24	Photographs of Bolero vehicle with receipt (4 in Nos.)	PW.2
Ex.P.25	Photographs of Ritz car with receipt (4 in Nos.)	PW.2
Ex.P.26	Mahazar	PW.6
Ex.P.26(a)	Signature of PW-6	PW.6

Ex.P.26(b)	Signature of PW-41	PW.41
Ex.P.27	Photograph of Ritz car	PW.6
Ex.P.28	Seizure mahazar	PW.6
Ex.P.28(a)	Signature of PW-6	PW.6
Ex.P.28(b)	Signature of PW-41	PW.41
Ex.P.29	Photographs of Bolero car (2 in Nos.)	PW.6
Ex.P.30	Seizure mahazar	PW.6
Ex.P.30(a)	Signature of PW.6	PW.6
Ex.P.30(b)	Signature of PW-41	PW.41
Ex.P.31	Photograph of Maruti 800 car	PW.6
Ex.P.32	Mahazar	PW.6
Ex.P.32(a)	Signature of PW.6	PW.6
Ex.P.32(b)	Signature of PW-41	PW.41
Ex.P.33	Reply with documents	PW.6
Ex.P.33(a)	Signature of PW.6	PW.6
Ex.P.34	C.D.	PW.6
Ex.P.35	Notice	PW.11
Ex.P.35(a)	Signature of PW.11	PW.11
Ex.P.36	Inquest mahazar	PW.11
Ex.P.36(a)	Signature of PW.11	PW.11
Ex.P.36(b)	Signature of PW.41	PW.41
Ex.P.37	C.D.	PW.11
Ex.P.38	Portion marked in the statement of PW.11	PW.11
Ex.P.39	Mahazar	PW.12
Ex.P.39(a)	Signature of PW.12	PW.12
Ex.P.39(b)	Signature of PW.13	PW.13

Ex.P.39(c)	Signature of PW.41	PW.41
Ex.P.40	Statement of PW.18	PW.18
Ex.P.41	Mahazar	PW.19
Ex.P.41(a)	Signature of PW.19	PW.19
Ex.P.41(b)	Signature of PW.41	PW.41
Ex.P.42	C.D. containing video (kept in one cover) with another C.D. Ex.P.44	PW.20
Ex.P.43	Statement of PW-21	PW.21
Ex.P.44	C.D. containing photos (kept in one cover) with Ex.P.42	PW.20
Ex.P.44(a)	Photograph in CD	PW.20
Ex.P.44(b)	Photograph in CD	PW.20
Ex.P.44(c)	Photograph in CD	PW.20
Ex.P.45	Mahazar	PW.22
Ex.P.45(a)	Signature of PW-22	PW.22
Ex.P.45(b)	Signature of PW-41	PW.41
Ex.P.46	Mahazar	PW.22
Ex.P.46(a)	Signature of PW-22	PW.22
Ex.P.46(b)	Signature of PW-41	PW.41
Ex.P.47	Statement of PW-23	PW.23
Ex.P.48	R.F.S.L. test report	PW.24
Ex.P.48(a)	Signature of PW-24	PW.24
Ex.P.49	Postmortem examination report	PW.25
Ex.P.49(a)	Signature of PW-25	PW.25
Ex.P.50	Clarification	PW.25
Ex.P.50(a)	Signature of PW-25	PW.25
Ex.P.51	Opinion	PW.25
Ex.P.51(a)	Signature of PW-25	PW.25

Ex.P.52	IMV Report	PW.26
Ex.P.52(a)	Signature of PW-26	PW.26
Ex.P.53	Sketch prepared by PW.27	PW.27
Ex.P.53(a)	Signature of PW-27	PW.27
Ex.P.54	FSL Report	PW.28
Ex.P.54(a)	Signature of PW-28	PW.28
Ex.P.55	Sample seal	PW.28
Ex.P.55(a)	Signature of PW-28	PW.28
Ex.P.56	Letter dated 15.05.2014 given by PW.29	PW.29
Ex.P.56(a)	Signature of PW-29	PW.29
Ex.P.57	RFSL Report	PW.29
Ex.P.57(a)	Signature of PW-29	PW.29
Ex.P.58	Serology report	PW.29
Ex.P.58(a)	Signature of PW-29	PW.29
Ex.P.59	Report on hairs	PW.29
Ex.P.59(a)	Signature of PW-29	PW.29
Ex.P.60	RFSL Report	PW.29
Ex.P.60(a)	Signature of PW-29	PW.29
Ex.P.61	Sample seal	PW.29
Ex.P.61(a)	Signature of PW-29	PW.29
Ex.P.62	Serology report	PW.29
Ex.P.62(a)	Signature of PW-29	PW.29
Ex.P.63	Statement of PW.30	PW.30
Ex.P.64	Seizure mahazar	PW.31
Ex.P.64(a)	Signature of PW-31	PW.31
Ex.P.65	Photographs of Scorpio car & number plate (7 in nos.)	PW.31

Ex.P.66	Photos of Scooter (4 in nos.)	PW.31
Ex.P.67	Receipt	PW.32
Ex.P.67(a)	Signature of PW-32	PW.32
Ex.P.68	Acknowledgment for handing over vehicle	PW.34
Ex.P.69	Acknowledgment for handing over articles	PW.34
Ex.P.70	Acknowledgment for handing over articles	PW.34
Ex.P.71	Information provided by PW.36	PW.36
Ex.P.71(a)	Signature of PW-36	PW.36
Ex.P.72	Portion marked in the statement of PW.37	PW.37
Ex.P.73	Death intimation	PW.38
Ex.P.73(a)	Signature of PW-38	PW.38
Ex.P.74	FIR	PW.38
Ex.P.74(a)	Signature of PW-38	PW.38
Ex.P.75	Report of PW.38	PW.38
Ex.P.75(a)	Signature of PW-38	PW.38
Ex.P.76	'B' Register extract of vehicle No.KA-19N-7988	PW.39
Ex.P.77	'B' Register extract of vehicle No.KA-19MD-9146	PW.39
Ex.P.78	'B' Register extract of vehicle No.KA-19-MB-0998	PW.39
Ex.P.79	Requisition sent by PW.39	PW.39
Ex.P.79(a)	Signature of PW-39	PW.39
Ex.P.80	'B' Register extract of vehicle No.KA-19N-7988	PW.39

Ex.P.81	Certificate u/s.65B of Indian Evidence Act.	PW.40
Ex.P.81(a)	Signature of PW-40	PW.40
Ex.P.82	Requisition given by PW.4 for alteration of section	PW.41
Ex.P.82(a)	Signature of PW-41	PW.41
Ex.P.83	Portion marked in the voluntary statement of accused No.2	PW.41
Ex.P.83(a)	Signature of PW-41	PW.41
Ex.P.83(b)	Signature of accused No.2	PW.41
Ex.P.84	Portion marked in the voluntary statement of accused No.4	PW.41
Ex.P.84(a)	Signature of PW-41	PW.41
Ex.P.84(b)	Signature of accused No.4	PW.41
Ex.P.85	Receipt	PW.43
Ex.P.85(a)	Signature of PW-43	PW.43
Ex.P.86	Receipt	PW.43
Ex.P.86(a)	Signature of PW-43	PW.43
Ex.P.87	Report	PW.43
Ex.P.87(a)	Signature of PW-43	PW.43
Ex.P.88	Portion marked in the voluntary statement of accused No.1	PW.43
Ex.P.88(a)	Signature of PW-43	PW.43
Ex.P.88(b)	Signature of accused No.1	PW.43

List of documents exhibited for the accused:

<u>Exhibit No.</u>	<u>Description of the Exhibit</u>	<u>Proved by / Attested by</u>
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NIL

List of material objects marked for the prosecution:

Material Object No.	Description of the Exhibit	Proved by/ Attested by
M.O.1	White shawl with green and red stripes	PW.1
M.O.2	Broken plastic pieces	PW.1
M.O.3	Broken glass pieces of indicator	PW.1
M.O.4	Scooter	PW.1
M.O.5	Pieces of brake light, side mirror cover, glass pieces of side mirror of scooter.	PW.1
M.O.6	Backside number plate of Scooter	PW.1
M.O.7	Blood-stained mud	PW.1
MO.8	Sample mud	PW.1
MO.9	Fiber pieces of Scooter	PW.1
MO.10	Radiator guard	PW.2
MO.11	Cream colour nylon full shirt Kurtha	PW.2
MO.12	White colour dhothi	PW.2
MO.13	White colour banian	PW.2
MO.14	White colour cotton inner-wear.	PW.2
MO.15	Brown colour inner-wear	PW.2
MO.16	Broken radiator guard	PW.6
MO.17	Mud contained in scooter indicator.	PW.20

- MO.18 Mud collected from the place where PW.20 scooter was stopped.
- MO.19 Cement pieces collected from the PW.20 place where scooter was parked
- MO.20 Glass pieces of indicator of the PW.20 vehicles involved in the accident.
- MO.21 Key of scooter and other keys with PW.20 key bunch
- MO.22 Powder scratched from backside of PW.20 scooter
- MO.23 Powder scratched from front side of PW.28 Scooter.

(JAGADEESH V.N.)

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