

IN THE COURT OF II ADDL. DISTRICT AND SESSIONS
(SPECIAL) JUDGE MANGALURU, D.K.

Sessions Case: 80/2014

PW: 11 (CW: 6)

Witness present and Duly Sworn on: 08.07.2025

Deposition of	:	Rajesh
Father/Husband Name	:	Attar Singh
Age	:	38 years
Occupation	:	Marble work
Resident Of	:	Kapura Maluka, Rajasthan.

Examination in Chief by Public Prosecutor :-

1. I know CW.7-Jaalendar @ Jalu. He is my villager. I know CW.8-Naresh, he is my brother. I knew Sumathi Prabhu.

2. In the year 2014, I, CW.7, Amar Singh and another person had stayed in one room on rent. The said room belongs to Sumathi. There were 5 rooms in the said building. In another room my brother Naresh and others stayed. In one more room Tamil people stayed. 2 other rooms were vacant. Our room number was 5 and my brother room number was 3. Sumathi was alone in the house. Behind the house of Sumathi, tenant rooms are situated. Sumathi used to go out of week days to Temple and other places and used to stay in the house on Sundays. She always was wearing her gold articles.

3. On 08.02.2014, I and CW.7 were in the room as there was no work on that day. On that day at around 10.30 a.m. 2 persons came and made an enquiry with Sumathi about room for rent. Since they were speaking in Hindi, Sumathi asked us whether the said persons were known to us, in-turn we told we did not know them if she interested, she can give room to them on rent.

4. At 1.30 p.m., Shivaram came to our room. I know him as he had stayed there prior to 5-6 years. Shivaram made an enquiry with me why I did not go to work, in-turn I told him I had no work, hence he took me and Jaalu on his motorcycle to Vannakatte, stopped motorcycle, he went for some distance and spoke with some body, again came back and asked Jaalu to come by bus and took me to Thokkottu site wherein he was working there. Jaalu also came by bus to the said site. He left us there and went to bring Machine from another site. Thereafter we called him, but he did not pickup his call. In the evening, I and Jaalu returned to room at around 7.00 p.m. By the time we reached room, the police and people were gathered and we came to know Sumathi was murdered. We suspected 2 persons who came asking for Room on rent might have committed murder of Sumathi for gain.

5. I can identify 2 persons who came making enquiry of room on rent, if they are shown to me in future.

6. I can identify Shivaram if shown to me. Today one Accused is produced from JC through VC. Witness identifies him as Shivaram.

7. After 2 months I came to know the police have arrested Three persons and recovered gold articles from the said Three persons, I went to the police station. The police showed Shivaram and Two persons. I identified all the three persons as Shivaram and Two others as them who came asking for room on rent. The police also showed gold articles which were recovered from them. Among the said gold articles, some of them were cut into pieces. The said gold articles were the same gold articles which were wearing by Sumathi during her life time. The police told other two persons names as Bahaddur and Shivaram.

8. On 08.02.2014, Shivaram took us to Thokkottu by stating that he would give work to us.

9. I can identify motorcycle in which Shivaram took me and Jaalendar from Kulayi to Thokkottu. Motorcycle is shown to witness, he identifies the same and states the very same motorcycle was used by Shivaram to take them on that day. Motorcycle is already marked at MO.6.

10. I came to know in the police station the gold articles

were sold in Barathpur, Bayana, Mahaveerji places by the accused persons. I can identify gold articles. Ex.P5 to 7 photographs are shown to witness. After going through photographs he states the said gold articles were shown to him by the police in the police station.

11. Ex.P2 and 3 photographs are shown to witness he states the said photographs are pertaining to deceased Sumathi.

12. I have visited police station after the arrest of Accused persons on two occasions viz., 20.04.2014 and 27.04.2014. In police station I came to know Shivaram and Bahaddur Singh are from same village and working together. I also came to know Shanawaz was barber and friend of Shivaram. After arrest of the accused persons, we confirmed the accused Shivaram prepared a plan and took us from the room and left us at his site place with an intention to commit an offence and if were in the room, he could not commit the said offence in our presence.

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

13. Shivaram was marble laying labor contractor. Shivaram mobile number is 9845391227. Witness states this number was with the Shivaram at that time. My mobile

number is 9008293487. I do not remember mobile number of Jaalu.

14. When I returned to the room, at 7-7.30 p.m., I came to know about murder of Sumathi. On the same day, the police enquired me. I told the police about two persons came for searching room on rent and Shivaram taking me and Jaalendar to his site place. The distance between house of Sumathi and Vannakatte is around ½ k.m. At Thokkottu site, two other persons were present. On that day we carried work at Thokkottu site after Shivaram left us there.

15. After arrest of the Shivaram and other two persons by the police, we came to know and confirmed Shivaram after making plan took me and Jaalendar from the room to his site area and left us. Shivaram left us at 2.00 p.m. After 3.00 p.m., I called him on several times, but he did not pick-up calls.

16. The police also enquired me on the next day and continuously subsequent dates.

17. I saw gold articles on the table, and constable Krishna showed me.

18. No Rent Agreement was executed by Sumathi to us. Witness further states Sumathi had not executed Rent

Agreements to all the tenants.

19. It is false to suggest that on 08.02.2014, at 10.00 a.m., two persons did not come asking room for rent with Sumathi. It is false to suggest that on 08.02.2014 we were not in room. It is false to suggest that at 1.00 p.m., Shivaram did not come to our room, did not take me and Jaalendar to Thokkottu and did not leave us. It is false to suggest that I did not call Shivaram over phone and Shivaram did not pick-up my call. It is false to suggest that after finishing work I and Jaalendar did not return to the room in the evening 7.00 p.m. It is false to suggest that I did not see Sumathi was murdered in the house.

20. It is false to suggest that I did not go to police station on 20.04.2014 and 27.04.2014. It is false to suggest that the police did not show Shivaram, Bahaddur Singh and Shanawaz in the police station and did not tell they committed murder of Sumathi for gain and took away gold articles of Sumathi. It is false to suggest that the police did not show gold articles of Sumathi which were stolen by Shivaram and others.

21. It is false to suggest that I did not come to know Bahaddur Singh is from the same village of Shivaram and Shanawaz is the friend of Shivaram. It is false to suggest that we did not expect and confirm Shivaram had hatched a plan

and took us from the room and left us at Thokkottu site area only to rob the Jewels from the Sumathi.

22. It is false to suggest that on the instructions of police I have deposed before the court.

Re-examination: Nil.

(Computerized to my dictation in the open court)

ROI & AC

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