

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

Sessions Case: 80/2014

PW: 25 (CW: 42)

Witness present and Duly Sworn on: 29.01.2026.

Deposition of	:	M. A. Nataraj
Father/Husband Name	:	Annappa Gowda
Age	:	61 years
Occupation	:	Retired S.P.
Resident Of	:	Shimogga.

Accused Nos.1 and 3 produced from JC from MangaluruJail through VC. On enquiry, it is revealed Basavaraj is the Co-ordinator. From here Bench Clerk is the Co-ordinator. From the accused side it is confirmed, the audio and video are clearly audible and visible to him before recording the evidence.

Examination in Chief by Public Prosecutor :-

1. From 2012 to 2015, I had worked as P.I. Surathkal P.S.

2. On 08.02.2014, when I was in police station, at 9:30 p.m. I received a call from Abdul Khadar-CW.3 who told an old age woman who was staying alone was killed in her house. Immediately along with staffs I went to spot. Spot is situated near Kordabbu Temple, Hosabettu Village, Kulayi. The family members of the deceased and neighbors were present on the

spot. I entered inside the house. A woman was lying dead in living hall with a pool of blood, T.V. was on, both ears were torn, front neck was cut, knife was lying nearby dead body, her sarri was scattered. I came to know name of deceased as Sumathi Prabhu. PW.1-Gurudas Prabhu S/o. Deceased was present. He lodged written complaint to me on the spot. I sent complaint through PW.24 to police station with a direction to register case. PW.24 handed over complaint to PW.18. He registered case in Crime No.44/2014 and gave information to me and sent copy of an FIR and complaint to me.

3. I secured panchaas PW.14, PW.8 and CW.27. I inspected the entire spot and dead body. I conducted Inquest mahazar between 10:25 p.m. on 08.02.2014 and 1:25 a.m. on 09.02.2014. I have noted all the injuries on the dead body. A small piece of gold chain with two gold balls and beads was entangled with hairs of the deceased. I seized said piece of gold chain with gold balls and beads. I also seized wooden handle knife with blood stains which was lying near the dead body. I packed and sealed knife in a cloth packet and assign mark-A. I collected blood stains with cotton swab, packed and sealed in a separate packet and assigned mark-B. A pair of slipper was found on the entry of outside house, I seized pair of slipper, packed and sealed in separate cloth packet and assigned mark-C. I now see Inquest Mahazar Ex.P19, it bears my signature. Signature of witness is marked as Ex.P19(c). I

recorded statements of PW.2, PW.8 and PW.12. I sent dead body to Wenlock Hospital for PME along with requisition to Medical Officer through PW.23. While conducting Inquest I took photographs. I now see photographs Ex.P8 to 14. I can identify piece of gold chain, knife, pair of slipper and blood stained cotton swab. Witness identifies them. They are already marked as MO.1, 2, 11. Witness identifies piece of chain with gold balls and beads in Ex.P4-Photograph. I also prepared spot sketch. I now see Spot sketch, it bears my signature. The same are marked as Ex.P19(d) and (e).

4. I returned to police station and included seized articles into PF.No.26/2014. On the same day, I collected photographs of deceased who was wearing gold ornaments from the family members of deceased. I sent photographs of the deceased with details of case to other police stations. I now see Ex.P2-photographs of deceased. I deputed my staffs for search of Accused persons. On the same day, I made a request to Commissioner of Police to secure CDR of suspected persons. On the same day, PW.17 submitted receipt for having handed over dead body to relatives of deceased after conducting PME. PW.17 also produced clothes of deceased. I secured CW.14 and PW.5 as panchaas and seized clothes by conducting mahazar Ex.P15. I now see Mahazar Ex.P15, it bears my signature. Signature of witness is marked as Ex.P15(c). I can identify clothes. Witness identifies clothes MO.4 and 5. On the same

day I recorded statements of CW.3, PW.15, CW.34 and PW.17. I also recorded further statement of PW.1.

5. On 10.02.2014, I recorded further statement of PW.2, statement of CW.10 and CW.11.

6. On 15.02.2014, I recorded statements of CW.4 and PW.4.

7. On 10.03.2014, I recorded statement of PW.11 and CW.7. In their statements they have stated Shivaram visited house of deceased on the date of incident.

8. On 11.03.2014, I received two blood soaked filter papers from PW.20, Medical Officer, Wenlock Hospital. I took permission from Court to send them for examination. I also received PME report from PW.20 as per Ex.P32.

9. On 18.03.2014, I sent a requisition to Commissioner of Police to secure CDR of suspected persons mobile numbers 7204796017 and 7259452019. Based on information given by PW.11 and CW.7, I sent a requisition to Commissioner of Police to secure CDR. On the same day I received CDR for the aforesaid mobile numbers. I now see CDR of mobile number 7259452019. The same is already marked as Ex.P40. I now see CDR of mobile number 7204796017. The same is already

marked at Ex.P41. On the same day, I recorded statement of PW.23.

10. On 25.03.2014, I took permission from Commissioner of Police to send my staffs to out of states for search and apprehending accused.

11. On 29.03.2014, I sent seized articles with blood soaked and hair dried filter papers to RFSL, Mangaluru for chemical examination.

12. On 08.04.2014, I deputed PW.22, CW.37 and CW.38 for search of Accused in Delhi, Rajasthan and Uttar Pradesh.

13. On 18.04.2014, PW.22, CW.37 and CW.38 came and submitted report stating that Accused persons returned back to Karnataka.

14. On 20.04.2014, PW.22 and staffs apprehended Shivaram, Bahaddur and Shahanavaz near Ucchila and produced before me at 8:00 a.m. along with report of PW.22 as per Ex.P37. I interrogated accused persons. They admitted commission of offence. I followed formalities of arrest and arrested them. I recorded voluntary statement of Accused. In the voluntary statement of Accused Shivaram, he volunteered

he had sold some gold ornaments and utilized money received from said sale, he had kept remaining gold articles and blood stained clothes of Shahanavaz in his house at Uchila, he would produce said gold articles, clothes and motorcycle which was used for the commission of offence if he was taken to. Bahaddur Singh in his voluntary statement volunteered he would produce remaining gold articles and blood stained clothes of Shahanavaz which were kept in the house of Shivaram and the jeweler shop wherein part of gold articles were sold if he was taken to. In the voluntary statement Shahanavaz volunteered, he would show his clothes which were wearing by him at the time of incident in the house of Shivaram if he was taken to. I secured PW.7 and PW.8 as panchaas. I explained case details to the panchaas. I made physical check of Shivaram. He was having mobile handset with two SIM cards and Shahanavaz was having one mobile with Two SIM cards. I prepared mahazar and seized mobile of handset Kechada with airtel SIM card no. 9845391227 and Vodafone SIM card no. 725945201, Gfive mobile handset with Idea sim card no. 7204796017 and Reliance sim card no. 9555539556. I now see Mahazar Ex.P18, it bears my signature. Signature of witness is marked as Ex.P18(c). I can identify mobiles. Witness identifies mobiles MO.9 and 10. Airtel SIM card no. 9845391227 and Vodafone SIM card no. 725945201 are now marked as MO.9(a) and (b). Idea sim card no. 7204796017 and Reliance sim card no. 9555539556 are

now marked as MO.10(a) and (b). I included mobiles with SIM cards into PF.No.74/2014.

15. On the same day, I secured CW.14 and PW.6 as panchaas, I explained them about case details. I enquired accused persons in their presence, the accused persons repeated the same version before them. I secured gold appraiser to the police station. Accused persons took us to Uchila Village. Further the accused persons took us to rented house of Shivaram situate on Fisheries road. The house was in first floor. We reached the house around 2:30 p.m. Shahanavaz went further and took out one plastic cover which was kept in between house wall and compound wall and produced and told the said clothes were wearing by him at the time of incident. I verified clothes. They were one blue colour Levis Jeans pant stained with blood traces on the right leg and one full sleeves black white and ash colour with chex with blood stains. I packed and sealed clothes in separate cloth packets and assigned G and H mark. Further the accused persons took us first floor of the house. They took inside kitchen and took out plastic packet from rack and produced the same before me. Inside plastic packet there was another paper packet. On verification with the assistance of gold appraiser Surendra, we found a pair of ear rings with stud and chain weighing 11.290gm, 11 inch gold cut piece with two gold balls and three beets weighing 55.300gm, gold box for beets,

Four small gold pieces weighing 12.250gm, Two beets weighing 13.030gm, in all total value of Rs.1,50,000/-. I prepared detail mahazar between 2:30 and 5:00 p.m. I kept all the aforesaid gold articles into plastic cover. I now see Mahazar Ex.P17, it bears my signature. Signature of witness is marked as Ex.P17(b).

16. We returned to the police station and included seized articles into PF.No.75/2014. I can identify clothes and gold articles in photographs. Witness identifies clothes. They are already marked at MO.7 and 8. Witness identifies gold articles in photographs Ex.P7. I recorded statement of PW.3 and CW.13. Surendra furnished report for examination of articles. I now see report, it bears my signature. The same are marked as Ex.P42 and 42(a). I secured PW.1, PW.2, CW.3, CW.4, PW.4, I showed gold articles to them. They identifies gold articles and told the said gold articles belong to deceased Sumathi Prabhu. I recorded their further statements. I recorded further statement of PW.15, PW.11, CW.7, PW.12, CW.10. I recorded statement of CW.11, CW.14, PW.6. PW.8 and PW.7. I produced all the three accused before Magistrate along with remand application seeking for police custody of Shivaram and Bahaddur Shigh and took custody of Shivaram and Bahaddur Singh for police custody.

17. On 21.04.2014, Accused Bahaddur Singh

volunteered at the time of incident, deceased bit his index finger and middle finger. I sent all the three Accused for through my staff to Wenlock hospital for examination. Medical Officer examined all the three accused persons in out patient division. I now see OP Books of Shivaram and Bahaddur Singh. The same are marked as Ex.P43 and 44.

18. On 22.04.2014, I deputed PW.22, CW.37, CW.38 and CW.39 for recovery of gold articles as per the voluntary statement of Accused Bahaddur Singh. I handed over custody of Bahaddur Singh to PW.22. On 23.04.2014, they left Mangaluru to Rajasthan.

19. On 27.04.2014, PW.22 and my staffs returned along with Accused Bahaddur Singh. PW.22 submitted his report along with requisition submitted to Local police station, statement of Kailash Chand, calculation kept by Kailash Chand Ex.P36, mahazar Ex.P35 dated 24.04.2014, another mahazar Ex.P20 dated 25.04.2014 and gold articles viz., a pair of hand bangles weighing 20.500gm, 6 inch gold chain with two balls weighing 3.000gms, one ball chain with 6 balls weighing 3.700gms, 2 inch gold piece with two mushti, one ashtapatti with two beets cover weighing 10.900gms and gold ingot weighing 18.300gms. I included gold articles into PF.No.80 and 81/2014. I can identify gold articles in

photographs. Witness identifies gold articles in Ex.P5 and P6.

20. On the same day, based on the voluntary statement of Shivaram, I secured PW.5 and CW.19 as pahcnaas to the police station, I explained them case details and made enquiry of accused in their presence. Accused Shivaram took us to his uncle's Human Singh rented house situate at Preethinagara, Kulayi. He showed motorcycle and told the said motorcycle was used for commission of offence. The said motorcycle was bearing Reg.No.KA-19-EE-6793 pulser motorcycle. I prepared mahazar between 12.45 and 1.45 p.m. and seized motorcycle. I now see Mahazar Ex.P16, it bears my signature. Signature of witness is marked as Ex.16(b). I can identify motorcycle. Motorcycle is already marked at MO.6. Witness identifies motorcycle in Ex.P23. I included motorcycle into PF.No.79/2014.

21. I now see portion of voluntary statement of Accused Shivaram, it bears my signature and signature of Shivaram. The same are marked as Ex.P45, 45(a) and (b). I now see portion of voluntary statement of Accused Bahaddur Singh, it bears my signature and signature of Bahaddur Singh. The same are marked as Ex.P46, 46(a) and (b). I now see portion of voluntary statement of Accused Shahanavaz, it bears my signature and signature of Shahanavaz. The same are marked as Ex.P47, 47(a) and (b).

22. I secured PW.1, PW.2, CW.3, PW.15, CW.4, PW.4, PW.11, CW.7, PW.12, CW.10 and CW.11. They identified gold articles and accused. I recorded their further statements. On the same day I recorded statement of PW.5 and CW.19.

23. On 28.04.2014, I sent Accused Shivaram and Bahaddur Singh along with remand application to Jurisdictional Court seeking for J.C. On the same day, I recorded statement of CW.28 with whom Accused Shahanavaz was working in Saloon in the year 2013. CW.28 hand maintained rough register to show he had paid salary to Shahanavaz and produced the same. I included the same into case file. I now see the same. The same is marked as Ex.P48. He also told he had taken SIM card in the name of Dhruva Kumar another employee and gave said SIM card number 7204796017 to Shahanavaz. I made a request to Commissioner of Police to obtain CAF of mobile numbers of Shivaram and Shahanavaz. I now see CAF along with copy of Voter ID pertaining to mobile number 7204796017, the same is marked as Ex.P49.

24. On 29.04.2014, I received test report from RFSL, Mangaluru.

25. On 02.06.2014, I sent clothes of Shahanavaz to

RFSL, Mangaluru for examination.

26. On 04.06.2014, I received serology report from RFSL, Mangaluru.

27. On 17.06.2014, I sent knife to PW.20 to furnish opinion over injuries on the body.

28. On 01.07.2014, I received test report from RFSL, Mangaluru pertaining to clothes of Shahanavaz as per Ex.P29. On the same day I made a request to MCC to furnish documents pertaining to the house wherein incident took place.

29. On 10.07.2014, I received weapon opinion from PW.20 as per Ex.P33. On the same day I made a request to furnish B-Extract Register of motorcycle and I received B-Extract register of motorcycle from RTO. I now see B-Extract Register. The same is marked as Ex.P50.

30. On 14.07.2014, I received documents pertaining to the house as per Ex.P22. On the same day, PW.1 produced copy of the order for release of gold articles. On the same day I released all the gold articles which were seized in the case to PW.1. While release of gold articles I took photographs and obtained receipt from PW.1. I now see Receipt, it bears my

signature. The same are marked as Ex.P51 and 51(a). All the photographs were transferred to CD. I now see CD. The same is marked as Ex.P52.

31. Since investigation was completed and found sufficient materials against Accused, I submitted charge sheet on 18.07.2014.

32. I can identify Accused Nos.1 to 3. Today two accused persons are produced from JC through V.C. Witness identifies them as Shivaram and Shahanavaz. On enquiry with them they reveal their names Shivaram and Shahanavaz. I can identify accused Bahaddur Singh in future.

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

Deferred at request.

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

Deferred at request.

(Computerized to my dictation in the open court)

ROI & AC

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