

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

Sessions Case: 93/2014

C/w

Sessions Case: 99/2014

PW: 41 (CW: 53)

Witness present and Duly Sworn on: 08.01.2026

Deposition of	:	N.R. Mukri
Father/Husband Name	:	Roddar
Age	:	72 years
Occupation	:	Retired CPI.
Resident Of	:	Kumta.

Examination in Chief by Public Prosecutor :-

1. From March 2014 to 28.05.2014, I had worked as P.I., Panambur P.S.

2. On 15.05.2014, around 00:30-00:45, PW.38 gave information over phone that near Ganesh Shipping godown on Meenakali-Baikampady road, an accident took place. Immediately I went to spot. I reached spot at 1.00 a.m. When I went to spot, I came to know an injured was taken to hospital. I deputed my staffs to secure the scene of incident. Witness states 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 me and told an injured died in A.J. Hospital. I came to know injured name as Gangadhar. PW.38 received death intimation from A.J. Hospital. PW.38 received complaint from PW.1 in the hospital. She 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. I instructed her for search of accused. I went to spot at 5.00 a.m. My staffs were present on the spot and secured scene of incident. I inspected spot and returned to police station. I secured Ashok, Gopala, Anand and Suresh to police station. Along with them and my staff went to A.J. Hospital at 8.00 a.m. I verified dead body. Yadhava Puthran and Sudheer were present. I noted injuries found on the body in Inquest mahazar. I prepared Inquest mahazar between 8.00 and 10.30 a.m. Suresh took photographs while conducting Inquest mahazar. I now see Mahazar Ex.P36, it bears my signature. Signature of witness is marked as Ex.P36(b). I now see photographs Ex.P23. While conducting Inquest, videography was also done by Suresh. I recorded statements of Yadhava Puthran and Sudheer. From the statements of aforesaid persons and injuries found on the body, I came to know the deceased did not die on account of accidental injuries, he was murdered. I made a requisition to Medical Officer to conduct PME on the body and deputed

CW.47-Dayanand to handover the dead body to the relatives of deceased after PME. In the requisition I have request Medical Officer to collect and handover clothes and viscera samples of deceased. I 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. I made a request to the Jurisdictional Court to alter offence to 302. I now see Requisition, it bears my signature. The same are marked as Ex.P82 and 82(a). I also gave information to my Higher Officers. I sent a communication to concerned authorities to depute Fingerprint Expert, Dog Squad and FSL team to spot. I went to spot at 11.30 a.m along with Suresh, photographer and my staffs.

3. I secured panchaas Nithin, Yogesh and Dhanpal by issuing notices to them. PW.1-Shriyan was also present on the spot. FSL team (including Geethalaxmi), Fingerprint Expert and Dog Squad came to spot. They inspected the spot in-detail. The spot is on Baikampady-Meenakali road, near Ganesh Shipping Godown. 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 me, I 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 me, I 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, we 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, we 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 we 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', we also collected number plate of the scooter bearing Reg.No.KA-19-EH-8393, the same was packed and sealed and assigned mark 'Q'. The aforesaid mahazar was prepared between 11.30 and 3.30 p.m., read over contents of mahazar to the panchaas, PW.1 and took their signatures on the mahaza and sealed cloth packets. Mahazar was prepared in

Laptop, my staff took laptop, got printout and came back then signature of panchaas and PW.1 were taken. I now see Mahazar Ex.P2, it bears my signature. Signature of witness is marked as Ex.P2(c). I also prepared sketch. I now see Sketch Ex.P3, it bears my signature. Signature of witness is marked as Ex.P3(c). While conducting mahazar, videography and photographs were taken. I now see Photographs Ex.P4. I can identify seized articles and signature of the witness on the sealed packets. Witness identifies signature of witness and his signature on sealed cloth packets. Signature of witness is marked as Ex.P5(c) to 11(c), 13(c) to 21(c). I can identify scooter in photographs. Witness identifies scooter in Ex.P12. I can identify all the seized articles. Witness identifies MO.1 to MO.10, MO.17 to MO.23. I recorded further statement of PW.1 on the spot. PW.1 stated before me as per Ex.P22.

4. I returned to police station. I included all the seized articles into PF. I enquired and recorded statement of Ananda Poojary S/o. Prabhakar PW.11. PW.11 stated before me as per Ex.P38. PW.1 in his further statement also stated he had seen three 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.

5. On 16.05.2014, I deputed PW.38, PC-926, HC-996, PC-2137 for search of Accused. On the same day I recorded

statements of Yadhava Puthran, Nayana, Poornima, Vasudeva Salian, Harishchandra, Anand, Manoj, Dileep Kumar, Rohith and Rajesh. From the statements, I 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. I 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.

6. On 17.05.2014, PW.38 reported me Sathish Baikampady, Harish Baikampady and Bhaskar Baikampady have been absconded.

7. On 18.05.2014, I recorded statement of Manohar Bolor.

8. On 20.05.2014, at 12.00 noon when I was in police station, I received a credible information that Accused were coming in a vehicle from Surathkal side. I, my staffs, two panchaas Devadas and Vasanth Salian went to Kudhuremukha Junction Mangaluru and started inspection of vehicles. At 12.30 noon, a silver colour Ritz car bearing Reg.No.KA-19-MD-9146 came from Surathkal side, when we made an attempt to stop the vehicle, the said vehicle veered

and made an attempt to go back, we 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. I confirmed after their enquiry they were the accused of the case. I prepared mahazar between 12.30 and 1.15 p.m. I now see Mahazar Ex.P41, it bears my signature. Signature of witness is marked as Ex.P41(b). We brought accused and car to police station. I interrogated them, they admitted commission of offence. I arrested them by following formalities of arrest. I 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 I made an enquiry with accused, PW.6, CW.26 and 27 were also present. I prepared mahazar between 3.05 and 3.45 p.m. and seized Ritz car bearing Reg.No.KA-19-MD-9146 with the assistance of PW.6, CW.26 and 27. I now see Mahazar Ex.P26, it bears my signature. Signature of witness is marked as Ex.P26(b). I took photographs Ex.P27. I can identify Ritz car. Witness identified car in photographs Ex.P27.

9. In the voluntary statement of Accused Pushparaj, he revealed he would show vehicle which was used for commission of offence if he was taken to. Accordingly I, my

staffs, PW.6, CW.26, CW.27, Suresh photographer and Pushparaj left the police station. The accused Pushparaj led us in vehicle. He took us to a garage behind KMC Hospital, Attavara. He showed Nithesh who was in garage and told he and Sathish left vehicle bearing Reg.No.KA-19-N-7988 in the garage. He showed vehicle. I 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. I took piece of radiator guard, packed and sealed and assigned mark 'R'. I prepared mahazar between 4.20 and 5.00 p.m. and seized Bolero vehicle. I read over contents of mahazar to panchaas and took their signatures on the mahazar and sealed articles. I now see Mahazar Ex.P28, it bears my signature. Signature of witness is marked as Ex.P28(b). Suresh took photographs while conducting mahazar. I now see photographs Ex.P29. I can identify Radiator guard piece. Witness identifies MO.16. We returned to police station. I included seized vehicle and guard to PF. We left Pushparaj in the police station.

10. In the voluntary statement, Bhaskar Baikampady revealed he would produce his 800 car and show the place wherein they have waited. I, PW.6, CW.26, CW.27, Suresh

photographer, my staffs and Bhaskar Baikampady left police station. He led us to godown situate at Meenakali and showed Maruti 800 vehicle bearing Reg.No.KA-19-MB-0998. I prepared mahazar between 5.30 and 6.00 p.m. and seized car. I took signature of panchaas on the mahazar. I now see Mahazar Ex.P30, it bears my signature. Signature of witness is marked as Ex.P30(b). While conducting mahazar Suresh took photographs. I now see Photographs Ex.P31. We returned to police station. I included car into PF.

11. 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 me, PW.6, CW.26, CW.27 and my staffs in front of APMC main gate and showed the spot. Accordingly I prepared mahazar between 6.15 and 7.00 p.m. I now see Mahazar Ex.P32, it bears my signature. Signature of witness is marked as Ex.P32(b). We returned to police station. I recorded statements of Vasudeva Salian-PW.6, Nithish-PW.12, Thripal Kumar-PW.13, Venkatesh Bangera-CW.26 and Bhaskar-CW.27.

12. In the voluntary statement, Pushparaj told he would show the place wherein he had parked Bolero vehicle and he would show the place wherein he, 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, I 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. I prepared mahazar between 8.00 a.m. and 8.45 a.m. I now see Mahazar Ex.P45, it bears my signature. Signature of witness is marked as Ex.P45(b). From there he took us to building belongs to Bhaskar Baikampady and showed the spot. I inspected the spot and prepared mahazar between 9.30 and 10.00 a.m. I now see Mahazar Ex.P46, it bears my signature. Signature of witness is marked as Ex.P46(b). We returned to police station. I now see portion of voluntary statement of Pushparaj, it bears my signature, signature and LTM of Pushparaj. The portion of voluntary statement is marked as Ex.83, signature of witness and signature of Pushparaj are marked as 83(a) and (b). I now see portion of voluntary statement of Bhaskar Baikampady, it bears my signature, signature and LTM of Bhaskar Baikampady. The portion of voluntary statement is marked as Ex.84, signature of witness and signature of Bhaskar Baikampady are marked as 84(a) and (b). On the same day, PW.12-Nithish told he would show the place wherein Bolero vehicle was parked after the incident. He and PW.13 took us to Borugudde, Akasha Bhavan road and showed the spot. I prepared mahazar between 5.00 and 5.45 p.m. I now see Mahazar Ex.P39, it bears my signature. Signature of witness is marked as Ex.P39(c). On the same day I recorded further statements of Raghuram, Franki, Nithish-

PW.12 and Thripal Kumar-PW.13. On the same day I sent Accused after medical examination to Jurisdictional Court along with remand application.

13. On 23.05.2014, I recorded statements of Babitha-PW.30. Nagaraju-CW.17. PW.30 stated before me as per Ex.P63. On the same day I received photographs, CDs and 65B certificate from PW.40-Photographer. I now see CDs Ex.P37, 34, 42 and 44. I can identify Ritz car bearing Reg.No.KA-19-MB-9146, Bolero car bearing Reg.No.KA-19-N-7988 and Maruti 800 car bearing Reg.No.KA-19-MB-0998. Witness identifies cars in photographs Ex.P24, 25 and 31. I can identify Harish Baikampady, Bhaskar Baikampady and Pushparaj. Today three accused persons present before Court. Witness identifies from left Bhaskar Baikampady, Harish Baikampady and Pushparaj. On enquiry, they reveal their names as Bhaskar, Sathish and Pushparaj.

14. On 26.05.2014, I made a request to the Court to issue Warrant against Sathish Baikampady who had absconded.

15. On 28.05.2014, since I was transferred, I handed over further investigation to PW.39.

Cross-examination by Sri. RKG Advocate for accused

Nos.1, 3 and 4:-

16. When I received information, I was in house. Before registration of case, investigation was not commenced, but, on the information PSI visited the spot. PW.38-PSI did not tell me from whom she received about the incident. PW.38 received information when she was on rounds. I did not come to know from whom PW.38 received information about the incident when I took file from PW.38. I do not know PW.38 deputed which staffs to the spot to protect place. She has not told names of staffs who were deputed. I submitted remand application to the court when accused Harish Baikampady, Bhskar Baikampady and Pushparaj were produced. As per remand application dated 21.05.2014, PC-2160 and PC-925 were deputed to protect the spot by PW.38. As per version of PW.38, I have mentioned details in remand application till taking death intimation by PW.38 in A.J. Hospital. In the remand application I have mentioned whatever observed by PW.38 on the spot when she went to the spot immediately on receiving the information. It is true as per remand application I have mentioned scooter number as KA-19EH-7393 as stated by PW.38. I went to police station at 5.00 a.m. From the police station I went to spot and then to hospital. In police station, I have not enquired any documents were available with respect to the incident. In general if any information received pertaining to any incident or crime, an entry will be made in Station

Dairy. In case patrolling staffs came and gives information, the same will be mentioned in Station Dairy after they came to station. When I went to police station, PW.38 was not in police station. Till I leave police station, PW.38 did not come to police station. Witness states she had visited police station and left.

17. I was on spot for about half-an-hour. The staffs who were deputed by PW.38 were on the spot. Spot was secured by erecting barricades. Witness states spot was secured without permitting the vehicles, but public were permitted to move by the side. Public were present from far away and not permitted near the spot. From the spot I went to police station, then I went to A.J. Hospital. When I went to police station no body was present in the police station related to the case. I went to hospital at 7.00 a.m. As per FIR and complaint scooter number was KA-19-EH-7393. I secured Inquest panchaas by issuing notice in writing. It is false to suggest that panchaas were arranged by Vasudeva Salian and Yadhava Puthran. Witness states through his staffs he secured panchaas. As per investigation, the incident was first seen by PW.1-Naveen Shriyan. As per complaint, PW.11-Anand Poojary came to spot after PW.1 went to the spot. PW.1 and 11 were present when I conducted Inquest. Since PW.1 and 11 came afterwards during Inquest, I did not record their statements at that time. In Inquest also scooter number mentioned as KA-19-EH-7393. Yadhava Puthran and Jaison and Sudheer were present when

the Inquest was conducted. Panch witnesses signed on the mahazar after reading out the contents of mahazar. In the Inquest names of assailants are not forthcoming. When Yadhava Puthran and Jaison expressed suspicion over assailants, I have not recorded their statements to know who were the assailants. In view of shortage of time, I have not recorded statements of Naveen Shriyan and Anand in A.J. Hospital while conducting Inquest. When Yadhava Puthran and Jaison expressed suspicion over assailants, I thought there were some enemies against deceased. I returned to police station at 10.45 a.m. When I returned to police station, PW.6- Vasudeva Salian and others belong to Mogaveera Sabha were present. By the time I reached police station, FIR was dispatched. PW.6 and others told Sathish Baikampady, Bhaskar Baikampady and Harish Baikampady developed enmity against Gangadhar on account of misuse of funds of the Mogaveera Mahasabha and expressed suspicion for the said enmity they might have committed the offence. I sent requisition at 11.00 a.m. to alter offence provision before going to spot after Inquest. In the requisition Ex.P82, names of accused are not mentioned. Court P.C. took requisition to Court. I do not remember his name. I cannot say at what time Court P.C. took requisition and at what time requisition was received by the Magistrate. May be true Court P.C. took requisition in the evening after finishing Court work and handed over requisition to Magistrate in the night. It is false to

suggest that on 15.05.2014 at 10.45 a.m. PW.6 and others were not present and did not express suspicion over Sathish Baikampady, Bhaskar Baikampady and Harish Baikampady. It is false to suggest that on 15.05.2014, in our investigation, we did not come to know about involvement of aforesaid accused persons and no body expressed suspicion over aforesaid accused persons. In the requisition Ex.P82 it is not mentioned about the suspicion expressed by PW.6 and others and also with respect to dispute over Mogaveera Mahasabha. In Inquest I have not mentioned PW.40 took photographs and videography. It is false to suggest that PW.40 did not take photographs and videography at any time of my investigation.

Further cross is deferred as Court time is over.

(Computerized to my dictation in the open court)

ROI & AC

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