

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: 12 (CW: 18)

Witness present and Duly Sworn on: 04.11.2025

Deposition of	:	Nithesh R Attavar
Father/Husband Name	:	Late P Ramadas
Age	:	47 years
Occupation	:	Mechanic.
Resident Of	:	Mangaluru.

Examination in Chief by Public Prosecutor :-

1. I know CW-19 Tripal Kumar. He is owner of Sri Shakathi Gariage wherein I was working as a mechanic.

2. 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 Purshpraj 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 Baikmpady left from the spot on his two wheeler vehicle. After leaving Bolero vehicle in our garage, Pushpraj went and I went to my house.

3. On the next day morning, I went to garage. I told owner of the garage above. Sathis Baikmapady and Pushpraj did not come to garage for 2-3 days.

4. On 20.05.2014, police came along with Pushpraj. I explained the above to the police. The police seized Bolero vehicle from our garage.

5. 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 our garage, photographs were taken. Witness identifies Ex.P-29 photographs. He also identifies his presence and presence of Pushpraj and Bolero vehicle.

6. I can identify Sathish Baikampady and Pushpraj. Today Four accused present before the court. Witness identifies from left second person as Sathish Baikmpady and forth persons as Pushpraj. On enquiry with them, they reveal their names as Sathish and Pushpraj.

7. From the police I came to know a death was caused by using Bolero Vehicle.

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).

Cross-examination by Sri. RKG Advocate for accused Nos.1, 3 and 4:-

9. After my 10th standard, I commence work in Shakthi Garage and worked about 20 years.

10. I have not taken mechanical degree. My marriage was in 2006. Even before marriage I was working in Shakthi Garage. In 2014 Shakthi Garage was in Attavar Vaidyanath Nagar. Even now garage is in same place. In 2014, Four vehicles could be parked inside the garage. In the said garage all the vehicles including government vehicles are being repaired. We also repair police vehicles. We will not prepare job card for notifying damages were repair works. In respect of government vehicles our owner prepare quotation. In 2014, five workers were working, they were Shekaranna, I, Sathish, Keshvanna and Sada.

11. In 2014, I was staying in an apartment. The said apartment consists of three floors consisting of eight flats. All the eight flats were occupied. There was no security guard. A women by name Yashoda doing maintenance work of apartment. She was staying in ground floor. We used to give maintenance amount to her. My house was in second floor. The apartment was surrounded with compound with gate, but gate was not used to be closed. There is no gate for steps.

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.

13. I went to garage in the morning by late, by that time CW-19 came. I went at 9.35 – 9.40. Before I went to garage, CW-19 did not enquiry about Bolero vehicle. I parked Bolero vehicle by the side of garage. I called Sathish Baikampady over phone, his mobile was switched off. Since I did not have contact details of Pushpraj, I did not call him. I gave mobile number of Sathish Baikampady to CW-19. I do not know if CW-19 had saved mobile number of Sathish Baikampady.

14. I have told before the police Sathish Baikampady used to visit our garage since 4-5 years. It is false to suggest that Sathish Baikampady and Pushpraj never came to our garage.

15. In between 15.05.2014 and 20.05.2014, we did not touch Bolero vehicle for repair.

16. When the police came to garage on 20.05.2014, CW-19 was present. I do not know names of police who came. Police were in the garage for half an hour to one hour. It is false to suggest that Bolero was not kept in our garage at any time. It is false to suggest that the police did not seize Bolero vehicle from our garage. We have not executed any document to the police to handover the Bolero vehicle. Police have not given receipt for taking vehicle. It is false to suggest that no document was prepared for size of Bolero vehicle. It is false to suggest that Sathish Baikampady and Pushpraj did not come in scooter bearing registration No. KA-19-EK-0229.

17. 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.

18. 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.

19. It is false to suggest that first time I am deposing before the court I took the police to Kuntikan and showed the spot.

20. It is true in Ex.P-29 photographs CW-19 is not seen. In first photograph of Ex.P-29, there is nothing to show the said place belongs to our garage.

21. It is false to suggest that Ex.P-29 photograph was not taken on 20.05.2014. It is false to suggest that Ex.P-29 photograph was taken in Panambur Police station after calling me to the police station.

22. It is false to suggest that in Kuntikan, no mahazar was prepared. It is false to suggest that on 15.05.2014 in the midnight I did not go to Kuntikan, did not repair Bollero vehicle. It is false to suggest that first time I am deposing before the court from our house, we went to garage, took tools and then went to spot. It is false to suggest that I have not acquaintance Sathish Baikampady and Pushpraj.

Cross-examination by Sri SPAM for Advocate for Accused No.2:-

Adopts the aforesaid cross-examination.

Re-examination: Nil.

(Computerized to my dictation in the open court)

ROI & AC

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