

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

Sessions Case: 98/2019

PW: 18 (CW: 63)

Witness present and Duly Sworn on: 26.02.2026

Deposition of	:	K. Thilak Chandra
Father/Husband Name	:	Ramanna
Age	:	68 years
Occupation	:	Retired ACP.
Resident Of	:	Mangaluru.

Evidence U/Sec.299 Cr.P.C.

Examination in Chief by Public Prosecutor :-

1. From 11.12.2013 to 17.07.2016, I had worked as ACP, Central Sub-Division, Mangaluru.

2. On 02.11.2015, DCP, Law and Order has authorized me to Investigate the case in Crime No.92/2015 pertaining to murder of Madooru Yousu and Ganesh Shetty. I now see copy of authorization, the same is marked as Ex.P32 (Original was enclosed in SC.No.158/2016). On the same day, I took up investigation of the case from CW.52-Rajesh Police Inspector. By that time only an FIR was registered and dead bodies were shifted to hospital. Since, both the deceased were in Jail at the

time of incident, I made a request to the Jurisdictional Judicial Magistrate to conduct an Inquest on the bodies.

3. I visited spot at 8:45 a.m. I issued notices to CW.17 and CW.18 to assist as panchaas and secured them. CW.24-Obleshappa was present and showed the spot. I inspected the spot in detail. The incident commenced in front of 5th cell upto inside 5th cell. Towards Southern side of the cell, blood stained weapon covered with cloth over handle was lying. I collected it, packed in a white clothe packet and sealed, pasted slip on the packet and assigned 'A7' and took signatures of panchaas. Near door of the cell, a weapon was lying. On inspection it was 14 ½ inch length with 6 inch handle covered with shawl. Both weapon and shawl stained with blood traces. I took them, packed in separate white cloth packets, sealed, pasted slips on the packets and assigned 'A8' and 'A9' and took signatures of panchaas. In front of Veranda, in the hibiscus tree another weapon with blood stains was kept. I collected it, packed in a white clothe packet and sealed, pasted slip on the packet and assigned 'A10' and took signatures of panchaas. On the wall of 4th cell blood stains were found. I had secured FSL team before commencement of inspection. They collected blood stains from the wall by adopting their procedure. They handed over collected blood stains after packed and sealed and I assigned 'A11'. Inside 4th cell, on the bed blood stains were found. The FSL team collected blood stains, packed and sealed and

handed over to me and I assigned 'A12'. Inside cell on the wall blood traces were found, the FSL team collected blood traces, handed over to me, I assigned 'A13' mark. Near toilet inside cell, one blood stained Thalwar measuring 20 inches was lying. I collected it, packed in a white clothe packet and sealed, pasted slip on the packet and assigned 'A14' mark and took signatures of panchaas. In the same cell, towards Southern side, two clubs stained with blood were lying. I collected them, packed in a white clothe packets separately and sealed, pasted slips on the packets and assigned 'A15 and 16' mark and took signatures of panchaas. On steps of the 4th cell, two wooden reaps stained with blood were lying. I collected them, packed in separate white clothe packets and sealed, pasted slips on the packets and assigned 'A17 and 18' mark and took signatures of panchaas. The FSL team also collected blood stains on the steps, packed, sealed and handed over to me, I assigned marking as 'A19'. Behind 4th cell in open place, on black colour half pant stained with blood belongs to Muneer as stated by CW.24 was lying. I collected it, packed in a white clothe packet and sealed, pasted slip on the packet and assigned 'A20' and took signatures of panchaas. Another white yellow stripe T-shirt stained with blood traces belongs to Iqbal as stated by CW.24 was lying. I collected it, packed in a white clothe packet and sealed, pasted slip on the packet and assigned 'A21' and took signatures of panchaas. Another blue colour T-shirt stained with blood traces belongs to Irshad as

stated by CW.24 was lying. I collected it, packed in a white clothe packet and sealed, pasted slip on the packet and assigned 'A22' and took signatures of panchaas. Another red colour bermuda stained with blood traces belongs to Napate Rafeeq as stated by CW.24 was lying. I collected it, packed in a white clothe packet and sealed, pasted slip on the packet and assigned 'A23' and took signatures of panchaas. Another cement colour T-shirt stained with blood traces belongs to Mohammad Nizamuddin as stated by CW.24 was lying. I collected it, packed in a white clothe packet and sealed, pasted slip on the packet and assigned 'A24' and took signatures of panchaas. Behind quarantine cell wall, there were footprints and hand prints with blood stains. The FSL team collected blood stains, packed and handed over to me, I assigned mark 'A25' and sample paint as 'A26'. I prepared detail mahazar between 2:00 and 6:00 p.m. I read over contents of mahazar to the panchaas, CW.24 and took their signatures on the mahazar. I now see attested copy of Mahazar Ex.P7(a), it bears my signature. Entire mahazar proceeding was videographed through CW.64-Godwin Crasta. CW.64 handed over CD containing video along with 65B certificate. I now see CD, the same is marked as Ex.P33 (Counsels for Accused submit CD was not provided to them. CDs are handed over to counsels for Accused). On the same day CW.64 also issued 65B certificate. I now see attested copy of 65B certificate, the same is marked as Ex.P33. (It is told original 65B certificate was enclosed in

SC.No.158/2016). I also prepared Spot sketch. I now see Spot sketch, it bears my signature. The same are marked as Ex.P34 and 34(a).

4. I can identify article Sl.Nos.A11 to A24 as those articles pertaining to this case. Witness identifies article Sl.Nos.11 to 24. (articles marked in SC.No.55/2016 are produced. Sl.Nos.11 to 24 were already marked as MO.13 to 15, 11, 16 to 25 in SC.No.55/2016). Witness identifies his signature on the slips pasted on cloth packets.

5. Then I went to Barke police station. CW.41-PC-Nagappa produced clothes of deceased Ganesh Shetty which were brought from A.J. Hospital. I secured two panchaas Rajkumar Kotian and Dhanraj CW.19 and 20, prepared mahazar between 8:10 and 8:30 p.m. and seized clothes. I packed Bermuda and sealed. I now see attested copy of Mahazar Ex.P16, it bears my signature. I can identify Bermuda. Witness identifies Bermuda. (Articles marked in SC.No.55/2016 are produced. Bermuda was marked as MO.26 in SC.No.55/2016). Witness identifies his signature on the slip pasted.

6. On the same day, I recorded statements of CW.17, CW.18, CW.19 and CW.20.

7. On the same day, CW.9-Sachin Shetty handed over two CDs containing video pertaining to Inquest mahazar and PME of Ganesh Shetty along with 65B certificate. I now see two CDs, the same are marked Ex.P35. I now see 65B-Ex.P15 certificate issued by Sachin. On the same day I received Inquest mahazar with statements and photographs. I now see Inquest mahazar Ex.P12 with statements. I now see photographs Ex.P8 and 13.

8. On 06.11.2015, I made a request to Superintendent of Jail to furnish details of jail staffs who were on duty on 02.11.2015 and details of UTPs and convicted prisoners on 02.11.2015.

9. On 08.11.2015, based on complaint lodged by CW.1-V.P. Indiramani, CW.57-Vasanthi registered separate case in Crime No.93/2015 and visited spot and conducted spot mahazar, while conducting mahazar she also seized damaged roof tiles, wooden reaps and tube-lights. She handed over complaint, an FIR, mahazar and seized articles to me. From the aforesaid investigation, I came to know though the incident took place in the same date, but, murders were separate, hence, I made a request to the Jurisdictional Court to investigate the case separately pertaining to the two murders. In the requisition I sought for permission to retain the case in Crime No.92/2015 with respect to murder of

Madooru Yousuf and to retain the case in Crime No.93/2015 with respect to murder of Ganesh Shetty. I included them into case. CW.57-Vasanthi is no more. I now see complaint, an FIR and spot cum seizure mahazar. Complaint is already marked at Ex.P1. Mahazar is already marked at Ex.P2. I now see an attested copy of an FIR, the same is marked as Ex.P36. The complaint and an FIR bear signature of Vasanthi. I can identify articles which were handed over by CW.57. Witness identifies them. (Articles marked in SC.No.55/2016 are produced. They were marked as MO.1 to 10 in SC.No.55/2016).

10. On the same day, I took permission from the Court to enquire UTPs and convicted prisoners in the jail. I went to Jail in the afternoon. I enquired and recorded statement of UTP-Ananda, CW.2, UTP-Mohammad Mustafa-CW.3, UTP-Vijay R-CW.4. They also agreed to give statement u/Sec.164 before Judicial Magistrate, accordingly, I made a request to Judicial Magistrate to record their statements. On the same day, their statements were recorded by Judicial Magistrate. I also received statements u/Sec.164. I now see statements. (Records in SC.No.55/2016 are produced, statements are marked as Ex.P3, 4 and 11 in SC.No.55/2016). CW.4-PW.3 stated before me as per Ex.P5, 5(a) to (g).

11. On the same day, I recorded statements of CW.43,

CW.44, CW.48, CW.49, CW.45, CW.46 and CW.47.

12. On 12.11.2015, I made a request to the Judicial Magistrate seeking for police custody of Accused No.2-Muneer, Accused No.3-Irshad and Accused No.5-Hasim. The court passed an order for taking police custody. I took police custody of Accused Nos.2, 3 and 5. On the same day I made a request to the Judicial Magistrate to issue Body Warrant against accused persons Napate Ravi, Rafeeq, Mohammad Iqbal, Iqbal @ Jafar, Kabir, Nizamuddin, Hazaruddin, Santhosh Kumar and Padhmanabha.

13. On 13.11.2015, I recorded statement of CW.24, CW.28, CW.33 and CW.32.

14. On 14.11.2015, I recorded statement of B.M. Navi-CW.26 and Mulky Patil-CW.7. On the same day, I interrogated and recorded voluntary statements of Accused Nos.2, 3 and 5. In the voluntary statement Accused No.2-Muneer volunteered he would show carom board reape which was used to assault Ganesh Shetty, he had thrown his Bermuda stained with blood traces and he washed his T-Shirt and kept for dry and he would show them if he was taken to. Accused No.3-Irshad volunteered he would show Knife which was used for commission of offence and T-shirt and half pant with blood stains which were wearing by him at the time of incident if he

was taken to. Accused No.5-Hasim volunteered he would show wooden reap which was used for commission of offence and cloth which was wearing by him at the time of incident if he was taken to. On the same day, I received details of staff of Jail and UTPs and convicted prisoners. I now see the same, it is already marked at Ex.P23.

15. On 16.11.2015, I secured CW.21-Madhusudhan Nayak, CW.39-Krishna Moorthy and CW.30-Javaraiah as panchaas. Accused No.3-Irshad took behind block No.6 and took out one knife from PVC pipe connected to drainage and produced before me, further he took us to 2nd cell and took out one plastic cover from South-West side and produced before me on inspection it was cream colour Bermuda with blood stains. I prepared mahazar between 1:00 and 1:45 noon and seized Knife and Bermuda and assigned H1 and H2 mark. Both articles were packed and sealed separately. I read over contents of mahazar to the panchaas and took their signatures on the mahazar and sealed cloth packets. I now see Mahazar Ex.P17, it bears my signature. While conducting mahazar I took photographs Ex.P20. I can identify Knife and Bermuda. Witness identifies them. (Articles marked in SC.No.55/2016 are produced. Knife and Bermuda were marked as MO.12 and 27 in SC.No.55/2016).

16. The Accused No.2-Muneer took us behind

quarantine room. He took out 3feet 3inch wooden reap and produced the same before me and further took us to Bhavikatte inside Jail and showed one T-shirt which was spread for dry, I prepared mahazar between 2:00 and 2:45 pm, seized both the articles, packed and sealed them and assigned H3 and H4. I now see Mahazar Ex.P18, it bears my signature. While conducting mahazar I took photograph Ex.P21. I can identify wooden reap and T-shirt. Witness identifies them. (Articles marked in SC.No.55/2016 are produced. Wooden reap and T-shirt were marked as MO.28 and 29 in SC.No.55/2016).

17. The Accused No.5-Hasim @ Asif took us near syntax tank. He took out one wooden reap measuring 2feet from flower plants and produced before me and further took us near general toilet and showed cement colour full sleeves T-shirt and cement colour pant. I prepared mahazar between 3:00 and 3:45 p.m., and seized aforesaid article and clothes, packed them in separate cloth covers, sealed, read over contents of mahazar to the panchaas and took their signatures on the mahazar and sealed articles. I now see Mahazar Ex.P19, it bears my signature. While conducting mahazar I took photographs Ex.P22. I can identify article and clothes. Witness identifies them. (Articles marked in SC.No.55/2016 are produced. Shirt and pant were marked as MO.30 and 31 in SC.No.55/2016).

18. I returned to office and included all the seized articles into PF list.

19. On the same day, I recorded statement of CW.21 and CW.30.

20. On 17.11.2015, I sent Accused Nos.2, 3 and 5 to the Jurisdictional Court along with remand application.

21. On 18.11.2015, I recorded statements of CW.34, CW.31 and CW.25.

22. On 20.11.2015, I recorded statement of CW.29, CW.35, CW.36 and CW.37.

23. On 25.11.2015, I recorded statement of CW.42.

24. On 06.12.2015 I recorded statements of UTPs Madhusudhan Shetty, Suresh Poojary, K. Mohammad, Bheema Nayak after taking permission from the Court.

25. On 11.12.2015, I took police custody of Accused Mohammad Iqbal, Iqbal, Habeeb, Nizamuddin, Hazaruddin, Santhosh Kumar and Padmanabha after obtaining permission from the Court. I interrogated them and recorded voluntary statements. On 14.12.2015, Accused Mohammad Iqbal @

Jafar volunteered that he would produce his cloth which was kept in cell if he was taken to. I went along with accused Mohammad Iqbal to the Jail. I secured CW.39 and CW.30 as panchaas. The accused took us in front of 5th cell in quarantine room and showed Bermuda which was spread on the thread to dry. I prepared mahazar between 5.30 and 6.00 p.m., seized aforesaid cloth, packed and sealed, read over contents of mahazar to the panchaas and took their signature on the mahazar and cloth packet. I now see Mahazar Ex.P24, it bears my signature. I can identify Bermuda. Witness identifies same. (Articles marked in SC.No.55/2016 are produced. Bermuda was marked as MO.32 in SC.No.55/2016).

26. I returned to police station and included cloth into PF list.

27. On 15.12.2015, I recorded statement of CW.38. On the same day I received PME report of deceased Ganesh Shetty from A.J. Hospital.

28. On 19.12.2015, I made a request to the Jurisdictional Court to issue Body Warrant against Accused Mohammad Faizal.

29. On 26.12.2015, I made a request to the Jurisdictional Court seeking permission to include Inquest

mahazar, PME report, mahazar pertaining to seizure of clothes, article Nos.11 to 24 seized under mahazar, statements recorded u/Sec.164 of Ananda Gowda, Musthafa and R. Vijaya to Crime No.93/2015 as the aforesaid documents and articles were pertaining to deceased Ganesh Shetty. I now see attested copy of PME report, the same is marked as Ex.P37.

30. On 27.12.2015, I took custody of Mohammad Faizal, enquired and recorded his voluntary statement.

31. On 28.12.2015, I sent Mohammad Faizal to Jurisdictional Court along with remand application.

32. On 02.01.2016, I recorded statement of CW.39 and CW.57.

33. On 03.01.2016, I recorded statement of CW.52.

34. On 04.01.2016, the Court permitted to include documents and articles in Crime No.93/2015.

35. On 05.01.2016, I took police custody of Accused Napate Rafeeq @ Mohammad Rafeeq. I interrogated him and recorded his voluntary statement.

36. On 07.01.2016, I sent accused Napte to

Jurisdictional Court along with remand application.

37. On 09.01.2016, I made a request to the PWD to prepare and furnish spot sketch.

38. On 13.01.2016, I sent all the seized articles to RFSL, Mangaluru through CW.51.

39. On 16.01.2016, I recorded statement of CW.22 and CW.23. I also collected documents pertaining to ambulance vehicle from CW.22. On the same day I received spot sketch Ex.P25 from CW.56.

40. Since investigation was completed and sufficient materials were found against Accused, I submitted charge sheet against accused on 28.01.2016 pending receipt of FSL report and weapon opinion.

41. On 16.03.2016, I received test report from RFSL. I now see attested copy of test report. The same is marked as Ex.P38. On the same day I sent RFSL report to the Medical Officer to furnish Final Opinion. On the same day, I received Final Opinion from Medical Officer as to cause of death. I now see attested copy of final opinion, the same is marked as Ex.P39.

42. On 26.03.2016, I sent weapons to the Medical Officer, A.J. Hospital who conducted PME to furnish weapon opinion. On the same day, I received photos, CD and 65B certificate from Dhinesh.

43. On 05.04.2016, I received weapon opinion from Medical Officer. I now see attested copy of weapon opinion, the same is marked as Ex.P40.

44. On 19.05.2016, I received serology report from RFSL. I now see attested copy of Serology report. The same is marked as Ex.P41.

45. On 26.05.2016, I sent PME report, weapon opinion report, RFSL reports, Final Opinion and other documents along with my requisition to the Jurisdictional Court.

46. I can identify Accused No.4-Napate Rafeeq @ Mohammad Rafeeq and Mohammad Iqbal @ Jafar in future.

Cross-examination by accused:-

Since Accused is absconding, no cross-examination.

Re-examination: Nil.

(Computerized to my dictation in the open court)

ROI & AC

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