

Witness present and Duly Sworn on: 08.05.2026

Cross-examination by Sri. VK Advocate for Accused Nos.2 and 3:-

47. The distance between ACP, Central Sub-Division office and District Jail, Mangaluru is 2kms. I received information about the incident at 8.30 a.m, on 02.11.2015. I was in house at that time. Around 8.40, I went to District Jail. When I went to Jail, Inspector and his staffs of Barke PS were present. When I went to the spot, case was not yet registered. Obaleshappa, Jail Superintendent lodged complaint to PI of Barke P.S. Complaint was lodged in Barke Police station. DCP sent an authorization to me and I received the authorization in my office at 11.30 a.m. Till 11.15 a.m, I was in Jail. Higher Officers visited Jail, now I do not remember all the names. When I was in Jail, I made an effort to send inmates of Jail inside barracks to clear the assembly.

48. When I visited Jail, dead body of Madoor Yousuf was already shifted. Dead body of Ganesh Shetty was on the spot. Dead body of Ganesh Shetty was lying on the entrance of 4th cell. When I saw, it looked like he was dead. Since an ambulance was already called, I did not call separate ambulance to shift Ganesh Shetty. I have instructed officers to take dead bodies to different hospitals, but, not to particular hospital. It is true Yenepoya Hospital is super specialty hospital and near to Jail. I did not come to know ambulance

staff giving first aid treatment to Ganesh Shetty on the spot.

49. I took an FIR and complaint at 1.00 p.m. It is false to suggest that in Crime No.92/2015 there is no reference about death of Ganesh Shetty. Whatever stated in Ex.D1 is correct.

50. Crime No.93/2015 was registered as in Crime No.92/2015, it was left out about damaging government property, obstructing discharging official duties and injuries sustained by Jail staffs. When Crime No.93/2015 was registered, it was not pertaining to murder of Ganesh Shetty. Witness states subsequently he took permission from the Court and included murder of Ganesh Shetty. I had knowledge about damaging government property, obstructing the officials from discharging their duties and injuries sustained by Jail staffs when I took the investigation and also visited spot. Some of the investigation pertaining to this case was also made by me in Crime No.92/2015. In Crime No.92/2015, as an Investigating officer, I went to the spot at 1.45 p.m, on 02.11.2015. I have visited and inspected old Jail building immediately I went to spot. I do not remember if the complainant Hindinamani was present when I went to spot. I have not instructed Jail officials to lodge complaint for damage of Government property, obstructing government officials from discharging their duties and injuries sustained by the Jail

staffs.

51. When I went to spot at 1.45 p.m, prisoners were inside barracks. I secured panchaas from Corporation Office. I secured them directly to the spot. I did not observe if CC cameras were installed inside Jail. I have not signed in the register while entering jail. I cannot tell measurement of old Jail building. As I observed roof of Cell No.1 was damaged. I have not mentioned in the mahazar about damage of roof of Cell No.1. I have no knowledge about another case to be registered with respect to same crime. It is false to suggest that if roof was damaged, I could have mentioned the same in the Ex.P7 mahazar. Witness states by oversight I might have left out the same in the mahazar. It is false to suggest that it is not forthcoming about damage of roof of Cell No.1 in photographs which were taken while preparing Ex.P7-Mahazar. In old Jail there were four buildings. At that time all the four buildings were in usable condition. There were four barracks. Among them one was quarantine barrack. In Special barrack, there were five cells. Now I cannot recollect in other barracks how many cells were there. It is false to suggest that barrack and cell are different. Witness states in barrack separate cells are present. Cell Nos.4 and 5 are facing towards old Jail gate. I have not visited 6th barrack. I do not remember if I had seen 6th barrack. 1st barrack gate was opened. I did not count how many prisoners in 1st barrack. Towards left side of

1st barrack another barrack is situated, towards right side vacant space is situated. I did not observe if the next barrack adjacent to first barrack gate was open or not. I do not remember which barrack is situated after 2nd barrack. I cannot say who were all the prisoners present at the time of incident, but, I took details of the prisoners later on. I have conducted mahazar in which cell Ganesh Shetty was housed. Ganesh Shetty was kept in 4th cell. Along with Ganesh Shetty, another person Mahesh was kept in 4th cell. When I went for investigation, Mahesh was not in 4th cell. Since Mahesh was not available, I have not enquired him and not cited in as witness. I have not collected documents pertaining to in which case he was kept in 4th cell and when he was released from the Court.

52. On 02.11.2015, I have not arrested accused. While preparing mahazar Ex.P7, I have not recorded statement of Irshad UTP No.5416. At that time I have not collected documents pertaining to Irshad UTP.No.5416. I have not recorded statements of Napate Rafik UTP.No5280, Mohammad Nizamuddin UTP.No.5391 and I have not collected documents pertaining to them. I have not secured entire old Jail building. Witness states he had secured two cells wherein the incident took place.

53. Around 4-5 staffs were with me while conducting mahazar. Jail staffs were also present with me. I called FSL

team to the spot. FSL team also came to spot at 1.45 p.m. FSL Team have not prepared separate document while collecting articles. I have not mentioned name and designation of FSL Officers in the mahazar. I have not secured Dog squad and Fingerprint expert to the spot. It is false to suggest that Dog Squad and Fingerprint Expert are very much necessary to the crime spot. Witness states if necessary they secure Fingerprint Expert and Dog Squad. I have not taken signature of FSL team on the mahazar. It is false to suggest that I have not taken signature of jail staff on the mahazar.

54. Obaleshappa was Jail Superintendent when mahazar was conducted. I have given direction to Jail Superintendent and Jail staff with respect to their presence. Except cell Nos.4 and 5, I have seen other cells, but, not entered inside other cells. There was compound wall to old jail. Height of compound wall is 20 feet. I do not remember length of the compound wall. Platform height of Cell Nos.4 and 5 is 3-3 ½ feet from ground. Around 10-15 police officers entered the jail premises. I have recorded statement of police officers who visited. They are Ravish Nayak, Vivekananda, Rosamma Bajanthri, Rukmayya, Sarojini, Kishore Kotyan, Manoj Kumar, Krishnappa Nandiyala, Rajesh, Sanjeeva and Dinesh. I did not come to know cloths of police officers stained blood. Obleshappa was present when the mahazar was conducted. I do not remember if Obleshappa was relieved from

duty. Exactly I do not remember, Murugan might be the Commissioner of Police at that time.

55. Commissioner of police visited jail, but, I do not remember he inspected the spot. He visited near the spot. The officers came with Commissioner also visited near the spot. I do not know what was the statement given by Commissioner of Police to the media after visited the spot. I have given details of spot and incident to the Commissioner when he visited spot. I do not know if Commissioner gave statement to the Media that the incident pertains to between two gangs.

56. I do not know Ganesh Shetty belongs to which gang. I have collected documents to show Ganesh Shetty was in Jail pertaining to which case. I have not enclosed said documents along with charge sheet. I do not know in which gang Madoor Hisbu was identified. I have recorded statement of witnesses to show in which case he was in jail. I have not enclosed the documents to show in which case he was in jail. I do not know Ganesh Shetty was an associate of Chota Rajan. I do not know Ganesh Shetty had involved in various cases at Bombay. I do not know Madoor Hisbu was an associate with Chota Shakeel who was an underworld don of Bombay. I came to know several cases were registered against Madoor Hisbu. I knew an enmity was there between Chota Rajan and Chota Shakeel and cases were also registered against each other.

57. Apart from Cell Nos.4 and 5, I found blood traces in front of quarantine cell. Quarantine cell is opposite to Cell Nos.4 and 5. The distance between Quarantine cell and Cell Nos.4 and 5 is around 10mtrs. I did not inspect other cells to see any blood traces. The distance between Cell No.4 and old jail gate is 20-25mtrs. I did not come to know about Tower place inside jail. When mahazar was conducted, I have not recorded statements of prisoners.

58. On 08.11.2015, I came to know after taking place of one murder, another murder took place as a revenge, hence, I made request to the Jurisdictional Court to separate the case. I have not enclosed said requisition along with charge sheet.

59. It is false to suggest that on 02.11.2015, I did not visit spot, did not conduct mahazar and did not seize articles. It is false to suggest that FSL team did not visit spot and did not collect and handover articles to me. It is false to suggest that I have not taken photographs and not made videography when mahazar was conducted. It is false to suggest that photos produced before the Court and video in CD are not pertaining to spot.

60. When Crime No.93/2015 was registered, I was investigating Crime No.92/2015. I have given information to

the IO who registered Crime No.93/2015. It is false to suggest that on 08.11.2015, I have not given requisition to Jurisdictional Court requesting permission to conduct investigation separately in Crime No.92/2015 and 93/2015. A perusal of Court records, a requisition made by IO on 08.11.2015 is on record, the same is marked as Ex.C1. It is false to suggest that to protect the Jail officials and to hide security lapse, separate Crime No.93/2015 was registered.

61. I have not instructed ASI-Vasanthi-CW.57 to conduct mahazar in Crime No.93/2015 on 03.11.2015 as Crime No.93/2015 was to be investigated by other IO at that time. Spot shown in Ex.P2 in Crime No.93/2015 and Ex.P7 in Crime No.92/2015 are one and the same.

62. On 08.11.2015, I took further investigation of Crime No.92/2015. On 12.11.2015, I interrogated Accused Asif, Muneer and Irshad. Since there was no other option, the prisoners were kept in other cells adjacent to Cell Nos.4 and 5 except Cell Nos.4 and 5. The Jail warden and staff used to visit the cells between 02.11.2015 and 11.11.2015. I secured pancha Madhusudhan from KSRTC and Javarayya from Jail to conduct mahazar on 16.11.2015. I have not obtained documents from KSRTC to show Madhusudhan Nayak was working in KSRTC. Madhusudhan Nayak PW.13 stated before me he was working as Security Officer in KSRTC, Bejai. I do

not know he was working as a Divisional Controller in Kuntikana, Barebailu at that time. Madhusudhan Nayak came around 1.30 p.m, on that day. On the previous day, I have not called Divisional Controller to depute Madhusudhan Nayak. After giving request by me, Madhusudhan Nayak was deputed. I have not enclosed copy of requisition along with charge sheet. Madhusudhan Nayak came to my office from the office we went to spot. I do not remember in the entrance of Jail and at new jail building CC cameras are installed. A register is maintained in the Jail for visitors and visitors have to enter their details in the register. Since Madhusudhan Nayak was not a visitors, as he was assisting for investigation, no entry was made in the register. I do not know as per Jail manual, any outsider wants to enter Jail, his details have to be entered in the Jail register. It is false to suggest that the spot shown in Ex.P18 mahazar and Ex.P2 mahazar are one and the same. Witness states area is same, but, spots are different. It is false to suggest that the spots shown in both mahazars are can be easily seen by eyes. The spot shown in Ex.P18 is behind quarantine cell. The distance between Cell Nos.4 and 5 and quarantine cell is 10mtrs, the spot shown in Ex.P18 is behind quarantine cell. The distance between spot shown in Ex.P18 and the place from where the accused in Crime No.92/2015 said to have climbed compound is 5-6mtrs.

63. The spot shown in Ex.P17 shown by Accused Irshad is near to Cell No.6. In Ex.P33-Sketch cell no.6 is not written.

The spot shown is behind Cell No.6. Entrance of Cell No.6 is towards South. Entrance of Cell Nos.1 to 5 is towards West. Prisoners were present in Cell No.6 when Ex.P17 was conducted. Since mahazar was not conducted in Cello No.6, and it was conducted behind cell, the question of taking inmates of Cell No.6 does not arise.

64. The distance between Cell Nos.4 and 5 and spot shown in Ex.P19 shown by Asim is 8-9mtrs. The spot shown by Asim under Ex.P19 is open place. Except cells, the staff of Jail have not visited any place during investigation time. The spot shown in Ex.P19 is not meant for taking bath by prisoners.

65. It is false to suggest that the accused persons did not take us to respective spots and did not show articles. It is false to suggest that Ex.P16 to 19 mahazars were created in police station. It is false to suggest that photographs were created to suite Ex.P16 to 19 mahazars. It is false to suggest that the accused persons have no nexus to the articles alleged to be recovered at their instance.

66. DGP is head of all prisons. I do not know DIGP has to visit Jail once in a month and inspect the Jail. I do not know when DIGP had visited Mangaluru Jail. I do not know if any incident is taken place in Jail, DIGP visits Jail and

conduct inspection. I do not know DIGP takes details from respective jails with respect to overcrowd and takes decision to shift the prisoners. I have not enquired and recorded statement of DIGP. I do not know if DIGP visited the spot after 02.11.2015 and collected information and report. I have not seen Jail Manual. I have not collected information from Jail Superintendent with respect to maintenance of records as per Jail Manual. I did not come to know Oblesh Superintendent of Jail had reported to DIGP about overcrowd in Jail. I have not taken register maintained by Oblesh Superintendent of Jail.

67. I have not collected documents to show on 31.10.2015, a quarrel incident took place between Akashbhavan Sharan and inmates of Cell No.6. Witness states in the statements of witnesses the said fact came to his knowledge. It came to know on 08.11.2015 in the statements of Ananda, Mohammad Musthaf and Vijaya R. They were prisoners of jail at that time. Superintendent of Jail and other staff also told about the incident dated 31.10.2015. I have recorded further statements of Obleshappa and others in that regard. I have not collected register maintained in the barrack. I do not know everyday wardens check register, enter register about visit and submit the register at the end of the day to the Superintendent of Jail. I have taken Under Trial Prisoners register. I have not enclosed extract of Register along with charge sheet. Witness states the information provided by the

Superintendent of Jail regarding details of staff deputed, Under Trial Prisoners and Prisoners was enclosed along with charge sheet. I have not verified original register pertaining to Ex.P23. I have not collected Under Trial Prisoner slip/card. As could be seen from duty deputation details, time and duty details of Hindinamani and Jagadeesh Bekkinala are over written. Seal and signature of Jail Superintendent are not forthcoming in each pages pertaining to details of prisoners. Witness states the said detail was furnished along with covering letter and at the end of page seal and signature of Superintendent are forthcoming. It is false to suggest that the details furnished by Superintendent of Jail are created and not issued by Jail. Since there was no necessity, I have not taken all the prisoners details. I have not taken details from Jail to show on 02.11.2015 who were the Under Trial Prisoners to be produced before the Court. I do not know on 02.11.2015, if Ganesh Shetty was to be produced before the Court. Witness states Madoor Yousuf was to be produced before the Court on that day. I do not know if ambulance facility was available in Jail on 02.11.2015. I have not verified and obtained Weekly lockup register, Gate register, Key register, Warden register, charge register and UTP Register.

68. I have collected documents pertaining to PW.14-Ramesh to show he was working as an ambulance driver at

that day. I have not enclosed said documents along with charge sheet. It is false to suggest that PW.14 was not driver of ambulance. It is false to suggest that since he was not driver and did not shift dead body of Madoor Hisbu and Ganesh Shetty, I have not collected document to that effect.

69. During investigation I came to know Chakresh was working in Jail. I did not come to know Faizal lodged complaint against Chakresh on 02.11.2015, with respect to matters pertaining to Jail, at his instance the present incident took place. I came to know during investigation there was security lapse in Jail. I do not remember if I have recorded statement of gate keeper. I came to know control room received call about the incident, I do not know who made call. It is false to suggest that before 02.11.2015, so many outsiders were visiting Jail, to hide the same I have not collected registers from the Jail. It is false to suggest that as on 02.11.2015, the prisoners and under trial prisoners as shown in Ex.P23 were not kept in old jail building. It is false to suggest that since under trial prisoners and prisoners were not kept in old Jail building, I have not collected respective registers. It is false to suggest that since all the cell gates and barrack gates were kept open and there was no entry made in key register, hence I did not take the key register.

70. It is false to suggest that Hindinamani and Jagadeesh Bekkinal were not staff of Mangaluru Jail. I do not

know when they came to Mangaluru Jail and till what date they worked here. It is false to suggest that Hindinamani and Jagadeesh Bekkinal were not at all working in 02.11.2015 in Mangaluru Jail. It is false to suggest that since they were not at all working, I have not obtained register.

71. It is false to suggest that by giving threat, statement of PW.6-Musthafa and PW.2-Anand was recorded under Sec.164 before the Court.

72. It is false to suggest that the accused have no nexus to the murder of Ganesh Shetty. It is false to suggest that though it was a security laps on the part of Jail authority and police, to suppress the said fact, we created a story the murder was on account of communal violence. It is false to suggest that the accused have no nexus to the articles seized. It is false to suggest that to hide real truth, I have not sent articles to Fingerprint Experts. It is false to suggest that by giving threat to the under trial prisoners, evidence was given before the Court.

Cross-examination by Sri.NPH for NNH Advocate for Accused Nos.1 and 7:-

73. I have collected documents pertaining to treatment given to accused No.1 in hospital. I have produced treatment record in Crime No.92/2015. It is false to suggest that I have

not produced said record in this case to suppress the fact. Before I visited spot, accused No.1 was taken to hospital. Accused No.1 was taken to hospital as he had sustained grievous injuries. Accused No.1 was taken to hospital before Ganesh Shetty was shifted from the Jail. It is false to suggest that accused No.1 was not at all present when the incident took place. It is false to suggest that accused No.1 did not give any voluntary statement. It is false to suggest that I did not recover any articles at the instance of Accused No.1.

74. In Crime No.93/2015, name of Accused No.1 is not forthcoming either in the complaint or in FIR. Witness volunteers Crime No.93/2015 was registered not for murder of either Ganesh Shetty or Madoor Hisbu. It is false to suggest that though Accused No.1 sustained grievous injuries, I have suppressed the said fact in charge sheet.

75. Accused No.7-Mohammad Azaruddin came to jail in connected to theft case of Konaje, Vitla and Belthangady police stations. He was not involved in communal violence cases.

76. It is false to suggest that Accused No.7 has no nexus with deceased Madoor Hisbu and Ganesh Shetty. It is false to suggest that since Accused No.7 is from Muslim religion, he has been falsely implicated. There is no recovery from Accused No.7.

77. It is false to suggest that I have filed false charge sheet against Accused Nos.1 and 7 to save jail authorities and police. I am deposing false.

Cross-examination by Sri. IB Advocate for Accused No.5:-

78. As per Ex.P23 list of prisoners, the name of Accused No.5 is mentioned as Hasim S/o. U.P. Mohammad. In Crime No.92/2015, the accused No.5 herein was cited as CW.3 and his name is shown as Hasim S/o. U.P. Mohammad. Based on his statement I have mentioned name of Hasim S/o. U.P. Mohammad in this case as Hasim @ Asif. It is false to suggest that Hasim has no other name called Asif.

79. Obleshappa Jail Superintendent sustained injuries in the incident. He had taken treatment. I have collected treatment records and produced in Crime No.92/2015. As per medical record Obleshappa went to hospital at 3.15 p.m. on 02.11.2015 and took treatment. I have not sent accused No.5 for collecting blood sample to ascertain his blood group. Accused No.5 also sustained injuries and took treatment. When I visited spot, I do not know if Hasim Accused No.5 was still on the spot or taken to hospital. When I visited spot, other injured persons were on the spot. I have not shifted the accused no.5 and other injured persons to hospital except Ganesh Shetty.

80. I received information about the incident through wireless from control room. Before I went to spot, I communicated the same to my subordinate officers and staffs. I gave information to PIs Urva P.S, Kadri P.S and North P.S. When I went to spot 3-4 PIs were present. I have cited three PIs in the present charge sheet. I do not remember if other PIs visited and left spot. There were two ambulances on the spot. I directly went to old Jail and spot. I do not remember at what time Raveesh Nayak came to spot. I do not remember if he was present when I went there. I have observed Ganesh Shetty to know whether he was alive and needs any treatment. As per my observation he was dead. Immediately I shifted Ganesh Shetty in an ambulance. My staffs and Jail staff assisted me to shift Ganesh Shetty. We lifted him by hands and shifted to an ambulance. My cloths did not stain blood. Even cloths of staffs did not stain blood. The distance between Cell No.4 and jail entrance is 50mtrs. 4-5 persons lifted from cell no.4 to an ambulance. There was no bleeding while he was taken from Cell No.4 to ambulance.

81. It is true in Ex.P22 photographs water tank and washing area is seen. It is true the said area is made of concrete. It is false to suggest that there is no bush area or place in place seen at Ex.P22. It is false to suggest that Accused No.5 did not take any article from bush and I did not

seize such article. It is false to suggest that I have not seized dress of Accused No.5. It is false to suggest that Accused No.5 did not give voluntary statement before me and witnesses and did not produce dress in pursuance of voluntary statement. There was no CCTV facility inside jail. I did not observe if CC cameras were installed outside Jail. I have visited jail 7-8 time pertaining to this case.

82. It is false to suggest that though CCTV facility was available and the incident was recorded in the CC cameras, to hide the lapse on the part of Jail authority and police, I have not collected CCTV footage. At the time of incident, new block was fully operating. It is false to suggest that when new block was commenced, the entire Jail old and new block were under CCTV surveillance.

83. In the authorization given at the first instance, it was authorized me to investigate case pertaining to murder of Madoor Hisbu and Ganesh Shetty, there was no separate authorization for crime No.93/2015. On 02.11.2015, I have not recorded statement of Indiramani. There was no impediment to include offences relating to damage to property, obstruction to officials and injuries sustained by others in Crime No.92/2015. In Crime No,92/2015 there is an averment to the effect obstruction to officials in discharging their duties. It is false to suggest that there was no necessity to register

Crime No.92/2015.

84. In Jail strong locks are used for gates. I do not know as per jail manual only Iron strong locks have to be used. It is false to suggest that MO.4 lock was created for this case. It is false to suggest that all the barracks and cells were not locked. It is false to suggest that to hide the said fact I have created MO.4. It is false to suggest that Accused No.5 has no nexus to the case. It is false to suggest that the accused No.5 was victim in the incident.

Cross-examination by Sri. AAM Advocate for Accused Nos.10 and 11:-

85. It is false to suggest that Accused Nos.10 and 11 have not given any voluntary statement. It is false to suggest that though accused Nos.10 and 11 have not involved, they have been falsely implicated.

Counsel adopts cross-examination done by V.K.

Cross-examination by Sri. TRS Advocate for Accused Nos.8 and 12:-

86. I have not prepared separate mahazar with respect to breaking of lock at the instance of Accused No.12. I have not recorded confession statements of Accused Nos.8 and 12. I have conducted separate mahazar with respect to throwing weapons by accused no.8 and others. I have not sent weapons

to Fingerprint Expert. It is false to suggest that if the weapons were sent to Fingerprint Expert, the fingerprints report would reveal real identification. It is false to suggest that to hide duty negligence of Jail authority, I have not sent weapons to Fingerprint Expert. It is false to suggest that those who raise voices to protect their rights and interest, against them this false case was registered. It is false to suggest that those who raise voice against the accused have been cited as witnesses of the case by giving threat to them.

87. It is false to suggest that the accused Nos.8 and 12 have no nexus to the articles seized.

Re-examination: Nil.

(Computerized to my dictation in the open court)

ROI & AC

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