

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

Sessions Case: 88/2021

PW: 8 (CW: 8)

Witness present and Duly Sworn on: 20.08.2025

Deposition of	:	Monthu Marian Fernandies
Father/Husband Name	:	John Fernandies
Age	:	57 years
Occupation	:	Agriculture
Resident Of	:	Pandelu house, Amunje.

Examination in Chief by Public Prosecutor :-

1. I knew deceased Benedict Karlo. I know Hinas Karlo. I know PW.3, PW.4, PW.5, PW.6, CW.3, CW.6, CW.9, CW.10 to CW.15.

2. On 26.01.2021, after 6.30 p.m., I came to know about death of Benedict Karlo. Immediately I went to the house of Benedict Karlo and saw the body. I was present there till the police came and shifted the body. Before shifting the body, the police inspected the place and prepared Mahazar in our presence. CW.9-Shivappa was also present. Mahazar was prepared between 9-9.30 and 10-10.15 p.m. I now see Mahazar Ex.P11, it bears my signature. Signature of witness is marked as Ex.P11(b). I now see Sketch Ex.P12, it bears my

signature. Signature of witness is marked as Ex.P12(b).

3. On 02.02.2021, at 6-6.30 p.m., I went to house of Benedict Karlo. The police brought the Accused No.1-Elma to the house of Benedict Karlo. The Accused No.1-Elma took us to room wherein Benedict Karlo died and showed the spot and then told she had hidden pillow in a room and took us to the said room, took one pillow and Bairas (Towel) underneath table and handed over to the police. The police have seized Pillow and Bairas. The police have prepared running Mahazar between 6.45 and 7.45 p.m. CW.9-Shivappa was also present. After preparing Mahazar, contents thereof read over and took our signatures on the Mahazar and sealed articles. I now see Mahazar, it bears my signature. The same are marked as Ex.P15 and 15(a). While conducting Mahazar the police took photographs. I now see 5 photographs, they are marked as Ex.P16.

4. I can identify Pillow and Bairas. Two sealed cloth packets are produced and the same are permitted to be opened. On sealed cloth packets IO seal and signature and signature of witnesses are forthcoming. Witness identifies Pillow and Bairas. The same are marked as MO.16 and 17.

5. Further Elma took us stating that she would produce Golden articles which were robbed. She took us to her house

situate at Areabeedu. CW.17-Sunil Fernandies, IO, Police were also present. She showed her house. In the house her brother and mother were present. She took inside the house, further took us into a room, she opened wardrobe and took out one bag. On opening of the bag, it contained a pair of hand bangle, one Yesu-cross, 7 finger rings and a pair of ear stud. The police have packed and sealed all the articles. The police prepared Mahazar between 8.15 and 9.00 p.m, read over the contents of the Mahazar and took our signatures on the Mahazar and sealed articles. I now see Mahazar, it bears my signature. The same are marked as Ex.P17 and 17(a). While conducting Mahazar photographs were also taken. I now see 5 Photographs. The same are marked as Ex.P18.

6. I can identify Golden ornaments. Witness identifies golden articles in Ex.P9 photograph. (Articles have been released to the interim custody of PW.3.)

7. I can identify Elma. Witness identifies the Accused No.1-Elma.

Cross-examination by Sri. VRA Advocate for accused Nos.1 and 2:-

8. The house of Benedict Karlo is adjacent to our house. We visit same parish.

9. It is true on 26.02.2021, I, family members of deceased and police had seen the place of death of Benedict Karlo.

10. I do not know when the Accused No.1 was arrested. After I went to the house of Benedict Karlo, the police came. I cannot say who led the police to the house of Benedict Karlo.

11. It is true in the Mahazar it is not written Pillow and Bairas were hidden under the table. In between 26.01.2021 and 02.02.2021 the family members of deceased were present in the house. I do not know how many Pillows and Bairas were in the house of deceased. It is false to suggest that the Accused No.1 did not show any Pillow and Bairas.

12. Before showing the place of incident, no document was prepared by the police. The police have not recorded confession statement of the Accused No.1 in my presence.

13. On 02.02.2021, before the police and Accused No.1 came to the house of deceased, PW.3 and 4 had visited the police station and returned back to house. PW.3 and 4 did not say anything about presence of Accused No.1 and gold articles in the police station.

14. After finishing spot cum seizure Mahazar in the house of deceased and before going to the house of Accused No.1 no written document was prepared.

15. We went in police Jeep. CW.17-Sunil came in motorcycle.

16. I do not know from where the Accused No.1 was arrested and I do not know if police had visited the house of Accused No.1 before her arrest.

17. When we went to the house of Accused No.1, her mother and brother were only present. Elma first entered the house, police followed her, I followed them.

18. It is false to suggest that Elma did not take any bag from wardrobe and did not show anything. It is false to suggest that police had kept bag with gold articles.

19. I do not know gold articles were in the police station before Elma took us to her house.

20. It is false to suggest that I do not know the contents of Mahazar. It is false to suggest that I have signed on the Mahazar at the request of police.

21. It is false to suggest that gold articles were not seized in my presence.

22. It is false to suggest that I have signed on all the Mahazars in police station.

Cross-examination by Smt. AN for Accused No.3:-

Submits 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.