

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

Sessions Case: 66/2020

PW: 2 (CW: 6)

Witness present and Duly Sworn on: 17.02.2026

Deposition of	:	Prem Kumar
Father/Husband Name	:	Prakash Bhandary
Age	:	27 years
Occupation	:	Chicken Stall
Resident Of	:	Puttige, Moodabidre.

Examination in Chief by Public Prosecutor :-

1. I know CW.7-Sudananda.

2. On 03.11.2016, the police called me in the midnight 1.00-1.30 to the police station. I and CW.7-Sudananda went to Moodabidre police station. CW.1-Ramachandra P.I. of Moodabidre police station told he had received information about transportation of cattle illegally and he sought our assistance. We agreed for the same. We left police station and went to Marooru Junction at 2.10 a.m. The police put barricades and waiting. We also stood along with police. One Qualis car came, the police announced in mike to stop the car, the driver of the car did not stop the car, he took reverse and proceeded back. The police gave information to other police

that the vehicle returned back. On giving information, the police who were present at Gantalkatte check post, waiting there. On seeing the police at Gantalkatte check post, the qualis car took reverse and proceeded towards us. The police who were present there in Gantalkatte check post gave information to us through walkie talkie. When we were waiting in Marooru junction, the qualis car again came, the police gave warning to stop the car, when the driver did not stop car, P.I asked police constable to fire, the police constable fired on air, the qualis car stopped, after sometime, again qualis car proceeded, though once again constable fired on air, the qualis car proceeded towards Shirthady road crossing barricades. We chased qualis car and held qualis car after around 1½ km. Driver of qualis car stopped the car. Two persons were in the car. After stop, they alighted and ran away. The police have checked the qualis car. We found 7-8 cattle in the car. All the cattle were tied with ropes. In dashboard two masks and two mobiles were also found. The police prepared mahazar and seized cattle, masks, mobile and car. Mahazar was completed at 5.00 a.m. I now see Mahazar Ex.P1, it bears my signature. Signature of witness is marked as Ex.P1(b).

3. I can identify masks, mobiles, car, cattle in photos and two persons who were in the car. Witness identifies masks. They are already marked at MO.6 and 7. Witness identifies mobile with SIM cards. They are already marked at

MO.1 to 3. Witness also identifies torch. They are already marked at MO.4 and 5. Witness identifies qualis car in EX.P2-Photographs. Witness identifies cattle in Ex.P3-Photographs.

4. On 06.01.2017, the police called us to the police station. In the police station the police showed two persons. We identified said two persons in the police station. I can identify two persons. Witness identifies two persons who are present before the Court as that of two persons identified in the police station.

Cross-examination by Sri. PPH Advocate for Accused Nos.1 and 2:-

5. the distance between our house and Moodabidri police station is 5 km. MY mobile no. is 8971438395. Inspector called me over phone. I had an acquaintance with inspector. I came an acquaintance with inspector while organizing tournaments. Earlier I had visited Moodabidre police station. One case is pending against me. I am convener of Vishwa Hindu Parishath, Gajakesari Puttige Branch. CW.7 is my friend he is not in VHP. I took CW.7 to police station. I was witness in one case.

6. We reached Moodabidire police station at 1.45 a.m. I do not remember how much time we were present in police

station. We reached Maroor cross at 2.00-2.30 am. We all went in one police vehicle. Police staffs alighted for jeep. I inspector and CW.7 seated in the jeep. Jeep was parked facing towards Shrithadi. Police checked some vehicles came on the road. Around 4.00 am. Qualis car came. We saw qualis car in a distance of 5-10 meters. I did not observe head light of qualis car was dim or dip. I do not remember if police jeep head light was on or off. Driver of qualis car Veered and returned back. The police did not chase qualis car. Within 10-20 minutes, the qualis car came again. I, CW.7 and inspector were seated in the police jeep. I an CW.7 were sitting in the back seat. We saw qualis car in 30-40 meters distance. I cannot say speed of the qualis car. Police fired twice. When the car was in a distance of 40 meters, first firing was made. Police jeep was parked on the left side towards Shrithadi. In front of jeep barricades were put. Two barricades were placed. Two barricades were placed by living space to move other vehicles. In the space left, one vehicle can be moved. Other police staffs were standing in front of barricade. Within 5 minutes another fire was made. The police chased qualis car in a distance of 1-1 ½ km. I do not remember exact time when the police intercepted qualis car. Other vehicle were moving on the road. Qualis car was parked by the side of road. The police staff chased two persons who ran away after alighting vehicle, but failed to catch them. Police inspector checked inside car. Police inspector first checked back side of the car and found

seven cattle then checked front side of the car. I cannot say inspector took how much time to check the vehicle. Inspector checked front side of the vehicle. The articles identified by me today were all in car when inspector checked the vehicle. Since we were present, we saw all the articles. Inspector took all the articles. I do not remember time at that time. I was present till 5.30 am. Police did not take photographs of car, cattle, articles and including our presence. Police were still present there, we went to our house. The police kept ready article to take them. They were not packed. No other public gathered at the spot. On that day we did not go to police station again. It is false to suggest that I signed in Ex.P1 in Moodabidri police station.

7. It is false to suggest that on 03.11.2016, the police did not call me and CW.7 to police station, the police did not take us to Maroor cross while checking the vehicle, the qualis car did not come, despite announcement made the qualis car did not take U-turn, the police did not give wireless give information another junction, on seeing the police at the another junction the qualis car did not come back to Maroor cross, when the police made announcement, the qualis car did not stop, the police did not make air fire twice, inspite of the same, the driver of the car did not proceed towards interior road, then the police did not chase and did not intercept car in a distance of 1 ½ km and did not hold the car. It is false to

suggest that the police did not verify the car and did not find seven cattle, 2 masks, 2 mobile, 2 torches in the car. It is false to suggest that the police did not prepare mahazar and did not seize aforesaid articles and cattle.

8. It is false to suggest that on 06.01.2017, the police did not call me and CW.7 to police station and did not show 2 persons, we did not identify them in the police station. It is false to suggest that though we were not present when the said alleged incident, I am deposing false. It is false to suggest that since I am actively involved in Hindu Organization, I am falsely deposing to the false case created by the police.

Re-examination: Nil.

(Computerized to my dictation in the open court)

ROI & AC

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