

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

Special Case: 153/2020

PW: 8 (CW: 5)

Witness present and Duly Sworn on: 24.12.2025

Deposition of	:	Hemachandra
Father/Husband Name	:	Ramu
Age	:	31 years
Occupation	:	Freelancer
Resident Of	:	Kairanagala.

Examination in Chief by Public Prosecutor :-

1. I know PW.1, PW.3, CW.6, CW.7, CW.8 and CW.9. I know Accused Nos.1 and 2 Abdul Aziz and Abdul Majid.

2. I know facts of the case.

3. On 19.02.2020, I had been to house of PW.1 and 3, my cousin sisters. At 8.30 p.m. when I, PW.1-Leela, PW.3-Sarojini and CW.7 were discussing by sitting in front of house, PW.3 went for bath. From the bathroom, PW.3 screamed, on hearing scream, I, PW.1 and CW.7 rushed towards bathroom, on seeing us Abdul Majid ran. When we rushed towards bathroom, he was peeping by standing on the brick through

open wall inside bathroom by taking bath by PW.3. Since I had seen him I know him very well. Though we followed Abdul Majid, he ran away but his motorcycle was parked by the side of road nearby house, when we too raised alarm, our neighbors Gangadhar, Umesha and Keshav came. By that time other villagers also came nearby bike. When we were standing near the bike, Abdul Aziz brother of Abdul Majid came. Abdul Aziz asked us not to file any case as his brother did not come to my cousin sister house. He also told since we belong to lower caste we cannot do anything even if we lodge complaint against them. On coming to know about the incident, beet police came to spot and asked us to lodge complaint. On the next day I and PW.1 went to police station. PW.1 lodged complaint. I wrote the complaint as per the say of PW.1. I now see complaint Ex.P1, it bears my signature. Signature of witness is marked as Ex.P1(b).

4. We belong to Mugeru comes under Schedule Caste. Accused belong to Muslim religion. They know we belong to Schedule Caste.

5. Motorcycle number is KA-19-EQ-3756. I can identify motorcycle. Witness identifies motorcycle in Ex.P4 to 7-photographs.

6. I can identify Abdul Majid and Abdul Aziz. Witness

identifies Accused present before the court as Abdul Aziz, then witness seeks to show the accused near to the camera, then he states the accused present before the Court is Abdul Majid. On enquiry with accused he states his name as Abdul Majid.

Cross-examination by Sri. MAM Advocate for Accused:-

7. The distance between my house and house of PW.1 is around 1 ½ km. I am doing freelancing work. I went to house of PW.1 on that day around 7.00 p.m. PW.1, PW.3, CW.6 and CW.7 were in the house. In the house of PW.1, there are three rooms and one kitchen. There is only one bathroom. Door of the bathroom is from the out of the house. Bathroom is attached to house but behind the house. I do not know exact distance between place wherein we were sitting and bathroom, may be it is 5feet. Light facility is available inside bathroom. Out side bathroom there is one electric pole and street light was fixed to the said electric pole. There is a road leads to the house of PW.1 and by the side of road electric police is situated. It is false to suggest that light was not on in the electric pole. It is false to suggest that before we reached bathroom, accused had already ran. We saw the accused in a distance of 2 feet. I, PW.1 and my senior aunt CW.7 rushed to bathroom. We tried to catch accused, but he escaped. Behind house of PW.1 there is forest. Front side road and other houses are situated. It is false to suggest that porcupines/wild

pig used to come near the house in the night hours. Withing 5 minutes on hearing scream, Umesh, Gangadhar and Keshav came.

8. Withing 15 minutes police came to spot. Before the police came, we did not give information to the police over phone. The police came to spot wherein motorcycle was parked. I do not know if police if police took motorcycle from the spot. The motorcycle was parked on the road in a distance of 200-300mtrs from the house. Several village people came to spot at that time. The said road leads to the house of accused. Police were present for about 20 minutes.

9. I do not know Abdul Aziz told to villagers he came to spot to take motorcycle which was stopped their on account of repair. I do not know motorcycle was parked there on account of repair. It is false to suggest that though I know Accused Abdul Aziz came to spot to take the motorcycle which was parked there for repair, I am falsely deposing he came to spot to take the motorcycle which was parked by Accused Abdul Majid. It is false to suggest that wild animals used to come near house of PW.1 in night hours. Witness states some times wild pigs come near the house, but there are no monkeys in and around the house.

10. There are houses surrounding house of PW.1. It is

true house of Narayan and Ravi are nearby the house of PW.1. I do not know houses of Hameed, Sharif and Ismail are nearby the house of PW.1.

11. On the next day at 1.00 p.m. we went to police station to lodge complaint. I and PW.1 went to police station. I wrote complaint in police station. It is false to suggest that as per the say of police I wrote complaint.

12. It is false to suggest that accused have no knowledge that we belong to S.C. PW.1 got compensation from Government. We helped to get compensation.

13. Except two bricks, there are no other things nearby bathroom. Surrounding bathroom is vacant place. For free movement of smoke, one window is kept in bathroom. It is false to suggest that though some wild animal came nearby the house, we thought somebody came near bathroom and filed false complaint against accused.

14. It is false to suggest that when Abdul Aziz came to take motorcycle, we and villagers enquired him. It is false to suggest that during said enquiry we abused Abdul Aziz. It is false to suggest that on the presumption that Abdul Aziz would lodge complaint, before that we lodged complaint against accused.

15. Police is present with me now. It is false to suggest that at the first instance I identified accused present before the Court as Abdul Aziz then on the tutor made by police I identified Abdul Majid. It is false to suggest that first time I am seeing accused before the court.

16. It is false to suggest that though I was not present on that day to help PW.1 and 3 I am deposing false as they are my relatives. It is false to suggest that I did not see accused Abdul Majid peeping bathroom on that day. It is false to suggest that no such incident had taken place as deposed by me. It is false to suggest that I am deposing false.

Re-examination: Nil.

(Computerized to my dictation in the open court)

ROI & AC

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