

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

Special Case: 157/2020

PW: 2      (CW: 3)

Witness present and Duly Sworn on: 29.09.2025

|                            |   |                |
|----------------------------|---|----------------|
| <b>Deposition of</b>       | : | Ganesh         |
| <b>Father/Husband Name</b> | : | Shivananda     |
| <b>Age</b>                 | : | 29 years       |
| <b>Occupation</b>          | : | Engineer       |
| <b>Resident Of</b>         | : | Permude, Bajpe |

**Examination in Chief by Public Prosecutor :-**

1. I do not know Manish. CW.2 Nithin Poojary is my brother. CW.4 Shivanand is my father. I do not know Dinesh. I do not know CW.6 to 15. I do not know CW.19 and 23. I do not know Accused persons who present before court. I do not know Accused person of this case. I do not know deceased Keerthi.

2. The police have not enquired me in this case. The police have not conducted any investigation in my presence. No Mahazar was conducted and noting was seized in my presence.

3. Five years ago, I do not remember date, my brother Nithin was admitted into A.J hospital with a history of accident. My father had taken my brother to A.J hospital. After recovery, my brother was discharged from the hospital.

4. A document is shown to witness, he identifies signature on the Mahazar. Witness states police called him to police station when his brother had sustained injuries in the accident and took his signature. Since witness identifies his signature on the document (spot mahazar dated 01.06.2020), the same is marked as Ex.P3 and Signature of witness is marked as Ex.P3(a).

5. Another document is shown to witness, he identifies signature on the document. Witness states police called him to police station when his brother had sustained injuries in the accident and took his signature on this document also. Since witness identifies his signature on the document (seizure mahazar dated 02.06.2020), the same is marked as Ex.P4 and Signature of witness is marked as Ex.P4(a).

***(at this stage, at the request of Public Prosecutor this witness has been treated as hostile and permission is accorded for cross examination)***

**Cross-examination by Public Prosecutor:-**

6. It is false to suggest that on 31.05.2020 at 8:30 p.m,

when I was in my house, I heard scream out of the house, I came out of the house and heard the said scream was near Kavya Circle, hence I went there and saw 7-8 young persons proceeded on 3 motorcycles towards Kateel, when I observed, I saw in one way of motorcycle Deepesh my relative and Suhas shetty was my friend in another motorcycle prashanth and two persons in more cycle Rathnakara Acharya, there were not wearing helmet on the spot, my brother nithin his friends Manish Jogi and Keerthi had sustained injuries, Nithin sustained injuries left shoulder and stomach, Manish Jogi sustained injuries over waist and Keerthi sustained injuries over head I consoled them, called Dileep and Naveen and secured car, at the same time my father also came to spot, Dinesh brought car bearing Reg. No. KA-19-MF-8134, Naveen came along with Pradeep in car bearing Reg no.KA-19-MD-7561, we took Nithish and Manish in the car of Dinesh, Pradeep Suvarna took Keerthi to A.J hospital. In the hospital Nithin and Manish were admitted as inpatients, on examination doctors declared Keerthi brought dead, when I made an enquiry with Nithin about the incident, he just told Deepesh his friends assaulted them, but did not give complete information as both Nithin and Manish were under treatment on the next day 01.06.2020 when made an enquiry with my brother Nithin, he told recently his friend Prasad fell into a well and sustained injuries and admitted in KMC hospital, with respect to the same Dipesh was spreading bad news

about Prasad, on 31.05.2020 at 6.40 p.m Manish called Deepesh over phone and requested not to spread bad news, in-turn Deepesh abused them over phone and abused them also, gave threat and he asked whereabouts of them and he would come there, in turn Manish told they were near the house of Nithin Poojary, Devaragudde, after sometime Deepesh and his friends Suhas, Gowtham, Umanath, Prashanth and 3-4 persons came on 4-5 motorcycles, started to abused him, Nithin Poojary and Keerthi and started to assault them with clubs and bear bottles which were holding in their hands, Deepesh assaulted on the head of Keerthi with bear bottle with an intention to kill, Suhas and other assaulted with club and Katthi, when Manish and Nithin went for rescue of Keerthi, they kicked Manish with legs and assaulted with clubs, further they made an attempt to kill Nithin Poojary with knife, Manish escaped from the brow however sustained injury over left arm when they raised Alarm, I and others took them to A.J hospital and admitted. Statement is read over to witness, he denies the same. Statement is marked as Ex.P5.

7. It is false to suggest that on 01.06.2020, the police came to spot, I showed this spot to the police, the police secured CW.18 and 19, the police inspected the spot in detail and prepared mahazar, on the spot the police also seized mud with blood traces, sample mud, Redmi mobile belongs to CW.2 which was lying on the spot, One Samsung mobile with

driving license which was kept inside mobile cover belongs to Keerthi which was also lying on the spot, One Vivo mobile with Rupee debit card which was kept inside mobile cover, two clubs at one place, another two clubs at another place on the spot, three bear bottles, one Yellow colour fiber pipe, all the aforesaid articles were seized, packed and sealed in separate cover and assigned A to M mark. Read over contents of mahazar and took our signatures on the mahazar Ex.P3.

8. It is false to suggest that on 03.06.2020 in the morning the police called me police station, in the police station Suhas Shetty, Prashanth, Deepesh, Mokshith, Dhanraj, and Megharaj were present and I was told they were arrested on 02.06.2020 along with motorcycle bearing Reg. Nos. KA-19-EK-2616 and KA-19-ES-9935, one Katthi, and two knives and clothes of the aforesaid persons, I also came to know Mokshith took motorcycle bearing Reg. No. KA-19-HD-2736 on the pretext of going to hospital and took the motorcycle to the spot and handed over the same to Rathnakar after the incident, accordingly my further statement was recorded, and identified the aforesaid accused persons in the police station. Statement is read over to witness, he denies the same. Statement is marked as Ex.P6.

9. It is false to suggest that on 10.06.2020, I went to police station along with cloths of my brother Nithin Poojary

CW.9 Yoshodhar also brought cloths of PW.1 Manish, the police secured Akshya and Charan Kotyan as panchas, I and CW.9 produced cloths of Nithin and Manish, the police after inspection of the cloths prepared mahazar between 10.15 and 11.30 a.m., seized them and packed in separate covers, and sealed and assigned and W.1, W.2, W.3 X.1, X.2 and X.3, read over contents of mahazar and took our signatures on the mahazar Ex.P4.

10. It is false to suggest that though I went to the spot immediately after the incident and saw accused persons on the spot who were proceeding after the incident, took the injured persons to the hospital and participated in Mahazar proceedings, in view of the compromise held between me, my brother, Manish and the family members of the Keerthi with the accused persons, I am deposing false.

**Cross-examination by Smt. SA Advocate for Accused Nos.1, 3 to 5 and 7:-**

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.