

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

Special Case: 143/2022

PW: 2 (CW: 2)

Witness present and Duly Sworn on: 27.04.2026

Deposition of	:	Kavitha
Father/Husband Name	:	Dinesh
Age	:	37 years
Occupation	:	Attender, Social Welfare Department.
Resident Of	:	Dharmasthala.

Examination in Chief by Public Prosecutor :-

1. PW.1 is my mother-in-law. I know CW.3-Suhas, CW.4-Bharath Kumar, CW.5-Ravija S. Rao, CW.6-Sunil Kumar, CW.7-Ananda, CW.8-Harish, CW.9-Rajnees and CW.10-Suresh Shetty. Deceased Dinesh was my husband. I know Accused Kitta @ Krishna.

2. We belong to Marati Nayaka which comes under Scheduled Tribe. The accused belongs to Bhant community. The accused knows we belong to Scheduled Tribe.

3. On 23.02.2022, in the morning my husband went to house of CW.5 for coolie work. Around 10.00 a.m, he came to

house to have tea. Around 10.45 a.m, he left house after having tea. At 3.00 p.m, my husband came back to house by holding his stomach. I enquired my husband. He told he was having stomach pain, in-turn I called my mother-in-law PW.1, she came. I and PW.1 enquired with my husband. My husband told Kittanna assaulted him on the stomach at 11.00 a.m, in front of shop of Kittanna. When we further enquired my husband he should have returned to house after assault, he told he went to house of CW.5 to work and then he came back. Even at 6.00 p.m, my husband did not wake up and still complaining stomach pain, PW.1 sent CW.8 to see my husband. My husband told before CW.8 Kittanna assaulted him on the stomach and he is having severe stomach pain and not even to stand. I and CW.8 took my husband in the car of CW.8 to Dhanvanthri clinic near Vaishnavi lodge. The doctor in clinic examined and gave tablet and told to get scanning if the pain is not reduced. On the entire night, my husband did not sleep on account of stomach pain and also did vomit, hence on the next day morning I took my husband in an auto rickshaw to Ashnini clinic, Ujire. Dr. Ashwini Udyavar enquired my husband, he told Kittanna assaulted him, she gave treatment. She referred for scanning, I took my husband to Spandana Scanning centre at Belthangady and scanning was done. After seeing scanning report, Dr. Ashwini told there was a damage to liver and asked us to get CT scan. I took my husband SDM Hospital, Ujire for CT scan. CT scan was done

in SDM hospital, Dr.Jyothish saw CT scan report and told liver and intestine were damaged and advised us to take my husband to Kanachoor Hospital, Mangaluru in ambulance as a surgery should be conducted at the earliest. By that time my mother-in-law sent CW.8-Harish and CW.9-Rajneesh to SDM Hospital. When I, CW.8 and 9 were about to leave from SDM Hospital in ambulance, the accused came and sat in front seat of the ambulance. Though the doctor in SDM hospital advised us to take my husband to Kanachoor Hospital, the accused who was sitting in front seat took us to KMC Hospital stating that MLA Harish Poonja was in contact with him and he would take care of. The doctor in KMC hospital told urgent surgery was to be conducted and asked us to deposit Rs.4,00,000/-. The accused took us to Wenlock Hospital stating that he had spoken with Harish Poonja and a necessary treatment would be given in Wenlock hospital. We reached Wenlock hospital at 7.30 p.m. The accused took my husband inside hospital and we were not allowed inside the hospital. I, CW.8 and 9 were standing outside the hospital. While admitting my husband, the accused gave history as my husband fell from stairs and sustained injuries. No treatment was provided from 8.00 p.m, to 11.00 p.m. At 11.15 p.m, blood sample was given to get the blood report from Private hospital as Wenlock Hospital would take 3 hours to get blood report. CW.8 and 9 took blood sample to KMC Hospital. At 2.51 midnight the doctor in Wenlock Hospital came and told

my husband was dead. On coming to know about death of my husband, the accused who was standing nearby door left the hospital and did not return to hospital. I gave information to our family members. When we demanded for body, the doctor told since it was doubtful death, unless case is registered, the body will not be given. The doctor also told my husband explained Kittanna assaulted my husband, but in the history Kittanna gave history as my husband fell from stairs. I told aforesaid to my mother-in-law. Since my mother-in-law was in house, she went to police station in the morning to lodge complaint. The brother of accused did not permit to lodge complaint. However in the afternoon, the police registered case and the police came to hospital at 2.00 p.m, and conducted their procedure. The police prepared Inquest mahazar and recorded my statement. CW.8 to CW.10 were present when Inquest was conducted. The doctor who conducted PME also told my husband died on account of blow given on stomach and on account of damage to liver and intestine. The police handed over dead body at 5.00 p.m. We took dead body and conducted funeral in our village on the same day. The accused side spread a news that my husband died on account of consuming over alcohol and damage to intestine. Wife of accused called me and asked me to tell the people my husband died on account of intestine and liver damage as a result of over consumption of alcohol.

4. On 26.02.2022, the police came for enquiry. I, my mother-in-law, Naveen and others went to Vaishnavi comforts. The police were present. The police verified CCTV recording. In the CCTV recording it was recorded, at 11.00 a.m, on 23.02.2022, my husband and accused exchanging words each other, the accused held collar neck of my husband and gave blow with knee over stomach of my husband, further dragged my husband and pushed on the stairs.

5. On 28.04.2022, the police came to our house and asked me to give photograph of my husband. I handed over photograph of my husband to the police. The police prepared mahazar and collected photograph. At that time CW.20 and 21 were also present. I now see Mahazar, it bears my signature. The same are marked as Ex.P4 and 4(a). One sealed cover with Cyber Bangalore seal is produced, the same is permitted to be opened. It contains one photograph. On reverse of the photograph signature of panchaas CW.20 and 21, IO, and Scientific Officer, FSL are forthcoming. Witness identifies photograph and states very same photograph was given by her to the police. One photograph with FSL cover are together marked as Ex.P5.

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

Accused files application on the ground counsel on record is

not keeping well and seeks time. Application is not supported with any medical records, hence no ground is made out, cross-examination is taken as nil.

Re-examination: Nil.

(Computerized to my dictation in the open court)

ROI & AC

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