

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

Sessions Case: 186/2022

PW: 5 (CW: 10)

Witness present and Duly Sworn on: 09.04.2026

Deposition of	:	David Albokark
Father/Husband Name	:	Fatric Albokark
Age	:	46 years
Occupation	:	Employee, Radha Medicals.
Resident Of	:	Kapitaniya, Kankanady.

Examination in Chief by Public Prosecutor :-

1. I know CW.11-Durga Prasad. Auto-rickshaw bearing Reg.No.KA-19-C-7549 belongs to me. I have handed over my auto-rickshaw to CW.11 in March 2020 for sale by executing GPA.

2. In January 2021, the police have issued notice to me and asked to furnish details of auto-rickshaw. I took Durga Prasad and went to police station on 31.01.2021. In the police station I came to know my auto-rickshaw was used for committing robbery and the auto-rickshaw was seized by the police. The police showed the auto-rickshaw. I and Durga Prasad identified auto-rickshaw. The police also told Thoufik

and Saifuddin used my auto-rickshaw for committing robbery. In the police station I came to know from Durga Prasad, he handed over auto-rickshaw to Thoufik. The police told me to get the auto-rickshaw released through Court. I handed over copy of R.C., GPA. I now see copy of R.C, and GPA, the same are marked as EX.P7 and 8. I got released an auto-rickshaw from Court. I now see four photographs of auto-rickshaw, the same are together marked as Ex.P9. I have auto-rickshaw with me.

Cross-examination by Sri. MAM Advocate for Accused Nos.1 & 2:-

3. The police have not recorded my statement.

Re-examination: Nil.

(Computerized to my dictation in the open court)

ROI & AC

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

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

Sessions Case: 186/2022

PW: 6 (CW: 11)

Witness present and Duly Sworn on: 09.04.2026

Deposition of	:	Durga Prasad
Father/Husband Name	:	Ramachandra
Age	:	29 years
Occupation	:	Mechanic, MRPL.
Resident Of	:	Gurubavu, Mangaluru.

Examination in Chief by Public Prosecutor :-

1. I know PW.5-David Albukarkar.

2. I have taken auto-rickshaw from PW.5 for hire on GPA in March 2020. I handed over auto-rickshaw to Thoufik for hire. On 30.01.2021, PW.5 called me and told our auto-rickshaw was seized by the police. I and PW.5 went to police station on 30.01.2021. The police told an assault was made by using auto-rickshaw. The police showed auto-rickshaw to us, we identified auto-rickshaw. PW.5 produced R.C. copy and GPA copy to the police. I now see copy of GPA Ex.P8. I can identify auto-rickshaw in photographs. Witness identifies auto-rickshaw in Ex.P9-Photographs. Police asked PW.5 to get

the auto-rickshaw released from the Court. He got released auto-rickshaw from Court.

3. I can identify Thoufik. Today 2 accused present before the Court. Witness identifies first person from right as Thoufik. On enquiry he reveals his name as Abdul Thoufik.

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

Cross-examination by Public Prosecutor:-

4. It is true I came to know from police the auto-rickshaw was used for not only assault, also for robbery.

Cross-examination by Sri. MAM Advocate for Accused Nos.1 & 2:-

5. Neither I nor Thoufik executed any agreement for giving an auto-rickshaw for hire. It is false to suggest that PW.5 handed over auto-rickshaw to the police. The police have not recorded my statement. It is false to suggest that I and PW.5 handed over auto-rickshaw to the police. It is false to suggest that I did not hand over auto-rickshaw to Thoufik.

Re-examination: Nil.

(Computerized to my dictation in the open court)

ROI & AC

II Addl District and Sessions Judge,
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IN THE COURT OF II ADDL. DISTRICT AND SESSIONS
(SPECIAL) JUDGE MANGALURU, D.K.

Sessions Case: 186/2022

PW: 7 (CW: 8)

Witness present and Duly Sworn on: 09.04.2026

Deposition of	:	Vijay
Father/Husband Name	:	Venkappa
Age	:	48 years
Occupation	:	Driver
Resident Of	:	Pemmanur, Mangaluru.

Examination in Chief by Public Prosecutor :-

1. I know CW.9-Kiran.

2. The police have not called me for conducting mahazar. About 4 years ago, I had been to police station for car hire, at that time the police took my signature on a document. Spot mahazar dated 26.12.2020 held between 10.00 and 10.30 a.m, is shown to witness, he admits his signature and states his signature was taken on that day. The same are marked as Ex.P10 and 10(a). He also admits signature on spot sketch. The same are marked as Ex.P11 and 11(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:-

3. It is false to suggest that on 26.12.2020, the IO called me and CW.9 to spot, CW.1 showed spot, the police explained case details to us and conducted mahazar between 10.00 and 10.30 a.m, read over contents of mahazar and took our signatures on mahazar and sketch.

4. It is false to suggest that though I assisted for conducting mahazar, now I am denying it.

Cross-examination by Sri. MAM Advocate for Accused Nos.1 & 2:-

Submits no cross-examination.

Re-examination: Nil.

(Computerized to my dictation in the open court)

ROI & AC

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

Sessions Case: 186/2022

PW: 8 (CW: 12)

Witness present and Duly Sworn on: 09.04.2026

Deposition of	:	Dr. Shahnavaz Manipady
Father/Husband Name	:	A.R. S. Manipady
Age	:	57 years
Occupation	:	Medical Officer, Highland Hospital, Mangaluru.
Resident Of	:	Mangaluru.

Examination in Chief by Public Prosecutor :-

1. Since 15 years, I have been working as Medical officer.

2. On 25.12.2020, at 1:00 a.m., an injured by name Jafar Hussain S/o. Rehamath Ali was brought by Anwar Hussain with an alleged history of assault near Bhagavathi Temple, Ullal. Since the injured came with a history of assault, I registered MLC case and sent an MLC intimation to the concerned police.

3. I examined the injured and found, Laceration, 3x1x1cm over the left aspect of back of head. I treated the

injured. Accordingly I issued wound certificate. I know see the wound certificate, it bears my signature. The same are marked as Ex.P12 and 12(a). According to me injury is simple in nature and fresh when I examined the injured. The injured was discharged on 25.12.2020. The injury sustained by injured is possible by use of Iron pipe.

4. On 24.02.2021, the IO sent a requisition along with weapon in a sealed packet to furnish weapon opinion. The said packet contained an Iron pipe. I examined Iron pipe and furnished opinion. After examination I repacked, sealed and sent Iron pipe to the IO. (In the charge sheet weapon opinion is not forthcoming). I can identify iron pipe. A sealed cloth packet is produced, it contained seal and signature. Witness identifies his signature on the sealed cloth packet. On opening cloth packet, witness identifies Iron pipe. Witness identifies his signature on Iron pipe also. The same is marked as MO.1. By use of MO.1 injury mentioned in wound certificate is possible.

Cross-examination by Sri. MAM Advocate for Accused Nos.1 & 2:-

5. If a patient comes to hospital, we register MLC. We have registered MLC in this case. We have sent MLC intimation to the concerned police. The name of assailant was not revealed by injured or attendant. From which weapon assault was made was revealed. I have not mentioned nature

of weapon in my wound certificate. It is false to suggest that if a person falls, the injury mentioned in wound certificate is possible. It is false to suggest that if a person comes into contact with any pole or wall, injury mentioned in wound certificate is possible. It is false to suggest that injured was not brought to our hospital on 25.12.2020, I did not examine and treat him. A requisition was given by the police to furnish wound certificate. It is false to suggest that at the behest of police I have issued wound certificate. It is false to suggest that on the request of police, I have issued weapon opinion and affixed signature on the Iron pipe. It is false to suggest that I have not issued weapon opinion.

Re-examination: Nil.

(Computerized to my dictation in the open court)

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