

IN THE COURT OF THE II ADDL.DISTRICT & SESSIONS JUDGE,
KODAGU-MADIKERI (SITTING AT VIRAJPET)

S.C.5014/2024

PW: 9

CW: 2

Duly sworn on 24.02.2026

Name of the witness	Dilbar Rehman
Father Name	Ayyad Ali
Age	26 years
Occupation	Coolie work
Residence & Mobile Number	Kadanga, Native of Assam

Witness knows only Hindi, Sri.VSP Advocate appointed as translator.

Examination-in-chief by Public Prosecutor:

1. About two years back, myself, CW.3 and 4 were working in Kunjalageri in the estate of Sannu.
2. On 18.10.2023 myself, CW.3 and 4 after attending estate work, in Kunjalageri, we were in the line house. At 7.00 pm PW.1 came and ask me, CW.3 and 4 to accompany him to his house at Bittangala. We reached the house of Pw.1

at 8.00 pm. PW.1 entered his house first, then we followed him. One person was holding stick on his hand. One aged person was lying on floor with blood injuries. PW.1 told us that his brother who was holding stick as assaulted the old man father. Thereafter, Pw.1 and ourselves shifted the injured to Virajpet Government Hospital. The person who was holding stick is present before the Court and identifying him as an accused.

3. MO.1 and 2 the sticks now shown to me may be the sticks which was in the hands of accused. After half an hour the injured was died. Police enquired me and gave statement. CW.3 and 4 are aware of the facts, which I have deposed.

Cross Examination: Sri.CPT, Advocate for accused:

4. In the year 2016, for the first time I came to Kodagu from Assam. We came here for work. Second time, I came to Kodagu in the year 2017 and worked till 2023. CW.3 and 4 are my relatives. After the incident, myself, CW.3 and 4

went to the Assam. We were residing in the line house of our owner. After finishing days work, I used to go for bed 7-8 pm. On 18.10.2023 myself, CW.3 and 4 have worked.

5. The distance between the owners house and labours quarters is about 40 mts. The labour quarters is situated in front of owners house. On 18.10.2023 myself, CW.3 and 4 were resided in the labour quarters. PW.1 was a driver of Sannu (owner) wife car. 2-3 days prior to incident, we have seen PW.1 in my owners estate.

6. Pw.1 was not spotted with children in the owner of house. My owners wife recommended me, CW.3 and 4 to accompany PW.1. We went in owners vehicle with Pw.1. At 7.00 pm we have seen PW.1-Kaverappa in the estate of our owner. At 7.00 pm I did not heard phone call came to PW.1. On that day, PW.1 wife (PW.2) was not in the house of our owner.

7. 20 days prior to incident, our owner Sannu was expired. We were 15 labours, out of which we three were taken. Out of 15 labours one among them was 35 years old. The wife of our owner as recommended us to accompany with PW.1, stating that there is a quarrel in his house.

8. We left 7.20 pm at Parane. Immediately, after intimation to us at 7.20 pm, immediately we left. Directly, we went to Bittangala. The car was stopped on main road at Bittangala and walked to the house of Pw.1 situated at a distance of 40 mts. Myself, CW.3 and 4 accompanied Pw.1 after alighting from car at Bittangala. There was no electricity from the place where car was parked to the house of PW.1.

9. Pw.1 entered us and we were made to stand on front yard and thereafter we entered into house. The door of the house was opened, Pw.1 without knocking the road, I entered inside the house. I heard the voice of injured with

pain. I had spotted the accused smoking beedi in the house with wooden stick. Accused was holding MO.1 stick, I think it is MO.1 only. The accused was in the hall inside the house. When I saw the injured, he was sitting on sofa by bending head and he was not in a position of talk.

10. Injured was screaming, but body was not moving. The injured did not pointed out anywhere. Injured did not had spectacles. In my statement, I had stated that Pw.1 first entered the house, thereafter he called her and we entered inside the house. We all witnessed that injured was sitting on the sofa. The blood was oozing from the head of injured, I do not know which side of the head blood was oozing. The blood was also oozing from the face. The blood was also oozing from ear, but I do not remember which side ear, the blood was oozing.

11. I did not see Pw.1 calling ambulance and police. Pw.1 has not stated anything about the vision of injured.

While carrying the injured to the car, nobody came and talk to PW.1. I do not remember what time we shifted the injured to the hospital. From the house of Chittiyappa-injured directly taken to the Virajpet Government Hospital. I do not remember, in which car the injured was shifted. Injured was kept back seat in the middle. Myself and CW.3 were sitting beside injured whereas Cw.4 was sitting on front side of the car. I was sitting on left side behind seat in the car.

12. The injured did not had spectacles, when he was brought to hospital. Myself, Pw.1, CW.3 and 4 have shifted the injured to the hospital and no public were present. We reached hospital at about 8.00 pm. We have gone to police station before 8.00 pm. After admitting injured to the hospital, PW.1 did not tell anything to us. It is not true to suggest that when injured was shifted to inside the car, myself, Pw.1, CW.3 and 4 assaulted him.

When first aid was given, I was present, police was also present. Within 10 minutes of reaching hospital, police came to the hospital. Treatment was commenced, after police came to the hospital.

13. Kaverappa took us back to our labour quarters. I had seen Pw.1 has gone outside hospital, but I did not know he went outside to get it prepare the complaint. It is not true that after incident, we left the Kodagu and today only I came. Every year, I came to Kodagu and stay 7 months every year. It is not true to suggest that PW.1 gave us money and sent us to Assam and today only I came. It is not true to suggest that at the influence of owner to help the PW.1 deposing falsely.

Re- Examination: Nil.

(Typed to my dictation in the open court)

ROI & AC

Sd/-

II Addl.District & Sessions Judge,
Kodagu-Madikeri(Sitting at Virajpet)