

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

**S.C.5010/2022**

**PW:4**

**CW:1**

**Duly sworn on 14.07.2025**

<b>Name of the witness</b>	<b>C T Jayakumar</b>
<b>Father Name</b>	<b>Thirumale Gowda</b>
<b>Age</b>	<b>56 years</b>
<b>Occupation</b>	<b>Additional SP, Chikmagalur</b>
<b>Residence &amp; Mobile Number</b>	<b>Chikmagalur</b>

**Examination-in-chief by Special Public Prosecutor:**

1. From 2019 to 2022 I have worked as Dy.S.P, Virajpet.
2. On 09.01.2021 I received information stating that in Arji Village in the Mistry Home Stay of accused No.1, the prostitution is going on immediately, I prepared complaint mentioning the vehicle number in which the persons used to transport the vehicle to supply to Accused No.1 and 2. Based on my complaint the case was registered by the Virajpet Town PS and

handed further investigation to me. Now I see the complaint, marked as **Ex.P.9, 9(a)** is my signature.

3. After registration of case, myself, CW.7 to 11 staff, CW.16 and 17 were secured to my chamber. I have informed the above said persons about the registration of case and for ride. Thereafter, we all proceeded towards Arji Village. On the way I have secured CW.5 and 6 as panchas by serving notice. They agreed to accompany us for ride.
  
4. When we were proceedings towards Arji Village, on main road, towards right side there was a house with iron gate. We stopped the vehicle there, we went near the RCC Building at 4.00 PM. The building consisting of first floor covered with glass. Through glass we saw three persons were sitting in the first floor. We rushed to said area through steps situated at the right side of the building. We found two persons sitting in the

veranda, one person on seeing us, jumped the building and ran away.

5. We questioned two persons i.e. one men and women, the lady identified herself as K S Hemalatha, W/o Santhosh. She is the wife of the owner of home stay building. When I had questioned other persons he identified himself as Shivaraj, S/o Thimmaiah works as Auto-rickshaw driver, resident of Kushalnagar. We informed the said two persons about the information we received and proposed arrive. They agreed and permitted to conduct ride.
6. Towards western side of the said area there were rooms, in one of the room on the northern side of the area, we asked the inmates of the room to open the door in presence of panchas. On opening the door, one male member come out from the room, another person was sitting on cot with lady in semi naked position. The person who opened the door also semi naked.

Through our women staff we made the women who was sitting on cot to wear cloths. We also made to male members who were in the room to wear the cloths. When we questioned the lady through WPC staff, she identified herself as Yasmin from Piriapatna. The said lady also informed us that one Shivaraj, the auto driver of Kushalnagar had brought her to home stay and produced before the owner Santhosh and Hemalatha, who intern they send them to room where two people from Kerala were there. She had also disclosed that accused No.1 Santhosh had paid Rs.4,000/- to her. As per words of accused No.1 Santhosh, she had sex with those two persons. The lady also informed that the Santhosh and his wife Hemalatha promised her to pay more money if she sex with more people.

7. I had questioned two male members who were inside the room, the person who was sitting on cot identified himself as Sujith/PW.3, resident of Iritty of Kannuru District, Kerala. The other person who opened the door identified himself as

Divakaran/PW.1, resident of Bythuru Village, Kannuru District, Kerala. Both persons on enquiry revealed that the home stay owner had demanded Rs.5,000/- each from them to have sexual intercourse with lady, they have Rs.8,000/- in the beginning. The remaining amount will be paid after vacating the room. They also revealed when lady came inside the room they had sex with her. We also found two condoms under the cot and unused eight condoms and one big cover. We secured all of them, the lady handed over eight notes of 500 denomination, which was kept under the pillow. The said amount was seized kept in the cover. Now I see the eight notes of 500 denomination currency notes, same is marked as **MO.1**.

8. The condoms were seized separately in plastic covers. Now I see two used condoms. Same are marked as **MO.2**. Now I see unused eight condoms and Kamasutra one cover. Same are marked as **MO.3 and 4** respectively. When we questioned about the person who ran away from the place, we came to know

his name is Santhosh. In the place of incident the photographs were taken at Ex.P.3 now shown to me. Now I see 7 photographs taken at the spot while conducting ride. The same are marked as Ex.P.10(series).

9. On enquiry regarding home stay with accused No.2, she had produced one customer register. Upon verification at Page No.128, there is an entry made on 17.12.2020 as a last entry, there is no mention of PW.1 to 3. The said registered was seized, the signatures containing panchas signature was pasted. I can see the said register if shown to me. It is not in the file as it is not produced.
10. Accused No.2 was questioned regarding license to run home stay, she did not produce it. Shivaraj had shown auto-rickshaw parked in front of home stay, stating that he has transported PW.2 in said auto-rickshaw. The said auto-rickshaw bearing No.KA-12-B-4275 with a sticker KTPS-346. Now I see

the photograph in which auto-rickshaw is appearing at Ex.P.10(series). We were also found accused No.1 house is situated on the ground floor of the building. We conducted mahazar regarding ride between 4.30 to 6.30 PM. The panchas signatures were taken. Now I see the mahazar which is already marked as Ex.P.2, **2(c)**. The accused now also signed in the mahazar. I took custody of two persons and came to the police station along with seized material and seized materials subjected to PF No.3/2021. Now I see the property form marked as **Ex.P.11, 11(a)** is my signature. Now I see the notices issued to the panchas same are marked as **Ex.P.12 and 13**, my signatures marked as **Ex.P.12(a) and 13(a)**. The PW.2 victim and accused No.2 were sent to Mahila Santhwana Kendra. Accused No.3 was arrested and kept in the police station.

11. I had issued memo to CW.17 to secure accused No.1. On next day, accused No.2 secured from Mahila Santhwana Kendra and arrested her, same day accused No.1 was produced by

CW.17 with report at 9.00 AM. Now I see the report marked as **Ex.P.14, 14(a)** is my signature. I arrested accused No.1 and recorded his statement. In his voluntary statement he has stated that he has earned Rs.8,000/- from the customers. Out of which Rs.4,000/- was given to PW.2. Out of Rs.4,000/- he had spent Rs.2,000/-, the remaining Rs.2,000/- with 500 denomination four notes before me. The said amount was seized and subjected to PF No.5/2021. Now I see the amount marked as **MO.5** with mahazar. In presence of CW.5 and 6. Now I see the mahazar marked as **Ex.P.15, 15(a)** is my signature. Accused No.1 to 3 were produced before the court with remand application. Thereafter, I have handed over further investigation to CW.18. Now I see the PF No.5/2021 form marked as **Ex.P.16, 16(a)** is my signature. Now I see accused No.1 and 3, present before the court, accused No.3 is absent, her identity is not disputed.

**Cross Examination: Sri.KNV Advocate for accused No.1 and 2**

12. After receipt of information I did not obtained search warrant of the court. I had impediment to obtained search

warrant. It is incorrect to suggest that the witnesses to the ride mahazar are stock witnesses. I do not know accused No.1 and 2 had filed complaint against villagers for having harassed them from running the home stay who belongs different places. I do not know that accused No.1 and 2 are residents of Kadanuru Village.

13. At the time of ride villagers were not present. Near the place of home stay, houses are situated but a different places. The neighbouring residential persons were not present therefore, they were not secured. It is incorrect to suggest that we did not found any auto-rickshaw and created the case.
14. It is incorrect to suggest that we did not noticed any persons in a semi naked position. It is incorrect to suggest that we did not seized MO.1 to 5 was not seized at the spot. I can not state the currency note serial number. It is incorrect to suggest that the alleged used and unused condoms not pertain to this case.

The chit containing signatures of witness is not affixed on cover, but it has come up. It is incorrect to suggest that there is no nexus between accused and this case. It is incorrect to suggest that the accused have not stated anything and nothing has been seized. It is incorrect to suggest that the mahazars are created in the police station, therefore, the neighbouring persons signatures were not taken. It is incorrect to suggest that the auto-rickshaw was not found and it was not used to transport PW.2. It is incorrect to suggest that for statistical purpose case has been registered against the accused. It is incorrect to suggest that the accused are running home stay legally as per the license.

15. It is incorrect to suggest that the photographs produced are not respect of this case. It is incorrect to suggest that I did not visit the spot and not seen anybody in the said house.

**Cross Examination: Counsel for accused No.3 adopted the cross examination of Accused No.1 and 2**

**Re- Examination: Nil.**

(Typed to my dictation in the open court)

ROI & AC

Sd/-

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