

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

S.C. 5021/2024

CW: 3

PW: 2

Duly sworn on 10.06.2025

Name of the witness	Divya N D
Husband Name	B T Bopaiah
Age	38 years
Occupation	Staff Nurse
Residence & Mobile Number	Kengeri, Bengaluru.

Examination-in-chief by Public Prosecutor:

1. PW.1 is my father, CW.2 is Mallige is my mother. She was passed away on 06.04.2025. CW.4 Navya is my sister. CW.5 is accused daughter. CW.6 is my husband. Accused present before the court is my deceased sister husband.
2. We are 3 sisters to my parents. Deceased Soumya is my elder sister. I am the second daughter, CW.4 is third daughter. My marriage was held in the 2011 and residing in the Bengaluru. Deceased marriage was held in the year 2008, she has 2 children. After marriage deceased Soumya resided at Bengaluru with

accused and children. In the year 2014 the accused and his family moved to Mysuru.

3. After marriage about 5 to 6 years the accused and his wife were in quarrel. After marriage the accused used to suspect his wife, deceased sister used to share said facts with me. In the year 2014 the accused has lost his job, thereafter he stated depend my parents, he used to demand money to my parents through my sister. My father used to bare educational expenses of accused children. My sister used to tell the accused to go for job and not to depend parents.
4. The accused persistently demanding my sister to bring the amount from my parents. The accused threatened my sister in demanding money, it not she should not come to house. My father advised the accused not to quarrel with deceased. My father has fulfilled the demands of the accused. In the year 2020 there was quarrel between accused and his wife. The accused physically tortured my sister. He has not allowed my sister to speak with me and another sister. My sister has disclosed the said packs to my sister, parents and my husband. My father advised my sister and join the accused.
5. In the month of November 2022, the accused and his family came to parents house to celebrate Uttari Festival. Whenever my sister

ask anything to accused, used to tell her to get amount from father. Many time I had sent amount through Phone Pe to my sister to purchase innerwear of my sister elder daughter. The accused not allowed my sister to speak with me, not allowed her to visit my house as well as her parents house. The accused not allowed my sister to visit my parents house when myself and another sister visited.

6. The accused not allowed his wife to speak with me, she will speak through phone in absence of accused. On 21.11.2023 at 08.00 AM my sister called mother through phone stating that the accused torture her, for not properly cooking dosa and thrown dosa on her face. She also stated that she will go to police station, my mother asked he to go to Gonikoppa and father will come. These facts are informed by my mother on same day at 08.30 AM, I did not call my sister with fear of accused quarreling with my sister. My father had waited at Gonikoppa, my sister did not meet my father. At 4.00 PM accused called my father stating that his wife is not found and inquired about her.

7. On that day my sister did not come to my house, we have searched my sister she did not traced. The accused had given information to police about missing of his wife on 21.11.2023. On 23.11.2023 at 07.00 AM we came to know that my sister dead body was floating in Keeri Hole situated near the house of accused. We

have visited there and identified my sister dead body, the police also came there. Police conducted inquest mahazar and I had given statement. Police also recorded my statement. My sister committed suicide due to physical and mental torture given by the accused.

8. The dead body appearing in 4 photographs now shown to me is that of my sister, same are marked as Ex.P.3 to Ex.P.5 respectively. My husband CW.6 is aware of facts which I have stated.

Cross Examination: Sri.BSP Advocate for accused.

9. The complaint filed by my father on 23.11.2023 at 09.15 AM at Ex.P.1 is in my handwriting. Ex.P.1 complaint was written as per say of my father. In Ex.P.1 complaint it is not mentioned that I have sent amount to my sister to buy innerwear to her daughter. In Ex.P.1 complaint it is not mentioned that accused not allowed his wife to visit my parents house whenever myself and another sister visit. In Ex.P.1 I have not stated that the accused did not allowed his wife to speak over phone with me and she used to call me after crossing stream.

10. On 21.11.2023 at 4.30 PM I came to know from my mother that my sister was missing. On 22.11.2023 at 9.30 AM myself, my husband, my younger sister and my father visited the house of accused, at that time villagers were not there. The accused and his 2 children were in the house. The children came and talk to us. On that day at 04.00 PM police came to the house of accused. At that time the neighbors came there. On that day we were there vicinity of accused house upto 7.30 PM. There were 4 police were there upto 7.30 PM. All 4 returned along with us. The police at that time enquired me and my parents in the house. In our presence the accused children were not enquired by the police, they may have enquired them in our absence. The accused was also in house at that time. We have informed complete details to the police about the torture given by the accused.
11. The police while recording our statements video graph. Statement were recorded in writing. Again on 23.11.2023 at 09.30 AM police enquired us in the police station. Police recorded our statements twice. In my statement 23.11.2023 I had stated regarding the incident of December 2020 came to know through my father. In the month of December first week of 2020 there was incident. In December first week of 2020 the incident which was informed to me by my sister is stated before the police.

12. I had given statement to the police regarding the incident that occurred in the month of November 2022 when sister came to parents house of father to celebrate Utthari Festival. I did not visit the house of father for Utthari Festival, but CW.4 and children visited father house. My mother informed about the incident that took place during the Utthari Festival. I did not file complaint to the police when my sister told me about the torture of accused. In my statement to police I had stated that the accused since from the marriage stated suspicion about his wife. Before police I had stated the amount transferred and paid several time to my sister for purchase of inneweares to her daughter. Two times amount was transferred by phone pe and remaining times amount was given to my mother. Witness volunteers, the accused did not recharge the phone of his wife at any time, either myself or my younger sister used to recharge my deceased phone. The above said fact was stated before the police on 22.11.2023.

13. I have not handed over the documents to the police having sent amount to my sister through phone pe, but I had stated to the police having sent amount through phone pe. I had stated to the police that I have recharged mobile phone of deceased, but not handed over the documents. CW.4 has also stated in her statement about above said facts. Through phone pe I had sent around Rs.10,000/- to my sister. I had given Rs.10,000/- to my mother to

give to my sister. 10 years prior to death of my sister I used to pay the amount to my sister. I had also recharged mobile phone of my sister since 10 years before her death.

14. Accused is residing at Besagooru Village since 5-6 years. It is accused ancestral property. I do not know what extent of paddy and Coffee estate is owned by the accused. The deceased had not filed any complaint against the accused, the parents did not allowed her to file complaint. It is true since from the date of my sister, her children are residing with accused. My sister had not taken medical treatment in respect of alleged physical assault. I deny that at any point of time the accused has not given physical or mental torture to my sister. I deny that on 22.11.2023 I did not give any statement to the police. I deny that on 23.11.2023 at 09.30 AM in the police station I did not give any statement with regard to alleged physical and mental torture of accused. I deny that myself and my sister after discussion falsely filed case against the accused. I deny that the deceased at no point of time informed me about alleged torture of accused. I deny that my husband is not aware of facts of the case.

Re- Examination: Nil.

(Typed to my dictation in the open court)

ROI & AC

Sd-

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