

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

Spl.Case.5028/2023

CW: 3

PW: 3

As per the order dated 19.03.2025 on 311 Cr.P.C. R/W Section 348 of BNSS application, Witness recalled and duly sworn on 06.06.2025.

Cross-examination by Sri.PMC Advocate for Accused.

1. **Que:** On 18.05.2023 what you were doing ?

Ans: I was sleeping.

2. I have completed SSLC. I am residing in Mugutagari, Kunda Post, Ponnampet Taluk, Kodagu District. I am residing in my estate. My estate is measuring about 10 acres. I have not handed over my estate documents to Investigation officer. In my house myself and wife are residing. In my estate apart from myself and my wife, my son and my daughter in law also residing in adjacent house.

3. In my estate 2 workers are working. In my estate there are 3 labour quarters. I have obtained license from the Gram Panchayath to construct labour sheds.

Que: Do you say the labour sheds number assign by the Gram Panchayath?

Ans: Earlier it was used for home stay, same has been covered in to labour sheds.

4. To run home stay I had taken permission from the concerned authorities. No number has been assigned to home stay building by the authorities. I have not handed over home stay documents to the investigation officer. Labour sheds had electricity connection, now it is not there. I have taken separate electricity connection to labour sheds. I did not handed over electricity documents to investigation officer.

5. I have not maintained any registers in respect of labourers as prescribed by the labour department.

Que: Did you maintained any books in respect of labourers engage by you?

Ans: I use to maintain the books, but subsequently as on day I had destroyed.

6. I have not maintained any documents in respect of labourers. I do not have specific information about the labourers who comes to my estate for work. I say some of the labourers use to come from out side, after work they will go. I deny that my estate is measuring 10 acres I do not have any

information about the developments/events that took place inside the estate.

7. I had installed CC TV cameras in respect of home stay.

Que: In the said cameras 24x7 invents will be recorded?

Ans: home stay was stopped about 7 years back, no such recording is available.

8. Presently CC TV Cameras are not working in the place where home stay was existed. I have not installed street light in my estate. My house in the estate is situated in one side. The distance between my house to labour shed is about 150 feet. There is a separate passage to access to labour sheds from my house. Any sound from labour shed could be heard in my house. Since 2 years labourers were staying in the labour sheds.

9. Before employing the labourers I did not take precautions, but every day I use to keep watch on them. Labourers are from Alemada Mane. I use to keep labourers who are having good conduct. One portion of labour shed was let out on rent of Rs.200/- to Srinivas. I did not entered into any documentation with the Srinivas. Every day I use to sleep around 9.00 PM.

10. It is to in every estate the labourers use to consume alcohol and make quarrels. East- my property is situated. West- main road, North- Chayanda Estate and South- Neravandavara conversion site. There are labourers quarters in the estate situated adjacent to my estate. No labourers will come to my estate same way my labourers will not visit other estates. My estate is enclosed with the barbed wired fencing.
11. I will not lock the estate gate on every day. Labourers were staying in the my estate will have access and ingress through main gate. I can not say after 9.00 PM who will come to my estate through main gate. Home stay boundaries, East- by Madrira Gadde, West- My estate, North- Chayanda Gadde and South- Madrira Gadde Tota. I did not inform the boundaries to the police as they did not ask me.
12. The measurement of 3 labour sheds 15x10 feet each. Each labour shed has separate wash rooms, it measures 5x6 feet each. Each shed has two windows including wash room. Each labour shed is separate from other shed. Windows are made of wood and iron rod frame. Measurement of windows 3 feet width and 4 feet length. Window shutters are made with wood and glass.

Que: The windows are with good quality, can not be pass through by any person?

Ans: In hall window any person can not pass through, but in wash room window by breaking glass person can pass through.

13. Any person with a physic of 5.10 feet length, width of 4 feet can pass through the window, I say person has passed through the window on that day. It is to in estate electricity is disconnected frequently in the night. On the date of incident there was electricity. I did not install UPS or Solar lighting. At a distance of 300 feet from my estate there is one petty shop on main road. Around my estate there are no liquor shops. It is true generally after work labourers go out for liquor shop. Generally some estate owners use to give liquor as a incentive to there labourers. I am not giving any liquor to my labourers as a incentive. I am aware that labourers was stay in my estate use to have alcohol. I am aware of at what time my labourers use to have liquor. During work I did noticed from workers having consumed alcohol. After finishing estate work every day my labourers go out for liquor shop.

14. In a two years tenure there are instants of quarrel after consuming alcohol by the labourers. My labourers once in a week use to quarrel. Every week husband and wife use to make quarrel. I did not intervene during the such quarrel between husband and wife. In the month of May there will be work of Coffee shade loping and Coffee trimming. Out side workers use to come in a jeep after finishing work they will go back. My permanent labourers will never worked along with out side labourers. My labourers have no connection with out side workers.

15. The relatives or adjacent estate labourers will not come to my estate labourer sheds. Halemada Somanna estate is situated at a distance of 15 km from my estate. I had enquired with the family back of PW.1. It is true that deceased and earlier married to one Shankar. I am aware that PW.1 induced the deceased and brought her to my estate. PW.1 did not inform me that Shankar had grudge against the him and Monni. I deny that I was aware that Shankar had enmity against PW.1 and deceased and I am deposing falsely before the court.

16. I deny that frequently Shankar use to visit my estate labour sheds and make quarrel and I am deposing falsely

before the court. I am aware that deceased had two children. They are not residing in my estate. Before the letting out one of the labour shed to Srinivas I did not obtained identity documents to him. The parents of labourers were not staying in my estate labour shed. Barbed fencing wire can be cut with cutting player and come inside my estate. I deny that labourers had technic to cross barbed wire fencing.

17. I deny that the Shankar had committed the incident, taking that the Shankar who is having anybody against the PW.1 may trouble him, he being obedient labour, to save Shankar, falsely implicated the accused in this case. I deny that I did not visit that spot, I have falsely deposing the before the court. I deny that I have not given any statement before the police and not taken anybody to the hospital. I deny that the accused was staying in my labour shed on rent, he did not come to my estate work as such I am falsely deposing against him.

Re- Examination Nil.

ROI & AC

Sd/-

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