

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

S.C.No.5028/2024

PW:2
CW:2
Duly sworn on 18.12.2025

Name of the witness	Dyan Devaiah
Father Name	Prakash
Age	22 years
Occupation	Studying
Residence & Mobile Number	Aruvathoklu

Examination-in-chief by Public Prosecutor:

1. PW.1/Nethra is my mother. Deceased Prakash is my father. CW.3/Chethan, CW.4/Kaverappa, CW.5/Sachin, CW.6/Subramani, CW.7/Prathap, CW.8/Shreyas, CW.9/Machaiah are my neighbours. CW.9 is son of accused No.1, CW.10 is the wife.
2. There is no talks and cordial relationship between my family and accused No.1 family in respect of property

dispute. Our property is situated by the side of accused property at Begur. On 30.03.2024 at 9.00 am my father has asked me to supply diesel and grocery items to the workers working in the estate. Accordingly, in jeep after taking diesel and grocery items, I went estate. Around 11.15 am I left estate with jeep. Around 200 mts from our estate while I was coming in a jeep, the accused No.1 came in a Brezza car in opposite direction along with CW.3/Chethan.

3. Since the road was narrow, it was not possible to pass two vehicles at the time. Accused No.1 got down from his vehicle and asked me to take jeep by the side of the road. I told him to go backwards. Accused No.1 locked the car by blocking a road and went towards his house by scolding me stating that ಸೂಳೆ ಮಗನೆ, ಬೋಳೆ ಮಗನೆ ಇವತ್ತು ನಾನು ಯಾರು ಎಂದು ನಿನಗೆ ತೋರಿಸುತ್ತೇನೆ.

4. At that time, my father called me over phone, I disconnected and thereafter I called my father, my father asked me about quarrel, I told him that accused No.1/Subramani blocked the road, car was locked and went to his house. I followed accused No.1 towards his house upto his gate and told accused No.1 to remove the vehicle from the road. Accused No.1 and CW.3/Chethan went inside the house.

5. Accused No.2/Chubra was present near the gate of accused No.1's house, I told him to bring accused No.1 to remove the vehicle from the road. By the time, my father came to the spot. I narrated the facts to my father. My father told the labour accused No.2 to tell accused No.1 to remove the vehicle. My father called me to go away from the place, at that time ದೊಡ್ಡಪ್ಪ (accused No.1 Subramani) came with double barrel gun from his house. He loaded the gun in our presence and suddenly shoot my father, my father fell

on cement ground near the gate. Immediately, I try to snatch gun from the hands of accused No.1, at that time accused No.1 instructed accused No.2 to caught hold me, accordingly, accused No.2 held me, I pushed him and try to grab the gun from the hands of accused No.1, accused No.1 pushed me and fired on left side of my shoulder just below the left side of neck (Witness showing the healed wound mark to the Court). I fell down at a distance of 10 steps. Immediately, I picked up my phone and called to CW.6/Subramani and narrated him that accused No.1 has fired me and my father with gun and asked him to come immediately to the spot.

6. By that time, CW.3/Chethan, CW.10/Geetha (Accused No.1 wife) came there. I requested them to provide water to drink. One labour gave me the water. At that time, CW.5 Sachin came there. I gave jeep key to CW.3 to take my father to hospital for treatment. Cw.3 told me that he

does not know the drive. Accused No.1 with gun was standing by the side of dead body of my father. CW.9, CW.3 and 5 shifted me to the Brezza car of accused No.1. Accused No.1 was not allowing to shift my father from the place. CW.4 was taking me in a car, at a distance of 200 meters, Cw.6 and 7 were coming to the spot. Myself and CW.4 and 5 told them to shift my father to the hospital.

7. I was shifted to Gonikoppa Government hospital, after first aid, I was shifted to Mysuru Apollo Hospital. I had undergone two surgeries. The doctor has told me half of the pellets were removed, and remaining are still in the side, which are not removed due to complications. Subsequently, I came to know father was died. I had taken treatment about 1 week in the hospital. Around 5-6 lakhs were spent towards medical expenses.
8. Now I see the crime scene appearing in Ex.P.2, 3 and 6. In Ex.P.4 and 5 my jeep is appearing. In Ex.P.2 photo, my

father had sustained bullet injury and collapse is appearing with blood stain. The said portion is marked as **Ex.P.2(a)**. The place where accused No.1 has fired at me and my father is appearing in Ex.P.2 and said portion is marked as **Ex.P.2(b)**. In Ex.P.2 place where my father has collapsed with bullet injury is appearing with blood stains in Ex.P.3 and said portion is marked as **Ex.P.3(a)**. In four photographs, accused No.1 showing the place where he has fired the gun and place where the deceased was shot dead. The four photographs are marked as Ex.P.12 to 15.

Court Que: What is the distance from gate to the house of accused No.1?

Ans: 152-200 feet distance.

Court Que: What is the distance from the place where accused No.1 has blocked the door by locking the car and to his house?

Ans: 200 feet.

9. My jeep is appearing in Ex.P.4 where accused No.1 has blocked the door by locking his car. The photo now shown to me the mud road is leading towards house of accused

No.1 from main gate. The said road is marked as **Ex.P.16.**

The house of accused No.1 is appearing and it is marked as **Ex.P.17.**

10. Sealed gun is open before the Court, witness identified the double barrel gun, used by accused No.1 as a weapon to fired me and my father. It is marked as **MO.5.**

Court Que: What was the duration/time taken by accused No.1 from locking the car after blocking the door, he went inside the house, brought gun, loaded in our presence and to fire?

Ans: 10 minutes.

11. I came see my cloths worn at the time of incident, I see the same and which are already marked as MO.2 to 4 which are blood stained. MO.1 is the blood stained cloth of my father and identifying the same. Now I see the dead body of my father, appearing in Ex.P.7 to 11 photographs. During surgery, the doctor has collected some of the wad from my body and shown to me.

12. Now I see the same by opening the sealed article, is marked as **MO.6**. Now I see the pellets collected during surgery and shown to me by the doctor. The two sealed articles are opening one pellet and eight pellets (together), same are marked as **MO.7 and 8** respectively. I can identify the accused if shown to me. Two sealed articles are open before the Court, two empty cartridges which were loaded in my presence by accused No.1. Same are marked as **MO.9 and 10**.

13. I have given statement in the hospital. I have given statement before the Judge, Virajpet. Now I see the 164 statement, is marked as **Ex.P.18, 18(a)** is my signature. I can identify the accused No.1 and 2, if shown to me, their identity is not disputed by the counsel.

Cross Examination: Advocate for accused Sri.VSP submitted that accused No.1 has hospitalized, no instruction for cross examination. Prayer is rejected (for the reasons stated separately in the order sheet).

(Typed to my dictation in the open court)

ROI & AC

Sd/-

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