

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

S.C.No.5028/2024

As per the order dated 29.01.2026 on 311 of Cr.P.C application witness recalled and duly sworn on 06.03.2026.

Cross Examination: Sri.SP Advocate for accused.

8. I studied upto 2nd PU discontinued. Since 5-6 years working as planter. In respect of property there was dispute between accused No.1 and deceased. I do not know in respect of which property there was dispute between them. My estate is situated adjacent to estate of Prakash. After property of Prakash, Kiran property is situated and thereafter, the property of accused No.1 is situated.

9. The road appearing in Ex.P.14 photo towards right side and straight of the compound gate proceed towards estate of deceased Prakash whereas left side road proceeding towards village. Deceased used to go in the Village road situated by the left side of compound gate appearing in Ex.P.14 photo. I do not know the

lorry and theppa belongs to Prakash was seized by the police. I am aware that Prakash was lifting sand illegally but not seen.

10. I am not aware of Criminal cases registered against Prakash. I do not know any Civil cases in respect of property dispute. I do not know the dispute between accused No.1 and deceased only in respect of complaining of illegal transportation of sand and no other dispute. I do not know in respect of illegal transportation of sand, there were quarrels between the family of accused No.1 and deceased.

11. Accused No.1 has no approach road to reach his house except Hudikeri-Ponnampet main road from there Kaccha/mud road towards his house. My estate is situated at a distance of 300-400 meters from the accused No.1 compound gate. From my estate to reach accused No.1 compound gate 5 minutes is required by walk.

12. At the time of incident I was a distance of 800-900 feet from accused No.1 compound gate. I can hear any sound within 1 k.m radius.

Q.: First one gun shot was heard, thereafter within 12-18 minutes two more gun shots were heard by you?

Ans: I do not know timings, but back to back gun shots were heard.

13. After hearing gun shot within 5 minutes I reached to spot. Meanwhile PW.3 called me over phone and stated about the gun firing and thereafter I reached to spot. I had taken PW.2 to the Hospital. I have not given statement to the Police but they called me to Mahazar. CW.9 was in the driving seat to shift PW.2, and he asked me to drive the car. When I reached the spot, by the time PW.2 shifted to car. Before CW.9 handing over car to me for driving, he had driven the car about 10 meters.

14. When I get into a car to drive, by the side Jeep was stopped. I had seen one jeep, belongs to Prakash. I did not see any vehicle behind the car in which I was started to drive. Myself and PW.5 together sat in the car. When we were turning towards

Ponnampet road PW.6 and CW.7 came there. I told PW.6 and CW.7 that I am taking PW.2 to the Hospital and asked them to attend Prakash at the spot. Except the above said conversation nothing has happened between us. PW.2 was conscious talking, but not talking fully. After PW.2 was left in the hospital at Gonikoppa, with the same car I went to house of Prakash and informed to PW.1.

15. I did not go near the gate of accused No.1. I had informed PW.1 regarding the incident stating that PW.2 narrated the incident. It is not true to suggest that I have not narrated the incident to PW.1, and PW.2 was not position to speak. Within 10 minutes from Government Hospital, Gonikoppa to the house of PW.1 from there within 10-15 minutes I reached the spot.

16. When I reached spot, the police has also arrived at spot. I do not know how many vehicles were there at the spot. I do not know how PW.1 returned to her house. PW.1 was present at the spot until shifting dead body to the Hospital.

17. I do not remember between what time to what time mahazar was prepared. I am not fully aware of contents of Ex.P.21. Myself and PW.6 signed the mahazar. I do not know any other person signed the mahazar. I do not know the name of police personnel who written the mahazar. Before mahazar samples were collected. I am aware what all the articles collected and preserved. Blood was collected at the spot. Collected the blood by wearing gloves.

Q.: In your presence Ex.P.21 mahazar was not written?

Ans: I do not remember but I signed at the spot.

18. I do not know who had shifted the dead of Prakash into jeep. I had seen taking photographs. I not remember what are the other things found inside the jeep where Prakash dead body was kept. It is not true to suggest that in the jeep there were one Machete, Hockey stick and single barrel gun were found. It is not true to suggest that I was not present at the time of Mahazar, I had signed the mahazar in police station.

(Typed to my dictation in the open court)

ROI & AC

Sd/-

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