

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.HA Advocate for accused.**

1. I am residing at Arvathoklu. PW.3 to 6 and CW.7, 8 and 9 are not the residents of Arvathoklu, they are residents of Begoru Village. PW.3 Chethan is Electrician, I do not know whether he has electric shop or not. PW.5 Sachin working in Bengaluru or Mysore.

**Q.:** PW.6 Subramani and CW.7 Prathap are friends of your father?

**Ans:** They are from neighbours of our estate.

2. It is true my father was in Politics. I am also in Politics. It is true I am Youth Congress block president. Between my family and accused No.1 family since 10 years, Civil dispute

is exist. I do not know any cases pending before the court in respect of my family and accused No.1 family.

3. I am not party to any of the Civil disputes. I can identified the signature of my father. I cannot identify the signature shown to me in xerox document by way of confrontation. I do not know that the statement confronted to me was given by my father before CPI, Gonikoppa in respect of accused No.1 alleging threat and tracking his moments against my father. It is not true to suggest that though the signature appearing in the document confronted to me belongs to my father, deposing falsely stating that I am not able to identified it.

4. I studied upto 10th Standard Coorg Public School Hostel in Gonikoppa. I studied PUC at Mangalore. It is true in 10th Standard I left Coorg Public School and joined Sai Shankar School, Ponnampet. I say ICSE syllabus to State syllabus, I shifted the school. It is not true to suggest that I

was removed from Coorg Public School for the reason that I was taking drinks and smoking in hostel and spoiling atmosphere of the hostel.

5. It is not true to suggest that against my father many criminal cases were registered. It is not true to suggest that against my father the cases in respect of assault, illegal transportation of sand and stocking urea and selling illegally were registered. I have no idea even now CC.197/2022 Criminal case is pending against my father in JMFC., Ponnampet. It is not true to suggest that my father in illegal transportation of sand cases pleaded guilty and paid fine.

6. Presently we have two Tipper vehicle, one Car, two Jeeps. I do not remember Tipper vehicles number. I do not remember that KA-21-F-4111 is one of the Tipper lorry belongs to us. I did graduation in Mysore. I used to come to native whenever I got holiday.

7. Whenever I came to Village on holidays, I was assisting my father in his works. It is not true to suggest that I was also engaged with my father in illegal transportation of sand. It is not true to suggest that accused No.1 and late Kiran had given information to police against my father for illegal transportation of sand. It is not true to suggest that my father in the year 2016 assaulted accused NO.1 for having informed to Police about illegal transportation of sand and case in Crime No.26/2016 was registered.

8. It is not true to suggest that on 30.03.2024, Tipper lorry has passed in front of accused No.1 house to load the sand. It is not true to suggest that accused No.1 has cautioned the driver of Tipper lorry as well as labourers that he would informed police about illegally lifting and transporting the sand.

9. It is not true to suggest that the driver of Lorry and laboureres have inform my father about accused No.1 cautioned given to them to pass information to police. It is not true to suggest that thereafter myself and my father both I went near the house of accused No.1.

**Q.:** In respect of the above sand matter you and your father taken the jeep in front of accused No.1 house and found accused No.1 was not in the house?

**Ans:** In respect of above sand matter, I did not went near the house of accused No.1.

10. It is true in front of accused No.1 gate on east west road is exist and appearing in Ex.P.14 photo. It is true opposite to accused NO.1 gate in straight there exist a road, I said it is estate road. On either side of said road the properties belongs to me as well as accused No.1. It is not true to suggest that accused NO.1 property is not situated by the side of that road. The width of said road is one vehicle can pass.

11. It is not true to suggest that the Hudikeri road is connecting the road situated opposite to accused No.1 gate. It is true the properties belongs to us, accused NO.1 and Kiran properties are situated towards Jeep appearing in Ex.P.14 photo. It is true we have to pass to our properties through in front gate of accused No.1 towards jeep road as Ex.P.14 photo.

12. On 30.03.2024 I left the house at 9.00 a.m., 20 minutes is required to reach Beguru from Arvathoklu. I reach Beguru at 10.00 a.m. I had purchased diesel at Ponnampet but I do not remeber how many litres I purchased. Vegetable cooking groceries items were purchased. It is not true to suggest that I did not purchase diesel and groceries as such I am unable to say how many litres of diesel and specific items of groceries were purchased. It is true there exist a pond in our estate towards accused gate road.

13. The labour line houses are situated at distance of half kilometer from pond. There is no road to reach pond from Hudikeri side. The jeep was stopped at distance of 50 feet from accused No.1 house gate. It is true the accused No.1 has access to his house only through the road in which I stopped the jeep. It is not true to suggest that I had stopped the jeep and waiting for accused No.1 and restrained him from proceeding further. It is not true to suggest that I had questioned accused No.1 saying why you have given information to police and abused him and threatened.

14. I do not know accused No.1 is Heart patient. I do not know accused No.1 had gone by-pass surgery in 20.09.2022 at Jaydeva Hospital, Bengaluru. I do not know accused No.1 is also suffering from cancer. It is not true to suggest that accused No.1 because of above said ailments is physically not fit. It is not true to suggest that the accused No.1 has

requested to me to move the vehicle from the road. I said the accused has blocked the road and I requested to him to move side.

Q.: If you would have taken the vehicle back, accused No.1 would have benefited in reaching his house?

Ans: I had to take back about 50 feet.

Q.: Accused No.1 with no option, got down from the vehicle and went to his house?

Ans: Accused No.1 abused me and blocked my vehicle and went.

15. It is not true to suggest that I had dashed against chest of accused No.1 with head and he fell down. It is not true to suggest that the accused No.1 thereafter proceeding towards his house, I followed him and abused him. I do not know at the time where my father was. It is not true to suggest that I

had called my father over phone and asked him to come with gun to shoot accused No.1.

Q.: At what time your father came to spot after he called him over phone?

Ans: My father called me over phone, I did not received him and thereafter I called him back.

16. My father came to spot within 3-5 minutes after I called him over phone. When my father came to spot, by that time accused No.1 went to his house. It is not true to suggest that my father had brought single barrel gun and fired. It is not true to suggest that accused No.1 with panic thinking that my father would fire his family members, he brought gun from his house. It is not true to suggest that my father told me to snatch gun from accused No.1 and shoot him. It is not true to suggest that when I tried to snatch the gun from

accused No.1, the barrel was pointing towards my father and I pulled trigger and hit to my father and died.

17. It is not true to suggest that immediately I tried to take gun from accused No.1 during scuffle again by accidently it gun shot hit to me. The distance between the tree appearing in Ex.P.15 photo to the gate is about 50 feet. For identification purpose the said tree is marked as **Ex.P.15(a)**. It is not true to suggest that at place 15(a) appearing in Ex.P.15 photo there was scuffle between me and accused No.1. Accused No.2 held my left hand.

Q.: If accused No.2 held my left hand, the gun shot would have been hit to accused No.2 also?

Ans: I pushed accused No.2 and went near accused No.1 to snatch the gun from accused No.1.

18. It is not true to suggest accused No.2 did not held my left hand. Accused No.2 line houses situated in front of jeep

appearing in Ex.P.14 photo. It is not true to suggest that the stream is flowing in between the properties of accused No.1 and late Kiran. The said stream passed by the side of propertie of all three. It is true to reach the said stream one has to pass through road in which jeep appearing in Ex.p.14 photo.

19. It is not true to suggest that while transporting sand from the stream on the said road, accused No.2 used to give information to accused No.1. It is not true to suggest that accused No.2 was giving information to accused No.1, as such I am deposing falsely against him. It is not true to suggest that accused No.1 not loaded the gun in my presence. It is not true to suggest that CW.10 Geetha and PW.3 Chethan came to spot only after hearing gun shot.

20. It is true accused No.1 son CW.9/Riyan Machaiah came to spot subsequently. It is not true to suggest that the

accused No.1 has not locked the car by blocking a road and went towards his house by scolded as ಸೂಲೆ ಮಗನೆ, ಬೋಲೆ ಮಗನೆ ಇವತ್ತು ನಾನು ಯಾರು ಎಂದು ನಿನಗೆ ತೋರಿಸುತ್ತೇನೆ.

21. My mobile was not seized by the police to the investigation. My father came to spot with jeep from town road. My father came from road shown as Beguru Chinnavara Road in the sketch prepared by PWD the place were Jeep is shown. The said sketch is marked as Ex.P.35. I do not know accused No.1 has handed over his car key to his son/CW.9 to shift me to hospital in his car. It is true when I asked water to CW.9, she brought water from labour.

22. PW.5 came to spot. When I was shifted to car PW.4 came there, PW.3 was also present and CW.9 also came there. I was shifted to Hospital in accused No.1 car. It is not true to suggest that accused NO.1 was not standing with gun by the side of dead body of my father. It is not true to

suggest that I am falsely deposing that Accused No.1 was not allowed to shift my father from the place. It is not true to suggest that I was aware that my father was dead at that spot. I do not know accused NO.1 has shifted me in his car through his son.

23. PW.4 Vinay has driven the car. PW.6 and CW.7 came in car when we moved around 150 feet from the accused No.1 gate. I was sitting in the front side of seat in car while going Hospital. I had told PW.6 and CW.7 that father is lying with injuries and asked them to go there, except the said fact nothing had stated to them. I had taken First Aid treatment in Gonikoppa Hospital. Thereafter I shifted to Mysore Hospital. I was conscious while shifting to Mysore Apollo Hospital. My mother met me in Apollo Hospital two days after incident.

24. I was in ICU for one day for each operation. The second surgery was done three days after first one. One day after first surgery after shifting from ICU, I was able to speak. The doctor in the hospital showed me pellets and cloth pieces. It is true I had

not stated before the police that doctor had showed me pellets and cloth pieces. After discharge from Hospital, I came to know my father was dead. From Ex.P.15(a) place to accused house is about 50 meters.

**(At this stage, time 2.00 p.m lunch time and deferred to post lunch session)**

(Typed to my dictation in the open court)

ROI & AC

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

Again witness recalled and sworn at 3.00 p.m.

**Cross examination: Sri H.A Advocate for accused.**

25. It is not true to suggest PW.6 and CW.7 are my father friends, in collusion with police created Ex.P.1 Complaint. It is not true to suggest only on the basis of Ex.P.1 complaint deposing evidence,I say whatever it has happen and deposing. It is not true to suggest that accused No.1 had no intention to kill

me and my father. It is not true to suggest while I was try to snatch gun from the hands of accused No.1, the incident was happended I am only responsible for incident. It is not true to suggest that accused have not committed any offence.

26. My statement was recorded in Hospital one day after incident. It is not true to suggest that police have not come to Hospital and I had not given any statement.

**Re- Examination: Nil.**

(Typed to my dictation in the open court)

ROI & AC

Sd/-

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