

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 have not taken license for Electric and Plumbing work, but I have applied it. I do not know in respect of which property what are the cases/disputes between the family of accused and deceased. I have not attended work of deceased. Rarely one or two times I used to visit the house of deceased. I used to attend the functions of deceased family.

9. I had seen Arvathoklu house. I do not know to whom the said house belongs to. I have no idea that the deceased was illegally transporting sand. I do not know Criminal cases registered against deceased/Prakash. On 30.03.2024 myself and accused No.1 purchased plumbing and

electricals items in Kumar Electric Shop at Ponnampet. Probably both plumbing and electrical items have purchased.

10. I have not given statement on that day. On next day of incident I had given statement to the police. In the statement before the police I had not stated what all items were purchased and from which shop. Myself and accused No.1 after purchasing plumbing and electrical items proceeding towards his house in his car. From Ponnampet, Hudikeri main road to reach accused No.1 house we have to pass through Kaccha Road/Mud road.

11. To reach the house of accused No.1 there is only one road from Hudikeri main road through Kaccha/mud road. The accused No.1 was driving the car I was sitting front seat. While we are proceeding from opposite side PW.2/Dhyan came in the jeep. PW.2 crossed 50-60 feet after crossing accused No.1 house gate. The properties of

deceased prakash is situated before and after the incident place. The properties of prakash is situated half kilometer from behind the place where the vehicles were intercepted. In Ex.P 14 photo one road is appearing passing towards Hudikeri, the other road is passing towards opposite where jeep is appearing and another road is appearing just opposite to gate.

12. I do not know the deceased is having properties adjacent to road leading just opposite to accused No.1 gate. It is true the deceased properties are situated after crossing tar road towards Hudikeri road. I have no idea that deceased was using main road towards Hudikeri to reach his estate.

13. When PW.2 came in jeep and stopped on road, accused No.1 has no place to cross the vehicle of PW.2 and reach towards his house from the gate. Accused No.1 has told PW.2 to take the jeep to the side to move his vehicle

towards his house. It is true PW.2 has told the accused No.1 to take his vehicle by the side of the road. In the place of stopping of vehicles, two vehicles cannot cross at the time. Both vehicles without taking there vehicles towards back they can easily cross by taking accused No.1 towards his right and PW.2 towards his left side.

14. After stopping the vehicle, I got down from the vehicle of accused No.1 by carrying the bag. Accused No.1 locked his car he was proceeding towards his house by walk and I followed him. It is true at that time PW.2 got down from his jeep. It is true PW.2 while accused No.1 proceeding stopped him and abused, I say "Swalpa Swalpa Matanadidaru". I do not know PW.2 has threatened accused No.1 saying that "you are filing complaint and today I will not spear you".

**Q.:** PW.2 in his head dashed against the chest of accused No.1?

**Ans:** Both PW.2 and accused No.1 pushed each other from there shoulders.

15. Accused No.1 did not fell down at that time. Accused No.1 proceeded towards his house and I followed him. By standing near the gate, the house of accused No.1 is not visible. Accused NO.1 went inside the house and I was attending my work. In the morning itself accused NO.1 has entrusted the work to be done in his house accordingly the materials were purchased. On that day, around 9.30 a.m I visited the house of accused No.1.

16. While I was following accused No.1 I did not see back side anybody is coming or not. I had heard PW.2 voice from accused No.1 gate. At the time I did not see the deceased came to the spot. Accused NO.1 instructed me to attend my work and he went inside his house. The any sound at the compound gate the voice will be heard in the place where I was working. I did not heard gun shot while accused No.1 inside the house. I say CW.10 has told me that accused No.1 is taking gun towards gate. I did not see myself accused No.1 carrying gun from his house, but CW.10 has told me about accused No.1 carrying gun. CW.10 first left the house, I followed her at the distance of 30-40 feet. It is true the compound gate of accused No.1

will be visible only by standing at Ex.P.15(a) place. 7-8 minutes is required to reach point Ex.P.15(a) from accused No.1 house.

**Q.:** When you reach point Ex.P.15(a) other two rounds of gun shot were fired?

**Ans:** Before I reached Ex.P.15(a) point, one shot was fired.

17. I did not see second gun shot. Myself and CW.10 together came to Ex.P.15(a) point. I say we reached said place after second shot was fired. PW.2 was outside the compound gate with injury. Immediately when I reached the spot after attending PW.2, when I saw prakash he was almost dead. It is not true to suggest that PW.2 was sitting at a distance of 10 feet towards the gate from Ex.P.15(a) place, I say he was outside the gate in front of it. I know car driving.

18. PW.2 told me to take his father to Hospital. Deceased jeep was in the spot, whereas the PW.2 at where he stopped earlier along with accused No.1 car. I told PW.2 that father has dead, to save PW.2 shifting him to Hospital. Accused No.1 has not stated before me that nobody should shift from the place. At the time of shifting of PW.2 to the car, accused No.1 was not there. I do not know accused No.1 has

handed over his car keys to his son CW.9 and ask him to shift PW.2 to hospital immediately.

19. Accused No.2 was with accused No.1 at a distance of 10-15 feet. After entering the compound gate the coffee estate of accused No.1 situated either side of the road. Accused No.2 was standing on road itself. I did not see accused No.2 when I reached Ex.P.15(a) point. After hearing gun shot, accused No.1 three to four labours are present. I did not observe any labours were present outside the compound gate or not.

20. It may be probable that accused No.2 after hearing gun shot came to spot like other labourers. PW.5 came to spot when we are providing water to PW.2. When we were taking PW.2 in a car, PW.4 came. PW.6 Subramani crossed Hudikeri road, by the time we reached that place in car. We have taken to Gonikoppa Hospital. From Gonikoppa Hospital PW.2 was shifted to Apollo Hospital, Mysore, I also accompanied him. PW.6 and CW.7 came together in two-wheeler.

21. Myself, PW.5 Sachin, Darshan have accompanied PW.2 in Ambulance to Mysore Hospital. While taking PW.2 to hospital, he was talking. PW.2 was not speaking detail but speak one or two words. Since 5 years aquatinted with families of deceased, accused No.1 and Kiran. It is true one month prior to incident accused No.1 has told me that he has a filed a complaint against Prakash and no action was taken against him. It is not true to suggest on the date of incident accused NO.1 has told me that the deceased is giving trouble by taking sand illegally and he is intended to file complaint against him.

**Q.:** On the date of incident accused No.1 though told me that Prakash is illegally transporting the sand and is intended to give complaint inspite of it you are deposing falsely?

**Ans:** I do not remember.

22. It is not true to suggest after scuffle the accused No.1 while proceeding towards his house, he told me that the Prakash is giving trouble and he is intended to file the complaint. It is not true to suggest that since I did not witness the incident, I have 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)