

IN THE COURT OF THE
ADDL. DISTRICT AND SESSIONS JUDGE, KOPPAL
(SITTING AT GANGAVATHI)

S.C. No.11/2022

Duly sworn on: 06.03.2024

Deposition of : Ramanna
Father Name : Eshappa
Age : 55 Years
Occupation : Gangmen
Residence : Hulluru, Maski Taluk

Examination in Chief by Learned Public Prosecutor:

1. I am working as Gangmen at Maski Irrigation Department for the last 20 years. PW-1 was working as Work Inspector at our Maski Irrigation Department. CW-8, 10 and 11 were also working as Gangmen. When myself, CW8, 10 and 11 were at Chain No.196, sub-canal 55 of Udbal seema, Tungabhadra left bank canal, we have found one dead body coming from Durgacamp by floating in the canal. We have stopped the said dead body. The dead body was of a boy aged around 12-13 years. Later, CW-10 informed the same to PW-1. When we saw the dead body, the hands and legs were tied with the coir rope. I have found injuries on the head of the deceased. I have also found thread on the wrist of the deceased. I have found blue colour shirt, jeans pant, white colour banion and brown colour underwear on the deceased. Witness submits that, "ಅದನ್ನು ನೋಡಿದರೆ ಅಳು ಬರುತ್ತದೆ. ಅದನ್ನು ಯಾರೋ ಹೊಡೆದು ಹಾಕಿದ್ದಾರೆ".

PW-1 also came to the spot and informed about the finding of the dead body to the Police. Police have enquired me and I have given statement to them.

2. We have shifted the dead body to Sindhanur Government Hospital. I came to know that, the deceased is Mallikarjun of Karatagi Taluk. I have given statement to the Police in that regard.

3. Around 8-10 days of finding the dead body, Police have called me to the Sindhanur Police Station. At that time, one boy by name Kashimsab or some other name was present at the Police Station and informed the Police that, himself and deceased were playing at Karatagi and at that time, 2 persons came in a Motorcycle and took him. I have given a statement to the Police in that regard. Witness identifies deceased in Ex.P.-2 to 6 photographs. Witness identifies the Shirt, Banion, Pant, Underwear, waist thread, Wrist thread, Coir Ropes and Canal water filled in the Bottle. The same are already marked as M.O.-1 to 8.

(At this stage Public Prosecutor prays for permission to treat this witness partly hostile. Permission granted.)

Cross-Examination by Learned Public Prosecutor:

4. It may be true that, one boy by name Mehaboob S/o Valisab was present at the Police Station. Witness volunteers that, he do not remember the exact name of the boy, who was present at the Police Station and he can

identify him.

Cross-Examination by Sri KAR, Advocate for Accused No.1 and 3:

5. It is false to suggest that, I am not working as Gangmen. It is true to suggest that, Irrigation Department has not issued me the appointment letter. Witness volunteers that, he is working on the contract basis for the last 20 years. It is true to suggest that, whenever there is a Canal work, we are called by the Irrigation Department. It is true to suggest that, CW-8, 10 and 11 were also used to come for Canal work whenever there is a work. It is true to suggest that, they are also working on contract basis. It is false to suggest that, our duty is from 10.00 am to 05.00 pm. Witness volunteers that, even during night time also, they do the work whenever there is requirement. It is false to suggest that, all the Gangmen will not have work at one place. Witness volunteers that, there was no water control work on the day when the dead body was found and therefore, all Gangmen had gathered at the spot for cleaning work by cutting the shrubs at the spot. For each pipe in the Canal, 2 persons will work on shift wise during day and night time. It is true to suggest that, the person who works during night time, will not come for work during day time. It is true to suggest that, the person who works during day time, will not come for work during night time. It is true to suggest that, Durgacamp is 3 km away from the

spot where the dead body is found. Durgacamp is the sub-canal. Sub-canal number is No.55. It is false to suggest that, I was not at all present at the spot. It is false to suggest that, I have not found the dead body at the spot. When CW-10 called me, I went to the spot. I was at distance of 4 chain, when CW-10 called me around 09.00 am to 09.30 am. I was working at distance of 2-3 chain from the place where dead body was found. Veeresh S/o Hanumanthappa and Gundesh S/o Basanna were also working with me at that time. It is false to suggest that, the Police have not recorded my statement. Police have taken my statement at the spot where the dead body is found. I cannot state the direction of the Canal. It is false to suggest that, the Canal will have 1-2 feets of depth of water. Witness volunteers that, it will have depth of 5-6 feets. The Canal water was flowing from West to East. It is false to suggest that, I have not seen the dead body floating on the water. The dead body was facing towards the Sky while it was floating. I cannot state the directions of the head and legs at the time when I saw the dead body. We took the dead body to right side of the Canal.

6. It is true to suggest that, Police have stated the name of the deceased. It is false to suggest that, there was no boy at the Police Station and he has not stated anything to the Police. The boy who was present at the Police Station has not stated from how much distance he has seen the 2

persons who have taken the deceased in their Motorcycle. I have not enquired the boy about the age of 2 persons. It is true to suggest that, I have not enquired the said boy in the Police Station about the physical features and language of 2 persons. It is true to suggest that, the said boy has not stated about the colour of Motorcycle of 2 persons to me. It is false to suggest that, I am deposing falsely before the Court that, the boy has seen 2 persons taking the deceased in their Motorcycle. It is false to suggest that, that boy never came to the Police Station. It is true to suggest that, I am not found in Ex.P-2 to 6 photographs. It is false to suggest that, I was not present at the spot. It is true to suggest that, I do the work as per instructions of CW-1. It is false to suggest that, I am deposing falsely before the Court by stating that, CW-1 has filed a complaint. It is false to suggest that, I have not given statement to the Police. I have given 3 statements to the Police.

Cross-Examination by Sri ADH, Advocate for Accused No.2:

7. Counsel for Accused No.2 adopts the cross examination of Counsel for Accused No.1 and 3.

Re-examination: Nil.

(Typed to my dictation in open Court)

R.O.I. & A.C.

(Sadananda Nagappa Naik)
Addl. District and Sessions Judge,
Koppal (Sitting at Gangavathi).