

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

S.C. No.11/2022

Duly sworn on: 17.09.2024

Deposition of : Kalakappa
Father Name : Somanna @ Somalingappa
Age : 34 Years
Occupation : Mason
Residence : Karatagi

Examination in Chief by Learned Public Prosecutor:

1. The deceased Mallikarjuna is my son. The Accused No.3 is my wife. The Accused No.1 is my father. CW13 to 15 are my younger brothers. We are residing in a joint family with 3 brothers, spouses of all 3 brothers, their children and our parents. I am the resident of Nazeersab Colony of Karatagi.

2. Around 3 years ago, there was a fair of Korramma at Devigudda of Karatagi. On that day, I had gone for a work. Rest of our joint family members were residing in the house. I am having 3 children. The deceased Mallikarjuna is my son. My 2 other children are daughter by name Renuka and Gouthami. My children had not gone to the School due to the fair on the date of the incident. I had gone for the work at 09.00 am., on the date of the incident. On the same day, my father informed me that, one of our relative is not keeping well and he left for Medikinal of Lingasuguru Taluk.

I came to home at 06.00 to 06.30 pm. When I came to home, my younger brothers, their wives & my wife have informed me that, deceased Mallikarjuna has left for the fair and he has not returned to home. I do not know when the deceased had gone to the fair. I have not asked our family members as to when the deceased Mallikarjuna has left the house. Myself and family members went to Korramma fair in search of deceased Mallikarjuna till 10.00 pm and came back to the home. Thereafter, we have visited the Karatagi Police Station at about 10.00pm or 11.00 pm and asked Police to search deceased Mallikarjuna. The Police asked us to get the School certificate. Thereafter, I came back to home.

3. On the next day, I have visited the Karatagi Police Station along with School certificate. Karatagi Police have shown one Photograph in the mobile phone by stating that, they have received Photograph on the dead body. Only the face was visible in the Photograph. I have informed the Police that, until I see the dead body, I cannot identify my son. Karatagi Police took me to Sindhanur Government Hospital. Upon visiting the Sindhanur Government Hospital, I have found that, the dead body is of my son. I started crying and fell down by becoming unconscious. Police have shown me the face of the dead body. The dead body was fully covered with cloth. I have not seen the injuries on the dead body. I do not know how the dead body came to

Sindhaur Government Hospital. I have not enquired anyone as to the dead body. I do not know the reasons for cause of death of my son. My son did not have any disease. After death of my son, my wife / Accused No.3 is residing at her parents house and two children are residing along with me. I do not know why my wife is residing with her parents house. I got conscious at Sindhaur Government Hospital. I have not seen the position and description of the dead body. My son was aged around 11-12 years. He did not have any enemies. I had gone to Government Hospital along with my younger brothers to see the dead body. My wife was also had come to the Hospital. CW4 Jagadeesh had also come to the Hospital.

4. On the next day of visiting the Sindhaur Government Hospital, we have received the dead body and buried the same. I have not filed any missing Complaint. Witness now submits that, he has given the missing Complaint. I do not know along with whom my son used to go out for playing. I do not know CW16 & 17. I do not know the reasons for death of my son till date. I do not know whether the death of my son is accidental, homicidal or suicidal. I do not know why my father and my wife have been arrayed as Accused No.1 and 3 in this case. Police have not taken me to any other places prior to taking me to Sindhaur Government Hospital. Sindhaur and Karatagi Police have not enquired me and I have not given any statement to them. Witness

identifies his deceased son in the Ex.P.-4 to 6 Photographs. It can be seen in Ex.P.-9 Photograph that, hands and legs of deceased are tied. I cannot identify myself in Ex.P.-9 Photograph. Witness now submits that, he can be seen in Ex.P.-9 Photograph. In Ex.P.-9 Photograph except the cloths of the deceased, it is not covered with any other cloths.

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

Cross-Examination by Learned Public Prosecutor:

5. It is true to suggest that, on 23.10.2020, when I came back to home, I came to know that, my son had gone to fair after 12.00 pm. It is false to suggest that, upon visiting the Police Station, we came to know that, dead body of my son came to left bank Canal of Tunga-Bhadra at Udbal village by floating. I have not seen injury on the head of my son. It is false to suggest that, I have visited the Canal and found my son on the left bank Canal of Tunga-Bhadra at Udbal village. It is false to suggest that, the people from Irrigation Department had brought the dead body to the bank of left bank Canal of Tunga-Bhadra from the Canal. It is false to suggest that, I came to know that, people from Irrigation Department had filed a Complaint by stating that, someone have murdered him. It is false to suggest that, I have also given statement to the Police in that regard on 24.10.2020 by stating that, “ಆಗ ನನ್ನ ಹೆಂಡತಿ ----- ಹಾಕಿದ್ದು ಇರುತ್ತದೆ.” The statement is marked as Ex.P.-13.

6. It is false to suggest that, when I enquired CW16 on missing of my son, CW16 has informed me that, when himself, CW17 and my son were playing together, my son was sitting on the piece of coconut (ಬಡ್ಡಿ) tree, at that time, 2 unknown persons came in a silver colour Splendour Motorcycle and took my son in their Motorcycle. It is false to suggest that, later, I came to know that, my son was kidnapped and murdered. It is false to suggest that, on 29.10.2020, I have given statement to the Police by stating that, “ನಾನು ಈಗಾಗಲೇ ----- ನೀರಿನಲ್ಲಿ ಹಾಕಿದ್ದು ಇರುತ್ತದೆ.” The statement is marked as Ex.P.-14.

7. It is false to suggest that, on 26.02.2021, in the afternoon, Karatagi Police came and took my wife and my father to the Karatagi Police Station. It is false to suggest that, I have also visited the Police Station. It is false to suggest that, when I have visited the Police Station, the Accused No.2 was also present at the Police Station. It is false to suggest that, upon enquiring Accused No.1 to 3, Police have taken my signature and took Accused No.1 to 3 to the Court. It is false to suggest that, on 28.02.2021, in the news paper, it was published that, due to illicit relationship, my son was murdered. It is false to suggest that, on the same day, on 28.02.2021, myself and CW13 to 15 visited the house of CW20. It is false to suggest that, when we visited the house of CW20, CW21, 22 and K.Mallikarjuna who are elders from our community were

present in the said house. It is false to suggest that, CW20 confirmed by stating that, around 1 month ago, Accused No.2 had come to his shop, at that time, Accused No.2 informed him that, he had illicit relationship with Accused No.3, by coming to know the same by Accused No.1, Accused No.1 was also having illicit relationship with Accused No.3, when Accused No.1 and 3 were together, deceased Mallikarjuna has seen the illicit relationship, after coming know the same by Accused No.1 to 3, they have conspired together and murdered Mallikarjuna. It is false to suggest that, Accused No.3 has also confessed to the Crime in the Police Station. It is false to suggest that, my wife had illicit relationship with Accused No.2 and my father / Accused No.1. It is false to suggest that, Accused No.1 to 3 have conspired together and committed murder of my son. It is false to suggest that, on 01.03.2021, I have given statement to the Police by stating that, "ನನ್ನ ತಂದೆಗೆ ಇಬ್ಬರು ----- ಕೊಲೆ ಮಾಡಿದ್ದು ಇರುತ್ತದೆ." The statement is marked as Ex.P.-15. It is false to suggest that, though I have given statements as per Ex.P.-13 to 15, I am deposing falsely before the Court as Accused No.1 and 3 are my father and wife.

Cross-Examination by Sri NLP, Advocate for Accused No.1:

8. It is true to suggest that, I do not know where the Police have created Ex.P.-9 Photograph. It is true to suggest that, I do not know where the Ex.P.-9 Photograph is shot. It

is true to suggest that, Police have not conducted any panchanama in my presence.

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).