

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 : Amaresh
Father Name : Somanna @ Somalingappa
Age : 30 Years
Occupation : Mason
Residence : Karatagi

Examination in Chief by Learned Public Prosecutor:

1. CW12 is my elder brother. The deceased Mallikarjuna is my nephew. The Accused No.3 is wife of CW12. The Accused No.1 is my father. CW14 & 15 are my brothers. We are residing in a joint family with 3 brothers, spouses of all 3 brothers, their children and our parents. We are residing at Nazeersab Colony of Karatagi.

2. Around 3 years ago, there was a fair of Korramma at Devigudda of Karatagi. On that day, I was at home along with our joint family members. CW12 is having 3 children. Renuka and Gouthami are daughters of CW12. Children of CW12 had not gone to the School due to the fair 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. CW12 came to house at 07.00 pm and we have informed him that, my nephew Mallikarjuna has left for the fair and he has not returned to

home. My Mallikarjun had gone to the fair at around 02.00 to 03.00 pm. Myself and our family members went to Korramma fair in search of my nephew Mallikarjuna till 07.00 to 09.00 pm and came back to the home. Thereafter, CW12 and Accused No.3 have visited the Karatagi Police Station. I came to know that, Police informed them to come to them on the next day.

3. On the next day, CW12 and Accused No.3 have visited the Karatagi Police Station and given a missing Complaint. Karatagi Police have shown one Photograph in the WhatsApp on the dead body. Later, I came to know that, CW12 and Accused No.3 went to Sindhanur Government Hospital and found the dead body in the Hospital. After the Postmortem, my elder brother / CW12 and Police informed me that, the dead body was thrown in the Canal. I do not know the name and village of the Canal. Myself and my family members have not visited Sindhanur Government Hospital. On the next day of visiting Sindhanur Government Hospital by CW12 and Accused No.3, we have buried the dead body. I do not know how Mallikarjuna has died. I do not know the reasons for death of nephew till date. I do not know whether the death of my nephew is accidental, homicidal or suicidal. I do not know why my father and wife of CW12 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 Sindhanur Government Hospital. Sindhanur

and Karatagi Police have not enquired me and I have not given any statement to them. Witness identifies his nephew in the Ex.P.-4 to 6 and 9 & 10 Photographs by submitting that, he is seeing his nephew after death for the first time before the Court.

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

Cross-Examination by Learned Public Prosecutor:

4. It is false to suggest that, I had gone to Sindhanur Government Hospital as CW12 had asked me to come to the Hospital. It is false to suggest that, I have seen my nephew in Sindhanur Government Hospital as can be found in Ex.P.-9 & 10 Photographs. It is false to suggest that, I have found that, legs and hands of my nephew were tied. It is false to suggest that, there was a injury on the back side of the head. It is false to suggest that, I came to know 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 28.10.2020 by stating that, “ದಿನಾಂಕ 23.10.2020 ರಂದು ----- ಹಾಕಿದ್ದು ಇರುತ್ತದೆ.” The statement is marked as Ex.P.-16.

5. It is false to suggest that, I came to know from CW16

that, when himself, CW17 and my nephew were playing together, my nephew 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 nephew in their Motorcycle. It is false to suggest that, later, I came to know that, my nephew 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.-17.

6. It is false to suggest that, on 26.02.2021, in the afternoon, Karatagi Police came and took wife of CW12 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 signature of CW12 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 nephew was murdered. It is false to suggest that, on the same day, on 28.02.2021, myself and CW12, 14 and 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, Mallikarjuna has seen the illicit relationship, after coming to 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, wife of CW12 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 nephew. It is false to suggest that, on 01.03.2021, I have given statement to the Police by stating that, "ನನ್ನ ತಂದೆಗೆ ಇಬ್ಬರು ----- ಕೂಲಿ ಮಾಡಿದ್ದು ಇರುತ್ತದೆ." The statement is marked as Ex.P.-18. It is false to suggest that, though I have given statements as per Ex.P.-16 to 18, I am deposing falsely before the Court as Accused No.1 and 3 are my father and my sister in law.

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

Counsel for Accused No.1 submits that, he has no cross-examination.

Cross-Examination by Sri ADH, Advocate for Accused

No.2:

Counsel for Accused No.2 submits that, he has no cross-examination.

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

Counsel for Accused No.3 submits that, he has no cross-examination.

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).