

IN THE COURT OF III ADDITIONAL DISTRICT AND SESSIONS JUDGE,

MYSURE.

S.C. No.92/2018

DEPOSITION OF P.W. -06

C.W. -22

Name of the Witness : Abul Inam
Father's Name : Abdul Salam
Age : 45 Years
Occupation : Egg Business.
Residence : Mysuru.

DULY SWORN ON: 17-11-2018.

Sec. 299 evidence.

EXAMINATION-IN-CHIEF BY PUBLIC PROSECUTOR :

C.W. 1 Reshma Banu is my wife. Abdul Salam is my father, he is no more. C.W. 1 is also dead.

2. I married C.W. 1 on 17-08-1997. My wife is from Melalathuru, Gudiyatham Taluk, Velluru District. My father-in-law is Mohammed Usman. His elder brother is Alla Baksh. Witness volunteers Alla Baksh is the father of Ajaaj Ahammed (Absconding Accused No.5). The house of Mohammad Usman and Alla Baksha are adjacent to each other with common wall.

3. My marriage was solemnized in mosque in Melalathuru. Attended by all our relatives including Ajaaj Ahammed, Alla Baksh and their families.

4. In the marriage the family of the bride gifted 25 tholas of gold to the bride and from our side we gave 15 tholas of gold. The said ornaments were purchased in Champalal jewels of Velluru. After marriage we have purchased some gold ornaments and also received gifts children were born.

5. I have monthly income of Rs.50,000/-. I reside in door No.356, K.R.Hospital road, Mandi Mohalla, Mysuru. Which is own house. Till the death of my father, in the said house myself, my wife, 3 children and father used to reside. At the time of incident my children used to leave for school at 8-20 am and come back at 4-15 pm. I used to go to my shop in Devaraja Market at 9-30 am and come for lunch at 1-45 pm and then go back at about 2-10 pm and come back home at 5-00 pm.

6. On 17-12-2012 my children left for school as usual at 8-20 am and I left home at 9-30 am. My wife and father were alone in the house. I came back at 1-50 pm. The door was shut but it opened when I touched it. Since it was not locked. My father was lying in pool of blood with cut injury on neck, in the hall. There were other wounds on his face. I could not first see my wife and then I heard some sound from room and when I approached the room it was pad locked from outside and when I opened the door and went inside. I saw my wife with her hand and mouth tied with veil and chudidhar bottom. Her clothes were blood stained and there was stab injury on left hand. I could not untie the knot and therefore I cut the veil and bottom with kitchen knife.

7. As soon as I opened the knot over her mouth, my wife told me that two unidentified person had come to the house and assaulted my father and herself with knife and took her to the room and taken the key of almirah and stolen jewelry and cash of Rs.90,000/- and before going

tied her and locked her in the room. While going they threatened her saying if she makes sound they will kill her.

8. I telephoned to my brother-Abul Kalam. The articles in the house were scattered. After my brother came I left him in the house and took my wife in auto to K.R.Hospital. From there myself and my wife went to Lashkar police station. There my wife gave complaint at about 3-30/ 4-00 pm.

9. At 5-30 pm the police came to the spot. The police did not allow me inside the house. The gold which was robbed was recovered by police and I have got the same released through court. The cash was not recovered.

10. In all the jewels except one necklace and one adult finger ring, the mark of CJS i.e. Champalal Jewelry and Sons is there since said ornaments were purchased in said shop. The said mark is not there on the necklace and ring stated above since they were received as gift.

Quen: Whether any clothes were missing from your house?

Ans: The persons who had come had taken two of my T-shirt for wearing.

11. My wife used to speak Urdu, Tamil and Hindi language. When myself and my wife went to police station and give complaint my wife told the facts in Hindi and Tamil and I translated it into Kannada and the police recorded the same. Now I see the copy of said complaint and the same is now marked as Ex.P.13. For having translated, I have signed Ex.P.13.

12. My wife told me that amongst the two persons who had come only one person spoke and he spoke in Kannada. She told that during the incident that person received three phone calls when his mobile phone

was in vibrate mode and he did not receive the calls and he received one more call and then he received the phone call and spoke into the phone as "ಗುರು ಆಗೋಯ್ತು ಐದು ನಿಮಿಷ " (Guru over five minutes). She told me that one person was fat and another slim and it was the slim person who spoke in the phone.

13. After spot mahajar the police locked the house and it was kept locked for 5 days and during that time I was staying in my uncle's house. The police gave back the key on 22-12-2012. Then when we entered the house on 22nd and when we were cleaning the house we saw that in the bed room on a pillow there was towel and both pillow cover and towel were blood stained and on seeing it my wife told me that the fat person who had come cut his finger and the said blood stain on pillow cover and towel is that person's blood and therefore we produced the said towel and pillow cover to police.

14. The body of my deceased father who died in the incident was released at about 12-30 midnight of 18-12-2012.

CROSS-EXAMINATION BY THE COUNSEL FOR THE ACCUSED-

15. Since this is 299 evidence there is no cross examination.

RE-EXAMINATION : NIL

(Computerized to my dictation in the Open Court as deposed by the Witness)

R.O.I & A.C.,

III Addl. District & Sessions Judge,
Mysuru.