

IN THE COURT OF THE ADDITIONAL DISTRICT & SESSIONS JUDGE,
VIJAYANAGARA DISTRICT, HOSAPETE.

S.C. No.5008/2020

P.W. 01 C.W. 01

Name : Manjunath
Father's/Husband's Name : Basappa
Age : 46 years
Occupation : Driver
Residence : Hariyammanahalli, Harapanahalli
taluk.

Duly Sworn on : 04-12-2025.

Examination-in-chief by: learned P.P.

I do not know the accused no.1 and 2 who are present before the Court today. I do not know deceased Sri. Suresh. I know C.W.14 and 15. When I was in our village, about 6 years ago, I received a phone message from C.W.14 and 15. They have informed me that a dead body was lying near Hunni Basanna temple situated by the side of road leading to Kadabagera village. Myself and several other villagers went to the said spot. We found a dead body of an unknown male person. When we were there, police came there. Nobody was willing to come forward to assist the police. I was an elected member of Gram Panchayath. The C.P.I. Sri. Kumar and P.S.I. Sri. Sridhar insisted me to be a witness to the dead body of the said unknown person. Hence, I put my signature on a document to the police. The signature now shown to me is my signature. F.I.S. is marked as **Ex.P.1** and my signature as **Ex.P.1(a)**. Now I see my another signature on another document. Spot mahazar dated 13.09.2019 is marked as **Ex.P.2** and my signature as **Ex.P.2(a)**. I do not know the

contents of Ex.P.1 and 2. Now I see four photographs. The said 4 photographs were taken at the said place. Said photos are marked as **Ex.P.3 to 6**. The person numbered as 5 in Ex.P.3 and 4 is myself. Now I see 6 photos. The said photos were taken at the said place. Said photos are marked as **Ex.P.7 to 12**. The person numbered as no.1 in Ex.P.7 to 9, 11 and 12 is myself. (Learned PP seeks permission to open the 3 sealed covers. Permission is granted. 3 sealed covers are opened in the Open Court in the presence of accused no.1 and 2, Learned defence counsels, Learned PP and P.W.1.) Now I see a blood stained towel, blood stained mud and normal mud. The said 3 material objects were there on the said spot. Blood stained towel is marked as **M.O.1**. Blood stained mud is marked as **M.O.2**. Normal mud is marked as **M.O.3**. I have not given any statement or further statement before the Police. I do not know how the said person has died and who is responsible for death of the said person. I have not come to know the identity of the person who was dead.

(The learned PP prays for cross examination of this witness on the ground that the witness has given Statement before the I.O. and not ready to depose the truth before the Court. Perused the entire file and the examination-in-chief of this witness. Hence permitted)

Cross Examination by learned PP

It is not true to suggest that I have stated in Ex.P.1 F.I.S. to the effect that somebody has committed murder of the said person about 2 to 3 days before 13.09.2019 and thereafter with an intention to destroy the evidence regarding murder they have thrown the dead body in the said place. It is not true to suggest that on 13.09.2019 the C.P.I. Sri. Kumar K has conducted spot mahazar at the said spot from 5.00 p.m. 06.15 p.m. in the presence of C.W.3 and 4 and seized M.O.1 to 3 and took the photo of the spot as per Ex.P.7 to 12. It is not true to suggest that on the said date I was

present at the said spot when the said police officer conducted inquest mahazar of the said body from 2.45 p.m. to 4.45 p.m. and that at the time of inquest mahazar police have taken photos of the said dead body as per Ex.P.3 to 6. It is not true to suggest that subsequently I learnt that the dead body was that of one Sri. Thippanahalli Suresha @ Suresha @ Surya @ Suri; that the said deceased person was the husband of accused no.2; that the accused no.1 and 2 had illicit relationship with each other; that after coming to know about the said illicit relationship between accused no.1 and 2, the deceased was quarreling with accused no.2; that in that background the accused no.1 and 2 and Juvenile in conflict with law(who is shown as accused no.3 and who is tried before Juvenile Justice Board) have made conspiracy with one another to commit murder of the deceased person; that on 11.09.2019 the accused no.2 had informed the accused no.1 to the effect that on the said date she would leave her marital house and would go and stay in her parents house and that the accused no.2 may go to her marital house and commit murder of the deceased; that accordingly accused no.1 and 3 had gone to the marital house of accused no.2 on a motor cycle bearing no. KA 17 TMP 9883 and carried with them an axe by separating the axe into the wooden handle and the iron axe portion; that on the next day on 12.09.2019 at about 1.00 a.m. the accused no.1 and 3 have illegally trespassed into the said house by pushing the front door and bolt with an intention to commit murder of the deceased; that the accused no.1 held and twisted the face of the deceased and assaulted on his head with the handle of the axe and cause bleeding injuries whereby the deceased died on the spot itself; that they have packed the dead body in a bed sheet and removed the pillow and bag and cleaned the floor with a towel as the said pillow, bag and towel were blood

stained and threw the said pillow, bag and towel by the side of the said house; that they carried the dead body on the said motor bike and threw it into a forest area in our village; and that on 12.09.2019, having fear that the dead body is thrown in the open place which is visible to the public at large, the accused no.1 and 3 have given alcohol to accused no.4 and all of them went to the said forest area at about 7.30 p.m. and removed the said dead body from the said place and shifted it to gokatte area throw it into a pit which is not visible to the public. It is not true to suggest that I have stated all the above suggested facts before the police on 23.09.2019 which is now read over and explained to me. The said further statement of P.W.1 is now marked as **Ex.P.13**. It is not true to suggest that even though I know all the above suggested facts and even though I have given statements as per Ex.P.1 F.I.S and Ex.P.13 further statement I am deposing falsely today.

Cross-examination by Sri. G.V.P., Adv for Accused Nos.1 :-

It is not true to suggest that I do not know about M.O.1 to 3.

Sri. K.Y. Advocate for accused no.2 adopts the above noted cross examination.

(Typed to my dictation in the open Court)

R O I & A C

(D.P.KUMARA SWAMY)

Additional District & Sessions Judge,
Vijayanagara District, Hosapete.