

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

S.C. No.5134/2021

P.W. 04 C.W. 05

Name : Vijayakumar
Father's/Husband's Name : Basavaraja
Age : 27 years
Occupation : Coolie
Residence : Hagaribommanahalli

Duly Sworn on : 12-12-2025.

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

The deceased Sri. Basavaraja is my father. The accused is my elder brother. C.W.4 Smt. Rathnamma is my mother. C.W.1 Sri. Vaddara Suresh Babu is the owner of the house wherein we are residing as tenants. I have not seen the alleged incident. I have not given any statement before the police. Now I see Ex.P.8 and 9 photos. They are the photos of the dead body of my father. My father was habitual drunker. Due to excessive drinking of alcohol he fell down into a gutter and suffered injuries and died. I have not seen M.O.1 to 9 which are now shown to me.

(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 the deceased Sri. Basavaraja was in the habit of coming home in drunken condition everyday and that he used to quarrel with me, my mother and my brother everyday; that even though the

accused advised the deceased Sri. Basavaraja not to do so, the deceased Sri. Basavaraja never listened to the said advise; that being fed up with the said conduct of the deceased Sri. Basavaraja, the accused picked up quarrel with the deceased Sri. Basavaraja on 20.12.2019 at about 10.30 p.m. and by quarreling with each other both of them went out to the street; that I saw the accused assaulting the deceased Sri. Basavaraja with bricks on the face, other parts of his body, forehead etc., of deceased Sri. Basavaraja whereby the deceased Sri. Basavaraja fell down on the ground having suffered bleeding injuries; that C.W.1 and others who had gathered at the alleged time and place of incident have fassified the quarrel; that when C.W.1, his brother Sri. Mahesh, and other tenants in various houses belonging to C.W.1 namely Sri. Suresh, Sri. Nagaraja, Sri. Chilagodu Venkatesh and others went to rescue the deceased Sri. Basavaraja, the accused pushed them aside and picked up a brick and assaulted forcibly on the head of the deceased Sri. Basavaraja and caused severe bleeding injuries whereby the deceased Sri. Basavaraja died on the spot itself; and that the accused dragged the dead body of the deceased Sri. Basavaraja and threw it in front of their house. It is not true to suggest that I have seen the accused assaulting the deceased Sri. Basavaraja with bricks which are marked as M.O.1. It is not true to suggest that I know that the deceased Sri. Basavaraja was wearing M.O.8 lungi at the time of alleged incident and that the accused was wearing M.O.9 shirt at the time of alleged incident.

It is not true to suggest that I have given statement before the Police Investigating Officer on 21.12.2019 wherein I have stated to the above noted effect. It is not true to suggest that I have given statement before the Police that “ನಾನು ಮೇಲ್ಕಂಡ ವಿಳಾಸದಲ್ಲಿ ಬೇರೆ ಅಂಗಿಯನ್ನು

ಹಾಕಿಕೊಂಡು ಓಡಿ ಹೋದನು.” which is now read over and explained to me. The said statement of the witness is now marked as Ex.P.12. It is not true to suggest that to help the accused who is my elder brother I am deposing falsely.

Cross-examination by Sri. L.C.M., Adv for Accused:- submits nil.

(Typed to my dictation in the open Court)

R O I & A C

(D.P.KUMARA SWAMY)

Additional District & Sessions Judge,
Vijayanagara District, Hosapete.