

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

S.C. No.5061/2019

P.W. 13

Name : Dr. Vishwanath A. Kudalkar
Father's/Husband's Name : A.G. Kudalkar
Age : 48 years
Occupation : Medical Officer, Hosahalli P.H.C.
Residence : Hosahalli

Duly Sworn on : 23.01.2026.

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

Dr. Jayasheel Naik who conducted autopsy of the deceased Sri. C. Basavaraja S/o Siddabasappa is now suffering from paralysis stroke and he is not in a position to depose. Hence, I am deposing on his behalf based on the records maintained by our Hospital.

Based on request of the Police Investigating Officer, on 10.09.2015 Dr. Jayasheel Naik (C.W.17) has conducted autopsy of dead body of deceased Sri. C. Basavaraja from 7.00 p.m. to 8.30 p.m.. The dead body was partially decomposed, at the time of autopsy. The cause of death is presumed to be due to consumption of monocrotophos poison. The said monocrotophos poison is used by the agriculturist as pesticide. C.W.17 collected the viscera from the said dead body for sending the same to FSL for scientific examination. As per the FSL report, monocrotophos poison was not detected in the said viscera as the body was partially decomposed. Since the bottle containing monocrotophos poison was found by the side of the dead body, C.W.17 has opined that the death may be due to consumption of poison. The P.M. report is already marked as

Ex.P.18. I have seen the signatures of C.W.17 in the records of our Hospital. I can identify the signatures of C.W.17. The signature of C.W.17 in Ex.P.18 is now marked as **Ex.P.18(a)**. C.W.17 has issued an opinion regarding the cause of death. Now I see the same which is already marked as Ex.P.17. The signature of C.W.17 in Ex.P.17 is now marked as **Ex.P.17(b)**.

Cross-examination by Sri. L.U., Adv for Accused Nos.4 to 6:-

It is not true to suggest that as per the request of the I.O. false P.M. report and false opinion is given by the C.W.17. It is true that there is a difference between semi decompose and decompose (fully decomposed). It is true that when a dead body is semi decomposed, possibility of detecting poison if any consumed by such person is there. It is true that the time of death of the deceased is not specifically mentioned in P.M. report. It is not true to suggest that in the case of semi decomposed dead body it is not difficult to recognize rigor mortis, algo mortis, livor mortis. Depending upon the period of death rigor mortis, algo mortis, livor mortis can be recognized. Except toxicology test for identifying the cause of death in case of semi decomposed dead body, no other tests are available.

The heart of the dead body could have been sent to FSL. During physical examination of the dead body symptoms/signs of consumption of poison by the deceased person was not found. It is not necessary that the skin color of the person who consumed poison would change. If a persons is moving in a forest area during dead night hours, due to fear such person may suffer heart attack. If the heart is partially decomposed, it would not be possible to identify as to whether or not the deceased suffered any heart attack. It is true that pathological tests like myocardium, coronary artery,

arteries, large vessels tests were not conducted in the present case. It is true that in the present case the exact cause of death of the deceased can not be stated with certainty. It is not true to suggest that I am deposing falsely.

Cross-examination by Sri. G.B.R., Adv for Accused Nos.1, Sri. Y.M.M. Advocate for accused no.2, Sri. B.P. Advocate for accused no.3 :- submit that all of them adopt the above cross examination.

Re-examination – 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.