

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

**S.C. No.5061/2019**

P.W. 11 C.W. 21

Evidence conducted by way of Video Conferencing.

Duly Sworn on : 12-12-2025.

**Cross-examination by Sri. G.B.R., Adv for Accused Nos.1:-**

It is true that in Ex.P.9 F.I.S. dated 21.08.2015 at page no.2 it is written "ದಿಃ 18.08.2015 ರಂದು ಮಧ್ಯಾಹ್ನ ಹೊಸಹಳ್ಳಿ ಪೊಲೀಸರು ನಮ್ಮ ಗ್ರಾಮದ ಲೋಕೇಶ ಎಂಬುವವರಿಗೆ ಪೋನ್ ಮಾಡಿ ನಿಂಬಳಗೆರೆ ಅರಣ್ಯದಲ್ಲಿ ಮೃತನ ಶವ ಇದೆ." It is not true to suggest that in the afternoon on 18.08.2015 (prior to receiving UDR complaint at 4.30 p.m. on the said date) myself and my staff had been to the place where the dead body was lying and collected the material objects from the said place. It is not true to suggest that C.W.1 Sri. Siddabasappa is not aware of the contents of Ex.P.9 F.I.S.. C.W.1 Sri. Siddabasappa has made me hear the voice recording in M.O.9 memory card and handed it over to me by saying that the voice recording in M.O.9 memory card is that of the son of C.W.1. I have not conducted any mahazar to the effect that on so and so date at such and such time, at such and such place through such and such device the C.W.1 has played the memory card for my hearing; and the details of the contents of the voice recording are not reduced into writing. It is true that including Ex.P.9 in none of the investigation papers it is noted that C.W.1 has played the memory card through any device to allow me to hear the voice recordings therein and that I have heard it. I have not collected specimen voice

recording of the voices of persons other than the deceased and sent the same to the voice expert for comparison. It is not true to suggest that without making any investigation about M.O.9 memory card I am falsely deposing that I have heard the voice recording of the deceased in M.O.9. The contents of the M.O.9 memory card like whose voice is there, what that person has spoken etc., are not reduced into writing by me during the course of investigation. During the course of investigation I have not enquired the witnesses regarding education qualification of the deceased. The parents of the deceased have informed me that the deceased was an educated person. I have recorded in the mahazar that the parents of the deceased have informed me that the deceased was an educated person and handed over diary and death note saying that the said two materials are in the handwriting of the deceased. I have not collected any school records of the deceased purportedly containing his handwriting. It is not true to suggest that Ex.P.5 xerox copy of death note, Ex.P.7 blue color diary and Ex.P.8 original death note are not in the handwriting of the deceased.

**Question:** Is it written anywhere in Ex.P.5, 7, and 8 to the effect that the deceased has committed suicide for the reason that he could not tolerate the torture given by any specific person?

**Answer:** In all the said documents it is written that the 5 persons whose names are there along with the name of Smt. Nandini (accused no.1) are not allowing me to live with Smt. Nandini and that if anything happens to his life Smt. Nandini and 5 others (the accused persons) are responsible for his death.

During investigation, no material on come on record to the effect that either the deceased or anybody else have given any complaint before any

authority or Court alleging that the accused persons were torturing the deceased and that if anything happens to the deceased the accused persons should be held responsible. In Ex.P.17 opinion report it is specifically stated that by consuming poison the deceased has died. It is true that in Ex.P.13 the opinion reads "Residues of Volatile poisons, Pesticides, Drugs, Alkaloids and Toxic metal ions were not detected in article Nos.2 to 8." It is not true to suggest that I have got obtained Ex.P.17 opinion report and Ex.P.18 P.M. report by giving instructions to the medical officer to suit the investigation. It is true that Ex.P.4 spot mahazar and PF No. 121/2015 were not sent to the jurisdictional Magistrate on 18.08.2015 itself. The witness volunteers that the reason is that it was too late on the said date. To a suggestion to the effect that PF No. 121/2015 was sent to the jurisdictional Magistrate on 20.08.2015, the reply is that it was sent on the next day itself, i.e., on 19.08.2015. If really Ex.P.5 xerox copy of death note was available to me on 18.08.2015 itself, as the contents of Ex.P.15 disclose cognizable offence, I could have registered case based on Ex.P.15 immediately, the reply is that I requested the father of the deceased to give F.I.S. immediately for which he said that he would like to attend cremation of the body of the deceased and that he would come and give complaint on the next day morning which is recorded in the mahazar. But, he did not come to Police Station on the next day i.e., on 19.08.2015, but he came to the Police Station on 21.08.2015. It is not true to suggest that the reason for me not to register case on 18.08.2015 is that Ex.P.5 xerox copy of death note was not available to me on the said date. It is not true to suggest that since Ex.P.5 xerox copy of death note was not available to me on the said date, I did not forward the Ex.P.4 mahazar and PF No. 121/2015 to the Learned Magistrate on the same date i.e., on

18.08.2015. It is not true to suggest that Ex.P.4 mahazar was not drawn on 18.08.2015 and that it was drawn on 21.08.2015 and antedated as 18.08.2015. It is not true to suggest that the signatures of C.W.1, P.W.3 and P.W.4 are obtained on Ex.P.4 mahazar at the Police Station. Since the body of the deceased was decomposed I have not removed the cloths on the dead body of the deceased and seized it for investigation purpose. To a suggestion to the effect that P.W.4 has deposed to the effect that the Ex.P.5 xerox copy of the death note was found in the backside pocket of the pant of the deceased, the reply of the witness is that it was not in the said pocket but it was found in the tool box of the motor cycle. It is not true to suggest that Ex.P.5 was not in the tool box of the motor cycle and that on 21.08.2015 when Ex.P.8 was produced before me I obtained xerox copy of the same on 21.08.2015 and kept it in investigation file. I have not recorded any statement of the accused persons. I have enquired the accused persons as to whether the mobile numbers mentioned in Ex.P.5 belong to the accused persons and since they admitted I have arrested them. The said statements of the accused persons regarding the said mobile numbers are not reduced into writing. It is not true to suggest that for the first time I am stating, that too, falsely to the effect that the accused persons have stated before me that the said phone numbers belong to them. I have collected the CDRs regarding the proof as to the persons in whose names the said mobile numbers are there. It is not true to suggest that the CDRs produced in this case do not disclose names of the persons in whose names the said mobile phones are standing. It is not true to suggest that if such documents are collected and produced no charge sheet could have been filed against the accused persons for the alleged offence and as such no such documents are collected and produced in this

case. To a question as to whether I have collected 65B certificate from the competent person or authority regarding contents of CDRs the reply is that 65B certificate ought to have been collected by the investigating officer who submitted charge sheet.

It is true that the deceased was not owner of the M.O.8 motor cycle. The parents of the deceased had informed me during investigation that the deceased had received the M.O.8 motor cycle from Yerriswamy resident of Appenahalli village. To a question as to whether I have recorded statement of said Yerriswamy the reply is that in the spot mahazar itself it is noted that M.O.8 motor cycle was handed over to said Sri. Yerriswamy. I have handed over the M.O.8 motor cycle to Sri. Yerriswamy himself. It is true that P.W.6 has stated as per Ex.D1 and also as per Ex.D2. It is not true to suggest that I have recorded falsely to the effect that till I received Ex.P.6 UDR F.I.S. I was not aware of the dead body lying at the spot mentioned Ex.P.4 mahazar. It is not true to suggest that I have not forwarded PF No. 124/2015 on 21.08.2015 itself. There is no delay in forwarding the material objects to the FSL for examination. It is not true to suggest that knowing fully well that Ex.P.5, 7 and 8 are created documents to help the C.W.1 I have undertaken false investigation. In Ex.P.6 F.I.S. it is mentioned that on 15.08.2015 the accused no.1 went to her native house. In Ex.P.6 F.I.S. it is mentioned that the deceased had disclosed before one Sri. Murthy regarding torture given by the accused no.1. It is not true to suggest that the deceased did not disclose any such thing before said Sri. Murthy and that the said story is created one. I have not enquired as to why the knife was lying by the side of the dead body. To a question as to whether any witness have stated before me as to why the deceased went to the said forest the reply is that the said place where dead body is lying is situated

near the thar road leading from the house of the deceased to the native village of the accused no.1. The said thar road is situated little away from the said spot. I have obtained CDRs regarding the sim cards which were there in the two mobile which were lying by the side of the dead body. It is not true to suggest that there is no nexus between the death of the deceased and the accused persons; and that the accused persons are not responsible for the death of the deceased. It is not true to suggest that no person has imposed or threatened the deceased not to lead life with the accused no.1. It is not true to suggest that I have created false evidence and false documents during my investigation.

**Cross-examination by Sri. B.P. Advocate for accused no.3:-**

I have not collected any call details to show that the accused no.3 talked to the accused no.1 over phone. I have seized two mobile phones but not seized any sim cards independently. I do not know if there is any property dispute between the accused no.3 and C.W.1.

**Cross-examination by Sri. L.U. Advocate for accused no.4 to 6:-**

I have not made any efforts to transfer the information in memory card either to CD or to any other device. I have not seized the mobile phones of the accused no.1 to 6. There is no necessity to mention as to why the mobile phones of the accused no.1 to 6 are not seized. It is not true to suggest that merely because the accused no.2 to 6 are the college mates of accused no.1, they are falsely implicated in this case.

**Learned Advocates for accused no.2 to 6 submit that they adopt the cross-examination conducted by Learned Advocate for accused no.1.**

**(Recorded by way of Video Conferencing, copy of the deposition is sent to the Witness, by way of e-mail; on getting the Signature of the Witness on the deposition, through e-mail, registry is requested to keep the said received signed deposition of the Witness, alongwith this copy of deposition).**

**(Typed to my dictation in the open Court)**

**R O I & A C**

**(D.P.KUMARA SWAMY)**  
Additional District & Sessions Judge,  
Vijayanagara District, Hosapete.