

IN THE COURT OF THE 3rd A.D.J., AT HOSAPETE

S.C. No.5061/2019 C/W S.C. No.5093/2019

P.W. 03 C.W. 06

Name : Lokaraj
Father's Name : Bheemappa
Age : 53 years,
Occupation : Agriculturist
Residence : Sheliyappanahalli Village, Sandur Taluk

Duly Sworn on : 28-08-2023.

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

I know C.W.7, C.W.1/P.W.1.

On 17 or 18th of August 2015, Hosahalli Police had called me on phone and intimated about lying of deadbody in the Forest Area pertaining to my Village; on verification, it was found that the said Dead Body was of the son of C.W.1/P.W.1; I have intimated the same to C.W.1/P.W.1; thereafter I have gone to the spot, where the dead body was lying.

When I saw the dead body which was lying on the ground; alongwith the deadbody, there were materials like knife; poison bottle; cool drink bottle; death note; two mobile phones. I can identify the same. Now M.O.1 to M.O.7 are shown to the Witness and questioned him to identify it. Witness identifies the same.

I have affixed my Signature on the document in Hosahalli Police Station. Now a document/Spot Mahazar is shown to the Witness and questioned him to identify whether the said document contains his Signature. Witness identifies his Signature. On identification Spot

Mahazar is marked as Ex.P4 and Signature of the Witness is marked as Ex.P4(a).

Now a document is shown to the Witness and questioned him to identify, whether the said document is the Death Note (Xerox copy), lying near the dead body. On identification, the said Death Note (Xerox Copy) Complaint is marked as Ex.P5.

(The learned PP prays to treat this witness partly hostile. Perused the entire file and the examination-in-chief of this witness. Hence permitted)

Cross Examination by learned PP

It is true to suggest that on 18.08.2015 C.w.1/P.W.1 had shown M.O.1 to M.O.7 to the Hosahalli Police, for which Hosahalli Police have conducted the Spot Mahazar and have taken my Signature as well as the Signature of C.W.7 on the said Spot Mahazar, on reading over the contents of the said Spot Mahazar/Ex.P4. It is true to suggest that the said Spot Mahazar was conducted inbetween 07.15 p.m. to 08.00 p.m. in the night.

It is true to suggest that Hosahalli Police on seizure of M.O.1 to M.O.7 have taken our Signatures on the Slips attached to the said M.O.1 to M.O.4.

Cross-examination on behalf of Accused No.1 : -

(Sri.N.B.S. Adv for Accused No.1 prays time to Crossexamine P.W.3. No sufficient grounds madeout. Hence Cross-examination of P.W.3 by Accused No.1 is taken as Nil.)

Cross-examination by Sri.Y.M.M. Adv for Accused No.2 : -

Hosahalli Police have not given any Notice to me to attend the Spot Mahazar on 18.08.2015. Witness volunteers that Hosahalli Police had

called him on his Mobile Phone and instructed him to come near the Spot. Even Hosahalli Police had called C.W.1/P.W.1 to the Spot, on that day. I know C.W.1/P.W.1, as he is from my village, but I do not have any relationship with C.W.1/P.W.1.

It is true to suggest that Signature Ex.P4(a) is affixed by me on Spot Mahazar/Ex.P4 in Hosahalli Police Station. It is false to suggest that I do not know the contents of the Spot Mahazar/Ex.P4.

It is false to suggest that I am deposing falsely in this Case that Hosahalli Police have seized M.O.1 to M.O.7 in my presence as well as in the presence of C.W.7; and drawn the Spot Mahazar as per Ex.P4; by conducting the Spot Mahazar Proceedings inbetween 07.15 p.m. to 08.00 p.m. in the night.

It is false to suggest that I have not gone to the Spot at any point of time; no any mahazar was conducted in my presence, but I have affixed my Signature on Ex.P4/Spot Mahazar in Hosahalli Police Station.

It is false to suggest that I am deposing falsely in this Case in order to help C.W.1/P.W.1, as he happens to be from my Village.

Cross-examination by Sri.B.P. Adv for Accused No.3 : -

I cannot state the Water Bottle/M.O.4 belongs to which company. So also I cannot state that the Poison Bottle/M.O.1, Cool Drinks Bottle/M.O.2 and M.O.3, Mobile Phones/M.O.6 and M.O.7, belongs to which Company. M.O.1 to M.O.7 fallen near the Spot, besides the dead body of Basavaraj.

When I went to the Spot Hosahalli Police Personnel were present on the Spot. Death Note/Ex.P5 was also present at the Spot. I have not seen the presence of any pen on the Spot.

I know deceased Basavaraj right from his childhood. He had studied upto P.U.C.

It is false to suggest that M.O.1 to M.O.7 were not present on the Spot. I do not know the Police Personnel at Hosahalli Police Station, but I am aware about the Police Personnels at Gudekote Police Station.

It is true to suggest that M.O.1 to M.O.7 materials are available everywhere.

It is false to suggest that I am deposing falsely that I was present on the spot; Hosahalli Police have conducted the Spot Mahazar as per Ex.P4; got seized M.O.1 to M.O.7 in my presence as well as in the presence of C.W.7.

Cross-examination by Smt.B.G.R. Adv for Accused No.4 : -

(Smt.B.G.R. Adv for Accused No.4 adopts the Cross examination done to the Witness on behalf of Accused No.3).

Cross-examination by Sri.L.U. Adv for Accused No.5 and 6 : -

It is false to suggest that C.W.1/P.W.1 is having very close contacts with me. I have affixed my Signatures, but I cannot State as to how many Signatures I have affixed on the papers, on that day.

Hosahalli Police had called me on phone at about 01.00 p.m. to 01.30 p.m. in the afternoon. I had gone to the Spot by 02.00 to 02.30 p.m. in the afternoon. I have affixed my Signatures after 07.00 p.m., it might be around 07.30 p.m.

It is false to suggest that I am deposing falsely in this Case at the instance of C.W.1/P.W.1; without knowing the facts; I have affixed my Signature in Hosahalli Police Station.

(Sri.L.U. Adv for Accused Nos.5 and 6 adopts the Cross examination done to the Witness on behalf of Accused No.3).

(Typed to my dictation in the open Court)

R O I & A C

(ABDUL-RAHIMAN .A. NANDGADI)
III Additional District & Sessions Judge,
Ballari (sitting at Hosapete)