

**IN THE COURT OF THE 3<sup>rd</sup> A.D.J., AT HOSAPETE**

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

P.W. 05 C.W. 05

Name : S.G.Basavaraj  
Father's Name : Gurusiddappa  
Age : 43 years,  
Occupation : Agriculturist  
Residence : Sheliyappanahalli Village, Sandur Taluk

Duly Sworn on : 28-08-2023.

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

C.W.1/P.W.1 is my cousin uncle. I know C.W.4. I know deceased Basavaraj. Accused No.1 is the wife of deceased Basavaraj, she is also my relative. I do not know Accused Nos.2 to 6.

The marriage of Basavaraj was performed with Accused No.1 in March or April of 2015.

After 3 months of the marriage, the dead body of Basavaraj was found in Nimbalgere Forest Area. On having information I went to the Spot and saw the dead body of Basavaraj; certain materials were also fallen near the dead body of Basavaraj namely two cool Drinks Bottles; one knife; one Poison Bottle; two Mobile Phones; one Paper; one motorcycle; one bag like school bag. I have scribed the Complaint as per the narration given by my Cousin Uncle Siddabasappa/C.W.1/P.W.1.

Now a document/U.D.R. Complaint is shown to the Witness and questioned him to identify whether the said document contains his Signature and the same is in his handwriting. Witness answers in the affirmative. On identification U.D.R. Complaint is marked as Ex.P6 and Signature of the Witness is marked as Ex.P6(a).

Thereafter we took the body of Basavaraj and came to our Village.

After three days of the incident, when we were cleaning the house we found one pen drive and one Diary, which was present beneath the Television. On perusal of the said Diary, it was seen that the names of Accused Nos.1 to 6 were written in the said Diary, contending that they are the reasons for commission of suicide by Basavaraj. Thereafter we took the said Diary and Pendrive and went to Hosahalli Police and given Complaint contending that we are having suspicion on Accused Nos.1 to 6 to be the reason for commission of suicide by Basavaraj.

I can identify the Diary. One Diary is shown to the Witness and questioned him to identify it. Witness identifies it. On identification, the said Diary is marked as Ex.P7; and the Death Note found in the said Diary is marked as Ex.P8.

(Now the material sealed in the Brown Colour Envelope, is unsealed in the presence of the Learned PP for the State and Sri.G.B.R. Adv for Accused No.1; Sri.Y.M.M. Adv for Accused No.2; Sri.B.P. Adv for Accused No.3, Sri.B.G. Adv for Accused No.4; Sri.L.U. Adv for Accused Nos.5 and 6; and found one 4 GB Micro SD Memory Card.) Now the said Memory Card is shown to the witness and questioned him to identify it. Witness identifies the said Memory Card. On identification, the said Memory Card is marked as M.O.9.

I have given Statement before the Hosahalli Police.

Now the materials which are marked as M.O.1 to M.O.7 are shown to the Witness and questioned to identify. Witness contends that M.O.1 to M.O.7 materials were present near the dead body of Basavaraj.

I can identify the Motor Cycle. Now the Positive Photographs/Ex.p1 and Ex.P2 are shown to the Witness and questioned to identify the

Motorcycle seen in it. Witness replied that, 'it might be the said Motorcycle'.

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

(Sri.N.B.S. Adv for Accused No.1 prays time to Crossexamine P.W.5. No sufficient grounds madeout. Hence Cross-examination of P.W.5 by Accused No.1 is taken as Nil.)

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

I have studied upto B.A. Degree; studied LL.B. Degree but it is incomplete. It is false to suggest that since I am educated, every villager comes to me to get written a Complaint. C.W.6/P.W.3 had called me on my mobile phone which was pickedup by my wife; my wife informed me about the lying of dead body of Basavaraj in the Forest Area. I cannot state the mobile number through which I had received the information. The Spot wherein the dead body of Basavaraj was lying is located at a distance of about 50 Kms from my residence. Myself and one Mr.Rajanna had come to the Spot, on the motorcycle. When I had come to the Spot by that time Siddabasappa/C.W.1/P.W.1 was already on the Spot. 3 to 4 hours subsequent to my arrival on the Spot, Hosahalli Police have taken the dead body of Basavaraj. We have taken the dead body of Basavaraj from the Spot to our Village. Police as well as doctor have arrived at the Spot where the dead body of Basavaraj was lying. On that day myself and my Cousin Uncle/Siddabasappa/C.W.1/P.W.1 did not go to the Village with the dead body, but we had gone to Hosahalli Police Station.

When I was on the Spot for about 3 to 4 hours, we have not lodged any Complaint with Hosahalli Police present on the Spot, but we have lodged the Complaint at Hosahalli Police Station.

Hosahalli Police have not tried to take the Statement of Siddabasappa/C.W.1/P.W.1 on the Spot.

I have written the U.D.R. Complaint/Ex.P6 in Hosahalli Police Station. It is false to suggest that the handwriting found on Ex.P6, is not my Handwriting.

I have studied in Kannada Medium.

It is false to suggest that I had not gone to lodge the U.D.R. Complaint/Ex.P6 with my Cousin Uncle/Siddabasappa/C.W.1/P.W.1 to Hosahalli Police Station; and I have not scribed the said U.D.R. Complaint/Ex.P6.

It is false to suggest that since Siddabasappa/C.W.1/P.W.1 is my relative, so I have got created the U.D.R. Complaint/Ex.P6.

It is false to suggest that we have got created the Death Note/Ex.P8 and the Diary/Ex.P7.

It is false to suggest that no any materials were found lying besides the dead body of Basavaraj, muchtheless M.O.1 to M.O.8; I am deposing falsely in this case in order to help my relative/Siddabasappa/C.W.1/P.W.1.

It is false to suggest that I am deposing falsely that Ex.P5/Death Note was found in the back pocket of the pant of the deceased Basavaraj; and the Diary/Ex.P7 and Death Note/Ex.P8 was found beneath the Television.

It is false to suggest that Hosahalli Police have not recorded my Statement in this Case.

It is false to suggest that in order to harass the Accused persons I am deposing falsely in this case at the instance of my relative/Siddabasappa/C.W.1/P.W.1.

**Cross-examination by Accused Nos.2, 4 to 6 : -**

(Sri.Y.M.M. Adv for Accused No.2, Smt.B.G.R. Adv for Accused No.4 and 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)