

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. 01 C.W. 01

Name : Siddabasappa
Father's Name : Sanna Ujjappa
Age : 75 years,
Occupation : Agriculturist
Residence : Sheliyappanahalli Village, Sandur Taluk

Duly Sworn on : 28-08-2023.

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

Deceased C.Basavaraj is my Son; C.W.4 is my Wife. I know C.W.5 to C.W.15. Accused No.1/Nandini is my Daughter-in-law, as she is the wife of my Son C.Basavaraj. I do not know Accused Nos.2 to 6.

About 4-5 years back marriage of my son C.Basavaraj was performed with Accused No.1. Accused No.1/Nandini belongs to Tumbinakatti Village of Jagalur Taluk.

(Witness complains of Chest Pain. Evidence of the said Witness is deferred; and the said Witness is sent to Government Hospital, Hosapete through P.C.).

(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)

Witness Duly Sworn on : 29-08-2023.

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

After the marriage of Accused No.1 with my Son C.Basavaraj, Accused No.1 was staying partially in the matrimonial house and partially in her parental house.

About 08 years back my Son C.Basavaraj had went to bring his wife Nandini/Accused No.1 to her parental house, but he did not returned. After 03 days C.W.11 intimated us that dead body of my son C.Basavaraj is lying in the Nimalagere Forest Area. Thereafter myself, my wife/C.W.4 and our relatives went and saw the dead body of my son C.Basavaraj; there was a tying mark on the neck of my son C.Basavaraj. Besides the dead body of my son C.Basavaraj there were medicine bottle, water bottle, cool drink bottles. On seeing the dead body of my son C.Basavaraj, it appeared that somebody had committed his murder. Thereafter I have lodged the Complaint.

Now a document/Complaint/Ex.P6 is shown to the Witness and questioned him to identify his Signature on the said document. Witness identifies his Signature. On identification Signature of the Witness is marked as Ex.P6(b).

After lodging the Complaint/Ex.P6 Hosahalli Police had come to the Spot where the dead body of my son C.Basavaraj was lying; they have conducted Inquest Mahazar upon the dead body of my son C.Basavaraj; they have got seized the Materials fallen besides the dead body of my son by drawing the Mahazar as per Ex.P4. Now Mahazar/Ex.P4 is shown to the Witness and questioned him to identify his Signature on the said document. Witness answers in the Affirmative. On identification Signature of the Witness on Ex.P4 is marked as Ex.P4(c).

Now M.O.1 to M.O.7 are shown to the Witness and questioned him to identify the said Material objects. Witness identifies them and contends that the said materials were lying besides the dead body of his son C.Basavaraj.

Thereafter the dead body of my Son C.Basavaraj was given to us for cremation.

After 3 days of Cremation we found a Diary and a Memory Card beneath the Television in our House. Now the said Diary/Ex.P7, Death Note/Ex.P8 and Memory Card/M.O.9 are shown to the Witness and questioned him to identify the same. Witness identifies it.

Thereafter on seeing the contents of the Death Note/Ex.P8 I have filed another Complaint with Hosahalli Police; the said Complaint contains my Signature. Now a document/Complaint dated 21.08.2015 is shown to the Witness and questioned to identify whether the said document contains his Signature. Witness answers in the Affirmative. On identification, the said Complaint dated 21.08.2015 is marked as Ex.P9 and Signature of the Witness is marked as Ex.P9(a).

Cross-examination by Sri.G.B.R. Adv for Accused No.1 :-

It is true to suggest that earlier to the marriage inbetween my son C.Basavaraj and Nandini/Accused No.1, Nandini and her parents were our earlier relatives, prior to the marriage.

We had not lodged any Complaint with any Police Station against the Accused No.1 contending that she is either harassing us or harassing my son C.Basavaraj. Likewise my son C.Basavaraj has also not filed any Complaint against Accused No.1 alleging that she is harassing him.

I do not know to read and write in Kannada Language.

It is true to suggest that I do not know the contents of the first Complaint/Ex.P6 and the Second Complaint/Ex.P9.

It is true to suggest that today for the first time I am contending that there was a mark on the neck of my son C.Basavaraj.

C.W.5/P.W.5 who has scribed the Complaint/Ex.P6 is my Brother's Son. C.W.8, who is the Scribe of the Complaint/Ex.P9 is also my relative.

I have not intimated Hosahalli Police prior to cremation of my son C.Basavaraj, that his wife/Accused No.1 was on and often visiting her parental house.

I cannot state the mobile number of the mobile held by me; held by my wife/C.W.4 or held by my son deceased C.Basavaraj.

I have also not intimated the mobile numbers of the mobile held by me or of the mobile held by my wife/C.W.4 or the mobile held by my son deceased C.Basavaraj.

Hosahalli Police had intimated C.W.6/P.W.3 about falling of the dead body of my son C.Basavaraj in Nimbalgere Forest Area.

Prior to me reaching on the Spot where the dead body of my son C.Basavaraj was lying in Nimbalgere Forest Area, Hosahalli Police had already arrived at the Spot; and had seized the materials fallen besides the dead body of my son.

Hosahalli Police had informed us, as to whether we are having any suspicion on any person, about commission of homicidal death of my son C.Basavaraj. I have not intimated Hosahalli Police that we are not having any suspicion on any person with regard to death of my son C.Basavaraj; and my son C.Basavaraj has died on consuming Poison.

My son C.Basavaraj was not owning any motorcycle. Witness volunteers that he was using the motorcycle of our relative.

I do not remember whether I had intimated Hosahalli Police that my son C.Basavaraj had went to bring his wife/Accused No.1 back to her parental house.

My son C.Basavaraj has taken motorcycle from our Village itself.

It is false to suggest that my son C.Basavaraj had never gone to the parental house of Accused No.1 to bring back Accused No.1 to her matrimonial house.

I cannot state the day, date, month and year as to when my son C.Basavaraj has gone to the parental house of Accused No.1, for the last time.

I do not know the contents of the Diary/Ex.P7 and the Death Note/Ex.P8; but I have got it read from some person.

We found Diary/Ex.P7 and Death Note/Ex.P8 on the next day of Cremation of the body of my son C.Basavaraj.

I have intimated Hosahalli Police that we have received two memory Card, but I have given only one Memory Card; another Memory Card is with me, but I do not remember where I have kept it. I do not remember as to whether Hosahalli Police have made enquiry with regard to the another Memory Card; and have returned it to me. I do not know as to what the Memory Card/M.O.9 contains.

My son C.Basavaraj had studied S.S.L.C.

It is false to suggest that C.W.8 has got created the Diary/Ex.P7, Death Note/Ex.P8 and Memory Card/Ex.P9.

It is false to suggest that neither Accused No.1 nor any other person is responsible for the death of my son C.Basavaraj.

I have affixed the Signature as per Ex.P4(c) on Ex.P4/Spot Mahazar in Hosahalli Police Station.

Cross-examination on behalf of Accused Nos.2 to 6 : -

(Sri.Y.M.M. Adv for Accused No.2, Sri.B.P. Adv for Accused No.3, Smt.B.G.R. Adv for Accused No.4, Sri.L.U. Adv for Accused Nos.5 and 6 adopts the Cross examination done to the Witness on behalf of Accused No.1)

Re-Examination - NIL.

(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)