

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. 06 C.W. 04

Name : Manjula
Father's Name : Siddabasappa
Age : 65 years,
Occupation : House-hold
Residence : Sheliyappanahalli Village, Sandur Taluk

Duly Sworn on : 29-08-2023.

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

Deceased C.Basavaraj is my Son; C.W.1/P.W.1 is my Husband. Accused No.1/Nandini is my Daughter-in-law, as she is the wife of my Son C.Basavaraj. I know C.W.2, C.W.3, C.W.5 to C.W.15. I do not know Accused Nos.2 to 6.

About 8 years back marriage of my son C.Basavaraj was performed with Accused No.1.

About 08 years back my Son C.Basavaraj had went on motorcycle to bring his wife Nandini/Accused No.1 to her parental house, but he did not returned. After 02 days I called my Son on his mobile phone, but the same was Switched off. Thereafter I called my daughter-in-law/Accused No.1 and intimated her that her son C.Basavaraj had went to bring her back but has not yet returned.

Thereafter C.W.11 intimated us that dead body of my son C.Basavaraj is lying in the Nimbalegere Forest Area. Thereafter myself, my husband/C.W.1/P.W.1 and our relatives went and saw the dead body of my son C.Basavaraj. Besides the dead body of my son C.Basavaraj there

were medicine bottle, water bottle, cool drink bottles. Thereafter my husband/C.W.1/P.W.1 has lodged the Complaint.

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 her to identify the same. Witness identifies it. The writing in the Diary/Ex.P7 is of my son C.Basavaraj.

Thereafter on seeing the contents of the Death Note/Ex.P8, my husband/C.W.1/P.W.1 has filed another Complaint with Hosahalli Police, as per Ex.P9.

Hosahalli Police have enquired me and have recorded my Statement.

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

I am an illiterate lady. My son C.Basavaraj had not opened his Bank Account with any Bank. My son had studied School at Abbenahalli Village.

I do not remember my mobile phone number as well as the mobile number of my son C.Basavaraj. I do not know the mobile phone number of my daughter-in-law/Accused No.1.

I do not know whether I have given my mobile phone number to Hosahalli Police as well as phone number of my son and daughter-in-law/Accused No.1 to Hosahalli Police.

Hosahalli Police have enquired me on 18.08.2015 near Nimbalgere Forest Area; thereafter Hosahalli Police have enquired once again after 03 days of the incident.

I have not intimated Hosahalli Police that I had called my Son C.Basavaraj on 16.08.2015, i.e. on Sunday at about 12.00 Noon; and he had intimated me that he would come to Sheliyappanahalli Village. For the sake of contradiction, the said portion of the Statement of the Witness is marked as Ex.D1.

On 18.08.2015 I have not intimated Hosahalli Police that my daughter-in-law Nandini/Accused No.1 is harassing us, or was harassing my son C.Basavaraj.

Neither my son, nor we have convened any Panchyath meeting, nor have lodged any Complaint, alleging that my daughter-in-law Nandini/Accused No.1 is harassing us.

I have not given the mobile number of my son C.Basavaraj, to which I have called; and which was switched-off, to Hosahalli Police. I have also not given the mobile number of my daughter-in-law Nandini/Accused No.1

to Hosahalli Police. I do not know the mobile number of my daughter-in-law Nandini/Accused No.1.

When we saw the dead body of my son C.Basavaraj for the first time at Nimbalgere Forest Area, we did not find that my son C.Basavaraj had consumed poison.

I have not intimated Hosahalli Police that "ನನ್ನ ಮಗನು ... ಗೋತ್ತಿಲ್ಲ". For the sake of contradiction, the said portion of the Statement of the Witness is marked as Ex.D2.

I had not informed Hosahalli Police that my son C.Basavaraj was having the habit of writing a Diary.

Diary/Ex.P7 and Death Note/Ex.P8 were in the Godrej Cupboard.

My husband/C.W.1/P.W.1 has taken the said Diary/Ex.P7 and Death Note/Ex.P8 and given to Hosahalli Police.

Even Memory Card/M.O.9 was in the Godrej Cupboard.

I do not know whether my husband/C.w.1/P.W.1 has stated Hosahalli Police the name of the person with whom we have got read the contents of the Diary/Ex.P7 and Death Note/Ex.P8. But I have not stated the name of the person who has read the contents of the Diary/Ex.P7 and Death Note/Ex.P8, to Hosahalli Police.

I alone have searched for the Diary or any other material of my son C.Basavaraj.

I had gone to Hosahalli Police Station on 21.08.2015 at about 10.00 a.m.

Diary/Ex.P7, Death Note/Ex.P8 and Memory Card/M.O.9 was searched and found on the same day of cremation of the dead body of my son C.Basavaraj; the said materials have been found in the night of the said day.

I have not informed the Hosahalli Police about any Mobile Numbers during my enquiry on both the Occassions.

I do not know whether I have stated before Hosahalli Police that Memory Card was beneath the Television. Witness volunteers that her husband/C.W.1/P.W.1 knows it.

I have not discussed anything about this matter with C.W.8.

It is false to suggest that C.W.8 has got create the Diary/Ex.P7, Death Note/Ex.P8 and Memory Card/M.O.9.

I do not know personally as to the contents of the Diary/Ex.P7, Death Note/Ex.P8 and Memory Card/M.O.9.

It is false to suggest that I am deposing falsely in this Case at the instance of C.W.8.

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

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)