

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. 07 C.W. 08

Name : S.Basavaraj
Father's Name : Basappa
Age : 61 years,
Occupation : Private School Teacher
Residence : Appenahalli Village, Kudligi Taluk

Duly Sworn on : 17-10-2023.

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

C.W.1/P.W.1 is my maternal uncle (Mother's Cousin Brother). I know C.W.4/P.W.6, C.W.5/P.W.5, C.W.6/P.W.3, C.W.11 to C.W.15.

I know deceased Basavaraj, he is my relative. I know Accused No.1, but I do not know Accused Nos.2 to 6.

The marriage of C.Basavaraj was performed with Accused No.1/Nandini on 28.05.2015. Nandini/Accused No.1 used to reside maximum in her parental house at Tumbinakatte Village.

On 13.08.2015, C.Basavaraj had went to the parental place of Nandini/Accused No.1; he had returned to his house; and again on 15.08.2015 in the evening on taking the motorcycle of C.W.15 again went to the parental house of Nandini/Accused No.1 to Tumbinakatte Village. From 15.08.2015 C.Basavaraj did not call his parents on mobile phone, so on 17.08.2015 parents of mother of C.Basavaraj by name Manjula/C.W.4/P.W.6 had called him on his mobile phone, but the said mobile phone was switched-off. Thereafter said Manjula/C.W.4/P.W.6 had again called her daughter-in-law Nandini/Accused No.1; and asked about

the whereabouts of C.Basavaraj, for which Nandini/Accused No.1 replied that yesterday itself C.Basavaraj had returned to Sheliyappanahalli Village.

On 18.08.2015 Hosahalli Police had informed C.W.11 about finding of an unidentified dead body at Nimbalegere Forest Area; for which on knowing the facts, C.W.11 informed the parents of C.Basavaraj viz., Siddabasappa/C.W.1/P.W.1 and Manjula/C.W.4/P.W.6; on informing them, they alongwith our relatives went near the place, where the dead body of C.Basavaraj was found, i.e. in Nimbalegere Forest Area; on identification of the dead body of C.Basavaraj; the information of death of C.Basavaraj was intimated to me; on intimation I went for cremation to Sheliyappanahalli Village, to the house of C.Basavaraj. Siddabasappa/C.W.1/P.W.1 had already filed a U.D.R. Report with Hosahalli Police; after completion of cremation of the dead body of C.Basavaraj; when my maternal Uncle Siddabasappa/C.W.1/P.W.1 and Manjula/C.W.4/P.W.6 were cleaning their house, they got a Diary, Death Note and Memory Card; on perusal of the said writings, I have went with my maternal Uncle Siddabasappa/C.W.1/P.W.1 and lodged a Complaint with the Hosahalli Police.

Now I see the Complaint, which is already marked as Ex.P9; the same is in my handwriting; I have written the same, as per the narration given by Siddabasappa/C.W.1/P.W.1; I have affixed my Signature for having scribed the said Complaint. On identification, signature of the Witness on the Complaint is marked as Ex.P9(b).

Thereafter, Hosahalli Police have got seized the Diary, Death Note and Memory Card, produced by Siddabasappa/C.W.1/P.W.1, in my presence as well as in the presence of C.W.9. Now I see the said Seizure Mahazar, which is already marked as Ex.P10; on identification Signature of

the Witness is marked as Ex.P10(b). I can identify the Diary, Death Note and Memory Card, which are already marked as Ex.P7, Ex.P8 and M.O.9.

I have given Statement before the Hosahalli Police.

I have perused the Death Note, wherein the names of Accused No.1 and five male persons were written. Five Male Persons viz., Satish, Mahantesh, Hanumantha, Rakesh and Keerthi.

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

I have completed Diploma in Special Education. At the time of death of C.Basavaraj, I was residing at Koratageri in Tumakuru District. I had come to Sheliyappanahalli on receipt of the information of death of C.Basavaraj on 19.08.2015.

I have not gone to the place, i.e., Nimbalegere Forest Area, where the dead body of C.Basavaraj was found; I do not know as to what were the materials/instruments were found besides the dead body of C.Basavaraj, on that place.

I have not given any Statement before the Hosahalli Police contending that I had went alongwith the parents of C.Basavaraj to Nimbalegere Forest Area, where the dead body of C.Basavaraj was found; identified the said dead body, to be the dead body of C.Basavaraj, on 18.08.2015.

It is true to suggest that, a suspicion complaint was given by Siddabasappa/C.W.1/P.W.1 with the Hosahalli Police on 18.08.2015. Siddabasappa/C.W.1/P.W.1 has not mentioned the names of Accused Nos.1 to 6 in his Suspicion Complaint/Ex.P6, given on 18.08.2015.

It is false to suggest that, on perusing Ex.P6/Complaint; and on finding that the said Complaint will not pointout the Accused Nos.1 to 6, so

I have got written a separate Complaint, as per Ex.P9, pointing out the names of Accused Nos.1 to 6; and on taking the Signature of Siddabasappa/C.W.1/P.W.1, got filed the said Complaint through Siddabasappa/C.W.1/P.W.1, with Hosahalli Police.

It is false to suggest that, the contents of the Complaint/Ex.P9 has not been narrated to me by Siddabasappa/C.W.1/P.W.1, at any point of time.

It is false to suggest that, I had posed certain demands against the Accused No.1 contending that if she fails to satisfy those demands, then a Complaint will be lodged against her.

Hosahalli Police have enquired me on 21.08.2015.

I have not stated before the Hosahalli Police that I alongwith the parents of C.Basavaraj, i.e., P.W.1 and P.W.6, while cleaning their house found the Diary, Death Note and Memory Card. On confrontation and admission, the Statement of the Witness recorded U/Sec 161 of Cr.P.C. on its contradiction, which reads as 'ಬಸವರಾಜನ ಶವ ... ತಿಳಿದು ಬಂದಿತು.' For identification, the same is marked as Ex.D3.

I was aware about the phone number of C.Basavaraj; but after his death I forgotten the said phone number.

It is false to suggest that, I have got created the Diary/Ex.P7, Death Note/Ex.P8 and Memory Card/M.O.9, inorder to find support to the averments made in the Complaint/Ex.P9.

It is false to suggest that, the writings found in the Diary/Ex.P7, Death Note/Ex.P8 are not the writings of C.Basavaraj. Witness contends that he is having documents and materials containing the writings of C.Basavaraj. I have not personally seen C.Basavaraj writing any contents.

I do not remember the date on which I have received the last Mobile Phone call from C.Basavaraj.

It is false to suggest that, Ex.P10/Seizure Mahazar has been drawn by the Hosahalli Police, at my instance.

It is false to suggest that, Siddabasappa/C.W.1/P.W.1 is not aware about the contents of the Seizure Mahazar/Ex.P10, but I have got obtained the Signature of Siddabasappa/C.W.1/P.W.1, on the said Seizure Mahazar/Ex.P10.

It is false to suggest that, Accused No.1 is not the cause for the death of her husband/C.Basavaraj.

It is false to suggest that, since Accused No.1 did not heed to my demands, I have got created false evidence against the Accused No.1 and have got lodged a false Complaint against her through Siddabasappa/C.W.1/P.W.1.

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

(Sri.M.J.H. Adv for Accused No.2 submits that, Accused No.2 adopts the Cross-examination done to the Witness on behalf of Accused No.1.)

Cross-examination by Sri.L.U. Adv for Accused Nos.3, 5 and 6 : -

Now Diary/Ex.P7 is shown to the Witness and questioned him whether it is the said Diary, which was found. Witness answers in the Affirmative.

It is false to suggest that, I have got written the Phone numbers of the Accused Nos.2 to 6 in the Complaint; and the same was not written by C.Basavaraj.

It is false to suggest that, I have got created the writings in the Diary/Ex.P7, Death Note/Ex.P8 and the Memory Card/M.O.9.

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

(Smt.B.G.R. Adv for Accused No.4 submits that, Accused No.4 adopts the Cross-examination done to the Witness on behalf of Accused Nos.1, 3, 5 and 6.)

(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)