

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

S.C. No.5150/2021

P.W. 01 C.W. 01

Name : Sri.Nilya Naik
Father's Name : Sri.Lachya Naik
Age : 40 years
Occupation : Coolie
Residence : Hallikere Kodi Thanda

Duly Sworn on : 15-09-2025.

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

Deceased Smt.Gowri Bai is my mother. CW.6 – Sri.Anand Naik, CW.7 – Sri.Umesh Naik, and CW.13 – Sri.Chandra Naik are my younger brothers. I know the accused Nos.1 and 3 who are present before the Court, and also deceased accused No.2 – Sri.Sankrya Naik.

Since past 40 to 45 years we have been cultivating 3 Acres of land in Sy.No.120/5 of Hallikere village. The said land is a Government land. Though we were cultivating the said land, the said land was granted in the name of one Sri.Gopya Naik S/o Lachya Naik. Said Sri.Gopya Naik is none other than the father of the accused No.2. A piece of land which said Sri.Gopya Naik was cultivating is situated in the said Sy.No.120 itself. In that connection several panchayaths were held between said Sri.Gopya Naik and my parents. In fact, an agreement was also entered into between them. A request was made to Sri.Gopya Naik to get the land, cultivated by him, granted in his name; and to see that said 3 Acres of land, cultivated by us, be granted in the name of my mother deceased

Smt.Gowri Bai. But, however, said Sri.Gopya Naik has not got our land granted in the name of my mother deceased Smt.Gowri Bai. In the mean while, said Sri.Gopya Naik died. After the death of said Sri.Gopya Naik my parents met the accused No.2 – Sri.Sankrya Naik and CW.10 – Sri.Mitya Naik along with the said agreement. At that time accused No.2 – Sri.Sankrya Naik took the said agreement from my parents saying that he would go through the contents of the agreement. Thereafter, he tore the said agreement and threw it into fire. Thereafter, one more panchayath was held at Channapura Thanda (the village of the accused persons) wherein the accused No.2 – Sri.Sankrya Naik and CW.10 – Sri.Mitya Naik have agreed to get the said 3 Acres of land granted in the name of my parents provided my parents pay the money demanded by them. Accordingly, they have entered into another agreement of sale. Even thereafter accused No.2 – Sri.Sankrya Naik and CW.10 – Sri.Mitya Naik failed to get the said 3 Acres of land granted in the name of my parents. Thereafter, in the year 2020 my mother deceased Smt.Gowri Bai went to Channapura Thanda and asked accused No.2 – Sri.Sankrya Naik and CW.10 – Sri.Mitya Naik to get the said 3 Acres of land granted in the name of my mother deceased Smt.Gowri Bai. At that time the accused Nos.1 to 3 have picked-up quarrel with my mother deceased Smt.Gowri Bai and assaulted her, abused her with filthy language, dragged her Saree and harassed her. At that time, fed-up with the conduct of the accused persons, my mother deceased Smt.Gowri Bai expressed her intention to die. At that time the accused persons have offered poison to her and asked her to go and die. My mother deceased Smt.Gowri Bai consumed the said poison. She fell down on the ground. The persons who gathered there telephoned to me and informed me about the said fate of my mother

and asked me to come over to the said place. The said persons (Sri.Mallesh Naik, one Sri.Somlya Naik and others) had brought my mother deceased Smt.Gowri Bai to Arasikere hospital. Myself and my brother and others had been to said hospital. The Doctor in the said hospital referred my mother deceased Smt.Gowri Bai to hospital at Davanagere. Accordingly, we took my mother deceased Smt.Gowri Bai to Babuji Hospital, Davanagere, in an ambulance. My mother deceased Smt.Gowri Bai was in a position to talk. We enquired her. She told us that the accused persons have harassed her in the above noted manner and they have asked me to die etc. She was in coma stage for about 25 – 30 days. She died in the said hospital. On the date when my mother deceased Smt.Gowri Bai consumed poison I went and gave complaint to Arasikere Police. But, the said Police have not taken my complaint. After the death of my mother deceased Smt.Gowri Bai I went and gave complaint which was registered by said Police. Now I see a document (FIS dated 12.10.2020) now shown to me. There is my signature in the said document. The said document (FIS dated 12.10.2020) is marked as **Ex.P.1** and my signature as **Ex.P.1(a)**. I do not know reading and writing. As per my say one Sri.Ravi Naik (CW.20) written my complaint which I have submitted to the said Police. Now I see 4 photos now shown to me. They are the photos of dead body of my mother deceased Smt.Gowri Bai. The said photos are now marked as **Ex.P.2 to Ex.P.5**. Thereafter, the Police have taken me and CW.2 and CW.3 to the house of the accused persons at Channapura Thanda and conducted spot mahazar. Now I see a document (mahazar dated 13.10.2020) now shown to me. There is my signature in the said document. The said document (mahazar dated 13.10.2020) is marked as **Ex.P.6** and my signature as **Ex.P.6(a)**. Now I see

a photo now shown to me. It was taken at the time of conducting of Ex.P.6 – mahazar. The said photo is now marked as **Ex.P.7**. On the date when my mother consumed poison, the Police have recorded my statement at police station. After I gave complaint as per Ex.P.1, Police had come to said hospital at Davanagere and took my another statement.

Cross-examination by Sri. S.C.P., Advocate for Accused Nos.1 & 3:-

(Cross-examination of PW.1 is deferred.)

(Typed to my dictation in the open Court)

R O I & A C

(D.P.KUMARA SWAMY)

III Additional District & Sessions Judge,
Ballari (sitting at Hosapete).