

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

S.C. No.5048/2017 C/W S.C. 5016/2023

P.W. 15 C.W. 27

Name : Nagaraj
Father's Name : Mariyappa
Age : 42 years
Occupation : Agriculturist,
Residence : Imbrapura Village.

Duly Sworn on : 18-12-2024.

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

I do not know the Accused persons. I know C.W.26/P.W.14.

About 5 to 6 years back, when I had been to Hosahalli, Hoshalli Police have taken my Signatures on some documents.

Now a document/Cash Seizure Mahazar dated 15.05.2017/Ex.P17 is shown to the Witness and questioned him to identify, whether the said document contains his Signature. Witness answers in the Affirmative. On identification, Signature of the Witness on the Cash Seizure Mahazar/Ex.P17 is marked as Ex.P17(b). Witness contends that he do not know the contents of the Seizure Mahazar/Ex.P17.

Now 100 Currency notes of Rs.100/- denomination, marked as M.O.2 is shown to the witness and questioned him to identify them. Witness fails to identify the said Currency Notes. The said Currency Notes are seen in the Positive Photograph. For identification, the said Positive Photograph is marked as M.O.2(A).

Now a document/Vehicle Seizure Mahazar dated 15.05.2017/Ex.P18 is shown to the Witness and questioned him to identify, whether the said document contains his Signature. Witness answers in the Affirmative. On identification, Signature of the Witness is marked as Ex.P18(b). Witness contends that he do not know the contents of the Seizure Mahazar/Ex.P18.

Now Motor cycle bearing Registration No.KA-16/ED-4746/M.O.3 is shown to the Witness. Witness fails to identify it. The said Motorcycle is seen in the Positive Photograph/M.O.3(A).

Now a document/Cash Seizure Mahazar dated 15.05.2017/Ex.P19 is shown to the Witness and questioned him to identify, whether the said document contains his Signature. Witness answers in the Affirmative. On identification, Signature of the Witness is marked as Ex.P19(b). Witness contends that he do not know the contents of the Seizure Mahazar/Ex.P19.

Now 100 Currency notes of Rs.100/- denomination, marked as M.O.4 is shown to the witness and questioned him to identify them. Witness fails to identify the said Currency Notes. The said Currency Notes are seen in the Positive Photograph. (M.O.2(A) and M.O.4(A) are in one Positive Photograph.

Now a document/Vehicle Seizure Mahazar dated 16.05.2017/Ex.P20 is shown to the Witness and questioned him to identify, whether the said document contains his Signature. Witness answers in the Affirmative. On identification, Signature of the Witness is marked as Ex.P20(b). Witness contends that he do not know the contents of the Seizure Mahazar/Ex.P20.

Now Ashokleyland Goods Van bearing Registration No.KA-17/C-7764/M.O.5 is shown to the Witness and questioned him to identify. Witness fails to identify it. The said Ashokleyland Van is seen in the Positive Photograph/M.O.5(A).

Now Witness again Stepsdown from the Witnessbox went to see the Car bearing Registration No.KA-03/AB-9851/M.O.6 parked in the Court Premises. On entering into the Witness Box, took oath and contended that he do not identify the Car. The said Car is seen in the Positive Photograph/Ex.P3.

Now Red Colour Rope/M.O.7 present in the Open Court is shown to the Witness and questioned him to identify the same. Witness fails to identify it.

Now Seizure Mahazar/Ex.P4 is shown to the Witness and questioned him to identify, whether the said document contains his Signature. Witness answers in the Affirmative. On identification, Signature of the Witness on the Seizure Mahazar/Ex.P4 is marked as Ex.P4(c). Witness contends that he do not know the contents of the Seizure Mahazar/Ex.P4.

Now Sample Arecanut/M.O.8 present in the Open Court, produced under P.F. No.61/2017(7) is shown to the Witness and questioned him to identify the same. Witness fails to identify it.

Now a Positive Photograph/Ex.P21 is shown to the Witness and questioned him to identify the Arecanut Bales seen in it. Witness fails to identify the same.

**(The learned PP prays to treat this witness partly hostile.
Perused the entire file and the examination-in-chief of this witness.
Hence permitted)
Cross Examination by learned PP**

It is false to suggest that, on 15.05.2017, Accused No.3 has produced Rs.10,000/- before Hosahalli Police for which, Hosahalli Police have seized the said money, which is marked as M.O.2, by drawing the Seizure Mahazar, as per Ex.P17, got clicked Positive Photograph, as per M.O.2(A), in my presence as well as in the presence of C.W.26/P.W.14; the said Mahazar proceedings were conducted inbetween 05.15 p.m. to 05.30 p.m. in the evening.

It is false to suggest that, on 15.05.2017, Accused No.6 has produced motorcycle bearing Registration No.KA-16/ED-4746 before Hosahalli Police for which, Hosahalli Police have seized the said motorcycle, which is marked as M.O.3, by drawing the Seizure Mahazar, as per Ex.P18, got clicked Positive Photograph, as per M.O.3(A), in my presence as well as in the presence of C.W.26/P.W.14; the said Mahazar proceedings were conducted inbetween 06.15 p.m. to 06.45 p.m. in the evening.

It is false to suggest that, on 15.05.2017, Accused No.6 has produced Rs.10,000/- before Hosahalli Police for which, Hosahalli Police have seized the said money, which is marked as M.O.4, by drawing the Seizure Mahazar, as per Ex.P19, got clicked Positive Photograph, as per M.O.3(A), in my presence as well as in the presence of C.W.26/P.W.14; the

said Mahazar proceedings were conducted inbetween 06.30 p.m. to 07.00 p.m. in the evening.

It is false to suggest that, on 16.05.2017, Accused No.5 has produced the Ashokleyland Goods Vehicle bearing Registration No.KA-17/C-7764 and Red Colour Rope; and Accused No.7 has produced the Car bearing Registration No.KA-03/AB-9851 before Hosahalli Police for which, Hosahalli Police have seized the said Ashok Leyland Goods Van, which is marked as M.O.5, Car marked as M.o.6 and Red Colour Rope marked as M.O.7, by drawing the Seizure Mahazar, as per Ex.P20, got clicked Positive Photographs, in my presence as well as in the presence of C.W.26/P.W.14; the said Mahazar proceedings were conducted inbetween 08.00 a.m. to 08.45 a.m. in the morning.

It is false to suggest that, on 16.05.2017, Accused Nos.3 and 6 have produced Arecanut Bales before Hosahalli Police for which, Hosahalli Police have seized the Arecanut Bales, seen in Positive Photograph/Ex.P21, of which Samples were removed, as per M.O.8, by drawing the Seizure Mahazar, as per Ex.P4, got clicked Positive Photograph, in my presence as well as in the presence of C.W.26/P.W.14; the said Mahazar proceedings were conducted inbetween 10.20 a.m. to 11.00 a.m. in the morning.

It is false to suggest that I am deposing falsely in this case, in order to help the Accused persons.

Cross-examination by Sri.K.Y. Adv for Accused Nos.2 to 8 : -

(Sri.N.B., Adv for Accused persons submits that, Accused persons have No Cross Examination towards P.W-15. Hence, Cross Examination of P.W-15 by Accused persons is taken as 'Nil').

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)