

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

S.C. No.5048/2017

P.W. 10 C.W. 01

Name : Ramesh Chand
Father's Name : Karam Chand
Age : 58 years
Occupation : Driver
Residence : Ameerpar, Himachal Pradesh State.

Duly Sworn on : 05-10-2023.

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

I know C.W.2. I do not know Accused Nos.2 to 8, who are present in the Open Court today.

About 6 years back, myself and C.W.2 were going in a 10 wheeler lorry bearing Registration No.H.R.-55/L-6879, belonging to Gyan Chand. We were transporting Arecanut in the said Vehicle from Chitradurga to Delhi. When we were going, we were at a place 30 Kms away from Chitradurga, at that time, few people came with Car, Autorickshaw and Motor-cycles and restrained us from further proceeding by parking their vehicles, in front of our Vehicle. The said people started assaulting us; myself and C.W.2 left the Vehicle on road and ran away towards the Police Station. We went to Hosahalli Police Station and narrated the said fact to the Police Authorities, present in the said Police Station. I do not remember the Registration numbers of the Car, Autorickshaw and Motor-cycles. I cannot recognise the persons who curtailed our journey and assaulted us on that day.

Said miscreant persons had taken our Lorry with them. The said lorry was detected on Shimogga – Harihar Road, near Kumblur Village in Honnahalli Taluka.

I have given the Complaint before the Hosahalli Police on 05.05.2017 at about 07.00 a.m. in the morning; I have narrated the facts to the Station Officer of the Hosahalli Police Station; accordingly he has translated and typed it in Kannada Language; the same was read over and explained to me; on finding it correct, I have affixed my Signature to it.

Now a document/Complaint is shown to the Witness and questioned him to identify, whether the said document contains his Signature. Witness identifies his Signature. On identification, Complaint is marked as Ex.P9 and Signature of the Witness is marked as Ex.P9(a).

Thereafter, on the same day, I have taken Hosahalli Police to the Spot of Occurrence; and on showing the said Spot, Hosahalli Police have conducted the Spot Mahazar in the presence of two witnesses viz., C.W.22 and C.W.23; the said Mahazar was conducted inbetween 10.00 a.m. to 11.00 a.m. I have affixed my Signature on the said Mahazar.

Now a document/Spot Mahazar dated 05.05.2017 is shown to the Witness and questioned him to identify, whether the said document contains his Signature. Witness identifies his Signature. On identification, Spot Mahazar is marked as Ex.P10 and Signature of the Witness is marked as Ex.P10(a).

Thereafter, Hosahalli Police have sent me to Hosahalli Government Hospital for treatment.

Thereafter, Hosahalli Police have asked to keep myself and C.W.2 present on 20.05.2017. I have not identified the assailants before the

Thasildar. Witness contends that some signatures were obtained on that day.

Now documents/Test Identification Parade, Roundup Reports are shown to the Witness and questioned him to identify, whether the said documents contain his Signatures. Witness identifies his Signatures. On identification, Test Identification Parade, Roundup Reports are collectively marked as Ex.P11 (9 pages); for the sake of identification, Signature of the Witness on the first page is marked as Ex.P11(a).

Now Positive Photographs/Ex.P6 and Ex.P7 are shown to the Witness and questioned him to identify the same. Witness contends that the said Photos pertains to the 10 Wheeler Lorry, in which they were travelling.

I have not given any Statement before the Hosahalli Police.

(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 04.05.2017, at about 11.00 p.m. in the night when we were proceeding towards Delhi from Chitradurga on N.H.50 Road, at that time, Accused Nos.2 to 8 and 5 others had come with their Car, Autorickshaw and Motor-cycles; they restrained us from further proceeding; said Accused persons and others assaulted me and C.W.2, wherein I ran away from the said Spot towards the Police Station; C.W.2 was kidnapped by the said Accused Persons and others and took him alongwith Arecanut loaded Lorry, with them.

It is true to suggest that, I have given Complaint before the Hosahalli Police, as per Ex.P9.

It is false to suggest that, on 20.05.2017 Thasildar, Huvinahadagali/C.W.38 has conducted Test Identification Parade, wherein I was requested to identify the Accused persons; and I have identified the Accused persons in 3 rounds; accordingly the Thasildar/C.W.38 has taken my Signatures, as per Ex.P11.

It is false to suggest that, I have given further Statement before the Hosahalli Police on 20.05.2017 contending that "ನಾನು ದಿನಾಂಕ ನನ್ನ ಮರು ಹೇಳಿಕೆ ಇರುತ್ತದೆ ". For identification, the said Statement is marked as Ex.P12.

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 : -

It is false to suggest that I have lodged a false Complaint before the Hosahalli Police Station, with a malafide intention to claim Insurance.

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)