

**IN THE COURT OF THE 3<sup>rd</sup> A.D.J., AT HOSAPETE**

**Spl.C.No.5002/2019**

P.W. 02 C.W. 02

Name : H.B.Mohan  
Father's Name : H.B.Basavaraj  
Age : 49 years  
Occupation : F.D.A. in Small Savings Department,  
D.C. Office, Hassan  
Residence : Hassan

Duly Sworn on : 20-10-2023.

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

I was working as S.D.A. in Small Savings Department, Davanagere since 2005 to 2020.

On 05.01.2017 in the evening around 07.00 p.m. in the evening my Superior Officer/Assistant Director of Small Savings, Davanagere instructed me to appear before the Office of A.C.B. Davanagere. Accordingly, I have went to the said Office around 07.30 p.m. in the evening, by that time C.W.1/P.W.1 was already in the said Office. Even C.W.3 was also present in the said Office. A.C.B. Police Official introduced me to the Complainant/C.W.1/P.W.1 and informed me that Complainant/C.W.1/P.W.1 has lodged the Complaint against the Accused persons, contending that the Accused persons have demanded bribe of Rs.3,500/- from him, to release the subsidy amount, in his favour. The Complainant/C.W.1/P.W.1 has tendered Rs.3,500/- containing Six Currency Notes of Rs.500/- denomination, Three Currency Notes of Rs.100/- denomination and Four Currency Notes of Rs.50/- denomination,

to A.C.B. Police Officials. Thereafter, the said Police Officials have smeared Phenolphthalein Powder on the said Currency Notes; and I was asked to count the said Currency Notes; accordingly I have counted the said Currency Notes; thereafter I was asked to put my hands in a white colour liquid; when I put my both the hands in two different bowls containing the said White Colour liquid, the said White Colour liquid turned into pink Colour. I have given the said Currency Notes containing Phenolphthalein Powder to the Complainant/C.W.1/P.W.1. A.C.B. Police Officials have recorded the Serial Numbers of the said Currency Notes and have recorded the Mahazar. I have affixed my Signature to the said Mahazar. I can identify the same.

Now a document/ Entrustment Mahazar/Ex.P2 is shown to the Witness and questioned him to identify his Signature. Witness identifies his Signature on each page of the said document. On identification, Signature of the Witness on the last page is marked as Ex.P2(b). C.W.3 has also affixed his Signature on the said Entrustment Mahazar/Ex.P2 in my presence.

Thereafter we were asked to come on the next day morning, i.e., on 06.01.2017 at 09.00 a.m.

Accordingly, I had been to the Office of the A.C.B. Davanagere at about 09.00 a.m. in the morning, by that time, the Complainant/C.W.1/P.W.1 has come to the said Office on his own motorbike; even C.W.3 had come to the Office. Again, Phenolphthalein Powder was smeared on the Currency Notes and I have kept the said Currency Notes in the Front left side Shirt Pocket of the Complainant/C.W.1/P.W.1. Thereafter myself and the Complainant/C.W.1/

P.W.1 went on his motorbike to Harapanahalli, wherein the Complainant/C.W.1/P.W.1 had called Accused No.1 on his Mobile Phone, asking him as to where he has to come. A.C.B. Officials had also come in their vehicle alongwith C.W.3, at that time to Harapanahalli. When Accused No.1 asked the Complainant/C.W.1/P.W.1 to come to Silk Department Office at Harapanahalli, accordingly myself and the Complainant/C.W.1/P.W.1 went to the said Office. When we entered the Office of the Accused No.1, Accused No.1 called the Complainant/C.W.1/P.W.1, accordingly myself and Complainant/C.W.1/P.W.1 sat in front of the Accused No.1; Accused No.1 had given one Form, asking the Complainant/C.W.1/P.W.1 to sign it, accordingly the Complainant/C.W.1/P.W.1 has affixed his Signature. I was sitting on the either side of the Table, at that time there was talks with regard to payments, thereafter both the Complainant/C.W.1/P.W.1 and Accused No.1 went at a distance of about 5 feet from the said Table; Complainant/C.W.1/P.W.1 gave the said Money; Accused No.1 counted the said Currency Notes and kept the said Money in his front side Left Shirt Pocket; and then he called to someone on his Mobile Phone. After giving the money to the Accused No.1, the Complainant/C.W.1/P.W.1 walked outside the Office and gave signal to A.C.B. Police Officials by scratching his cheek. Thereafter, A.C.B. Officials came inside the Office of Accused No.1; they got themselves introduced to Accused No.1 as A.C.B. Police Officials; and when the said A.C.B. Police Officials enquired Accused No.1 as to whether he has taken bribe from the Complainant, the Accused No.1 took out money from his Shirt Pocket and tendered the said Money to the said A.C.B. Police Officials. Thereafter two White Colour liquid bowls were brought, wherein A.C.B. Police Officials asked Accused No.1 to dip his both the hands in two different bowls, accordingly Accused No.1 dipped his

hands in both the Bowls; the Colour of the liquid was turned from White Colour to Pink Colour. Thereafter again one White Colour Liquid Bowl was brought and the portion of left front pocket of the Shirt of the Accused No.1 was got dipped into the said liquid; again the said liquid turned into Pink Colour. A.C.B. Police Officials asked about the records pertaining to the Complainant/C.W.1/P.W.1 with another Official companion of the Accused No.1, but the said Official informed that all the records are with the Assistant Director of Silk Office, Davanagere, the name of the said Officer is Jagadish. A.C.B. Police Officials have conducted the Mahazar; it was about 06.00 p.m. in the evening. I have affixed my Signature to the said Trap Mahazar. I can identify the same.

Now a document/Trap Mahazar/Ex.P3 is shown to the Witness and questioned him to identify his Signature. Witness identifies his Signature on each page of the said document. On identification, Signature of the Witness on the last page is marked as Ex.P3(b).

Thereafter from Harapanahalli, we went to the Office of the Assistant Director of Silks, Davanagere, i.e., to the Office of Mr.Jagadish/Accused No.2/D.O.2. A.C.B. Police Officials have enquired with Accused No.2/D.O. No.2; and shown the Voice Recordings recorded, wherein he had demanded bribe from the Complainant/C.W.1/P.W.1. Again a Mahazar was conducted in the Office of the Accused No.2/D.O. No.2. I have affixed my Signature on the said Mahazar. I can identify the said Mahazar.

Now a document/Mahazar/Ex.P4 is shown to the Witness and questioned him to identify his Signature. Witness identifies his Signature on each page of the said document. On identification, Signature of the Witness on the last page is marked as Ex.P4(b).

Thereafter I went to my residence.

Again I was called on 12.01.2017 to A.C.B. Office, Davanagere. I have attended the said Office on the said day; even C.W.3 had attended the Office of A.C.B. Davanagere; in the said Office, A.C.B. Police Officials alongwith Accused Nos.1 and 2/D.O. Nos.1 and 2 were present. Mobile Recordings of Accused Nos.1 and 2/D.O. Nos.1 and 2 were got heard before us and the Accused Nos.1 and 2/D.O. Nos.1 and 2; the said Mobile Recordings were got copied to a C.D. in the Recording System. Panchanama was conducted and C.D. and other signed documents were sealed in an Envelope and affixed a seal to it. I have affixed my Signature to the said Mahazar/Panchanama. I can identify it.

Now a document/Mahazar dated 12.01.2017 is shown to the Witness and questioned him to identify his Signature. Witness identifies his Signature on each page of the said document. On identification, the said Mahazar is marked as Ex.P5 and Signature of the Witness on the last page is marked as Ex.P5(a).

The said event was videographed; Photos were got clicked. I can identify the Photographs.

A.C.B. Police Officials have videographed the events while conducting all the Panchanamas; and have got clicked Photographs on all the events of conducting the Panchanamas.

On 05.01.2017 in the evening 11 Photos were got clicked. On identification, the said 11 Photos are marked as Ex.P6 to Ex.P16.

On 06.01.2017, 09 photos were got clicked in the Office of the Accused No.1/D.O.1 at Harapanahalli. On identification, the said 09 Photos are marked as Ex.P17 to Ex.P25.

I can identify Accused No.1/D.O.1 and Accused No.2/D.O.2, they are present in the Open Court today.

I have given my Statement before the A.C.B. Police Official.

**Cross-examination by Accused Nos.1 and 2 :-**

(Sri.Y.M.M. Adv representing Sri.B.A.D. Adv for Accused No.1 and Sri.U.B.R. Adv for Accused No.2 submits that Accused Nos.1 and 2 will Cross-examine P.W.2 alongwith Cross-examination of P.W.1. Hence, Cross Examination of P.W-2 by Accused Nos.1 and 2 is deferred.)

**(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)