

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

S.C. No.5057/2020

P.W. 1 C.W. 1

Name : Kattebennur Koteppa
Father's/Husband's Name : Ningappa
Age : 38 years
Occupation : Agricultural
Residence : Harakanal, Harapnahalli Taluk

Duly Sworn on : 14-02-2024.

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

CW-6 is my Father, CW-4 is my Mother, Deceased Kattebennur Hanumanth is my younger Brother, CW-5 is my sister-in-law, as she is the wife of deceased Kattebennur Hanumanth. CW-19 is my cousin Brother. I know CW-7 and CW-16. I know Accused.

My Village Harakanalu is located at distance at about 8 kms from Hirehadagali. Accused is from my Village. Accused is dealing with fake currency notes. Accused and my younger Brother/Hanumanth were friends. When Harapnahalli Police had come to our Village Harakanalu, in search of the house of the Accused, at that time my younger Brother/Hanumanth has shown the house of the Accused.

Due to the friendship Accused requested to obtained loan; accordingly my younger Brother/Hanumantha has raised loan from the Sangha, in the name of his Wife/CW-5 and gave the said loan amount to the Accused.

About four and half years back in the evening about 5.30 p.m. Accused asked my younger Brother/Hanumanth to accompany him to go to Hirehadagali Village on the motorcycle of the Accused. Accordingly my Younger Brother/Hanumanth went along with the Accused on his Motorcycle to Hirehadagali.

On the next day CW-19 called me on my mobile phone and asked me about the whereabouts of my younger Brother/Hanumanth ; I went to the house of my Younger Brother/Hanumanth and asked about him, for which I came to know that he had not returned in the night,

CW-19 asked me to come near Tumbinakere Thanda Water Stream; accordingly I went there and saw the deadbody of my younger Brother/Hanumanth, wherein he had sustained cut injuries on the right side of the abdomen, right side of the chest, center of the chest, left side of the chest, on the back. My younger Brother/Hanumanth was dead.

Thereafter I came to know Accused has committed the murder of my younger Brother/Hanumanth.

Thereafter I went to Hirehadagali P.S. and lodged the Complaint against the Accused. I have narrated the contents of the Complaint; and the same was written by CW-19.

Now the Complaint is shown to the Witness and questioned him to ascertain whether the said document contains his Signature. Witness identifies his Signature of the Complaint. On identification Complaint is marked as Ex.P.1 and Signature of the witness is marked as Ex.P.1(a).

Thereafter Hirehadagali Police came to the Spot, as per the Spot shown by me and conducted Inquest Mahazar on the deadbody of my younger Brother/Hanumanth; and got clicked positive photographs.

Now 6 positive photographs are shown to the Witness and questioned him to identify the said photographs. Witness identifies the said Photographs, as that of the deadbody of his younger Brother/Hanumanth. On identification the said photographs are marked as Ex.P.2 to Ex.P.7 respectively. Witness contents that is seen in Ex.P.2, 3, 5 photographs.

Witness contents that Hirehadagali Police have seized normal mud, blood stained mud, lungi, towel, whisky bottle, tubacoo chit, lime paste chit and Rs.10/- currency note, from the Spot, where the deadbody of his younger Brother/Hanumanth was found.

Now documents/Spot Mahazar and Sketch are shown to the Witness and questioned him to identify whether the said documents contain his Signatures. Witness identifies his Signatures. On identification Spot Mahazar is marked as Ex.P.8, Signature of the Witness is marked as Ex.P.8(a); Sketch is marked as Ex.P.9, Signature of the Witness is marked as Ex.P.9(a).

Now 4 positive photographs are shown to the Witness and questioned him to identify the said photographs. Witness identifies the said Photographs, as the said photographs were clicked during the course of conducting Mahazar. On identification the said photographs are marked as Ex.P.10 to Ex.P.13 respectively. Witness contents that is seen in Ex.P.10 to Ex.P.13 photographs.

I can identify the materials seized by Hirehadagali Police during the course of Mahazar proceedings.

Lungi was checks lungi, having maximum green colour. Towel was of grey colour.

Now the materials sealed in the white colour cotton bags are un-sealed in the presence of Learned PP for Prosecution; and Sri. GVP Adv for Accused; and found lungi (Witness contents that it is of maximum green colour); Towel (Witness contents that it is of grey colour); Whiskey bottle (Witness contents that he doesnot know the Brand); Tubacco pocket; Lime paste pocket; Rs.10/- currency note; Blood stain mud; Normal mud. The said materials were identified by the Witness. On identification Lungi is marked as MO-1; Towel is

marked as MO-2; Whiskey bottle is marked as MO-3; Tubacco pocket is marked as MO-4; Lime paste pocket is marked as MO-5; Rs.10/- currency note is marked as MO-6; Blood stain mud is marked as MO-7 and Normal mud is marked as MO-8.

I can identify the clothes worn by my younger Brother/Hanumanth.

Now the materials sealed in the white colour cotton bags are un-sealed in the presence of Learned PP for Prosecution; and Sri. GVP Adv for Accused; and found Half Sleeves T-Shirt; and One Black colour Bermuda. On identification the said Half Sleeves T-Shirt is marked as MO-9; and Bermuda is marked as MO-10.

I can identify the Motorcycle on which Accused has taken my younger Brother/Hanumanth to Hirehadgali. I do not remember the Registration number of the said Motorycycle.

Now the Witness has step down from the Witness Box, went to see the Motorcycle in the Court premises; came back; took oath and identifies the same. On identification the said Motorcycle is marked as MO-11.

I came to know CW-7 and CW-16 that they had seen the Accused with my younger Brother/Hanumanth in the Hirehadagali Liquor Bar. But I donot know the name of the said Liquor Bar.

The Accused has comitted the murder of my younger Brother / Hanumanatha, as my younger Brother had assisted the Police to caught hold him in fake currency notes case; and inorder to defraud

the repayment of the loan raised by my younger Brother/Hanumanahta in the name of his Wife, which was given to the Accused.

My mobile No. is 8747881102. I do not remember the mobile number of CW-19.

I have given Statement before Hirehadagali Police in this Case.

(Since Court time is over in the first half, PW-1 is boundover till 02.45 p.m.)

(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).

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Witness Duly Sworned on : 14-02-2024, in the second half.

Cross-examination by Sri. G.V.P., Adv for Accused:-

Our Village is a big Village. About four and half years back in the evening about 5.30 pm, when Accused had come to call my younger Brother/Hanumantha, at that time even other Villagers were also present.

It is true to suggest that, in the Complaint I have not stated as to the place, from where Accused had taken my younger Brother/Hanumantha, alongwith him, in the evening at about 5.30 p.m. It is true to suggest that, even I have not mentioned the names of the other Villagers in the Complaint, who were present when Accused had called my younger Brother/Hanumantha, along with him in the evening at about 5.30 p.m.

Hirehadagali Police have obtained my signatures about 12 to13 times.

On the day when Accused had called my younger Brother / Hanumantha; I returned to my residence; I was in my residence uptill next day morning.

It is true to suggest that, Wife of my younger Brother / Hanumantha i.e., CW-5 had not intimated me, that her husband had not returned on the said day in the night.

Neither my Brother/Hanumantha nor his wife/CW-5 have intimated me that Accused had kept vengeance upon my Brother/Hanumantha, as he had assisted the Police in a raid conducted on the house of the Accused; and the Accused having an intention to defraud them, in repayment of loan amount. Witness volunteers that subsequently Accused told him about the said facts. It is false to suggest that, I am deposing falsely that Accused had told me about the said facts.

I have mentioned in the Complaint/Ex.P.1 that Accused has committed the murder of my younger Brother/Hanumantha, as I had seen the Accused calling my younger Brother/Hanumantha.

On the next day morning when I went to the spot, where the deadbody of my younger brother/Hanumnahta was fallen, it was about 9.00 am in the morning; and many people had gathered near the spot. Witness volunteers that people gathered on the Spot, were not from his Village. When I was there on the Spot, at that time Hirehadagali Police had come to the Spot. About 8 to 10 Police personnels had come in a Police Van to the Spot. Said Police personnels were on the Spot upto 12.00 noon. Even I was present by that time on the Spot. Said Police have enquired me; and have obtained my signatures on some papers. Writings on the said papers

were written by the Police, as per my narration. When I affixed my Signatures on the written paper, written by the Police officials, at that time, CW-7 and CW-16 were also present. Prior to my affixing my signatures on the said document, or prior to narration of the facts in the said document, I have not made any enquirers with CW-7 and CW-16.

At that time even Police Officials have enquired CW-7 and CW-16.

My younger Brother/Hanumantha is also called by the name Koli Hanumantha. Since my younger Brother/Hanumantha was frequently eating chicken, so he was called as Koli Hanumantha. It is false to suggest that, since my younger Brother / Hanumanthappa was stealing chicken in the Village, so he was called by the name Koli Hanumantha.

It is false to suggest that, my younger Brother/Hanumantha was engaged in stealing jowar from the jowar hips stored in the Agricultural lands; so all the villagers in our village had kept an evil eye over my younger Brother/Hanumantha.

It is false to suggest that, I am deposing falsely that Accused has committed the murder of my younger Brother/Hanumantha.

It is false to suggest that, I am deposing falsely that Accused had come to call my younger Brother/Hanumantha on the previous day of his death; and the Accused had taken him at 5.30 p.m. in the evening.

I do not know the contents of the Complaint/Ex.P.1.

It is false to suggest that, I am deposing falsely that I had gone to the Spot, where the deadbody of my younger Brother/Hanumantha was lying; the Hirehadagali Police had come to the said Spot; collected the materials marked at MO-1 to MO-8; drawn Mahazar as per Ex.P.2; drawn Sketch as per Ex.P.3; got clicked photographs as per Ex.P.4 to Ex.P.7.

It is false to suggest that, MO-1/Lungi, MO-2/Towel, MO-9/T-Shirt and MO-10/Bermuda do not belong to my younger Brother/Hanumantha.

It is false to suggest that, I have affixed my Signatures as per Ex.P.8(a) and Ex.P.9(a), in the Hirehadagali Police Station. Witness volunteers that he has affixed the said Signatures on the Spot, where the deadbody of my younger Brother/Hanumantha was lying. I do not know the contents of Ex.P.8/Mahazar and Ex.P.9/Sketch.

It is false to suggest that, Ex.P.2 to Ex.P.7 and Ex.P.10 to Ex.P.13 photographs are not clicked on the Spot of occurrence.

It is false to suggest that, I have never gone to Hirehadagali Police Station; lodged Police Complaint as per Ex.P.1; and CW-19 has scribed the Complaint/Ex.P.1 as per my narration.

It is false to suggest that, today for the first time I am seeing MO-1 to MO-10, present in the Open Court.

It is false to suggest that, I am deposing falsely in this case, at the instance of Hirehadagali Police.

It is false to suggest that, Accused has never taken my younger Brother/Hanumantha on his motorcycle, at any point of time, muchtheless on the previous day of the death of my younger Brother/Hanumantha, at 5.30 p.m. in the evening.

It is false to suggest that, I have never given any Statement or any further Statement before Hirehadagali Police.

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).