

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

S.C. No.5057/2020

P.W. 13 C.W. 22

Name : C.Basavaraj
Father's Name : Siddaramappa
Age : 44 years
Occupation : Bar Manager
Residence : Kottur.

Duly Sworn on : 24-09-2024.

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

I was serving as the Manager of Kottureshwara Enterprises – C.L.9, about 5 years back.

I have seen Accused. I have seen Deceased Kattebennur Hanumantha.

About 5 ½ years back, Accused and Deceased/Kattebennur Hanumanthappa had come to our Bar Shop at about 08.00 p.m. in the night; took two Raja Whisky pouches and went from our Bar Shop; their presence is captured in our C.C.T.V. Footage.

Now M.O.3/Raja Whisky Tetra Pack present in the Open Court is shown to the Witness and questioned him to identify the same. Witness contends that the said Raja Whisky Tetra Pack was taken from their Bar Shop, since it contains Invoice No.4497577066.

Now documents at Ink Page Nos.113 to 121 are shown to the Witness and questioned him to identify the same. Witness contends that documents at Ink Page Nos.113 is the License pertaining to the Bar Shop; document at Ink Page No.114 and 115 is the Invoice received from the Karnataka State Beverages Corporation Limited by our Kottureshwara Enterprises; documents at Ink Page Nos.116 to 119 pertains to the permit dated 30.08.2019 for storing and selling the Alcohol issued by the Government of Karnataka through Department of Excise to our Kottureshwara Enterprises and documents at Ink Page No.120 and 121 is the Acknowledgment issued by the Excise Department, with Schedule of Tetra Packs received by our Kottureshwara Enterprises from J.P. Distilleries, Bengaluru. (Sri.G.V.P. Adv for Accused Objects to mark the said documents, as the said documents are the Xerox copies. Since, the said documents have been secured by the Investigating agency; the I.O. has marked the Receipt of the said documents, so the prayer of the Learned Counsel for the Accused is Rejected.) On identification, the said documents are collectively marked as Ex.P38.

Our Bar Shop is under C.C.T.V. Surveillance, right from its opening.

Hirehadagali Police have asked me to furnish C.C.T.V. Footage of our Bar Shop from 07.00 p.m. in the evening till 10.00 p.m. in the night. Accordingly, I have given the said C.C.T.V. Footage to the Hirehadagali Police. I have got copied the said C.C.T.V. Footage into a Pendrive and given the said Pendrive to Hirehadagali Police. I do not remember the person who has got converted the C.C.T.V. Footage Data, stored at our Bar Shop into Pendrive.

Now a document/Pendrive Seizure Mahazar is shown to the Witness and questioned him to identify, whether the said document contains his Signature. Witness answers in the Affirmative. On identification, the said Pendrive Seizure Mahazar is marked as Ex.P39 and Signature of the Witness is marked as Ex.P39(a).

Now three Positive Photographs are shown to the Witness and questioned him to identify, whether he is seen in the said Photograph. Witness answers in the Affirmative. On identification, the said three Photographs are marked as Ex.P40 to Ex.P42.

Now seventeen Positive Photographs are shown to the Witness and questioned him to identify them. Witness contends that the said Photographs are the pictures derived from the C.C.T.V. Footage of his Bar Shop. On identification, the said Photographs are marked as Ex.P43 to Ex.P59.

I can identify the Pendrive, handed over by me to Hirehadagali Police, under the Seizure Mahazar/Ex.P39.

(Now a material sealed in a white colour cloth bag, is unsealed in the presence of the Learned PP for the State and Sri.G.V.P., Adv for Accused; and found one Red and Black Pendrive of Sandisk Company). Now the said Sandisk Pendrive is shown to the witness and questioned him to identify the same. Witness identify the said Pendrive and contends that the C.C.T.V. Footage is copied to the said Pendrive. On identification, Sandisk Pendrive is marked as M.O.16.

I have given Statement before Hirehadagali Police.

Witness Duly Sworn on : 08-10-2024.

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

Totally five C.C.T.V. Cameras have been installed in our Shop - Kottureshwara Enterprises/C.L.9. It is true to suggest that, I have not stated in my Statement given before Hirehadagali Police that totally five C.C.T.V. Cameras have been installed in our Shop - Kottureshwara Enterprises/C.L.9.

Hirehadagali Police had come to our Shop - Kottureshwara Enterprises/C.L.9 on 02.09.2019, in the morning at about 09.00 a.m. ; they were about two to three Police Personnels. On enquiry, I have given information about installation of all the five C.C.T.V. Cameras in our Shop - Kottureshwara Enterprises/C.L.9. The said five C.C.T.V. Cameras are installed in our Shop, at the Front; at the Back; Two in the Godown and one in the Sitting area.

The Front Camera installed in our shop, will have the vision of the persons plying on the road, located in front of our Shop; so also the persons coming to our Shop, Cash Counter; parked Vehicles in front of our Shop, can be viewed through the said Camera.

Hirehadagali Police have viewed all the five C.C.T.V. Cameras installed in our Shop, when they had come for enquiry to our Shop - Kottureshwara Enterprises/C.L.9. Hirehadagali Police were there for about one hour in our Shop - Kottureshwara Enterprises/C.L.9, at the time of conducting the enquiry. On the said day of such Investigation, Hirehadagali Police have not got written anything on any paper, but the Police had got noted the visions of all the five C.C.T.V. Cameras installed in our Shop - Kottureshwara Enterprises/C.L.9.

Prior to giving my Statement before Hirehadagali Police, I had a glance of the C.C.T.V. Footage of all the five C.C.T.V. Cameras installed in our Shop - Kottureshwara Enterprises/C.L.9. I have given my Statement before Hirehadagali Police, when they had come for enquiry, i.e., on 02.09.2019.

I have affixed my Signature on the Statement, on reading it. There is mention about the fact of viewing of five C.C.T.V. Cameras installed in our Shop - Kottureshwara Enterprises/C.L.9, in my Statement; even there is mention about the fact of viewing the C.C.T.V. Footage by me, in the said Statement.

Ex.P43 to Ex.P59/Positive Photographs have been viewed by me in the C.C.T.V. Footage pertaining to the Cameras installed in our Shop; and

the said fact is also mentioned in my Statement. Hirehadagali Police have taken my Signatures to all the Photographs.

I am not the Owner of the Shop - Kottureshwara Enterprises/C.L.9. S.Satish Babu is the Owner of the Shop - Kottureshwara Enterprises/C.L.9; and the same was intimated by me to the Hirehadgali Police.

I have given only one Statement on 02.09.2019; apart from that I have not given any Statement before Hirehadgali Police.

It is true to suggest that, Hirehadagali Police have not drawn the C.C.T.V. Footage pertaining to the five Cameras installed in our Shop - Kottureshwara Enterprises/C.L.9; got it copied in a Pendrive, in the presence of the Owner, Mr.S.Satish Babu.

Question : - Have Hirehadagali Police taken any Pen Drive from your Shop, in your presence, by getting copied the C.C.T.V. Footage from the C.C.T.V. Cameras installed in your Shop ?

Answer : - I had called Technicians; at the request of Hirehadagali Police, I have copied the C.C.T.V. Footage in the Pen Drive and given the said Pen Drive to the Police.

Question : - Hirehadagali Police have not seized any Pendrive from our Shop - Kottureshwara Enterprises/C.L.9 by drawing Seizure Mahazar?

Answer : - Hirehadagali Police have taken Pendrive; but I do not know about drawing of Seizure Mahazar.

Hirehadagali Police have taken the Pendrive of the C.C.T.V. Footage pertaining to five C.C.T.V. Cameras.

It is true to suggest that, I have not stated in my Statement given before Hirehadagali Police that I have viewed a particular person, in a C.C.T.V. Footage pertaining to the C.C.T.V. Camera installed, capturing the front portion of our Shop - Kottureshwara Enterprises/C.L.9.

The Pendrive given by me contains complete Footage, but not any edited Footage.

I cannot state specifically as to the appearance of the persons, who are coming to our Shop to consume Alcohol everyday.

It is true to suggest that, I am deposing in this Case, as per the request of Hirehadagali Police.

It is false to suggest that, I am deposing falsely that I have got copied the C.C.T. V. Footage pertaining to five C.C.T.V. Cameras installed in our Shop, in a Pendrive; and given the Pendrive to Hirehadagali Police.

It is false to suggest that, I am deposing falsely that I had seen the Accused, who had come to our Shop on 31.08.2019; and informed the same to the 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).

P.W.13 is recalled for further Cross-examination, as per Orders on I.A. No.1/2024 dated 11.11.2024.

Duly Sworn on : 17-12-2024.

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

Our Kottureshwara Enterprise do not possess any License issued by the Labour Department.

I have not given any document to Hadagali Police showing that I am working as Manager of Kottureshwara Enterprise – C.L.9.

For having handed over the document/Ex.P38 to Hadagali Police, Hadagali Police have not issued any Receipt.

The Owner of Kottureshwara Enterprise – C.L.9 is S.Satish Babu.

When Hirehadagali Police had visisted Kottureshwara Enterprise – C.L.9 at the time of receiving the document/Ex.P38, owner of Kottureshwara Enterprise – C.L.9/S.Satish Babu was not present.

It is true to suggest that, I have not stated before Hirehadagali Police Station that before giving the document/Ex.P38 to Hirehadagali Police, I have obtained permission from the Owner/S.Satish Babu, in my Statement recorded by Hirehadagali Police.

In entire Ballari District, our Owner/S.Satish Babu is having 110 Arrack Shops.

It is false to suggest that, I have never worked as the Manager of Kottureshwara Enterprise – C.L.9; and I have never handed over any document, much the less as per Ex.P38 to 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).