

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

**S.C. No.5057/2020**

P.W. 23 C.W. 29

Name : Dr. Shivakumar.B.  
Father's Name : Sri.Basavaraj.B.  
Age : 56 years  
Occupation : Chief Medical Officer, General  
Hospital, Huvinahadagali.  
Residence : Huvinahadagali.

Duly Sworn on : 03-07-2025.

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

1. Since past 18 years I have been serving in General Hospital, Huvinahadagali.

2. On 01.09.2019, the dead body of one Sri.Kattekenur Hanumanthappa @ Hanumanthappa was produced in our hospital at 03.00 p.m. by Hirehadagali police with a request for conducting autopsy. They have also produced form Nos.146(1) and 146(2) along with the dead body. I have conducted postmortem examination of the said dead body from 03.00 p.m. to 04.00 p.m. on the said date. The dead body was of a male person with a height of 5 feet 5 inches and moderately built.

3. Rigarmartis present. The dead body was having blood stains on the face and chest portion. I noticed cut injuries over the neck and both the shoulders of the dead body.

4. On examination I have noted the following injuries on the dead body.

4.1) I have noticed cut laceration 5 x 1 cm injury over left side of the nose extending up to angle of the left eye. The depth of the said injury was skin deep and extended to muscle.

4.2) Injury over upper lip hard palate 4 x 1 cm.

4.3) Laceration of 5 x 1 cm on right eye brow, muscle depth.

4.4) Cut laceration 6 injuries between chin to clavicle parallel to each other. The biggest injury measured 10 x 3 cm and the smallest injury measured 5 x 1 cm. Major internal carotid (blood vessel) and external carotid are injured.

4.5) Cut injury over the right shoulder outer aspect measuring 5 x 1 cm. Injuries are spindle shaped margins are reddish with clots in the cut margins.

4.6) Laceration injury measuring 6 x 1 cm on medial aspect of right hand at little finger; another laceration injury measuring 5 x 1 cm in the region of in between little finger and ring finger. Fourth Metacarpal bone was fractured. Tendons were also injured.

4.7) Cut injury over right iliacreast (hip bone in waist of the body) measuring 5 x 1 cm. Cut injury over left iliacreast (hip bone in waist of the body) measuring 6 x 2 cm.

4.8) Cut injury over left shoulder measuring 6 x 2 cm with fracture of coracoidproces of left clavicle and scapula.

Cuts also seen over clothes. (not injury but damage to the cloth).

5. All the above noted 8 injuries are antemortem in nature.

6. The head and spinal cord of the dead body was intact and healthy. Cut injuries over the front of chest below the right clavicle measuring 8 x 1.5 cm. The second and the third ribs were fractured. In the cavity of plura was filled with blood. Larynx and Treachea (ಶ್ವಾಸ ನಾಳ) was intact. Contusion injury over right upper lobe was present. Left upper lobe was normal. Heart and pericardium were normal. Aorta (ದೊಡ್ಡ ರಕ್ತ ನಾಳ) was intact. Cut injury of right carotid was present. All parts of abdomen are found intact and healthy. Stomach was containing rice paste material with alcoholic smell.

7. The death might have taken place between 12 to 24 hours from the time of postmortem.

8. I have collected viscera for F.S.L. analysis.

9. In my opinion the cause of death is due to haemorrhagic shock as a result of cut injuries to major vessels of neck.

10. I have issued P.M. report noting all the above noted aspects. The P.M. report is now marked as Ex.P.66 and my signature is marked as Ex.P.66(a).

11. I have handed over the viscera so collected by me during postmortem, to the police.

12. During postmortem I have collected blood from the heart of the dead body and tested the group of the blood in our hospital itself. The

blood group was B+ve. I have issued a certificate to the said effect to the police. Now I see the said certificate which is now marked as Ex.P.67 and my signature as Ex.P.67(a).

13. On 03.10.2019, I received requisition from the Investigating Officer to give my opinion regarding M.O.12 – Chopper. Along with the said requisition chopper was produced before me. Now I see the M.O.12 – chopper. I have noted about the description of the said chopper in my opinion. I have examined M.O.12 and also perused the P.M. report where I have noted the injuries. Thereafter, I have issued opinion of articles (weapons) on 03.10.2019 at 04.30 p.m. to the Investigating Officer. Now I see the said opinion. The same is now marked as Ex.P.68 and my signature as Ex.P.68(a). Now I see my signature on the slip affixed to the white bag wherein M.O.12 is covered. My signature is now marked as M.O.12(a).

14. On 14.11.2020, I received original of F.S.L. report in respect of viscera. I have perused the said F.S.L. report. In the said report it was noted that:- (i) alcohol was present in article Nos.1 to 3 (noted in the said report); and (ii) alcohol was not present in article No.4 (noted in the said report). I have returned back the said original F.S.L. report to the police. I have also issued my opinion noting the same thing as stated in the said F.S.L. report. My said opinion dated 14.11.2020 is now marked as Ex.P.69 and my signature as Ex.P.69(a).

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

I have not mentioned in numerical, the number of injuries found on the dead body. But I have described the said injuries in the P.M. report.

Question:- In the P.M. report you have not mentioned the age of the injuries?

Answer:- Yes. The age of injuries would come into play only in case of the person injured being alive. Such question would not arise in case of a dead person when postmortem is conducted.

The said fact stated by me is based on medical jurisprudence.

Question:- In the P.M. report you have not mentioned regarding collection of blood from the heart of the dead body?

Answer:- It is not mentioned.

The collected blood, generally, would be tested in the laboratory. Lab Technician conducts the said test. After conducting the said test, Lab Technician sends his report to the Doctor (me in this case). Based on the said report Doctor issues a certificate regarding the blood group of the concerned person. It is true that along with the certificate of the concerned Doctor regarding the blood group of the concerned person, the basic report of the Technician who has conducted the test of the blood in the laboratory would also be sent to the concerned Investigating Officer. I have sent the report of the concerned Lab Technician who conducted the test of the blood drawn from the heart of the deceased person, along with

my certificate to the Investigating Officer. Again I say, the final result of the blood group testing would be sent to the Investigating Officer; and the lab report issued by the Lab Technician to me would not be sent to the Investigating Officer along with my certificate containing final result of the blood group test. It is not true to suggest that I have not drawn any blood from the heart of the dead body during the postmortem; and as such the report of the Lab Technician is not sent to the Investigating Officer along with my opinion as per Ex.P.67.

Question:- It is not possible to cause all the injuries noted in the P.M. report if assault is made with a single weapon?

Answer:- Not true.

It is not true to suggest that spindle shape means Zigzag shape. The witness voluntarily states that spindle shape means straight and in between the two end points gap would be there (like an opening) but the end points would be met each other but in the straight line. It is true that measurement of the injury in spindle shape would not be same from one point to the another point. In Ex.P.66 – P.M. report just above the opinion at last but one line I have noted regarding collection of the blood. It is not true to suggest that I have not collected the blood from the heart of the dead body; and deposing falsely in that regard. I have noted in Ex.P.68 that H.C-534 – Sri.Siddi Mubarak has produced M.O.12 – chopper before me seeking for my opinion. I have not mentioned the time of production of M.O.12 by H.C-534 – Sri.Siddi Mubarak in Ex.P.68. But, the witness voluntarily states that the M.O.12 might have been produced a hour before issuance of Ex.P.68 – opinion. M.O.12 was produced before me in a

sealed cover. I have not mentioned in Ex.P.68 regarding the details of the sealed cover. It is not true to suggest that M.O.12 – chopper was not produced before me; that I have not examined the M.O.12 – chopper; and that I have issued a false opinion as per Ex.P.68. It is not true to suggest that I have issued a false opinion as per Ex.P.69 on the request of the police.

It is not true to suggest that in general a duty is cast on Doctor conducting postmortem to collect the clothes on the dead person and to seal it and to send it to the Investigating Officer. The witness voluntarily states that if the Investigating Officer in a given case makes a request to the Doctor conducting postmortem to collect the clothes on the dead person and to seal it and to send it to the Investigating Officer, under such circumstances only, such procedure would be followed. In the present case I have not collected the clothes found on the dead person and sealed it and sent to the Investigating Officer. It is true that if any material objects and / or documents are handed over by me to Investigating Officer, I would take acknowledgment from the Investigating Officer regarding handing over of such material objects and / or such documents to the Investigating Officer. It is not true to suggest that I have not conducted postmortem; and that I have issued Ex.P.66 to Ex.P.69 at the request of the Investigating Officer.

Question:- While examining M.O.12 – chopper did you notice any chit containing the signatures of the mahazar witnesses being pasted on M.O.12 – chopper?

Answer:- No. But such a chit containing signatures of the mahazar witnesses was found on the sealed cover in which M.O.12 – chopper was contained.

It is not true to suggest that M.O.12 (cover of white cloth in which the said chopper is placed) does not find the seal of our hospital. It is not true to suggest that in Ex.P.68 – opinion I have not stated to the effect that I have received the chopper in a sealed cover from the Investigating Officer; and that I have sent back the said chopper in a sealed cover to the Investigating Officer. It is true that if there is any correction in a document issued by me, I would put my initial in the place where such correction is there. At the places where the words “unsealed” and “without” are canceled in Ex.P.68 my signatures / initials are not found. The reason, as per the voluntary statement of the witness, is that they are not corrections they are only canceling of the unnecessary words.

**Re-examination by learned PP:-**

My signature on the second page of Ex.P.68 is now marked as Ex.P.68(b). Now I see the requisition received by me from the Investigating Officer on 03.10.2019. Now I see my initial on the said requisition letter. The said requisition letter is now marked as Ex.P.70 and my said initial is now marked as Ex.P.70(a).

**Further cross examination by Sri.G.V.P. Advocate:-**

Question:- How many types of signatures you make?

Answer:- I put my full signatures which is of single type. I also put my small initials.

I have not information regarding requirement of any permission from the Government for putting small signatures (initials) and for making full signatures. It is not true to suggest that Ex.P.70(a) is not my initial.

**(Typed to my dictation in the open Court)**

**R O I & A C**

**(D.P.KUMARA SWAMY)**

III Additional District & Sessions Judge,  
Ballari (sitting at Hosapete).