

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

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

P.W. 10 C.W. 14

Name : Kallana Gowda  
Father's Name : Devana Gowda  
Age : 54 years  
Occupation : Agriculturist  
Residence : Harakanahal Village.

Duly Sworn on : 28-08-2024.

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

I know C.W.15 and the Accused, as they are from my Village.

About 5 years back, Accused had shown his clothes viz., Reddish Colour Jerkin, Ash Colour Half Sleeves T-Shirt, Blue Colour Pant; chopper/Machu; and Red Colour Herohonda Motor-cycle which was kept in a hut, besides the house of the Accused; for which Hirehadagali Police have seized the Clothes of the Accused and Chopper/Machu. Even C.W.15 was also present at that time.

I can identify the materials seized by Hirehadagali Police.

(Now the materials sealed in the white colour cloth bags, are unsealed in the presence of the Learned PP for the State and Sri.G.V.P., Adv for Accused; and found Jerkin, T-Shirt, Jeans Pant). Now the said materials have been shown to the witness and questioned him to identify them. Witness identifies the said material

objects. On identification, Jerkin is marked as M.O.13, T-Shirt is marked as M.O.14, Jeans Pant is marked as M.O.15.

Now Machu/Chopper/M.O.12 present in the Open Court is shown to the Witness and questioned him to identify it. Witness answers in the Affirmative.

I can identify the Motor-cycle. (Witness Stepdown from the Witnessbox went to see the Motor-cycle parked in the Court Premises, on entering into the Witness Box took oath) and identifies the said Motor-cycle bearing Registration No.KA-37/S-6564, which is already marked as M.O.11.

Now six Positive Photographs are shown to the Witness and questioned him to identify the same. Witness contends that the said Photographs were clicked at the time of Seizure of M.O.11 to M.O.15. On identification, the said Positive Photographs are marked as Ex.P19 to Ex.P24.

Thereafter, we, Hirehadagali Police and Accused went to a place, taken by the Accused, said to have committed the murder. It is near the Tumbinakere Stream.

Now two Positive Photographs are shown to the Witness and questioned him to identify the same. Witness contends that the said Photographs were clicked at the time of conducting the Spot Mahazar

of the Spot shown by the Accused. On identification, the said Positive Photographs are marked as Ex.P25 and Ex.P26.

Now two Positive Photographs are shown to the Witness and questioned him to identify the same. Witness contends that the said Photographs pertains to Hirehadagali Kamadhenu Bar. On identification, the said Positive Photographs are marked as Ex.P27 and Ex.P28.

Now two Positive Photographs are shown to the Witness and questioned him to identify the same. Witness contends that the said Photographs pertains to Tumbinakere Road. On identification, the said Positive Photographs are marked as Ex.P29 and Ex.P30.

Now a document/Spot -cum- Seizure Mahazar dated 02.09.2019, four Sketchs are shown to the Witness and questioned him to identify, whether the said documents contain his Signatures. Witness answers in the Affirmative. On identification, Spot -cum- Seizure Mahazar is marked as Ex.P31 and Signature of the Witness on the last page of Spot -cum- Seizure Mahazar/Ex.P31 for identification is marked as Ex.P31(a); First Sketch is marked as Ex.P32, Signature of the witness is marked as Ex.P32(a); Second Sketch is marked as Ex.P33, Signature of the witness is marked as Ex.P33(a); Third Sketch is marked as Ex.P34, Signature of the

witness is marked as Ex.P34(a); Fourth Sketch is marked as Ex.P35 and Signature of the witness is marked as Ex.P35(a).

Mahazar Proceedings were completed by 03.00 p.m. in the afternoon.

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

Hirehadagali Police had not come to my house to call me, requesting me to act as Pancha.

On the day of conducting the Spot -cum- Seizure Mahazar, I have not narrated anything to Hirehadagali Police and got it Written. I am aware about the contents of the Spot -cum- Seizure Mahazar/Ex.P31.

I have not come across the recital in the Spot -cum- Seizure Mahazar/Ex.P31 that Accused was present in the Hirehadagali Police Station. Witness contends that there is a recital that Accused had come to Hirehadagali Police Station.

After I went to Hirehadagali Police Station, the Accused came alongwith Hirehadagali Police, to Hirehadagali Police Station. There is no recital in the Spot -cum- Seizure Mahazar/Ex.P31 as to from where the Accused and Hirehadagali Police had come to Hirehadagali Police Station.

I do not know whether any enquiry was conducted by Hirehadagali Police, with the Accused, in Hirehadagali Police Station.

It is true to suggest that, due to length of time, I am not in a position to recollect all the contents of the Spot -cum- Seizure Mahazar/Ex.P31.

I have not affixed my Signature in Hirehadagali Police Station; but I have affixed my Signatures in the Village.

It is false to suggest that, I have affixed my Signatures on the Spot -cum- Seizure Mahazar/Ex.P31 in Hirehadagali Police Station.

It is true to suggest that, if any Article is to be identified, it can be identified only if the said Article contains my signature as well as the Signatures of the Officers.

Hirehadagali Police have affixed Slips to the Seized Articles viz., Clothes, Chopper and Motor-cycle, containing our Signatures as well as the Signature of the Police Officer.

It is true to suggest that, the Motorcycle which I had seen and identified today as M.O.11, does not contain any Chit, containing my Signatures as well as the Signatures of the Police Officer.

It is true to suggest that, M.O.12 to M.O.15 also does not contain any Chit, containing my Signatures as well as the Signatures of the Police Officer.

It is false to suggest that, Accused has not shown any Spot, nor has shown any Articles, so as to seize it, muchtheless M.o.11 to M.O.15, in my presence as well as in the presence of C.W.15, for which Hirehadagali Police have conducted the Spot -cum- Seizure Mahazar, as per Ex.P31 and Sketch, as per Ex.P32 to Ex.P35; and Positive Photographs, as contended by me in my Examination-in-chief.

Photographs were got clicked by Hirehadagali Police.

I can state the boundaries of the Spots, wherein Spot -cum- Seizure Mahazar was conducted. The house of the Accused is facing towards North. The said house is situated in a residential locality. My house is located at a distance of about 200 Mtrs away from the house of the Accused.

C.W.1/P.W.1 is not my relative.

Hirehadagali Police have mentioned about C.C.T.V. Surveillance available with the Kamadhenu Bar, Hirehadagali, in the Spot -cum- Seizure Mahazar, drawn in my presence. There were two C.C.T.V. Cameras fixed to the Kamadhenu Bar Premises. Even, the location of

the C.C.T.V. Cameras have been mentioned in the Spot -cum- Seizure Mahazar drawn in my presence. Kamadhenu Bar Premises consists of two portions. There is mention about a recital in the Spot -cum- Seizure Mahazar about fixation of C.C.T.V. Cameras in both the portions.

There is no mention about recital in the Spot -cum- Seizure Mahazar about fixation of C.C.T.V. Cameras outside Kamadhenu Bar. At the time of conducting the Spot -cum- Seizure Mahazar, even the owner of the said Kamadhenu Bar was available. Hirehadagali Police have seen and verified C.C.T.V. Cameras, in the presence of the owner of Kamadhenu Bar. C.C.T.V. cameras fixed in the Kamadhenu Bar have not been seized by Hirehadagali Police.

Hirehadagali Police have mentioned in Spot -cum- Seizure Mahazar about verification of C.C.T.V. Cameras at Kamadhenu Bar. I do not know whether Hirehadagali Police have mentioned in the Spot -cum- Seizure Mahazar about viewing the clips from C.C.T.V. Cameras affixed at Kamadhenu Bar.

I came to know about the contents of Spot -cum- Seizure Mahazar/Ex.P31, when Hirehadagali Police have stated about the same to me. Witness volunteers that he has personally seen with his naked eyes about the Spots on which Spot -cum- Seizure Mahazar was conducted.

First Panchanama was conducted at the house of the Accused, at about 12.00 Noon; Second panchanama was conducted at the Spot of incident of murder, it was at about 12.45 to 01.00 p.m.; Third Panchanama was conducted at Tumbinakere Road at about 01.30 to 02.00 p.m.; and the last Panchanama was conducted after 03.00 p.m.

It is false to suggest that, I have never participated in conducting of Spots -cum- Seizure Mahazar, as per Ex.P31; and I have affixed my Signatures in Hirehadagali Police Station.

Now Sketch/Ex.P34 is shown to the Witness and questioned him that whether he has affixed his Signature in Hirehadagali Police Station. Witness replies in the negative.

It is false to suggest that, Photographs deposed by me in my Examination-in-chief are created.

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