

**In the Court of II Addl. District & Sessions and Special Judge,
VIJAYAPURA, At: VIJAYAPURA.**

SESSIONS CASE NO.54/2022

CW No.17

PW No.17

Deposition of : Khaja Mainuddin Badeghar
Father Name : Hasansab
Age : 34 years
Occupation : Driver
Residence : Katnalli, at present R/o. KHB Colony,
Vijayapura

Duly Sworn on: 27/10/2025.

Examination-in-Chief by Ld. P.P.:

I know the Accused.

Accused is holding a Pan Shop in front of Golgumbaz, Vijayapura.

Name of Accused is Veeresh. I am visiting the Pan Shop of the Accused.

I know deceased Nabirasool; even he used to come to the Pan Shop of the Accused.

Nabirasool had to pay Rs.2,000/- to the Accused; whenever, the Accused used to ask deceased Nabirasool to repay to dues, he used to delay the said repayment. When Accused used to demand repayment of the dues, deceased Nabirasool used to create scuffle. The said fact was intimated to me by the Accused.

On 20.12.2020, in order to go to my native, I was standing near Sindagi Bypass Road; at that time, Accused came to me and contended that, he has assaulted Nabirasool behind Golgumbaz near Excise Office; he has committed the murder of Nabirasool by assaulting him with Stones. It was about 1.30pm in the afternoon, when Veeresh/Accused met me and told the said incident. Accused further informed me that, since Nabirasool did not repay his dues, so he has committed the murder. On hearing so, I went to my village and returned on the same day in the night.

Subsequently, I came to know that, Accused has taken away the life of Nabirasool.

I have given my Statement before APMC, Vijayapura Police.

Cross-Examination by: Sri. SDP Adv., for Accused :

Deceased Nabirasool is not related to me.

Accused has never informed me that, apart from Nabirasool; even others have to repay his dues.

On receiving information from the Accused that, he has committed the murder of Nabirasool, I have not informed the event of death to the Police officials.

On receiving the information from Accused, I have neither informed to the Police Officials of APMC Police Station or to Golgumbaz Police Station.

I have not appeared before any of the Police Station, while returning from my native.

On receiving the information from Accused, I have not passed the said information, either to my relatives or my friends or to Police Personnels of APMC Police Station.

It is false to suggest that, I am deposing falsely that, Accused has informed that, he has taken away the life of deceased Nabirasool, by assaulting with the Stones.

It is false to suggest that, I am deposing falsely in this Case, since deceased Nabirasool, his family members, happens to be my relatives.

Re-Examination: Nil.

(Typed to my dictation in the open Court)

R.O.I. & A.C.

(ABDUL-RAHIMAN .A. NANDGADI)
II Addl. District & Sessions & Spl.Judge,
VIJAYPURA.

**In the Court of II Addl. District & Sessions and Special Judge,
VIJAYAPUR, At: VIJAYAPURA.**

SESSIONS CASE NO.54/2022
CW No.30
PW No.16

Deposition of : Somesh Gejji
Father Name : Rudrappa
Age : 38 years
Occupation : PSI, Chadachan Police Station
Residence : Chadachan

Duly Sworn on: 27/10/2025.

Examination-in-Chief by Ld. P.P.:

I was serving as PSI at APMC Police Station since from Nov-2019 to July-2022.

On 20.12.2020, when I was serving as SHO of APMC Police Station, C.W.1/P.W.3 appeared at APMC Police Station and has filed handwritten complaint before me. On going through contents of the said Complaint, I have registered the same at APMC P.S. Cr.No.112/2020 for offence punishable U/Secs.302 R/W. Sec.34 of IPC; and sent the FIR to the Jurisdictional Magistrate through C.W.25.

Now I see the said Complaint, which is already marked as Ex.P.15. On identification, signature of the witness is marked as Ex.P.15(b).

On identification, FIR is marked as Ex.P.38, signature of the witness is marked as Ex.P.38(a).

Since, CPI, Golgumbaz Police Circle was engaged in Gram Panchayat Election, it has orally instructed me to conduct Inquest Mahazar, Spot Mahazars, Seizure Mahazars and to apprehend the Accused and to investigate the matter.

On 21.12.2020, I have visited District Government Hospital, Vijayapura, wherein deadbody of Nabirasool Davalasab Narasanagi was present in the Mortuary of the said Hospital; wherein I have conducted the Inquest Mahazar on the deadbody of deceased Nabirasool as per Ex.P.1; got clicked Positive Photograph as per Ex.P.2 to Ex.P.7; the said Mahazar proceedings were conducted inbetween 8.30 to 10.00am in the morning, in the presence of two panchas viz., C.W.4/P.W.1 and C.W.5. On identification, signatures of the witness on the Inquest Mahazar/Ex.P.1 are marked as Ex.P.1(b) and Ex.P.1(c).

I have sent the deadbody of deceased Nabirasool for conducting Postmortem alongwith 146(1) and 146(2) forms. Witness identifies Form No.146(1) marked at Ex.P.21; and Form No.146(2) marked at Ex.P.22. On identification, signatures of the witness on Ex.P.21 and Ex.P.22 are marked as Ex.P.21(a) and Ex.P.22(a).

On the same day, I have visited the spot of incident, as per the spot shown by C.W.1/P.W.3, which is located station back Road, near Excise Office, near the Fort wall; and conducted the Spot-cum-Seizure Mahazar as per Ex.P.18, drawn the Sketch, got clicked Positive Photographs as per Ex.P.16 and Ex.P.17; in the presence of two panchas viz., C.W.6/P.W.4 and C.W.7; seized brown colour pair of Chapple, One stone weighing approximately 2kgs, having stained with blood; another stone weighing approximately 2kgs, having stained with blood; another stone weighing approximately 5kgs, having

stained with blood; another stone weighing approximately 6kgs, having stained with blood; another stone weighing approximately 10kgs, having stained with blood; blood stained mud and normal mud from the spot; the said Mahazar proceedings were conducted inbetween 10.30am to 11.30am in the morning. On identification, signature of the witness on the Spot-cum-Seizure Mahazar/Ex.P. 18 is marked as Ex.P.18(b).

Now, M.O.1 to M.O.8 present in the Open Court are shown to the witness and questioned him to identifies it. Witness identifies M.O.1 to M.O.8.

On identification, Sketch is marked as Ex.P.39, signature of the witness is marked as Ex.P.39(a).

I have sent P.F. in respect of M.O.1 to M.O.8 to the Jurisdictional Magistrate.

On the same day, I have apprehended the Accused; on enquiry, I have arrested the Accused by following the arrest procedure. As per his requested, I have recorded his Voluntary Statement, wherein he has expressed his willingness to produce the Iron Rod and his clothes worn at the time of incident, kept in his house.

Portion of the Voluntary Statement of the Accused, which is an Exculpatory part, leading to discovery, consisting of 'ಉಪಯೋಗಿಸಿದ ಕಬ್ಬಿಣದ ರಾಡ್ ಮತ್ತು ಮೈತನಿಗೆ ಕೊಲೆ ಮಾಡುವ ಕಾಲಕ್ಕೆ ಧರಿಸಿದ್ದ ಬಟ್ಟೆಗಳನ್ನು ನಮ್ಮ ಮನೆಯಲ್ಲಿ ಒಂದು ಕಡೆ ಇಟ್ಟಿದ್ದು ನನ್ನೊಂದಿಗೆ ಬಂದಲ್ಲಿ ಅವುಗಳನ್ನು ತೆಗೆದು ಹಾಜರ ಪಡಿಸುತ್ತೇನೆ' is marked as Ex.P.40.

On the same day, Accused has produced Activa Motorcycle bearing REG No. KA-28/EG-4133 before me at APMC Police Station; I have seized the said Motorcycle by drawing the Seizure Mahazar as per Ex.P.8; got clicked Positive Photographs as per Ex.P.9 and Ex.P.10; in

the presence of two panchas viz., C.W.2/P.W.2 and C.W.3; the said Mahazar proceedings were conducted inbetween 7.15am to 8.00am in the morning. On identification, signature of the witness is marked as Ex.P.8(b).

I have filed PF in respect of seized Motorcycle before Jurisdictional Magistrate.

Witness identifies the Motorcycle seen in Positive Photographs/ Ex.P.9 and Ex.P.10.

I have got secured two panchas viz., C.W.2/P.W.2 and C.W.3; and I have taken the Accused to the place shown by him, wherein the Accused has taken us to his residence, situated at Kunchi Koravara Oni, Vijayapura; wherein the Accused has produced his clothes viz., Blue colour half shirt and Grey colour night pant, both are stained with blood and Iron Rod; I have seized the said materials by drawing the Seizure Mahazar as per Ex.P.11; got clicked Positive Photographs as per Ex.P.12 and Ex.P.13; the said Mahazar proceedings were conducted inbetween 12.15 to 1.00pm in the afternoon. On identification, signature of the witness is marked as Ex.P.11(b).

I have sent P.F. in respect of the clothes of the Accused and Iron Rod seized by me to the Jurisdictional Magistrate.

(Now the sealed materials are unsealed in the presence of the Learned PP for the State and Sri. SDP., Adv for Accused; and found Blue colour half sleeves shirt and Grey colour night pant). Now the said materials have been shown to the witness and questioned him to identify them. Witness identifies the said Clothes. On identification, Blue colour half sleeve shirt is marked as M.O.14 and Grey colour night pant is marked as M.O.15.

Thereafter, I have produced the Accused before the Jurisdictional Magistrate alongwith remand application, for which the Accused was remanded to Judicial Custody.

Witness identifies Accused present in the Open Court today.

On the same day, C.W.27 produced the clothes of deceased which were present at the time of conducting Postmortem, at APMC Police Station; I have seized the said clothes, viz., Cream colour full sleeves shirt, Banian, Night pant and Brown colour underwear; I have seized the said clothes, in the presence of two panchas viz., C.W.6/P.W.4 and C.W.7; as per Ex.P.19; got clicked Positive Photograph as per Ex.P.20; the said Mahazar proceedings were conducted inbetween 3.45pm to 4.45pm in the evening. On identification, signature of witness is marked as Ex.P.19(b).

Now M.O.9 to M.O.12 present in the Open Court are shown to the Witness and questioned him to identify the them. Witness identifies the Material Objects.

I have sent P.F. in respect the seized articles before the Jurisdictional Magistrate.

On the same day, I have recorded the Statement of C.W.27, who had brought the clothes of deceased and presented before me.

On the same day, I have recorded the further Statement of the Complainant/C.W.1/P.W.3.

On the same day, I have recorded Statements C.W.10/P.W.5, C.W.11, C.W.12, C.W.13, C.W.14, C.W.15, C.W.16, C.W.17, C.W.25/P.W.11.

On 23.12.2020, I have handed over the Charge of this Case for further investigation to CPI, Golgumbaz Police Circle/C.W.31/P.W.15.

On 24.12.2020, I have filed my Report before CPI, Golgumbaz Police Circle/C.W.31/P.W.15 as per Ex.P.32. On identification, signature of the witness is marked Ex.P.32(b).

Cross-Examination by: Sri. SDP Adv., for Accused:

I have not got clicked any Positive Photographs at the time of receiving the Complaint from the Complainant/ C.W.1/P.W.3, nor I have got it Videograph.

It is false to suggest that, I am deposing falsely that, I have visited District Government Hospital, Vijayapura and conducted Inquest Mahazar on the deadbody of deceased Nabirasool as per Ex.P.1, as contended by me in my examination in chief.

It is false to suggest that, I am deposing falsely that, the Accused on his apprehention and arrest has given his Voluntary Statement as per Ex.P.40; and produced the Vehicle bearing REG NO. KA-28/EG-4133, I have got the said Vehicle seized as per Ex.P.8, as contended by me in my examination in chief.

It is false to suggest that, I am deposing falsely that, Accused has taken us to his residence and has presented his clothes and Iron Bar; and for which I have seized the said materials by drawing the Seizure Mahazar as per Ex.P.11, as contended by me in my examination in chief.

It is false to suggest that, I am deposing falsely that, C.W.1/ P.W.3 has shown the spot of incident, wherein I have conducted the Spot Mahazar and seized the materials as per M.O.1 to M.O.8 by drawing the Spot-cum-Seizure Mahazar as per Ex.P.18, as contended by me in my examination in chief.

It is false to suggest that, I am deposing falsely that, CPC-1616/ C.W.27 has produced the clothes of deceased, for which I have seized the said clothes, by drawing the Seizure Mahazar as per Ex.P.19, as contended by me in my examination in chief.

It is false to suggest that, I have recorded the Statements of the Prosecution witnesses and further Statement of Complainant/ C.W.1/ P.W.3, as contended by me in my examination in chief.

It is false to suggest that, I have not conducted the Investigation properly in this Case, and I do not possess any authority to conduct the Investigation in this Case.

Re-Examination: Nil.

(Typed to my dictation in the open Court)

R.O.I. & A.C.

(ABDUL-RAHIMAN .A. NANDGADI)
II Addl. District & Sessions & Spl.Judge,
VIJAYPURA.