Karnataka Civil Judge (Mains) 2016

Law Paper III · compulsory paper

Date: 10.07.2016 · Time: 2.00 PM to 5.00 PM · Maximum Marks: 100

Note: 1. Option is given to the candidates to write answers either in English or in Kannada. 2. If there is any discrepancy in the questions in English language and in Kannada language, the questions as framed in English language would prevail.

3. Frame the charge against the accused persons for their trial on the basis of the following charge-sheet materials. 20 Marks

4. Write a considered judgement on the basis of oral and documentary evidence by giving valid and cogent reasons. 80 Marks

CHARGE-SHEET MATERIALS

The accused No.1 is Venkatappa aged about 46 years, s/o Ramareddy residing at No. 40, 4th Cross, Vijayanagar, Narasapur, is a tenant in occupation under Venkatappa CW-2 of shop No.65, Bazar Street, Narasapur.

The accused No.2 is Rajanna aged 35 years s/o Bheemrao residing at No.4, by the side of State Bank of India, Narasapur.

The complainant is Rajappa, aged about 35 years s/o Venkataswamy residing at No.6, Karahalli Village, Narasapur Taluk.

On 12.12.2014 at about 10.00 a.m. accused No.1 represented himself as CW-2 Venkatappa, aged 48 years S/o Ramappa, Karahalli Village, Narasapur Taluk who is the owner of shop No.65 and offered it to the complainant for Rs.5,00,000/-.

Accused No.2 also represented that accused no.1 is the owner in possession of the said shop no.65. The complainant believed the representation of accused No. 1 and 2 regarding the ownership of the said shop.

Moreover, the market value of the said shop No.65 was Rs.7,00,000/- at that time.

On the same date the accused No. 1 and complainant entered into a sale agreement in respect of shop no.65 and the complainant paid Rs.4,00,000/- to the accused No.1 as advance. Further, the complainant agreed to pay the balance sale consideration of Rs. 1,00,000/- within 15 days and accused no.1 agreed to execute and register the sale deed of the shop no.65 on receiving Rs. 1,00,000/- from the complainant. It was agreed that the possession of the said shop No. 65 was to be delivered by accused no. 1 to the complainant at the time of execution of the sale deed. The complainant insisted for an indemnity bond for the purpose of Bank Loan and accused no. 1 executed the same.

Further, accused no.2 identified accused No. 1 as Venkatappa the owner of shop no.65. (CW-2).

Accused No. 1 even in the sale agreement has represented himself as owner of shop No. 65 CW2 Venkatappa S/o Ramappa and also signed in the same way and the accused No. 2 identified the accused No. 1 as CW2 who is the owner of the shop No. 65.

On 13.12.2014 complainant came to know that accused no. 1 and 2 have cheated him and at about 10.00 a.m. he went to the shop no.65, at Bazar Street, Narasapur and addressed the accused no.1 and 2 in raised voice to return Rs.4,00,000/- otherwise he is going to take Criminal Legal action. The

accused persons 1 and 2 got angry and the accused no.2 took out a wooden stick which was in the shop and threatened the complainant. But, the accused no. 1 snatched the wooden stick from the accused no.2 and hit the complainant with the wooden stick on the face. The complainant suffered injury to the nose and it started bleeding from his nose.

Neighboring shop keeper CW.3 [...] and his customer of CW.4 Govindappa and another customer CW.5 Prasanna Kumar went to rescue the complainant and the accused persons went inside the shop.

Narasapur Police registered a case against accused no.1 and 2 for the offence punishable under section 324, 419 and 420 r/w section 34 of the Indian Penal Code and during investigation it was confirmed that the accused persons 1 and 2 have committed the said offence and submitted the charge sheet on 02.01.2015 against accused No.1 and 2 for the offence punishable under section 324, 419 and 420 r/w section 34 of the Indian Penal Code.

EVIDENCE

In the Court of the Prl. JMFC., at Narasapur
CC No.46/2015

Complainant	State by Narasapur Police
Accused	No. 1 Venkatappa; No. 2 Rajanna.

Duly sworn: Date: 04.01.2016

Deposition of CW-1 Rajappa. Examined as PW-1

Name: Rajappa
Age: 36 yrs.
Father's Name: Venkataswamy
Occupation: Oil Business
Residence: Narasapur

Examination in chief by: APP

I am the complainant in this case, I know the accused persons No.1 and 2. On 12.12.2014 the accused Nos. 1 and 2 came to me at 10:00 A.M. and accused No. 1 offered the shop No.65 at Bazar Street, Narasapur to me for a cash consideration of Rs.5,00,000/-, the accused No.2 also told me that the accused No.1 is the owner of the said shop and I was getting the same at a cheap rate. I believed the representation of the accused persons as they were known to me for quite a long time. The sale agreement was executed by the accused No. 1 in my house and I paid the advance amount of Rs.4,00,000/- towards the sale price to the accused No.1 through cheque bearing no.455262 drawn on State Bank of India, Narasapur in favour of the accused No. 1. The balance sale consideration of Rs. 1,00,000/- was agreed to be paid by me to the accused No. 1 within 15 days from the date of the said sale agreement. The accused No. 1 represented himself as Venkatappa S/o Ramappa, owner of shop No. 65, Bazar Street, Narasapur in the said sale agreement and also signed in the same way. And accused No.2 identified the accused No. 1 as CW-2 Venkatappa the owner of the shop.

I insisted the accused persons that I needed an indemnity bond for the purpose of Bank loan and the same was executed by the accused No.1 and he was identified as CW2 Venkatappa the owner of the said shop by accused No.2. Later I came to know that the accused no.1 presented the cheque issued by me and received the amount of Rs. 4,00,000/- from the bank.

On 13.12.2014, I came to know that the accused No.1 and 2 have cheated me of Rs.4,00,000/- which accused No. 1 received from me by the representing himself as the owner of the shop no.65 and accused no.2 identifying the accused No. 1 as the owner of the said shop. I went to accused No. 1 at the shop No.65 at 10.00 a.m. and accused No.2 also was present. I asked them in a raised voice to return the advance amount of Rs.4,00,000/- otherwise I would take legal action under Criminal Law. For that accused No.1 and 2 got angry and accused no.2 took out a wooden stick which was in the shop and rushed towards me. Meanwhile, accused No. 1 snatched the wooden stick from accused No.2 and hit me on the face. I suffered a bleeding injury from my nose and even my shirt became blood stained. CW-3 and 4 came to rescue me and accused persons went inside the shop.

On the same day, I went to the Police station and lodged a complaint against accused Nos.1 and 2. The Police sent me to Hospital and I was treated in the Hospital. Later the Sub-inspector of Police conducted mahazer near the said shop in the evening and at the time of mahazer he asked me to give the blood stained shirt worn by me at the time of the incident. I secured an alternative shirt from my house and gave the blood stained shirt to the Police.

On 14.12.2014 I went to State Bank of India, Narasapur, and obtained the extract of the statement of accounts of my Savings Bank Account No. 14424 and the said extract shows that on 12.12.2012 itself an amount of Rs.4,00,000/- was transferred to Savings Bank Account No. 18218 of accused No. 1 from my account.

On 15.12.2014 Police asked me to get the sale agreement dated 12.12.2014 and the bank account extract and I went to the police station. The police conducted the mahazer and seized sale agreement dated 12.12.2014 and the account extract from me.

The accused No. 1 and 2 have cheated me.

The complaint lodged by me is as per Ex.P1.

My signature on it is as per Ex.P1(a).

The sale agreement executed by the accused No. 1 is Ex.P2.

The signature of the Accused No. 1 is Ex.P2(a)

The signature of Accused No. 2 is Ex.P2(b)

The indemnity bond executed by accused no. 1 is Ex.P3.

Signature of Accused No. 1 is Ex.P3(a)

Signature of Accused No.2 is Ex.P3(b)

The mahazer document dated 13.12.2014 is as per Ex.P4

My signature on the document is Ex.P4(a)

The account extract of my Savings Bank Account is Ex.P5

The mahazer dated 15.12.2014 is as per Ex. P6.

My signature on the said mahazer is as per Ex. P6(a)

The wooden stick from which accused No.2 hit on my face is MO.1

My blood stained shirt is MO.2

Cross Examination: Sri Jayaprakash advocate for accused Nos. 1 and 2

It is false to suggest that accused No.1 never offered to sell the shop no.65 Bazar Street, at Narasapura to me. It is false to suggest that he never executed Ex.P2 in my favour. It is false to suggest that I have not paid any amount to the accused No.1 on any date and at any place. It is false to suggest that accused no. 1 never executed indemnity bond to me and accused no.2 never identified the accused no. 1 as CW-2.

It is true that I was working along with accused Nos.1 and 2 in a Co-operative Bank earlier and accused No.1 had filed a criminal case against me for misappropriation and accused No.2 is the prosecution witness in that case. It is still pending.

It is false to suggest that I have forged the signature of the accused Nos. 1 and 2 and filed a false complaint on them, only to take vengeance against accused No.1 and 2 and blackmail them to withdraw the criminal case against me.

It is false to suggest that no amount was transferred from my Savings Bank Account to the Savings Bank Account of the accused No. 1 at State Bank of India.

It is false to suggest that Ex. P2 and P5 are concocted documents no mahazer was conducted and no documents were seized from me by the police.

It is false to suggest the Police never visited shop No.65 and did not seize either MO.1 or 2 from the spot. It is false to suggest that I am deposing false.

R.O.I & A C
Sd/-
Deponent

In the Court of the Prl. JMFC., at Narasapur
CC No.46/2015

Complainant	State by Narasapur Police
Accused	No. 1 Venkatappa; No. 2 Rajanna.

Duly sworn: Date: 04.01.2016

Deposition of CW-2 Venkatappa as PW-2

Name: Venkatappa
Age: 49yrs.
Father's Name: Ramappa
Occupation: Vegetable vendor
Residence: Narasapura

Examination in chief by: APP

I know the accused No.1 and 2 and also the complainant in this case.

CW-3 and the accused No. 1 are tenants in my shop No.64 and 65 respectively at Bazar Street, Narasapura.

I purchased the said two shops from Krishnareddy during the year 2000.

I have not created any encumbrance over the said shops. Accused No. 1 is the tenant of shop No.65 and nothing more.

I have not authorized accused No. 1 to represent me in respect of the said shop and I have not entered into any sale agreement or executed any sale deed in favour of anybody or the accused No.1.

On 15.12.2014 police called me and conducted a mahazer which is marked as Ex.P6 and my signature is Ex.P6(b) and the complainant produced a sale agreement which is marked as Ex P2 and the account extract as Ex.P6 and the seized them under the mahazer.

R.O.I & AC

Cross Examination by: Sri Jayaprakash, Advocate for Accused Nos.1 and 2

It is false to suggest I am not the owner of the shop No.64 and 65. It is false to suggest that the accused No. 1 is having the rights of owner ship over the said shop No.65. The accused No. 1 is not related to me.

I do not know whether accused No. 1 is the owner of shop No. 56 at Bazar road, Narasapur.

I do not know whether accused No. 1 has entered into any sale transaction in respect of my shop No. 65 at Bazar street, Narasapur. If he has done so I will be taking suitable legal action against him.

It is false to suggest police never conducted any mahazer as per Ex. P5 and not seized Ex. P2 and P6 on 15.12.2014.

R.O.I & AC
Sd/-

In the Court of the Prl. JMFC., at Narasapur
CC No.46/2015

Complainant	State by Narasapur Police
Accused	No. 1 Venkatappa; No. 2 Rajanna.

Duly sworn: Date: 04.01.2016

Deposition of CW-3 Ramesh Kumar. (as PW-3)

Name: Ramesh Kumar
Age: 43yrs.
Father's Name: Devendra
Occupation: Business
Residence: Narasapura

Examination in chief by: APP

I know the accused Nos. 1 and 2 and the complainant in this case. My shop is adjoining the shop of the accused No.1. Myself and the accused No.1 are the tenants under Venkatappa CW-2. Some where during December, 2014 there was a quarrel between the complainant and the accused Nos.1 and 2 near the shop of accused No. 1. There was exchange of words and finally accused No.1 rushed towards the complainant by that time complainant was shouting and accused No.1 hit the complainant with a wooden stick and the complainant suffered bleeding injury on his nose. On the same day in the evening Police came and asked me to stay for conducting enquiry and I was present Police wrote a report and took a wooden stick which is already marked as MO.1 and a blood stained shirt from the complainant which is already marked as MO.2. Police have recorded my statement. The enquiry made by the Police was in writing and I see the same as Ex.P4 and my signature is Ex.P4(b).

R.O.I & AC

Cross Examination by: Sri.Jayaprakash, Advocate for Accused Nos.1 and 2

It is false to suggest CW-2 is not the owner of the shop No.65. I do not know the reason for the quarrel. If it is suggested that the complainant fell down on a wooden frame and sustained injury my response complainant and the accused were exchanging words and I saw the accused No. 1 lifting his hand towards the complainant thereafter, it started bleeding from the nose of the complainant.

It is false to suggest that I have not seen any incident and accused persons No. 1 and 2 never hit the complainant in any manner and MO.1 and 2 were not seized by the Police on that date.

It is false to suggest no enquiry was conducted and I am deposing false to help the complainant to blackmail the accused persons No.1 and 2.

R.O.I & AC
Sd/-
Deponent

In the Court of the Prl. JMFC., at Narasapur
CC No.46/2015

Complainant	State by Narasapur Police
Accused	No. 1 Venkatappa; No. 2 Rajanna.

Duly sworn: Date: 04.01.2016

Deposition of CW-4 Govindappa. (PW-4)

Name: Govindappa
Age: 51 yrs.
Father's Name: Belliappa
Occupation: School Teacher
Residence: Narasapura

Examination in chief by: APP

I know the complainant and the accused No. 1 and 2. I regularily buy provisions in the shop of CW-3 and the shop of the accused No. 1 is by the side by the shop of CW-3. One year back on one day I had gone to the shop CW-3 to bring rice and groundnut oil it was 10.00 a.m. After some time there was a quarrel and exchange of words in a raised voice between the accused No.1 and 2 and the complainant. The accused No.1 got angry and hit the complainant with a wooden danda and the complainant suffered bleeding injury to his nose and it was bleeding from the nose. In the evening again I was called by the Police to the spot and the Police conducted mahazar as per Ex.P4 and I have signed as per Ex.P4(c) and the Police were telling they have seized a shirt from the complainant and danda from the shop of the accused No.1. Now I see them as M.O.2 and 1.

Cross Examination by: Sri.Jayaprakash, Advocate for Accused Nos.1 and 2

It is false to suggest that I had not gone to the shop of CW-3 on the date of incident and there was no quarrel between the complainant and the accused Nos.1 and 2.

It is further false to suggest that the complainant did not suffer any injury on any part of the body and I am deposing false.

In the Court of the Prl. JMFC., at Narasapur
CC No.46/2015

Complainant	State by Narasapur Police
Accused	No. 1 Venkatappa; No. 2 Rajanna.

Duly sworn: Date: 04.01.2016

Deposition of CW-5 Prasanna Kumar as PW-5

Name: Prasanna Kumar
Age: 53yrs.
Father's Name: Thirumalashetty
Occupation: Medical Shop Owner
Residence: Narasapura

Examination in chief by: APP

I know the accused No.1 and 2 and the complainant. During December 2014 at about 5.00 p.m. the Police had come near by the shop of the accused No.1. The complainant was also present. The Police wrote a document and stated that it was mahazar for seizing a wooden stick and a shirt. Now, I see the said document as Ex.P4 and my signature as Ex.P4(d). I have forgotten about the identity of the wooden stick and the shirt which are already marked as MO.1 and 2.

Cross Examination by: Sri.Jayaprakash, Advocate for Accused Nos.1 and 2

It is false to suggest that, Police never conducted any mahazar and not seized any articles from the shop of the accused No. 1 at any point of time.

It is false to suggest I was not present near the shop of the accused No. 1 on the date of the incident.

It is false to suggest, that I am deposing false.

R.O.I. & A.C
Sd/-

In the Court of the Prl. JMFC., at Narasapur
CC No.46/2015

Complainant	State by Narasapur Police
Accused	No. 1 Venkatappa; No. 2 Rajanna.

Duly sworn: Date: 04.01.2016

Deposition of CW-6 Dr.Mallikarjuna as PW-6

Name: Dr. Mallikarjunar
Age: 35 yrs.
Father's Name: Channabasappa
Occupation: Medical Officer
Residence: Narasapura

Examination in chief by: APP

I am serving as the Medical Officer at Narasapura for the past 4 years. On 13.12.2014 complainant came to the Hospital with the history of attack made by the accused Nos.1. and 2. It was 11.00 a.m. and I examined the complainant Rajappa aged 55 years and found the bleeding injury in the nose, and the nose was swolen and tenderness was present.

The injury was simple in nature. I have issued wound certificate as per Ex.P7 and my signature is Ex.P7(a).

The injury as mentioned in the Ex.P7 is possible if a person is hit by a wooden stick MO.1 on the nose.

R.O.I & AC

Cross Examination by: Sri.Jayaprakash, Advocate for Accused Nos. 1 and 2

It is false to suggest that, I have not treated the complainant and he had never sustained any injury on 13.12.2014.

It is true to suggest that the injury mentioned in Ex.P7 is also possible if a person falls to his front on a hard object.

It is false to suggest that my opinion in Ex.P7 is false.

R.O.I & AC
Sd/-

In the Court of the Prl. JMFC., at Narasapur
CC No.46/2015

Complainant	State by Narasapur Police
Accused	No. 1 Venkatappa; No. 2 Rajanna.

Duly sworn: Date: 04.01.2016

Deposition of CW-10 Sri Nagendra Rao as PW-7

Name: Nagendra Rao
Age: 45yrs.
Father's Name: Rajarao
Occupation: Senior Manager, State Bank of India.
Residence: Narasapura

Examination in Chief: By A.P.P.

I am serving as Senior Manager, State Bank of India, Narasapur for the past 4 years. Now I see Ex.P5 it is the account extract of the savings bank account No. 14424 of the complainant. It was issued by me at the request of the complainant in this case. My signature is Ex. P5(a) and on perusal of Ex.P5 it is reveales that from the Savings Bank Account bearing No.14424 of the complainant an amount of Rs.4,00,000/- is transferred by honouring cheque No. 455262 issued by the complainant in favour of Venkatappa to Savings Bank Account of Venkatappa bearing No. 18218. Both the Savings Account are in our Branch.

Cross Examination: By Sri.Jayaprakash, Advocate for accused No.1 and 2.

It is false to suggest that the complainant is not having savings bank account in our branch. It is false to suggest that Ex.P5 was not issued by me. I do no know the name Venkatappa mentioned in Ex.P5

referes to the accused No.1 in this case.

Without perusing the records, specimen signatures and photo I cannot say weather the Savings Bank Account No. 18218 is in the name of the accoused No. 1 Venkatappa. I was able to tell the details of Savings Bank Account No. 14424 of the complainant because I had an opportunity of referring the records specimen signatures, and the photo.

It is false to suggest I am deposing false.

R.O.I. & A.C.
Sd/-

In the Court of the Prl. JMFC., at Narasapur
CC No.46/2015

Complainant	State by Narasapur Police
Accused	No. 1 Venkatappa; No. 2 Rajanna.

Duly sworn: Date: 04.01.2016

Deposition of CW-12 Rangaraju as PW-8

Name: Rangaraju
Age: 35 yrs.
Father's Name: Ranganath
Occupation: Police Sub-inspector
Residence: Narasapura

Examination in chief by: APP

I am working as the Police Sub-Inspector in Narasapura Police Station for the past 3 years and on 13.12.2014 when I was on duty the complainant came with a bleeding injury from his nose and lodged the complaint as per Ex.P1 and I registered a case in Crime No.443/2014 and registered FIR as Ex. P8 and dispatched the complaint and FIR to the Court and copies to my superior officers. In the meanwhile I had sent complainant to hospital for medical treatment under the escort of our constable No. 2130. At 2 p.m. I arrested the accused Nos. 1 & 2 and sent them along with remand application under escort to the Court. Later at about 4.00 p.m. I went to the shop of accused No. 1 at Bazar Street, Narasapura and conducted mahazar as per Ex.P4 and seized MO.1 from the spot and M.O. 2 from the complainant and subjected them to PF No.800/2014.

On 15.12.2014 I recorded the statement of CW-2, 3, 4 and 5. On the same day I requested PWD Officials to make a sketch of the spot. On the same day I conducted a mahazer as Ex.P6 and seized the sale agreement executed by accused No.1 as Ex.P2 and the account extract of the complainant as Ex. P5 in the presence of complainant, CW-2 Venkatappa and CW-11 Nisar Ahamed.

The Junior Engineer visited the spot on 16.12.2014 and prepared a sketch in the presence of the complainant and gave it to me and now I see it as Ex. P9.

I recorded the statement of Junior Engineer CW-7 on 16.12.2014 and that of CW-8 on 05.01.2015. On the same day I collected the wound certificate from CW-6 Medical Officer, which is already marked as Ex.-P7.

On 15.01.2015 I recorded the statement of CW-9 and 10. On 04.03.2015 I verified the investigation and submitted the charge sheet against the accused Nos.1 and 2 for the offence punishable under Section 324, 419 and 420 r/w Section 34 IPC to the Court.

Cross Examination by: Sri.Jayaprakash, Advocate for Accused Nos. 1 and 2

It is false to suggest that the complainant never lodged a report before me on 13.12.2014. It is false to suggest that there was no grounds to register FIR. It is false to suggest that I did not send complainant for medical treatment. It is false to suggest I have not conducted the Mahazar Ex. P4. It is further false to suggest that I have not seized MO.1 and 2 from the spot.

It is false to suggest that I have not conducted any mahazer on 15.12.2014 as per Ex.P6 and not seized Ex.P2 and P6 from the complainant.

It is further false to suggest that, I have not recorded the statement of any witnesses but submitted the charge sheet, without any ground only to help the complainant to blackmail the accused No. 1 and 2.

R.O.I & AC
Sd/-

DOCUMENTS (SUBSTANCE)

Exhibit P1 — Complaint

Substance: COMPLAINT. Complainant: CW-1 Rajappa. Accused: No. 1 Venkatappa, No.2 Rajanna. Offence: Under section 324, 419, and 420 r/w section 34 IPC. Date of the complaint: 12.12.2014. Sd/- Complainant.

Exhibit P2 — Sale Agreement (on a non-judicial stamp paper of Rs.200/-)

This sale agreement is made on today the 12.12.2014 at Narasapur Between Sri. Venkatappa S/o Ramappa, aged 48 years, Karahalli Village, Narasapur Taluk, and herein after called the seller And Sri. Rajappa S/o Venkataswamy, Aged 35 years, No.6, Karahalli Village, Narasapur Taluk, Herein after called the purchaser.

The terms "Purchaser" and the "Seller" where ever the context in this document admits, shall mean and include their respective legal heirs, executors and persons claiming under them.

This agreement witnesseth as under:-

1. That the seller is the owner in possession of the schedule property mentioned below having purchased the same under the registered sale deed from its previous owner.

2. That the seller has fallen into financial crisis and is in need of funds. Thus, offered the schedule property to the purchaser for Rs.5,00,000/- only and the offer is accepted by the purchaser and it as resulted in this sale agreement.

3. That the seller under this agreement as received a sum of Rs.4,00,000/- from the purchaser through cheque bearing No.455262 in favour of the seller drawn on State Bank of India, Narasapur.

4. It is agreement between the seller and the purchaser that the purchaser shall pay the remaining sale consideration of Rs.1,00,000/- within 15 days from today and upon the receipt of the said balance amount the seller shall execute the registered sale deed of the schedule property and deliver the vacant possession of the schedule property to the purchaser.

5. The expenditure for stamp duty and registration shall be borne by the purchaser.

6. The seller assures the purchaser that the former is the absolute owner in possession of the schedule property and the same is free from all kinds of encumbrance.

7. In case purchaser fails to pay the balance sale consideration of Rs.1,00,000/- within 15 days from today to perform his duty under this agreement, the same gets canceled and Rs.1,00,000/- from the advance amount given by the purchaser under this agreement to the seller stands forfeited to the seller and the purchaser shall be entitled for refund of Rs.3,00,000/- only from the seller.

8. That if the seller fails to execute and register the sale deed of the schedule property in favour of the purchaser within time when the purchaser is ready with the balance consideration of Rs.1,00,000/- in time, the purchaser shall take legal action against him for the remedy which entitled in law, at the costs and expenditure of the seller.

SCHEDULE

Commercial shop bearing No.65, at Bazar Street, Narasapur measuring East to West by 15 ft and North to South by 20 ft, being bounded on the East by shop of Ranganath, West by Property of Namechand, North by Bazar Street and South by property of Himmath Mull.

Sd/- Seller
Sd/- Purchaser
Witnesses:-
1. Ramanna, aged 50 years, S/o Shamrao, No. 436, Jain Temple Street, Narasapur.
2. Shivarudrappa, aged 40 years, S/o Shankarappa, Cloth Merchant, Bazar Street, Narasapur.
Seller identified by me. Rajanna, aged 35 years, S/o Bheemrao, No.4, by the side of State Bank of India, Narasapur.
Written by. Devaraj, 38 years. S/o Nagaraj, Deed Writer, License No.35, Narasapur.

Exhibit P3 — Indemnity Bond (on a stamp paper of Rs.200)

This indemnity bond is executed by Sri. Venkatappa, aged 46 years, son of Ramareddy, No.40, 4th cross, Vijayanagar, Narasapur, herein after called the "indemnifier" in favor of Sri Rajappa, 35 years, son of Venkataswamy, residing at No.6, Karahalli, village, Narasapur Taluk, herein after called "Indemnified".

The terms indemnifier and the indemnified wherever the context in this document admits, shall mean and include their legal heirs, executors, administrators and persons claiming under them.

This bond witnesseth as under:

1. The indemnifier has entered into a sale agreement on today to sell the schedule property for a sum of Rs.5,00,000 to the indemnified, and received advance amount of Rs.4,00,000 on today by way of cheque No. 455262 in favor of the indemnifier drawn on State Bank of India, Narasapur. And the balance amount is payable by the indemnified to the indemnifier within 15 days from today.

2. That the indemnified has insisted the indemnifier for security for the performance of duties by the latter. Thus the indemnifier has executed this bond undertaking to pay the sum of Rs.4,00,000 to the indemnified along with interest at the rate of 18% per annum in the event of defect of the indemnifier regarding title over the schedule property.

SCHEDULE

Commercial shop bearing No.65, at Bazar Street, Narasapur measuring East to West by 15 ft and North to South by 20 ft, being bounded on the East by shop of Ranganath, West by Property of Namechand, North by Bazar Street and South by property of Himmath Mull.

The indemnifier and indemnified have set their hands and subscribed signatures, the 12th day of December 2014.

Sd/- Indemnifier.
Sd/- Indemnified
Indemnifier is identified by Rajanna, Age 35 years, son of Bheemarao, No.4, by the side of State Bank of India Narasapur.
Execution admitted before me
Sd/- Notary Public

Exhibit P4

Mahazer dated 13.12.2014

Substance - conducted by the police Sub-inspector Narasapur, near the shop of accused No. 1 which is the place of incident and for seizing wooden stick and stained shirt from the spot and CW-1 respectively. Sd/- Witnesses: Sd/- Witness No. 1: Sd/- Witness No.2: Sd/- Witness No.3: Sd/- Before the sub-inspector of Police, Narasapur. Complainant.

Exhibit P5 — Account Extract (issued on 14.12.2014)

State Bank of India, Narasapur. Account Extract of savings bank A/c No. 14424. Copy issued to the account holder of savings bank account No. 14424, Sri.Rajappa. Xxx XXX XXXX XXX XXX XXX. Amount Rs.4,00,000/- debited and transfer to S.B. account No. 14818 of Sri.Venkatappa. Cheque No.455262 on 12.12.2014. Sd/- Senior Manager, State Bank of India, Narasapur.

Exhibit P6 — Mahazer dated 15.12.2014

Substance: Conducted by Police Sub-inspector of police, Narasapur. Purpose: seizing sale agreement Ex. P2 and account extract P5. Sd/- Witnesses: Sd/- Witness No. 1: Sd/- Witness No.2: Sd/- Witness No.3: Sd/- Complainant. Before the Sub-inspector of Police, Narasapur.

Exhibit P7 — Wound Certificate

Wound Certificate issued by PW-6 for having examined the complainant Rajappa on 13.12.2014 and treated for bleeding injury in the nose of the complainant. Sd/- Medical Officer

Exhibit P8 — FIR

Crime No.443/2014 complainant State by Narasapura Police. Accused No. 1 Venkatappa son of Ramareddy, Accused No.2 Rajanna son of Bheemarao, Offences: under section 324, 419, and 420 r/w section 34 IPC. Sd/- Police Sub-Inspector

Exhibit P9 — Sketch

Sketch of Shop No.65 at Bazar Street Narasapur in respect of which accused No. 1 is the tenant and CW-2 is the owner. Sd/- Junior Engineer