

**IN THE COURT OF II ADDL. DISTRICT JUDGE & III ADDL.
MOTOR ACCIDENT CLAIMS TRIBUNAL, MANGALURU, D.K.**

MVC No: 558/2025

PW: 2

Witness present and Duly Sworn on: 04.06.2026.

Examination in chief by way of Affidavit of Petitioner:

I have filed my affidavit in lieu of examination in chief. The contents of affidavit are true and correct. I have given instructions to prepare the affidavit. It bears my signature. I now see certified copy of of Complaint Ex.P1, it bears my signature. I now see certified copy of Mahazar Ex.P5, it bears my signature. I now see certified copy of spot sketch Ex.P6, it bears my signature.

**Cross examination by Smt. HM Advocate for the
Respondent No.2:**

1. I lodged complaint in my own handwriting. I wrote complaint in police station and handed over to police. The accident took place around 10.00 a.m. I went to police station around 11.30-12.00 noon. I was proceeding from my house to Mangaluru at the time of accident. After the accident so many public gathered at the spot. The deceased died on the spot. When I saw, deceased was not breathing. At the time of accident movement of vehicles was present. So many vehicles were moving in my front. I did not observed vehicles in my back. After

the accident so many vehicles stopped. The road was blocked. The police did not immediately come at that time. The public gathered there cleared the traffic block. Dead body was lying on the spot.

2. I showed spot to the police. Mahazar was prepared in my presence on the next day. The police called me to spot to prepare mahazar. Sketch Ex.P6 is correct. There is no pedestrian cross on the spot. I saw the deceased crossing the road in a distance of 15-20 feet. When the deceased was crossing the road, movement of vehicles was less. Since I was in slow movement, I required 10 seconds to move 15-20 feet. At that time all the vehicles were moving. The people would cross the road by observing the vehicle when the movement of vehicles is less. The deceased was crossing the road from my left side towards right side. I was proceeding from B.C. road to Mangaluru. The rider of the two wheeler in question was also proceeding from B.C. road to Mangaluru. The road is divided by divider. I cannot say to which portion of the deceased, the rider hit the motorcycle. The deceased fell on the spot in a distance of 10-15 feet due to force. The deceased sustained injuries over forehead and blood was oozing from the forehead. I did not observe if blood stains were present or not when the mahazar was conducted on next day. Mahazar witnesses were present when the mahazar was conducted. I do not know them.

3. Since I knew the deceased, I gave his details in the complaint. It is false to suggest that since I knew the deceased, though I did not see accident, I lodged false complaint. It is false to suggest that complaint was not written in my own handwriting by me.

4. The deceased was taken to hospital in an auto-rickshaw, I followed the auto-rickshaw to the hospital. One of the persons gathered there gave the name of deceased to me. Within 10 minutes, deceased was taken to hospital. I called relatives of deceased over phone. They came to hospital. I have seen injury on the forehead and I did not observe other injuries on the body.

5. It is false to suggest that though the deceased sustained injuries in some other manner, to get the compensation, the vehicle in question was implicated by lodging false complaint by me.

6. The accident took place within short seconds. It is true in general if a person crossed Highway road in which movement of vehicle was high, it is very difficulty to stop the vehicles. It is true even if vehicle is stopped by applying break, the person would fall on the road.

7. I have given evidence in Criminal case. I have identified rider of the motorcycle in criminal case.

8. It is false to suggest that I am giving false evidence.

Cross-examination by Sri.KPP Advocate for Respondent No.1:

No representation, hence cross-examination is taken as nil.

Re-examination: Nil.

(Computerized to my dictation in the open court)

ROI & AC

II Addl District and Sessions Judge,
Mangaluru, D.K.