

IN THE COURT OF THE SENIOR CIVIL & JMFC
JEWARGI

C.C. No.166/2018

CW-2
PW-2

Name : Maheboob Patel
Father's Name : Nabi Patel
Age : 52-years
Occupation : Agriculture
Resident of : Kobal

Duly sworn on 24.11.2022.

Accused absent. EP filed. His counsel submitted no dispute regarding identification of accused.

Chief examination: Learned APP for prosecution

I do not know accused. I knows CW-1 and 3. I do not know CW-4 to 9. I does not know anything about the matter. At about 8 years back I was proceeding towards my village at about 6.30 to 7.00 am. At that time one Hullur PSI intercepted one lorry and public was gathered there. At that time said PSI called me and informed me that he has intercepted one lorry which was containing rice bags. He further informed me that the said lorry driver was transporting the said rice bags. Therefore, he requested me to sign the documents. Thereafter the lorry was taken to the police station. I doesn't know the lorry number. CW-1 has conducted panchanama in my presence. Police have seized lorry and rice bags in my presence. I doesn't know how many rice bags were there in the truck. I can identify the lorry which was shown by the police. The witness identified photographs of the lorry the same are marked as Ex.P2 to 5. The accused was not present there. I have not seen the accused at spot. I have seen Ex.P1 spot mahazar which contains my signature. Signature of the witness is marked as Ex.P1(b).

(L/APP submitted that the witness partly disowned his statement made before IO. Therefore, the witness may be treated as partly hostile witness and she may be permitted to cross examine the said witness. Permission granted.

Cross Examination: by L/APP for prosecution.

It is true to suggest that the police have seized on 10.12.2014 in connection with accused transporting the rice without any permission. It is further true to suggest that the police have seized truck and rice bags and conducted mahazar from 11.30 am to 1.00 pm. It is further true to suggest that there were 295 rice bags and each bag was weighing 50 kg. I doesn't know that there were 280 plastic bags and 15 juit bags in the truck. It is further true to suggest that for sample one rice bag was separated and it was sent for examination.

Cross examination: By Sri. JVH advocate for accused:

It is true to suggest that I know CW-1 personally from last several decades. Witness volunteers that he was engaged in dealership of rice. It is true to suggest that CW-1 was food inspector and I am doing my dealership under his control. It is true to suggest that since I was engaged in rice dealership I well acquainted with CW-1, 8 and other police officials. It is true to suggest that since I was well acquainted with police officials I use to visit police station frequently. It is false to suggest that at the request of said police officials I put my signature on Ex.P1. It is further false to suggest that I doesn't know what the police officials have done at the scene of offence. I was not present when police have seized the lorry. I have not personally counted or weighed the disputed rice bags. I have not measured or fixed the rate of the alleged seized rice bags. It is true to suggest that I cannot say the boundaries of the scene of offence. It is false to suggest that I

doesn't know what was written in Ex.P1 and I have put the signature on the request of police. It is true to suggest that I doesn't know who had written and read over Ex.P1. I doesn't know how many pages Ex.P1 document contains. I cannot remember how many signatures I have put on the said documents. It is false to suggest that at the request of CW-1 and police I am giving false evidence. It is false to suggest that the police have not drawn any mahazar nor seized any truck or rice bags in my presence.

Re-examination: Nil.

Dictated to the Typist in the open court

Read over & explained and
same is true

Sr. Civil Judge & JMFC
Jewargi