

Witness called and duly sworn on: 21.01.2026

CROSS EXAMINATION BY: SRI. JSK LEARNED COUNSEL FOR RESPONDENT NO.2:

1. I am employed with KED as a meter reader. Today I have availed leave. The I.O. has inquired with me about the accident on the very next day of occurrence of the accident. It was around 10.30 to 11 A.M. when the I.O. inquired with me. The FIS was lodged by one Sri. Siddanayaka. The said Sri. Siddanayaka is not eye witness to the accident. It is true to suggest that around the spot there are no commercial establishments or shops except for the bus stop which is situated opposite to the spot.

2. The accident occurred at around 10 P.M., on a highway. It is true to suggest that the divider which bifurcates the road is measuring around 3 feet in width. I know to ride a motorcycle. It is true to suggest that the two wheeler's are expected to be ridden on the left side of the highway whereas other fast moving vehicles are required to ply on the right lane. It is true to suggest that around the spot the road is straight without any curving. It is true to suggest that at the time of accident the Bolero jeep was proceeding on the right lane. It is true to suggest that since it is a straight road the vehicles plying from the opposite direction are clearly visible.

3. At the time of accident I was accompanied by one Sri. Channanayaka. We did not intimate the police about the accident. The spot is situated at a distance of about 500 meters from the house of petitioner. Immediately after the accident the petitioners were informed and they reached the spot. I took the deceased to the Hospital. Even in the police records it is specifically mentioned that

the deceased after turning his vehicle was waiting to move forward in the meanwhile the offending vehicle collided against his vehicle. It is false to suggest that in all the police records it is mentioned that after taking the turn the vehicle of the deceased was moving forward and not in stationary condition as asserted by me.

4. It is false to suggest that the accident occurred due to negligence on the part of the deceased who tried to take the right turn without observing the oncoming vehicle. The vehicle of the deceased was standing in the gap between the divider and only a part of the motorcycle was protruding to the road. Though the offending was being driven in a zig zag manner I do not know why it was being driven in that manner it could be because there were other vehicles proceeding ahead. I did not observe which vehicle was proceeding ahead of the offending vehicle.

5. It is false to suggest that inspite of the fact that I reached the spot after the accident and had no occasion to witness the accident I have deposed falsely that I am an eye witness to the accident just to support the claim of the petitioner. It is false to suggest that there was no negligence on the part of driver of the bolero jeep instead the negligence was entirely on the part of the deceased in trying to enter the road without observing movement of oncoming vehicles.

RE - EXAMINATION : NIL

(Typed to my dictation in the open court)

R.O.I. & A.C.

Sd/-
Prl.Judge ,
Court of SC., & MACT., Mysuru