

*Witness called and duly sworn on: 19.07.2024*

**CROSS EXAMINATION BY:SRI. SKH LEARNED ADVOCATE FOR PETITIONER:**

1. I am deposing before the court in my capacity as an independence witness. The accident occurred on 12.11.2015. The bus bearing No. KA-09-F-4085 had driver cum conductor. The bus left the suburban bus stand, Mysuru at 12.30 PM. I do not know if any of the passengers in the bus had been cited as witness by the police in the criminal case. I have not ascertained whether the I.O. has procured the CC Tv footage pertaining to the accident or not.

2. I have not gone through the IMV report marked as Ex.P5. The averments in Ex.P5 that the front left side bumper of the KSRTC bus had scratches at the time of inspection by motor vehicle inspector is true and correct. Though it is true to suggest that according to the I.O. the accident occurred when the left side of bus hit the right side of the motor cycle resulting in motor cycle and petitioner falling to their left but there was no negligence on my part. It is true to suggest that the motor vehicle inspector has specified that at the time of inspection, the KSRTC bus did not have mechanical deffect.

3. At the time of accident, the bus was in stationery condition as it was a pick up point. I have not produced any document before the I.O. in support of my contention that the bus was in stationery condition. It is false to suggest that inspite of being aware of the true facts, I have falsely deposed that the bus was in stationery condition as it was a pick up point. I have not tried to lodge any FIS nor have I addressed any letter to the I.O.

intimating him about the said fact nor the KSRTC has done the same.

4. The said bus did not have a dashcam at the time of accident. I have gone through the Ex.P2 FIS. I am aware that the I.O. has charge sheeted me and the said case was tried by III JMFC , Mysuru in CC 602/2016. Neither me nor the KSRTC had not preferred any appeal against the said charge sheet, however I have been acquitted by the Hon'ble Court. It is false to suggest that as I was aware that the accident occurred due to my fault, I did not prefer any appeal against the charge sheet.

5. It is false to suggest that inspite of being aware that the death of Sri. Nanjappa S/o Lingaiah occurred due to injuries sustained in the accident which was caused due to my negligence, the respondent company has set up a false defense and I have deposed false facts to wash off its liability.

*Deferred for cross examination of RW.1.*

**(Typed to my dictation in the open court)**

**R.O.I. & A.C.**

Sd/-

Prl. Judge.

Court of SC., & MACT., Mysuru