

IN THE COURT OF THE 3rd A.D.J., AT HOSAPETE

Spl.C.No.5002/2015

P.W. 02 C.W. 01

Name	: Syed Shabbir Hussaini
Father's Name	: Syed Mehamud Hussaini
Age	: 68 years
Occupation	: Agriculturist
Residence	: Koppal

Duly Sworn on : 23-09-2022.

Examination-in-chief by: learned Spl.P.P.

On 22.07.2014, our Driver by name Hanumya told us that, the Accused is demanding bribe at the Hosapete Forest, D.M.G. and Police Check-post, contending that we are having duplicate Sand Permit. When our Driver pleaded that he is not having money, the Accused took his Mobile Phone and asked him to pay money and take back the Mobile Phone. On the same day I have given Complaint to Hosapete Lokayuktha against the Accused. But, I have not gone to the Office of Hosapete Lokayuktha on 22.07.2014. I can identify the Complaint lodged by me. Now a document is shown to the witness. Witness identifies the said document as Complaint, scribed by him. On identification, the said Complaint is marked as Ex.P-27. Signature of the witness is marked as Ex.P-27(a).

Learned Spl.P.P. has shown one more document and asked the witness to identify the said document. Witness identifies the said

document as scribed by him, but he contends that, it is given by him on 23.07.2022. The said 02nd document identified by the witness, it is marked as Ex.P-28. Signature of the witness is marked as Ex.P-28(a).

Thereafter on 23.07.2014, the Hosapete Lokayuktha Police called 02 witnesses viz-C.W-2 and C.W-3, took me and went to Hosapete Forest, D.M.G. and Police Check-post.

The Lokayuktha Police have taken my signature on documents and thereafter I returned back to my residence. I do not know as to what has taken place on 23.07.2014.

After filing of Complaint by me on 22.07.2014, I do not know whether Hosapete Lokayuktha Police have registered the said Complaint and have sent the F.I.R. to the Court.

(The learned PP prays to treat this witness hostile. Perused the entire file and the examination-in-chief of this witness. Hence permitted)
Cross Examination by learned Spl.PP

It is false to suggest that, I have personally attended the Lokayuktha Police and have lodged the Complaint against the Accused, for which the Lokayuktha Police have registered a F.I.R. against the Accused.

It is false to suggest that, on the next day i.e. on 23.07.2014, the Lokayuktha Police have secured 02 witnesses viz-C.W-2 and C.W-3 and conducted the trap upon the Accused and has recorded the Trap Panchanama in my presence and in the presence of C.W-2 and C.W-3 at

Hosapete Forest, D.M.G. and Police Check-post. It is false to suggest that, on the said day at the time of trap Lokayuktha Police have clicked Positive Photographs. Now 02 Positive Photographs, which are marked at Ex.P-8 and Ex.P-9 are shown to the witness and questioned him to identity, whether he is available in the said Positive Photographs, witness replies he is not seen in the said Positive Photographs. I am also not seen in the Positive Photograph Ex.P-21.

It is false to suggest that, I have facilitated by providing 06 currency notes of Rs.100/- denomination, to conduct the Trap Proceedings upon the Accused. It is false to suggest that, I am aware about the fact that, at the instance of me filing a Complaint, the Lokayuktha Police have taken-up a Trap Proceedings against the Accused and has trapped the Accused for taking illegal gratification of Rs.600/-.

It is false to suggest that, after completion of the Trap Proceedings, the Accused has handed over Mobile Phone of our Driver Hanumya, to him.

C.W-18/K.Bheemappa was the cleaner on the Tipper bearing Reg.No.K.A.37/2014, belonging to my son Syed Hyathpeer Hussaini-C.W-5.

I have received the Summons in this case, but I have not enquired as to for what reason, I have been summoned.

It is false to suggest that, in order to help the Accused, I am deposing falsely in this case that, I am not aware about the Trap Proceedings taken-up by the Lokayuktha Police, at the instance of the Complaint lodged by me.

Cross-examination by Sri.U.B.R., Adv for Accused:-

Our Driver Hanumya had told us that, somebody Home Guard or Police at Hosapete Forest, D.M.G. and Police Check-post had demanded money. He has not stated the name of the person who has demanded the said money.

On 22.07.2014, my son-C.W-5 was available at Koppal.

On 22.07.2014, I have given the Complaint/Ex.P-27 to our Driver Hanumya. I do not know as to whom our Driver Hanumya has delivered the said Complaint/Ex.P-27.

On 23.07.2014, I have given the Complaint as per Ex.P-28, in the hands of our Driver Hanumya. I do not know as to whom our Driver Hanumya has delivered the said Complaint/Ex.P-28.

I do not know the contents of Ex.P-27 and Ex.P-28.

Re-examination - **Nil** -.

(Typed to my dictation in the open Court)

R O I & A C

Sd/-

(ABDUL-RAHIMAN .A. NANDGADI)
III Additional District & Sessions Judge,
Ballari (sitting at Hosapete)