

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

Spl.C.No.01/2016

P.W. 02 C.W. 04

Name : Mangalagowri
Husband's Name : Raghavendra
Age : 38 years
Occupation : P.D.O., Grama Panchayath Hirehegdal,
Kudligi Taluk.
Residence : Hagaribommanahalli.

Duly Sworn on : 19-08-2022.

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

I was working as a P.D.O. in Grama Panchayath Marabihal, from 15.08.2012 to 25.12.2015.

Lokayuktha Police for the first time had come to Grama Panchayath Office Marabihal in the month of October-2014, for enquiry upon the Complaint filed by Bheemappa of Varadapur village. As per my information the said Complaint was filed against the Marabihal Grama Panchayath member viz.- Gangamma and Hanumavva. The said Complaint was filed with Upa Lokayuktha. At that time, our staff had taken the Lokayuktha Police to Varadapur village for enquiry pertaining to the houses, situate there.

Again for the 2nd time, the Lokayuktha Police had come to our Grama Panchayath Office on 10.11.2014. The said Lokayuktha Police had

gone to Varadapur village to see the houses and thereafter, they had come to our Grama Panchayath Office at Marabihal. As per their request, I have given 02 Registers pertaining to Grama Sabha Proceedings and General Meeting Proceedings; Cheque issuance register; and 04 files pertaining to the allotment of the houses. Now I see 02 Registers which are already marked as Ex.P-2 and Ex.P-3. Witness contends that, she has affixed her signatures on the Registers/Ex.P-2 and Ex.P-3. Witness further volunteers that, she has not affixed her signatures on the Registers/Ex.P-2 and Ex.P-3. Witness contends that, she has affixed her signatures on the files/Ex.P-4 to Ex.P-7. Witness identifies her signature on page No.4 in file/Ex.P-4, the said signature is marked as Ex.P-4(b). Witness identifies her signature on page No.4 in file/Ex.P-5, the said signature is marked as Ex.P-5(b). Witness identifies her signature on page No.4 in file/Ex.P-6, the said signature is marked as Ex.P-6(b). Witness identifies her signature on page No.6 in file/Ex.P-7, the said signature is marked as Ex.P-7(b).

Now I see the Register maintained for issuance of Cheque by our Grama Panchayath Office. On identification the said Register is marked as Ex.P-8. The said Register contains issuance of Cheques to Smt.B.Umavathi at Pencil Written Page No.196. The said page is marked as Ex.P-8(A). Likewise the said Register contains issuance of Cheques to Nagarathna at Pencil Written Page No.200. The said page is marked as Ex.P-8(B). Likewise the said Register contains issuance of Cheques to Lakshamma at Pencil Written Page No.201. The said page is marked as Ex.P-8(C). Likewise the said Register contains issuance of Cheques to T.Hanumavva at Pencil Written Page No.203. The said page is marked as Ex.P-8(D). The transactions shown at Ex.P-8(A) to Ex.P-8(D) is in the

period of the P.D.O. of the said Grama Panchayath who is Accused No.2, present in the Court today.

Cross Examination :-

(Since timing of the 1st half is over, P.W-2 is bound over till 2nd half).

(Typed to my dictation in the open Court)

R O I & A C

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

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Witness is duly Sworn in the 2nd half on : 19-08-2022.

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

I have affixed my signature on the Panchanama/Ex.P-1. On identification signature of the witness is marked as Ex.P-1(b).

Cross-examination by Sri.H.A.K., Adv for Accused Nos.1 and 4:-

On 30.06.2011, Accused No.1 was not the President of Grama Panchayath Marabihal. It is true to suggest that, Accused No.4 is not the Member of Grama Panchayath Marabihal, at any point of time.

It is true to suggest that, Accused No.1 is not the signatory to any of the documents found in Ex.P-2 to Ex.P-8.

Lokayuktha Police have not issued any requisition, requesting me to give Registers and files, marked at Ex.P-2 to Ex.P-8. I have not obtained any receipt of acknowledgment from the Lokayuktha Police for giving the Registers and files, marked at Ex.P-2 to Ex.P-8. Witness volunteers that, receipt of the Registers and files, marked at Ex.P-2 to Ex.P-8 have been shown in the Panchanama/Ex.P-1. It is true to suggest that, I have not mentioned handing over of Registers and files marked at Ex.P-2 to Ex.P-8 to the Lokayuktha Police, in Ex.P-1 Panchanama. It is false to suggest

that I have not handed over the Registers and files, marked at Ex.P-2 to Ex.P-8 to the Lokayuktha Police, as per law. It is false to suggest that, I have affixed my signature on the Panchanama/Ex.P-1, at the instance of Lokayuktha Police.

Cross-examination by Sri.S.C.P., Adv for Accused No.3:-

Sri.S.C.P. Adv for Accused No.3 adopts the cross examination done by Accused Nos.1 and 4.

Cross-examination by Sri.K.B.R., Adv for Accused No.2:-

I have given Cheque bearing No.151903, dated 04.09.2012 to Umavathi, for which I have affixed my signature as Ex.P-4(b). Witness volunteers that, she has issued the Cheque to Umavathi on the basis of earlier Cheques issued by her predecessor in her Office/Accused No.2 and on verification of the stage of construction of the house. But, I have not given the last Cheque pertaining to last stage of the construction of the house to the said beneficiary. I have not given the said Cheque since the beneficiary was reluctant to come to the Office and affixed her signature. I have not made any intimation to my Higher Authorities about the suspicion, entertained by me in respect of the beneficiary. I have not made any enquiries with the said beneficiary.

I have given Cheque bearing No.151899, dated 04.09.2012 to T.Hanumavva, for which I have affixed my signature as Ex.P-5(b). So also I have issued another Cheque to the beneficiary bearing No.299466, dated 28.09.2012. Witness volunteers that, she has issued the Cheques to

T.Hanumavva on the basis of earlier Cheques issued by her predecessor in her Office/Accused No.2 and on verification of the stage of construction of the house.

I have given Cheque bearing No.151900, dated 04.09.2012 to Lakshnavva, for which I have affixed my signature as Ex.P-6(b). Witness volunteers that, she has issued the Cheque to Lakshnavva on the basis of earlier Cheques issued by her predecessor in her Office/Accused No.2 and on verification of the stage of construction of the house. But, I have not given the last Cheque pertaining to last stage of the construction of the house to the said beneficiary. I have not given the said Cheque since the beneficiary was reluctant to come to the Office and affixed her signature. I have not made any intimation to my Higher Authorities about the suspicion, entertained by me in respect of the beneficiary. I have not made any enquiries with the said beneficiary.

I have given Cheque bearing No.151901, dated 04.09.2012 to Nagarathna, for which I have affixed my signature as Ex.P-7(b). Witness volunteers that, she has issued the Cheque to Nagarathna on the basis of earlier Cheques issued by her predecessor in her Office/Accused No.2 and on verification of the stage of construction of the house. But, I have not given the last Cheque pertaining to last stage of the construction of the house to the said beneficiary. I have not given the said Cheque since the beneficiary was reluctant to come to the Office and affixed her signature. I have not made any intimation to my Higher Authorities about the suspicion, entertained by me in respect of the beneficiary. I have not made any enquiries with the said beneficiary.

It is true to suggest that, in all the 04 cases I have issued the last Cheques to the beneficiaries. Witness volunteers that, she has issued the Cheques on the basis of records maintained in the Office files/Ex.P-4 to Ex.P-7.

It is true to suggest that, I have issued the 03 Cheques to T.Umavathi on 04.09.2012, 28.09.2012 and 18.10.2012, which is recorded at Ex.P-8(A).

It is true to suggest that, I have issued the last Cheque to Nagarathna on 18.10.2012, which is recorded at Ex.P-8(B).

It is true to suggest that, I have issued the last Cheque to Lakshamma on 28.09.2012, which is recorded at Ex.P-8(C).

It is true to suggest that, I have issued the 02 Cheques to Hanumavva on 04.09.2012 and 28.09.2012, which is recorded at Ex.P-8(D).

I have issued Cheques pertaining to the last installment to the beneficiaries. Since, the houses were completely constructed, so I have issued the Cheques for last installments. No any amount belonging to the Government has been embezzled in respect of the said 04 houses.

Cross-examination by Sri.B.Z., Adv for Accused No.5:-

Sri.S.C.P. Adv for Accused No.3 adopts the cross examination done by Accused Nos.1 and 4.

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)