

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

Spl.C.No.01/2016

P.W. 14 C.W. 18

Name : Lakshnavva
Husband's Name : Goni Basappa
Age : 40 years
Occupation : Agriculturist
Residence : Varadapura Village, H.B.Halli Taluk.

Duly Sworn on : 24-11-2023.

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

Accused No.3/Hanumavva is my Mother; C.W.16/P.W.12 and C.W.17/P.W.13 are my Sisters. Accused Nos.1, 4 and 5 are from our Village. I know Accused Nos.1 to 5.

My marriage was performed about 16 years back; and I was given to Machegundanahalli Village in marriage. I was staying at Machegundanahalli for one year; and thereafter I started residing at Varadapura Village.

My Sister/Umavathi/C.W.16/P.W.12 was given in marriage to Mariyammanahalli; she is residing at Varadapur.

My another Sister/Rathanamma/C.W.17/P.W.13 was given in marriage to Obalapur; her matrimonial house is Obalapur.

Lokayuktha Police have enquired me in this Case. I have given Statement before the Lokayuktha Police.

Lokayuktha Police have enquired me as to where I am residing; I have replied him that, I am residing at Varadapura Village.

My Identity Card issued by the Election Commission of India and Aadhar Card pertains to Varadapura Village.

Now a document/Indira Awaz Yojana Book/Ex.P8 is shown, more specifically at Page No.201 is shown to the Witness and questioned her to identify the Photo found on the said document; and the Signatures found on the said documents as “ಫಲನುಭವಿಯ ಸಹಿ”. Witness identifies and contends that the said Photo and the said Signatures belongs to her. The said Page No.201 of Ex.P8 is already marked as Ex.P8(C).

Now a document/Voter list for the years 2015 is shown to the Witness and questioned her to identify whether her Photo and particulars are appearing in the said document. Witness has shown that her Photo and particulars are appearing at Sl. No.1038 of the said document. On identification, the said Voter List is marked as Ex.P24; and the relevant portion, i.e., Sl. No.1038 is marked as Ex.P20(A).

Now a document/True Copy of Election Identity Card is shown to the Witness and questioned her to identify the said document. Witness contends that the said identity card pertains to her.

(Sri.K.N.R. Adv for Accused Nos.1 and 4, Sri.S.C.P. Adv for Accused No.3, Sri.K.B.R. Adv for Accused No.2 and Sri.B.Z. Adv for Accused No.5, object for marking the said document, contending that the said document is a true copy. Election Identity card will be in the legitimate custody of the holder, it is a primary piece of evidence; during investigation, the Investigating Agency has obtained the True Copy from the legitimate custody of the

Revenue Authorities.) On identification, the said Identity Card issued by the Election Commission of India, is marked subject to Objections as Ex.P25.

Now a document/True Copy of the Ration Card is shown to the Witness and questioned her to identify the said document. Witness contends that the said Ration Card pertains to her family.

(Sri.K.N.R. Adv for Accused Nos.1 and 4, Sri.S.C.P. Adv for Accused No.3, Sri.K.B.R. Adv for Accused No.2 and Sri.B.Z. Adv for Accused No.5, object for marking the said document, contending that the said document is a true copy. Ration Card will be in the legitimate custody of the holder, it is a primary piece of evidence; during investigation, the Investigating Agency has obtained the True Copy from the legitimate custody of the Food and Civil Supplies Authorities.) On identification, the said Ration Card issued by the Food and Civil Supplies Authorities, is marked subject to Objections as Ex.P26.

My Election Identity Card/Ex.P25, and Ration Card/Ex.P26 does not pertain to my Machegundanahalli Address.

I have exercised the right of franchise at Varadapur Village.

I have filed an Application before the Marrabihal Grama Panchyath Authorities for sanction of construction of house at my Open Space, situate at Varadapur Village.

(The learned PP prays to treat this witness partly 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, after marriage I started residing at Machegundanahalli; till today I am residing at Machegundanahalli. It is true to suggest that, we are owning a residential house at Machegundanahalli.

It is true to suggest that, my Mother/Accused No.3 was a Marrabihal Grama Panchyath Member during the years 2013 to 2018.

It is true to suggest that, myself and my two sisters viz., C.W.16/P.W.12 and C.W.17/P.W.13 were allotted houses at Varadapur, through Marrabihal Grama Panchayath.

It is false to suggest that, in the Application submitted for allotment of houses, myself and my Sisters/ C.W.16/P.W.12 and C.W.17/P.W.13 have shown our residence at Varadapura, falsely, though we were not the residents of Varadapur.

It is false to suggest that, I have got created a false documents at the instance of my Mother/Accused No.3, showing my residential Address as Varadapur, instead of Machegundanahalli.

It is false to suggest that, my Mother/Accused No.3 has got allotted houses, fakely in my name as well as in the names of my Sisters/C.W.16/P.W.12 and C.W.17/P.W.13.

It is false to suggest that, myself, my husband my children are residing at Machegundanahalli Village.

It is false to suggest that, I am deposing falsely to help my Mother/Accused No.3.

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

My parents are having five daughters. It is true to suggest that, about 5 to 10 Acres of land is owned by my Mother/Accused No.3.

It is true to suggest that, financial conditions of my matrimonial side as well as the financial conditions of the matrimonial sides of my Sisters viz, Umavathi/C.W.16/P.W.12 and Rathnamma/C.W.17/P.W.13, are not well.

It is true to suggest that, myself and my Sisters viz, Umavathi/C.W.16/P.W.12 and Rathnamma/C.W.17/P.W.13 after our respective marriages, stayed in our respective matrimonial houses for about 1 year; and thereafter we returned to our parental house; and started living in our parental house.

It is true to suggest that, my parents have given 1 Acre of Agricultural land and 1 vacant site for getting constructed a residential house, each to me and to my Sisters viz, Umavathi/C.W.16/P.W.12 and Rathnamma/C.W.17/P.W.13.

It is true to suggest that, I have filed an application with the Marrabihal Grama Panchayath to grant and sanction a house, so that I can have a residential facility on the vacant site given to me by my parents.

It is true to suggest that, even my Sisters viz, Umavathi/C.W.16/P.W.12 and Rathnamma/C.W.17/P.W.13 have filed separate applications for grant and sanction of house, to be constructed in their vacant sites, given to them by my parents.

It is true to suggest that, Marrabihal Grama Panchyath Authorities on conducting an enquiry have got constructed a residential house for me as well as for my Sisters viz, Umavathi/C.W.16/P.W.12 and Rathnamma/C.W.17/P.W.13, on our vacant sites.

It is true to suggest that, Marrabihal Grama Panchayath Authorities have got constructed residential houses to the houseless residents of our Village as well as other villages, coming under Marrabihal Grama Panchayath.

It is true to suggest that, from the date of construction of the residential houses by Marrabihal Grama Panchayath Authorities, myself and my Sisters viz, Umavathi/C.W.16/P.W.12 and Rathnamma/C.W.17/P.W.13 are residing in our respective houses.

It is true to suggest that, Election Voter List/Ex.P24, Election Identity Card issued by the Election Commission of India/Ex.P25, and Ration Card/Ex.P26 were prepared at the time of my marriage, when I was with my husband residing at Machegundanahalli.

My Children are studying in a School situate at Varadapur Village.

I am doing coolie work in the lands of other persons at Varadapura Village; so also I am tilling my land, which was given to me by my parents.

At no point of time, Marribihal Grama Panchyath Authorities have forged my Signatures, muchtheless in the process of granting and allotting house construction facility to me; and have not misused my Photographs.

I have not stated before the Lokayuktha Police that, “ನಾನು ಮರಬ್ಬಿಹಾಳ್ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ ವತಿಯಿಂದ ಯಾವುದೇ ಸೌಲಭ್ಯವನ್ನು ಪಡೆದಿರುವುದಿಲ್ಲ”.

On confrontation and admission; and as per Section 145 of Evidence Act, the said portion of the Statement of the Witness is marked as Ex.D3-A.

I have never stated before the Lokayuktha Police that, the Photo found on Ex.P8(C) and my Signatures found on Ex.P8(C), do not belong to me, contending that “ನನ್ನ ಫಾಸ್ ಫೋಟ್ ಸೈಜಿನ ಫೋಟೋ ... ನನ್ನದಾಗಿರುವುದಿಲ್ಲ”.

On confrontation and admission; and as per Section 145 of Evidence Act, the said portion of the Statement of the Witness is marked as Ex.D3-B.

Lokayuktha Police have not exhibited any documents to me; and obtained my Statement. Lokayuktha Police have not shown any photo, wherein I have contended that the face portion seen in the said Photo belongs to me and the rest of the portion does not belong to me. I have not given Statement before the Lokayuktha Police contending that “ಈ ದಿನ ನನ್ನದಾಗಿರುತ್ತದೆ”.

On confrontation and admission; and as per Section 145 of Evidence Act, the said portion of the Statement of the Witness is marked as Ex.D3-C.

(Sri.K.N.R. Adv for Accused Nos.1 and 4, Sri.K.B.R. Adv for Accused No.2 and Sri.B.Z. Adv for Accused No.5 adopts the Cross-examination done to the Witness on behalf of Accused No.3.)

Re-examination - **Nil** -.

(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)