

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

Spl.C.No.01/2016

P.W. 03 C.W. 12

Name : D.M.Totaiah
Father's Name : Kotraiah
Age : 62 years
Occupation : Retired Secretary G.P.
Mariyammanahalli
Residence : Tambrahalli village.

Duly Sworn on : 12-05-2023.

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

I was serving as Secretary, Tambrahalli Grama Panchayath from 30.06.2011 to January-2012.

On 30.06.2011, General meeting was conveyed pertaining to Marabbihalu Grama Panchayath, wherein 63 candidates were to be chosen for allotment of houses under Indira Awas Yojana/Scheme. Out of 63 candidates 04 candidates were chosen from Varadapura village by the Chairman and members of the Marabbihalu Grama Panchayath viz- T.Hanumavva, Umavathi, Laxmavva and Nagarathna. I can identify the Meeting Resolution. A document/Meeting Resolution is shown to the witness and questioned him to identify the same. Witness identifies the same. On identification the said Meeting Resolution is marked as Ex.P-2(A). Signature of the witness is marked as Ex.P-2(A)(a).

I know the Grama Panchayath member by name Hanumavva, she is present in the Open Court today. She is cited as Accused No.3.

I do not know whether T.Umavathi W/o. Ramappa, Laxmavva W/o. Bogappa and Nagarathna W/o. Lakshamappa are the children of Accused No.3. I do not know whether above said 03 children of Accused No.3 have been allotted houses in the Indira Awas Yojana/Scheme at the influence of Accused No.3.

**(The learned Spl. PP prays to treat this witness as 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, I am aware that, T.Umavathi W/o. Ramappa, Laxmavva W/o. Bogappa and Nagarathna W/o. Lakshamappa are the children of Accused No.3 and they have entered into the list of allottees under the Indira Awas Yojana/Scheme at the instance of Accused No.3.

It is true to suggest that, in order to allot house under Indira Awas Yojana/Scheme, the allottee shall possess the open space in the respective village itself.

I do not know whether T.Umavathi W/o. Ramappa, Laxmavva W/o. Bogappa and Nagarathna W/o. Lakshamappa are residing in their respective matrimonial houses, which are located outside the Jurisdiction of Varadapura village.

It is false to suggest that, I am deposing falsely in this case, in order to help the Accused No.3.

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

During the conducting of the meeting dated 30.06.2011 and during the time of choosing the allottees under the said meeting, Accused No.2/Vasanthraj Abraham, P.D.O. was not present.

It is true to suggest that, no any signature of Accused No.2 is found in the Resolution marked as Ex.P-2(A).

It is true to suggest that, Accused No.2 had no role to play for choosing the allottees under the Indira Awas Yojana/Scheme through the General Meeting dated 30.06.2011.

It is true to suggest that, Accused No.2 was on leave during the said period i.e., from 28.06.2011 to 10.07.2011 and 28.07.2011 to 04.08.2011.

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

Generally agenda under General Meeting will be prepared on discussion on the topics to be taken in the agenda with all the members of the Grama Panchayath including the Chairman.

All the 63 allottees who were chosen under the Resolution/Ex.P-2(A) were selected on the consent of all the Grama Panchayath members including the Chairman.

Every 02 Grama Panchayath members were required to select 05 candidates as the allottees under the Indira Awas Yojana/Scheme.

There are 04 Grama Panchayath members from Varadapura village.

I have not mentioned in the Resolution/Ex.P-2(A), as to which Grama Panchayath Member of Varadapura village has selected T.Umavathi W/o. Ramappa, Laxmavva W/o. Bogappa and Nagarathna W/o. Lakshamappa.

It is true to suggest that, Accused No.3 never insisted to select 03 allottees viz-T.Umavathi W/o. Ramappa, Laxmavva W/o. Bogappa and Nagarathna W/o. Lakshamappa, but the said 03 allottees were selected by all the Grama Panchayath members.

It is true to suggest that, the 03 selected allottees viz-T.Umavathi W/o. Ramappa, Laxmavva W/o. Bogappa and Nagarathna W/o. Lakshamappa, belong to Varadapura village. Witness volunteers that, since the said 03 persons belong to Varadapura village, so they have allotted with the houses under the Indira Awas Yojana/Scheme.

Cross-examination by Sri.Y.M.M. Adv for Accused Nos.1 and 4:-

Accused No.1 is the Grama Panchayath Member from Marabbihalu village.

Accused No.1 has not selected allottees viz-T.Umavathi W/o. Ramappa, Laxmavva W/o. Bogappa, Nagarathna W/o. Ramappa and Nagarathna W/o. Lakshamappa.

Accused No.4 is not the member of the Grama Panchayath. Accused No.4 has no role to play for selection of the allottees under the Indira Awas Yojana/Scheme.

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)