

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

Spl.C.No.5003/2017

P.W. 08 C.W. 23

Name : Sunder Wadivelu
Father's Name : K.Ayyavu
Age : 54 years
Occupation : Assistant Executive Engineer, P.W.D.
Harihara.
Residence : Harihara

Duly Sworn on : 21-09-2024.

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

I was working as Assistant Engineer in Division 2 at P.W.D. Hosapete, since 2011 to 2015.

Assistant Executive Engineer, Hosapete has received a requisition from Lokayuktha Police, to depute an Engineer to verify and ascertain the Civil Work, conducted at Chikkajogihalli and Makanadaku Villages. Accordingly, I was deputed for the said Work by the Assistant Executive Engineer, Hosapete; I had been to the Lokayuktha Police Office on 03.02.2014, wherein I was asked to come on 04.02.2014.

On 04.02.2014 I had been the Office of Lokayuktha Police at about 08.00 a.m. to 08.30 a.m., wherein P.I. of Lokayuktha Police, one of his staff; and two staff members of other department were present in the Lokayuktha Office. We went to Grama Panchyath Office, Chikkajogihalli, we reached the said place by 10.40 a.m. in the morning. The P.D.O. of Chikkajogihalli Grama Panchyath by name Srinivas, Bill Collector by name Prakash and Junior Engineer by name S.Somanna were called at Chikkajogihalli Grama Panchyath and were requested to show the sites of

the works takenup under the 13th Financial Scheme, for the years 2011-12. Even two helpers/labours were hired.

Thereafter we went to inspect the Driving water Pipeline work takenup at Chikkajogihalli Village. The said Pipeline work was inspected by excavation. On excavation it was revealed that the measurement of Pipeline work shown in the M.B. Book was varying with the actual Pipeline work done on the Spot. There was variation to the tune of 10 meters.

Thereafter, we went to inspect the Platforms constructed surrounding the trees at Chikkajogihalli Village; and Pathways constructed in the said Village. Measurements of the said Platforms were taken. Pathway were not constructed in the said Village. The measurements pertaining to the Platforms surrounding the Trees were tallying with the measurements of the said Platforms shown in the M.B. Book; and there was no any deviation with regard to the measurements, pertaining to Platforms. But, Curing of the said Platforms were not done properly.

Thereafter, we went to inspect the waterline facility provided beneath the ground at Chikkajogihalli Village. On excavation it was revealed that the measurement of Pipeline work shown in the M.B. Book was varying with the actual Pipeline work done on the Spot. There was variation to the tune of 18 meters.

Thereafter, we went to inspect the waterline facility provided beneath the ground at Makanadaku Village. On excavation it was revealed that the measurement of Pipeline work shown in the M.B. Book

was varying with the actual Pipeline work done on the Spot. There was variation to the tune of 17 meters.

Thereafter, we went to inspect the construction of Water Tank sitaute at Upper Ward, Makanadaku, Chikkajogihalli Thanda. On verification, it is found that the said Work was perfect and accurate.

Thereafter, we went to inspect the waterline facility provided beneath the ground at Upper Ward, Makanadaku, Chikkajogihalli Thanda. Though the said work was done, but the said site was not shown to us, while conducting the inspection.

Thereafter, we went to inspect the waterline facility provided beneath the ground at Down Ward Makanadaku, Chikkajogihalli Thanda. On verification and inspection, it was revealed that there was variation in the said work to the tune of 18 Meters.

Thereafter, we went to inspect the Pathway consructed from the house of Giridhar Naik to the house of Papa Naik at Down Ward, Makanadaku, Chikkajogihalli Thanda. The said pathway was recorded in the M.B. Book as 395 Meters, but actually the Pathway when measured was 300 Meters. There was variation to the tune of 95 Meters in the said work.

Thereafter we went to inspect the construction of Water Tank at Kurihatti Village in Chikkajogihalli Grama Panchyath. On verification and inspection, it was revealed that the said work was perfect and accurate.

Thereafter, we went to inspect the Pathway constructed in Kurihatti Village, running in the village towards Old School. On verification and inspection, it was revealed that the length of said Pathway was tallying with the M.B. Book recordings; but the width and thickness of the said Pathway was not tallying with the M.B. Book recordings.

Thereafter, we went to inspect the waterline facility provided beneath the ground at Makanadaku Village. On verification and inspection, it was revealed that instead of providing waterline facility, water tank was constructed at Makanadaku Village. The said water tank construction work was of good quality and was accurate.

Thereafter, we went to inspect the Pathway constructed from the house of Dodda Marappa to the house of V.C. Shankarappa at Makanadaku Village. On verification and inspection, it was revealed that Gravel was laid, but due to heavy rains, 50% of the said work was damaged.

The above said sites were visited by us on 04.02.2014. On the same day, in the evening, Panchanama was conducted. I have affixed my Signature to the said Panchanama.

Now a document/ Panchanama/Ex.P6 is shown to the Witness and questioned him to identify, whether the said document contains his Signature. Witness answers in the Affirmative. On identification, Signature of the Witness on the Panchanam/Ex.P6 is marked as Ex.P6(f).

On 05.02.2014 again I had been to the Office of the Lokayuktha Police, wherein again we had gone to Chikkajogihalli Grama Panchyath

office and from there we went to inspect the Stalls erected at Chikkajogihalli Village. On verification and inspection, it was revealed that the said Iron Stalls were erected correctly and the same were tallying with the M.B. Book recordings.

Thereafter, we went to B.C.M. Hostel at Chikkajogihalli Village, to inspect the Plantation Works. The said work was inspected alongwith the Forest Department Officials. The said works pertains to Horticulture Department.

Thereafter, we had been to Higher Primary School at Chikkajogihalli Village, to inspect the Plantation Works. The said work was inspected alongwith the Forest Department Officials. The said works pertains to Horticulture Department.

Thereafter, we had been to Jawarlal Nehru Navodaya School at Chikkajogihalli Village, to inspect the Plantation Works. The said work was inspected alongwith the Forest Department Officials. The said works pertains to Horticulture Department.

Thereafter, we had been to the place, i.e., Road from Chikkajogihalli Thanda to National Highway Road, to inspect the Plantation Works. The said work was inspected alongwith the Forest Department Officials. The said works pertains to Horticulture Department.

The above said sites were visited by us on 05.02.2014. On the same day, in the evening, Panchanama was conducted. I have affixed my Signature to the said Panchanama.

Now a document/ Panchanama/Ex.P7 is shown to the Witness and questioned him to identify, whether the said document contains his Signature. Witness answers in the Affirmative. On identification, Signature of the Witness on the Panchanam/Ex.P7 is marked as Ex.P7(e).

I have submitted my Report in respect of the above inspected works. Witness identifies his Report, at Ink page Nos.1137 to 1142. On identification, the said Report is marked as Ex.P16 and Signature of the Witness on the Report/Ex.P16 is marked as Ex.P16(a).

Cross-examination by Sri.G.V.P. Adv for Accused Nos.1 to 6 : -

Prior to leaving the Lokayuktha Police Office, to inspect the works done, I was not intimated about the contents of the Complaint lodged before the Lokayuktha Police. Witness volunteers that he was informed about the said Complaint, when they had been to the Spots.

I have made the reference of M.B. Book recordings in my Report/Ex.P16.

I have read the Panchanama/Ex.P6 and Ex.P7, prior to affixing my Signatures, but there is no recital in both the Panchanamas with regard to the M.B. Book recordings and details of the variations found during the Inspection.

I have not seen Preliminary Report, either prior to conducting the Inspection Work, or subsequent to conducting the Inspection work.

I have not mentioned in my Report/Ex.P16 that I have prepared the said Report/Ex.P16 on referring the Action Plan. Witness volunteers that no any Action Plan was given to him, pertaining to the said Works.

Question : - Whether panchanama was conducted prior to giving of my Report ?

Answer : - At the time of Inspection, I have got recorded the work inspected; as well as Lokayuktha Police were also recording the measurements. Thereafter, in the evening, Panchanama was recorded.

At the time of conducting the Panchanama, I have not given the copy of the rough notes, made by me, to prepare my Report.

Till today, I have not supplied the said Rough Notes to P.W.7/Rudresh.

I have not given the Rough Notes alongwith my Report/Ex.P16.

It is false to suggest that, my Report/Ex.P16 is got prepared in the Office of the Lokayuktha.

I have not mentioned in my Report/Ex.P16, that the said Report/Ex.P16 is prepared on the basis of Rough Notes prepared by me at the time of Inspection.

I have not affixed my Signature on each Page of my Report/Ex.P16.

I have not mentioned in my Report, as to verification of any documents by me, prior to conducting Inspection Works. Witness

volunteers that he has not verified any documents, prior to inspection of the Works.

It is true to suggest that, any Report cannot be given without verifying the documents, pertaining to the Inspection of the work.

I was serving and I was on duty from 04.02.2014 to 23.01.2015.

I have not mentioned the reason for submitting the Report delayedly, in my Report/Ex.P16. Witness volunteers that he took some time to prepare the Report/Ex.P16.

It is false to suggest that, I have given the Report/Ex.P16, as per the instructions of the Lokayuktha Police; and not as per the Rough Notes got prepared by me, at the time of conducting the Inspection.

I have not shown in my Report/Ex.P16 with regard to the day and month of conducting or constructing of the Works, which were inspected by us.

At the time of inspection of all the works, Positive Photographs were clicked by Rudresh/P.W.7. But, the event of taking the Photographs have not been mentioned in both the Panchanamas/Ex.P6 and Ex.P7.

It is false to suggest that, Rudresh/P.W.7 has conducted Panchanama for Inspection of the work.

It is false to suggest that, Rudresh/P.W7 has not recorded the Panchanama on each and every work of Inspection. Witness volunteers that he had got recorded the description of the Works and other details of the works; and has got recorded the Single Panchanama on the same day evening.

We have verified the work of providing drinking water facility beneath the work at Chikkajogihalli Thanda, on digging the entire Pipeline Works. It is true to suggest that, I have not shown in my Report/Ex.P16 as to how many "T", "L", "Bend" were used in the said Pipeline works. Witness volunteers that they have inspected as to the length of the said Pipeline Works. It is true to suggest that, the drinking water facility provided area is not having Straight surface. It is true to suggest that, there will be wastage in laying the Waterline facility pipeline, but we are not considering the said Wastage, at the time of Inspection. Wastage formed during the construction of pipeline facility, will not be recorded in the M.B. Book.

It is false to suggest that, till today, I have not seen the M.B. Book, pertaining to the works inspected by me.

The Forest Officials who were present at the time of inspection of the works of Plantation on 05.02.2014; the said Forest Officials have affixed their Signatures on the Panchanama drawn on the said day.

It is false to suggest that, I have not visited the Spots for inspection of the respective works; I have not given the Rough Notes prepared to the I.O. Lokayuktha Police; and I have filed the Report at the instance and instructions of the Lokayuktha Police.

It is false to suggest that, I have given a false Report, as per Ex.P16, without any basis.

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)

