

DEPOSITION OF WITNESS NO.3 FOR PETITIONER

I do hereby state on solemn affirmation that-

My name : Gopal Parshuramji Gajbe,
Aged : 42 years, Occ.: Auto Driver,
R/o : Somalwada, Nagpur.

Examination-in-chief of witness by Adv. Shri Shinde for Petitioner.

1] Incident occurred on 1st March on the day of Mahashivratri in front of Pride Hotel near Metro Station signal. At that time one Bullet vehicle was going towards Airport after taking turning. At that time from the side of Sonegaon police station one racing bike came and gave dash to the said Bullet vehicle. Therefore the driver of Bullet had fallen down on the road. He had sustained fracture injury to his right leg. The people were discussing to call Ambulance. Therefore I told them to take the injured in my auto rickshaw to the hospital. I had taken that injured to the Orange City hospital. At that time I had also taken with me the driver of offending motorcycle. I also asked the driver of offending vehicle to give phone call to the family of injured by using the mobile phone of injured. After going to the Orange City Hospital the driver of offending motorcycle was trying to leave the hospital, but I told him to stop there till the arrival of relatives of the injured. After some time he left the hospital. I had given my mobile number the reception of hospital and left the hospital. The driver of offending vehicle had not deposited any amount with the hospital. The Bullet was at a speed of 20 to 25 km/ph. Whereas the speed of the racing bike was 50 to 60 km/ph.

Cross-examination by Adv. Shri Sanjay Mishra for Respondent No.1.

2] I have not received summons from the Court. It is not true to say that petitioner Deepak Kamble told me that I have to adduce evidence in Court today. Witness volunteers that auto driver Santosh Tahkur had told

him about today's date. Deepak Kamble had also given me phone call prior to two days and informed me about today's date. Witness volunteers that he was also informed by auto driver. I do not know Deepak Kamble since prior to the accident. I had met petitioner prior to the accident on canteen. Witness volunteers that but he was not knowing him.

3] At the time of accident I was not present at auto stand. Witness volunteers that at that time he was going to Airport by taking his auto. I was behind the Bullet. It is true to say that after two to three days of accident I had received phone call of the son of petitioner and at that time he alleged that my auto rickshaw had given dash to the Bullet vehicle of his father. I do not know as to whether when the son of petitioner had come to the hospital, at that time he talked to his father or what. It is true to say that when I had admitted petitioner in the hospital, at that time he was in talking condition. I do not know as to whether Deepak Kamble had told his son that the auto had given dash to his Bullet from behind or what, therefore his son had given phone call to me. It is not true to say that as my auto rickshaw had given dash to the Bullet, therefore the Bullet had given dash to the racing bike. It is not true to say that the driver of racing bike had taken the injured in my auto rickshaw to the hospital. It is not true to say that he had also paid me the fare of the auto for the same.

4] I do not know the registration number of both the vehicles. It is true to say that both the motorcyclist had sustained injury. Witness volunteers that the racing biker had sustained minor injury. Parag Potdar had stayed in the hospital for 15 to 20 minutes after admission of injured in the hospital. It is true to say that Deepak Kamble had told Parag Potdar to give phone call to his son. It is not true to say that the speed of racing bike was 20 to 25 km/ph. It is not true to say that my auto was at a speed of 60 to

70 km/ph. It is not true to say that as could not control my auto, therefore my auto had given dash to the Bullet. It is not true to say that Parag Potdar had voluntarily taken the petitioner to hospital in my auto rickshaw. It is not true to say that myself and Deepak Kamble are having phone numbers of each other. It is not true to say that on the say of Deepak Kamble I am deposing falsely.

Cross-examination for Respondent No.2.

Respondent No.2 and his counsel absent when repeatedly called. Hence cross examination Nil.

Re-examination-Nil.

R.O.A.C.

Before me.

(P B. Naikwad)
Member, MACT-1, Nagpur.
Date: 15.10.2025

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