

CP No. 1165/2019

Exh. 53

Evidence of PW- 2 for petitioner on S.A.

I solemnly affirm :

My name : Ku. Anjali @ Sushma Prakashrao Kanfade  
Age : 32 years,  
Occupation : Nil  
R/o. : Khapri Subhedar, Tah. & Dist. Nagpur.

Examination-in-chief resumed on S.A. by Shri A.S. Deshpande,  
Advocate for the petitioner

In the matter, I had lodged the report in the police station Butibori. My brother met with an accident on 02/03/2017, therefore, I lodged the report. Having received the information about accident, I had rushed to the hospital. My brother had admitted in ICU on 9<sup>th</sup> March 2017, he succumbed to the injuries. His birth date was 20/12/1996. Now, I am referred with the FIR, it is correct. I had gone through the FIR (Exh. 32) when lodged it.

Cross-examination by Shri Jogeshwar, learned Advocate for  
respondent Nos. 3-A, 3-B and 4 (Owners):

2] It is correct that there is some overwriting on the date 02/03/2017 (para No. 3 b) mentioned in the FIR Exh. 32. It is correct that the accident occurred on 02/03/17 at around 7:30 p.m. and my brother expired on 9/3/17. It is correct that I lodged the report on 18/3/17. It is correct to say that in the said FIR I mentioned only the number of the tractor and not the trailer. It is not correct to say that my brother himself got slipped his motorcycle and having sustained head injuries died and there was no accident

by the said tractor and trailer. It is not correct to say that the tractor and trailer are not involved in the accident and were not on the spot.

**Cross-examination by Smt. Mitali Lokhande, learned Advocate for respondent No. 2 :**

3] I was not with my brother at the time of accident. It is not correct to say that therefore I do not know how the accident occurred. I received a call intimating me about the accident of my brother. I visited the spot and spot panchnama was done in my presence. Accident occurred on the road which is in our daily use. At the time of accident, the width of the road was around 2.5 meter. At the time of accident, two vehicles could pass simultaneously. It is correct that the said tractor was stationary on the road. We did not notice the stationary tractor earlier before the day of accident. Witness volunteers that it was stationary since morning on the date of accident. No other accident other than my brother took place due to stationary tractor. It was a tar road. There was no footpath on either side of the road. There were agricultural lands on both sides. It is not correct to say that the accident occurred due to sole negligence on the part of my brother as he drove his vehicle speedily without listening to the other circumstances of the road. Witness says that there was darkness and no reflects were on. It is not correct to say that we arrayed unnecessarily the insurance company of tractor and trolley. It is not correct to say that insurance company is no concern with the accident. FIR was lodged on 18/03/2017. It is not correct to say that I am deposing false. It is not correct to say that petition is failed to extract the money from the company.

**No Re-examination.**

ROAC

Before me,

Sd/-

(Smt. M.A.Baraliya)

Member,

Additional Temporary MACT, Nagpur.

Nagpur.

dt. 21/04/2025.

**CERTIFICATE**

I affirm that the contents of this evidence are word to word as per original evidence uploaded in the CIS System by way of PDF File.

Name of Stenographer : A.W. Sangle.