

IN THE HIGH COURT OF KARNATAKA, AT BANGALORE**EP NO.100001/2020****PW.1**

WITNESS NAME : RAVI SHIVAPPA PADASALAGI
FATHER'S NAME : SHIVAPPA SABU PADASALAGI
AGE : 44 YEARS
OCCUPATION : SOFTWARE ENGINEER
RESIDENCE : 196, V MAIN, SINGAPURA
PARADISE, VIDYARANYAPURA
POST, BENGALURU 560097
DULY SWORN ON: 04.01.2022

**EXAMINATION-IN-CHIEF: BY SRI CHAITANYA S.G.,
LEARNED COUNSEL FOR THE PETITIONER**

I have submitted my affidavit in lieu of my chief examination. The contents of the affidavit are true and correct. Now I see the documents produced by me. The public notice dated 23.09.2019 in form No.1 under Rule 3 issued by the Election Officer is marked at Ex.P1. The receipt issued by the returning Officer regarding the receipt of my nomination paper is marked at Ex.P2. The certified copy of my nomination paper is marked at Ex.P3. The copy

of the affidavit filed by me along with Ex.P3 is marked as Ex.P3(a). The certified copy of the nomination paper of respondent No.1 is marked at Ex.P4. The copy of the affidavit submitted along with Ex.P4 is marked as Ex.P4(a). The certified copy of nomination paper of respondent No.2 is marked as Ex.P5. The copy of the affidavit enclosed to Ex.P5 is marked as Ex.P5(a). The copy of the nomination paper of respondent No.3 along with the affidavit is marked as Ex.P6. The certified copy of the nomination paper of respondent No.4 along with the affidavit is marked as Ex.P7. The certified copy of the nomination paper of respondent No.5 along with the affidavit is marked as Ex.P8. The certified copy of the nomination paper of respondent No.6 along with the affidavit is marked as Ex.P9. The certified copy of the nomination paper of respondent No.7 along with the affidavit is marked as Ex.P10. The certified copy of form No.21E is marked as Ex.P11. The certified copy of form No.21D relating to the first respondent is marked as Ex.P12. The certified copy of final result sheet is marked as Ex.P13. The copy of my

representation dated 12.12.2019 to the Chief Electoral Officer is marked as Ex.P14. The copy of the press note dated 21.09.2019 issued by the Election Commission of India (subject to the objection regarding admissibility) is marked as Ex.P15. The notification dated 26.11.2019 issued by Election Commission of India is marked as Ex.P16. The copy of the notification dated 27.09.2019 issued by the Election Commission of India is marked as Ex.P17. The copy of the gazette notification dated 23.09.2019 is marked as Ex.P18. The copy of the gazette notification dated 27.09.2019 is marked as Ex.P19.

CROSS-EXAMINATION: by Sri Prashanth S Kadadevar, learned counsel for respondent No.1 deferred at request.

RE-EXAMINATION: NIL

(TYPED TO MY DICTATION IN THE OPEN COURT)

R.O.I.& A.C

**(K.S.MUDAGAL)
JUDGE**

WITNESS RECALLED AND DULY SWORN ON 08.02.2022

Further Chief examination by Shri S.G. Chaitanya,
Advocate for petitioner with the permission of the Court.

The election commission notification dated 27-9-
2019 is marked as Ex.P17(a).

**CROSS-EXAMINATION: BY SRI G.BALAKRISHNA SHASTRY,
ADVOCATE FOR RESPONDENT NO.1.**

It is true to suggest that I have not challenged
Ex.P17 (a) the notification dated 27-9-2019 before any
Court or Forum.

It is true to suggest that after the extension of time
under Ex.P17(a), I submitted fresh nomination as per
Ex.P3.

I was present before the Returning Officer at the time
of scrutiny of the nomination papers. It is true to suggest
that I did not file objection before the Returning Officer
questioning the validity of the nominations of respondent
Nos. 1 to 7.

It is true to suggest that bye-election was to be conducted to No.3 Athani Constituency on account of the resignation of respondent No.1 to the post of M.L.A. I do not know if the Speaker of the Assembly rejected his resignation and disqualified his Assembly membership. I do not know if the 1st respondent challenged the order of disqualification passed by the Speaker, before the Supreme Court.

It may be true that like respondent No.1, other sixteen members of Legislative Assembly tendered resignation to MLA Posts. I do not know if the said 16 MLAs challenged their disqualification order, before the Supreme Court.

Q: When the notification as Ex.P1 was issued the writ petition filed by 17 MLAs were pending before the Supreme Court.

Ruling: Since the witness disputes his knowledge about the filing of the writ petitions this question does not arise. Therefore, question rejected.

I do not know why the Election Commissioner under the notification Ex.P17(a) postponed the Election.

I am not aware of the assets owned by the wife of the 1st respondent. If it is suggested to me that in Ex.P4(a) the 1st respondent has given true declaration of assets owned by him and his spouse I state that in Column B (i) he has left the particulars blank.

I contested the election four times as independent candidate. I contested MLA post in Bangalore North constituency; Babaleshwar, Jamkhandi and M.P. post in Bagalkot constituency. I lost Election on all four times.

Athani is my paternal grandparents town. It is not true to suggest that after submitting my nomination to Athani -3 constituency I did not campaign for the election at all. It is not true to suggest that I am habituated to

submit nominations in the Elections and challenge the elections of the returned candidates by way of arm twisting.

RE-EXAMINATION: NIL

(TYPED TO MY DICTATION IN THE OPEN COURT)

R.O.I.& A.C

**(K.S.MUDAGAL)
JUDGE**