

## Nagpur Evidence

Witness name

Place

1	Bhaurau Vishwanath aswaar	Nagpur
2	Santosh Lilbaji Chaure	Nagpur
3	Vasant Bhaurauji wande	Nagpur
4	Sukhdev Bhikaji patil	Pune
5	Nathu Govindrau Aawari	Pune
6	Sandhya Arun Dani	Nagpur
7	Madhukar Bhayaji Bakhre	Nagpur
8	Ramesh Venkatrao Nimji	Nagpur
9	Baban Bhaurauji Taiwade	Nagpur
10	Hiren Nandubhai Ameen	Ahemdabad
11	Devang Bhanuprasad Thakar	Mumbai
12	Rajendra Gangaram More	Mumbai
13	Shankar Bhoduji Randhye	Kalyan
14	Deepak haribhau Devghare..	Nagpur
15	Nana Daulatrao Khadu.	Nagpur
16	Bhandu mukundrao Kamble	Nagpur
17	Umeshbhai Kantilal Pathak	Ahemdabad
18	Sheshrao Shamrao Ghode	Nagpur
19	Prakash Ravindranath Kelkar	Pune
20	Gurunath Madhukar Thumbre	Navi Mumbai
21	Mangesh Patil	Palghar
22	Shiviyogi Basavraj Khubsal	Mumbai
23	Usha Venkat Rao	Mumbai
24	Vindumadhav Prabhakar Tikekar	Mumbai
25	Sandra Rodrigues	Mumbai
26	Vishwas Vinayak Ranjangaonkar	Pune

## Nagpur Evidence

Witness name

Place

27	Chandrashekar Tukaramji Samarth	Nagpur
28	Vinayak Laxman Hampihalekar	Bangalore
29	Ashok Shreehari Madavi	Nagpur
30	Milind Digambar Ghormade	Nagpur
31	Rajesh Shamrao Kathode	Nagpur
32	Ajay Ashok Datta	Mumbai
33	Sudhakar Govindrao Borkar	Nagpur
34	Ganesh Mahadev Wadwalkar	Mumbai
35	Akhilesh Gunwant Sha	Ahemdabad
36	Parimal Rasiklal Shah	Mumbai
37	Shreekant Someshwar Deshpande	Pune
38	Ketan Ramesh Maskariya	Mumbai
39	Yashwant Narayanrao Kuthe	Gadhchiroli
40	Anita Mangesh Kenkare	Mumbai
41	Shivsingh Sandhusingh Bighot	Thane
42	Jaykumar Rasiklal Mehta	Mumbai
43	Narayan Nagesh Dole	Pune
44	Yogeshkumar Ramshankar Bajpayee	Mumbai
45	Hemraj Bakaram Kukede	Bhandara
46	Babarrao Bhagwanji Porathe	Nagpur
47	Krishna Vithobaji Savde	Nagpur
48	Vinod Gunderao Deshmukh	Pune
49	Shreekantappa Ramakanth	Bangalore
50	Anil Shankar Pant	Nagpur
51	Golak Chandranath	Mumbai
52	Ketan Rajnikant Choksi	Mumbai
53	Kishore Balaji Bele	Nagpur

**Statement of Witness No. 1 on behalf of the Government**

**I solemnly declare that:-**

My Name :- Bhaurao Vishwanath Aswar

Age :- 69 years

Occupation :- Retired

Residing at 120, Sankalpnagar, Nagpur

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. In 1981 I was appointed as Special Auditor Class II and in 1989 I was appointed as Special Auditor Class I. I was appointed as Special Auditor of Nagpur District Central Cooperative Bank on 14th 2001. Around 88 branches of the said bank were functioning at that time.

2. During my said appointment I audited the said bank from 1.4.2000 to 31.3.2001. I audited all the branches of the said bank except the head office from about July to August 2001. After that I audited the headquarters of the said bank. On or before 31.10.2001 I completed the audit of all branches and headquarters and prepared my report.

3. I have mentioned in my audit report any errors that I have found during the said audit. I have mentioned in my report the errors in the bond department as well as lack of proper contracts etc.

- Question :- How does the overall functioning of the bank work, what is its approach?
- Answer :- There are different committees for all the transactions of the bank, there is a board of directors and the chairman and general manager of the bank do the job of giving final approval to the said transaction.

4 I gave copy of my audit report to Nagpur District Central Cooperative Bank, Maharashtra State Cooperative Bank, NABARD, my senior officers, Joint Registrar and Cooperative Commissioner.

5. I do not remember at the moment which exact errors I mentioned in my audit report.

6. I forwarded the relevant report to the Joint Registrar, Co-operative Societies, Nagpur and Commissioner of Co-operatives, Pune to take appropriate legal action against the material errors I found in my audit report.

7. On 24.4.2002 Joint Registrar, Co-operative Societies, Nagpur issued a letter to me and ordered to inquire about the bond transactions.

- Question :- Inquiring into the transactions of bonds, what exactly was the order to inquire into the said letter dated 24.4.2002?
- Ans :- I now say that I am having trouble with my eyes since last one year and am unable to read and since the matter has been many years I do not remember exactly but if the said letter is read to me I can tell about it.

8. The said letter was now shown to me. This is it. It is my signature  
Mark him. 1114 is being given.

(The witness is not feeling well and the witness is requesting to keep the case on 4.12.2019. Also, the witness is saying that he came to the court today straight from the hospital and he is saying that his blood pressure has increased. The case on behalf of the Assistant Public Prosecutor and the lawyers of the accused is dated 4th for cross-examination of the said witness. They are saying that there is no problem if it is kept on 12.2019. But the witness has been sent summons on 3.12.2019. The report has not come from Ganeshpeth police station yet Head Constable Mr. Jeevanlal Gupta indicated that it will be submitted. The case is being adjourned for some time.

(Read to witness and acknowledged to be correct.)

(She.Ra.Totla)  
Additional Chief Judicial Magistrate,  
Nagpur

Date : 02.12.2019

According to the order on application No. 1115, the case is being adjourned for today.

(Sh. Res. Totla)  
Additional Chief Magistrate,  
Nagpur

**Regular criminal case No. 147/2002  
Government -vs Sunil Kedar and  
others Mark number: 1113.....**

**Witness no .1 Bhaurao Aswar was accompanied by Mrs. Jyoti Vajani along with Mrs. L. for the prosecution. S. Continued by Gajbhiye :-**

9. Dated 24.4.2002 As per 1114 I was informed that the Nagpur District Co- operative Bank has about Rs. According to the fact that a transaction has been made through Home Trade, Indramani and Century and 2 to 3 other companies to purchase bonds worth Rs. 125 crores, and in accordance with the complaint that a scam has taken place in the commissioner's office, I was ordered to conduct a complete investigation of the said transaction and submit a report. Apart from the 3 companies I mentioned above, I don't remember the names of the other 2 companies at the moment.

10. The said letter no. 1114 along with a copy of the letter sent by the Co- operative Commissioner to the office of the Joint Registrar, Co-operative Societies. The said letter was now shown to me. I have signed it as having received it and it is being marked no.1137.

11. I received the said letter No.1114 dated 24.4.2002 at the end of office hours. d. Mahavir Jayanti was a holiday on 25.4.2002. Also d. 26.04.2002, when I went to Nagpur District Central Bank, the Reserve Bank of India and the Police Department were investigating, so Mr. On 26.4.2002 the records were not made available to me by the said bank for enquiry.

12. I informed the said matter to the joint registrar, cooperative society. d. On 27.4.2002, the then joint registrar asked the said bank to make the relevant records available to me immediately, after which dt. On 27.4.2002 around noon only the Purchase Register was made available to me by the said bank for inspection.

13. After that d. On 28.4.2002 to me, by the bank dt. As per letter dated 24.2.2002 through the companies mentioned therein dt. Photocopies of the bond purchase and sale transactions dated 25.1.2002 and 5.2.2002 were made available by the bank. During all these periods, the co-registrars, cooperative societies and their

During the period when the concerned officers/employees of the office were present with me, I examined the purchase register and the photocopies of the related documents provided with it, such as - Agreements, Confirmation Letters and other documents.

14. In the letter No. 1114 which was given to me to investigate the said transaction, it was mentioned to investigate the transaction of about 149 crore rupees. But as mentioned above, when I verified the documents available to me, it was found that the transaction of purchase and sale of Sandar Bonds was a total of Rs.

15. The inquiry I made during these two days revealed that no approval of the Board of Directors was taken for this entire bond purchase transaction. Interestingly, the audit of Nagpur District Co-operative Bank for the period from 1.4.2000 to 31.3.2001 was also done by itself. In that audit also, I mentioned in my audit report whatever errors I found in the transactions of the said bank at that time. The said errors were required to be rectified within 3 months of the said report. But I found that there was no fulfillment of them. I have also mentioned this matter in my inquiry report.

16. All the transactions in dispute which I investigated were in respect of securities in physical form (Securities in physical form). Bonds in the form are purchased through brokers. Said physical

17. When I discussed this transaction with the bank officials, they told me that to buy the said government bonds, the senior in their bank used to talk to the concerned brokerage firm over the phone. A confirmation letter is given to the bank regarding the said transaction from Home Trade after discussing the value of bonds and brokerage in the said transaction.

This and the following transactions took place. I was also informed that after receiving the confirmation letter from the Home Trade Company, the bank used to send them money for the purchase of bonds and then the following transactions would take place, (Learned defense counsels have raised objection to this question on the ground that said evidence is hearsay evidence and therefore it is not The aspect of admissibility

\* Corrected as per Order dt. 5.12.2019 passed below Exh. 1,

is left open to be considered at the time of final hearing.)

18. I found during the investigation that regarding the said transaction, the accountant of the bank prepared a note of the said transaction and placed it before the General Manager of the bank and with the recommendation of the General Manager, it was placed before the President of the Bank for approval and the President of the Bank approved it. At that time, the president of the bank was accused

C.1 Sunil Kedar and the general manager of the bank was accused C.2 Ashok Chaudhary

- Question :- Who was the accountant of the bank at that time?
- Answer :- Accused no. 11 I do not remember whether Peshkar was Accountant or Chief Accountant at that time.

19. Accused no .2 and 11 are present in court today

20. In my enquiry, I found that any original document related to the Government Bonds transaction in respect of which I inquired such as Bonds, Certificates, Confirmation Letter between the Bank and Home Trade or any other original document relating to the transaction on which the Government Bonds have been purchased by the Bank. I have not found any original documents that would suggest this.

21. Also, the bank did not have the original documents regarding any transaction done by the bank with any other broker company for the purchase of bonds

22. In the audit report which I did for the period from 1.4.2000 to 31.3.2001, it was also suggested that such transactions are very cautious and should be verified by visiting the concerned office in Mumbai whether the securities are actually purchased or not and the same. The appropriate report should be submitted by the bank to the concerned office from time to time. But during the investigation in my present case, I found that there was no compliance by the bank with the directions of this earlier audit.

(Postponing till next time due to midday time)

(Read to witness and acknowledged to be correct.)

Date : 04.12.2019.

(She.Ra.Totla)  
Additional Chief Judicial Magistrate,  
Nagpur

**Witness no.1 Bhaurao Aswar was next examined by the prosecution along with Mrs. Jyoti Vajani and Mrs. L. S. Continued after the interval by Gajbhiye :-**

23. I made a preliminary inquiry into the said account purchase transaction and prepared a report on the same and submitted it to the Joint Registrar, Co-operative Societies, Nagpur on 28.4.2002. I wrote and prepared the said report myself and then typed it. After the report was typed, I read it and signed it to make sure it was correct. This report is marked as 1138 is being given

24 After I submitted the said report to the Joint Registrar, Co-operative Societies, on the same day i.e. dt. On 28.4.2002 he gave me a letter to report the matter to the police. Accordingly, I prepared a complaint against the accused to give to the police station. The said complaint has now been shown to me. This is it. It is my signature. Its content is correct. Mark him. 1139 is being given because it was very late at night on that day. On 29.4.2002 I gave the said complaint to Police Station Ganeshpeth. Along with the said complaint, I had attached the copies of the documents which were made available to me by the bank inquiry officer while filing the complaint with the police. Among the said documents, Dast No.1114. 1137, 1138 and following copies of the documents were filed with the plaintiff. In addition to all the following documents, I have attested with my signature while making a complaint to the police and the original copies of all these documents have been filed on record.

1. d. Copy of note sheet of Nagpur District Central Cooperative Bank dated 5.2.2002.- Nishani no . 1140.

2. Photocopy of adjustment letter issued by Home Trade Limited 7  
Pages contain - Mark c.1141/1 to 1141/7.

3. Nagpur District Central Bank Dt. Copy of transaction note sheet dated 25.1.2002 with Indramani Merchants Pvt. Nishani no.1142.

4. Copy of confirmation letter from Indramani Merchants Private Limited. Sign c. 1143.

5. Nagpur District Central Bank Dt. Copy of transaction note sheet dated 25.1.2002 with Syndicate Management Servances Private Limited. Mark no.1144



6. Copy of Confirmation Letter from Syndicate Management Services Private Limited - Mark No. 1145.

7. Nagpur District Central Bank Dt. Copy of transaction note sheet dated 25.1.2002 with Century Dealers Private Limited. Mark no.1146.

8. Copy of confirmation letter from Century Dealers Private Limited. Mark No. 1147.

9. Nagpur District Central Bank Dt. Copy of note sheet of transaction with Giltage Management Private Limited dated 25.1.2002 No. no.1148.

10 Copies of 5 Confirmation Letters from Giltage Management Private Limited. - Mark no. 1149, 1150, 1151, 1152 and 1153.

25. The original copies of the above documents are on record and they are as follows

1 Copy of Nagpur District Central Cooperative Bank note sheet date. 5.2.2002 Sign K.1154

2. Photocopy of adjustment letter issued by Home Trade Limited is in total 6 pages. Mark No. . 1155/1 to 1155/6.

3. Nagpur District Central Bank Dt. Copy of note sheet of transaction with Indramani Merchants Private Limited dated 25.1.2002. Mark No. 1156.

4. Copy of confirmation letter from Indramani Merchants Private Limited. Mark No. . 1157.

5. Nagpur District Central Bank Dt. Syndicate Management Services dated 25.1.2002 Copy of note sheet of transaction to be done with Pvt Ltd. 1158. 6. Copy of confirmation letter from Syndicate Management Services Private Limited.- mark no. 1159.

7. Nagpur District Central Bank Dt. dated 25.1.2002 Century Dealers Pvt Limited copy of the note sheet of the transaction to be done with C. 1160.

8. Copy of confirmation letter from Century Dealers Pvt Ltd.

9. Nagpur District Central Bank Dt. Copy of note sheet of transaction with Giltage Management Pvt Ltd dated 25.1.2002 marked no.1162.

10. Copies of total 4 confirmation letters from Giltage Management Private Limited.

Signs A. 1163, 1164, 1165 and

26. Now I was shown the first news report in print. It is signed by me and the contents are correct. Mark him. 1167 is being given. 27. Thereafter my statement was recorded by the Inquiry Officer concerned and thereafter a supplementary statement was recorded.

**In cross-examination accused no. 1 advocate Shri. Devendra Chavan :-**

28. My education is M.A. (Economics), M.Com. GDC & A is as follows (cross-examination adjourned till 5.12.2019 due to expiry of court time.)

(Read to the witness and acknowledged to be correct)

Dated 04.12.2019.

(She.Ra.Totla)  
Additional Chief Judicial Magistrate,  
Nagpur

Date :-05.12.2019.

**Regular criminal case No. 147/2002  
Government -vs Sunil Kedar  
and others Mark number: 1113.....**

**In cross-examination accused no.1 by senior advocate Shri. Subodh Dharmadhikari with Advocate Shri. Devendra Chavan continued on oath :-**

29. In my audit of Nagpur District Bank for the period dated 1.4.2000 to 31.3.2001, the errors in the purchase of government bonds were mentioned. I cannot say at this point exactly what those errors were. It is true to say that during March 2001 physical bonds were purchased by the said bank.

30. It cannot be said by me that in the audit report which I submitted on 31.10.2001 I did not state that the bonds purchased by the Bank during that period were not purchasable or wrong.

31. I am not aware that bonds were purchased by various District Central Co-operative Banks in Maharashtra in March 2001 and as such there was no order to purchase them. It is true to say that in March 2001 Nagpur District

There was no order against the bank imposing any restriction on the central bank not to buy bonds.

- Question- Nagpur District Central Bank was allowed to buy bonds through brokers during March 2001.
- Ans :- No such permission was found in my inspection.

32 It is true to say that I also do not see that there is a restriction on buying bonds through brokers in this way.

Question :- In the audit report you submitted dated 31.10.2001 you have nowhere stated that purchase of bonds through brokers in March 2001 is incorrect.

Ans- I do not remember at the moment what exactly was written about that in the said report.

33. It is true to say that in my audit report dated 31.10.2001 I had mentioned that the purchase of bonds in this way should be done with due care and verification of purchase of bonds in physical form or not should be done by visiting the concerned office at Mumbai. . It is true to say that the Nagpur District Central Bank would have restricted or banned the purchase of securities through brokers. So, it was not mentioned in my audit report that the purchase of bonds in this way should be done carefully and confirmation of purchase of bonds in physical form or not should be done by visiting the concerned office in Mumbai.

34. In my audit report dated 31.10.2001 I stated that the errors mentioned and directed to be rectified by me were not followed as the bank was required to submit a rectification report to the office within 3 months after I submitted the said report. , but no such report was received from the bank. It is true to say that I have not independently inquired as to whether the instructions for remedying the errors in the said report were followed or not, only because the remedy report was not received from the bank within the period of 3 months mentioned by me.

35 It is true to say that till the time I lodged the complaint (No.1139) at Police Station Ganeshpeth on 29.4.2002, the financial year was 1.4.2001 to 31.3.2002.

It is true to say that the period was not audited by the District Central Bank of Nagpur that by the time I filed this complaint, I had not received the entire document regarding the bond purchase transactions carried out by the District Central Bank of Nagpur during the financial year 14 2001 to 31 3 2002. It is true to say that I have not stated in the plaint (No.1139) that the bank cannot purchase the bonds. It is true to say that in the plaint (No.1139) I have not stated that the bank cannot purchase securities through brokers.

36. It did not happen that d. In the meeting of the Board of Directors of the Bank on 25.8.2001, the transaction regarding bond investment was informed. I think it was just a meeting of the management committee. Now read to me the underlined part 'A' of my complaint (No 1139). In that, the board of directors of BAKE. 25.8. In the meeting dated 2001, it is mentioned that the information about the bond transaction was given.

- Question :- Why is the matter mentioned wrongly? Can you tell me any reason for this?
- Ans :- I was directed by my superiors to inquire from whatever records I received within a period of only two days and then file a complaint with the police station, so it must have been a mistake in haste.

37. It is true to say that I had not received the entire record of the inquiry from the bank before filing the complaint in the police station. It is true to say that as there is a direction to investigate and file a complaint with the police station within a short period of time, I personally inquired whether the brokers concerned in this transaction have the said bonds or not. did not

38. Among the documents made available to me for enquiry, I was not able to find the correspondence between the bank and the brokers regarding bond purchase transactions from time to time. It is true to say that I was directed by the Joint Registrar, Cooperative Society to file a complaint with the police station by giving a letter (No.1114)

so I filed a complaint with the police station. It is true to say that before filing the complaint myself, the Joint Registrar, his officers and the Government Prosecutor Shri. Filed complaint after discussion with Gadkari.

Read to the witness and acknowledged to be correct)

**Cross-examination by accused no.1 ended.**

(As it was mid-day, the case was adjourned till after mid-day for cross - examination by the other accused).

(She.Ra.Totla)

Additional Chief Magistrate,  
Nagpur

Date :-05.12.2019

**In cross- examination accused no. 2 Advocate Shri. Ashok Bhangde continued on oath :-**

39. It is true to say that on 28.4.2002 I had a meeting with the Co-Registrar, other officers of that office and Public Prosecutor Mr. Bansod. It is true to say that on 28.4.2002 till about 11 o'clock in the night I was with the Joint Registrar, other officers of that office and Public Prosecutor Mr. Bansod. It is true to say that the draft of the prosecution was given to me that night by the public prosecutor Shri. Prepared by Bansod. I now say that the said draft was given to me on the basis of the report prepared by me myself. d. 28. From the evening of 4.2002 I was in touch with the Joint Registrar, other officers of that office and the Public Prosecutor Mr. Bansod. From 28.4.2002 to On 29.4.2002 between about 1 am to 1.30 am I went to the police station with the complaint.

40 I do not now recall the provisions of the Maharashtra Co-operative Societies Act, 1960. It is true to say that Nagpur District Central Cooperative Bank has its own bye-laws. I had seen the said sub-rules while filing the complaint. I used to be appointed as a special auditor in the Board of Directors meeting. Also, district deputy registrar, cooperative societies were also invited to the meeting of the board of directors.

41. At the time of my audit, I had not seen the correspondence of the bank with NABARD. It is true to say that in my audit report I had suggested that the bank should take the assistance of NABARD's Financial Expert Advisor in connection with the bond purchase transaction.

- Question :- Investment by Reserve Bank of India during the period of 1992 and 1995 Did you see any of the papers drawn by the relationship?
  
- Ans :- It was not available to me

42. I have inquired with the bank and my office to get the said RBI circulars for the year 1992 and 1995 but they are not available to me.

43. It is true to say that my preliminary inspection report dated only 25.1.2002 and 5.2.2002 I have not audited the Nagpur District Central Cooperative Bank for the period from 14.2001 to 31.3.2002. It is not true to say that I have given wrong and false complaint to the police station and today I am giving false testimony.

**In cross-examination accused no. Application for next date by 4 to 7 (No.1169)**

**The application has been submitted. has been approved. Therefore**

**Advocate Shri.A.K. appeared for accused A.8 and 9. Choubey :-**

44. I have not inquired about the procedure for buying and selling bonds in the stock exchange. On behalf of the bank I did not inquire as to how much loss or profit was made in the transactions on 25.1.2002 and 5.2.2002. I could not do it due to lack of time.

- Question :- Confirmation letters No. 1141/1 to 1141/7 issued by Home Trade Limited show profit.
- Answer :- It is necessary to see whether the transactions mentioned in the said confirmation letter actually took place or not and the figures mentioned therein are not only the actual transactions. It is necessary to see whether it is mentioned or how.

45. It is not true to say that there was no such scam but only to curry favor with my superiors I filed a false complaint by preparing a fake inquiry report.

**Cross-examination - Accused no. 11 Advocate Shri.CH. Starfish:-**

46. I had about 20 years of auditing experience before the inquiry report I prepared. It is true to say that in the present case dealings in the sale and purchase of bonds are an important part. It is true to say that I am not familiar with Bombay Stock Exchange and National Stock Exchange. I did not request my superiors to get a BAC and NAC educated person to help me in my inquiry. I know that in share trading huge profit or huge.

may cause damage.

47. I know that there are bye-laws of Nagpur District Central Bank. I had seen it. It is true to say that the board of directors of a bank consists of directors elected by the shareholders of the bank as well as directors nominated by the government. It is true to say that apart from the board of directors, a bank consists of managers, accountants and other staff. It is true to say that each employee is assigned his own tasks. The policy decisions of the bank are taken by the board of directors in accordance with the relevant rules and regulations. It is true to say that such policy decisions of the Board of Directors are implemented by the concerned officers / employees of the Bank. It is true to say that the officers and employees cannot neglect the implementation of the decisions of the Board of Directors.

48. I can't say what an SLR is at this point.

49. SGL stands for Subsidiary General Ledger Account popularly known as Demat Account. Currently, I have no idea that all bonds and securities are kept under this demat account. I don't know that the bonds which were earlier kept in physical form started to be kept in demat form over time due to some scams. I am not aware that during conversion of physical bonds into demat form, the bonds were in physical form as well as in demat form. It is true to say that whatever bond purchase amount was given to the brokerage firms in this case, the entire amount was given in the form of cheque. I am not aware that on any such check accused c. 11 No signature of Peshkar.

50. It is not true to say that at the behest of the then government, the then public prosecutor and the then concerned officers, I prepared a false inquiry report and filed a false complaint. It is not true to say that there was any scam in the present case

No.

(The case of accused no.4 to 7 has been requested to be kept in tomorrow morning session for cross-examination of the said witness. Accepting it, it is ordered that the cross-examination of the said witness should be completed by them in the morning session and before 2 pm.)

(Witness read and certified and admitted to be correct)

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

Dated 05.12.2019



**Statement of Witness No. 1 on behalf of the Government  
I solemnly declare that:-**

My Name :- Bhaurao Vishwanath Aswar  
Age - 69 years  
Occupation Retired  
Residing at 120, Sankalpnagar, Nagpur

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. In 1981 I was appointed as Special Auditor Class II and in 1989 I was appointed as Special Auditor Class I. I was appointed as Special Auditor of Nagpur District Central Cooperative Bank on 1.4.2001. Around 88 branches of the said bank were functioning at that time.

2. During my said appointment I audited the said bank from 1.4.2000 to 31.3.2001. I audited all the branches of the said bank except the head office from about July to August 2001. After that I audited the headquarters of the said bank. I prepared my report after completing the audit of all branches and headquarters even before 31.10.2001.

3. I have noticed any errors during the said audit are mentioned in my audit report. I have mentioned in my report the errors in the bond department as well as lack of proper contracts etc.

- Question :- How does the overall functioning of the bank work, what is its approach?
- Answer :- There are different committees for all transactions of the bank, there is a board of directors and the chairman and general manager of the bank do the work of giving final approval to the said transaction.

4. Copy of my audit report I NAGPUR DISTRICT CENTRAL COOPERATIVE BANK, Maharashtra State Cooperative Bank, NABARD, My Senior Officers, Co-Registrar and Co-op It was given to the commissioner

5. I do not remember at the moment which exact errors I mentioned in my audit report.

6. I forwarded the relevant report to Joint Registrar, Co-operative Societies, Nagpur and Commissioner of Co-operatives, Pune for taking appropriate legal action against the material errors I found in my audit report.

7. On 24.4.2002 Joint Registrar, Co-operative Societies, Nagpur issued a letter to me and ordered to inquire about the bond transactions.

- Question :- Inquiring into the transactions of bonds, what exactly was the order to inquire into the said letter dated 24.4.2002?
- Answer :- I now say that I am suffering from eye problem since last one year and am not able to read and since the matter has been many years I do not remember exactly but if the said letter is read to me I can tell about it.

8. The said letter was now shown to me. This is it. It is my signature. Mark him. 1114 is being given.

(The witness is not feeling well and the witness is requesting to keep the case on 4.12.2019. Also the witness is saying that he came to the court today straight from the hospital and he is saying that his blood pressure has increased. The case on behalf of the Assistant Public Prosecutor and the lawyers of the accused for cross-examination and cross-examination of the said witness on 4 They are saying that there is no problem if it is kept on 12.2019. But the witness has been sent summons on 3.12.2019. The report has not come from Ganeshpeth police station yet will be presented. By Ganeshpeth Police Station Head Constable Mr. Jeevanlal Gupta performed the ceremony. Therefore, the matter is being adjourned for a while till the said report comes.)

(Read to witness and acknowledged to be correct.)

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

Date : 02.12.2019

According to the order on application No. 1115, the case is being adjourned for today.

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

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Government -vs Sunil Kedar and  
others Mark number: 1113.....**

**Witness no 1 Bhaurao Aswar was accompanied by Mrs. Jyoti Vajani for the prosecution along with Mrs. L.S. Continued by Gajbhiye :-**

9. As per letter No.1114 dated 24.4.2002, I was informed that Nagpur District Co-operative Bank has about Rs. In order to purchase bonds worth Rs. 125 crores, a transaction was made through Home Trade, Indramani and Century and 2 to 3 other companies, and a complaint has come to the commissioner's office that there has been a scam. Accordingly, I was ordered to conduct a complete investigation of the said transaction and submit a report, apart from the 3 companies I have mentioned above, I do not remember the names of the other 2 companies at the moment.

10. Along with the said letter No. 1114, I was given a copy of the letter sent by the Co-operative Commissioner to the office of the Joint Registrar, Co-operative Societies. The said letter was now shown to me. I have signed it as having received it. He is being given a mark of 1137.

11. I received the said letter No.1114 dated 24.4.2002 at the end of office hours. d. Mahavir Jayanti was a holiday on 25.4.2002. Also dated 26.4. On 2002, when I went to Nagpur District Central Bank, the Reserve Bank of India and Police Department were investigating, so Mr. On 26.4.2002 the records were not made available to me by the said bank for enquiry.

12. I informed the said matter to the joint registrar, cooperative society. d. On 27.4.2002 the then Joint Registrar asked the said bank to make the relevant records available to me immediately. After that d. On 27.4.2002 around noon only the Purchase Register was made available to me by the said bank for inspection.

13. After that d. dated 28.4.2002 to me, by the bank. As per letter dated 24.2.2002 through the companies mentioned therein dt. Photocopies of the bond purchase and sale transactions dated 25.1.2002 and 5.2.2002 were made available by the bank. During all these periods, the co-registrars, cooperative societies and their

The concerned officers/employees of the office were present with me. During this period, I examined the purchase register and the photocopies of the related documents provided with it like - Agreements, Confirmation Letters and other documents.

14. In the letter No. 1114 which was given to me to investigate the said transaction, it was mentioned to investigate the transaction of about 149 crore rupees. But as mentioned above, when I verified the documents available to me, it was found that the said bond purchase and sale transaction was a total transaction of Rs.153.04 crores (Rs. 149 crores as premium and remaining amount as interest).

15. The inquiry I made during these two days revealed that no board approval was obtained for this entire bond purchase transaction. Interestingly, I myself had done the audit of Nagpur District Co-operative Bank for the period from 1.4.2000 to 31.3.2001. In that audit also I mentioned in my audit report whatever errors I found in the transactions of the said bank at that time. The said errors were required to be rectified within 3 months of the said report. But I found that there was no fulfillment of them. I have also mentioned this matter in my inquiry report.

16. All the disputed transactions which I investigated were in respect of securities in physical form (Securities in physical form). These physical bonds are bought through brokers.

17. When I discussed this transaction with the bank officials, they told me that to buy the said government bonds, their superiors in the bank used to talk to the concerned brokerage house over the phone. A confirmation letter is given to the bank regarding the said transaction from Home Trade after discussing the value of bonds and brokerage in the said transaction.

Such and the following transactions took place. I was also informed that after receiving the confirmation letter from the Home Trade Company, the amount would be sent from the bank to them for purchase of bonds and then further transactions would take place. (Learned defense counsels have raised objection to this question on the ground that said evidence is hearsay evidence and therefore it is not admissible. The aspect of admissibility

\* Corrected as per Order dt. 5.12.2019 passed below Exh. 1

is left open to be considered at the time of final hearing.)

18. I found during the investigation that regarding the said transaction, the accountant of the bank prepared a note of the said transaction and placed it before the General Manager of the bank and with the recommendation of the General Manager, it was placed before the President of the Bank for approval and the President of the Bank approved it. At that time, the president of the bank accused K.1 Sunil Kedar and the general manager of the bank accused K. 2 was Ashok Chaudhary.

- Question :- Who was the accountant of the bank at that time?
- Answer :- Accused K. 11 I do not remember whether Peshkar was Accountant or Chief Accountant at that time.

19 Accused no.2 and 11 are present in court today.

20. In my enquiry, I found that any original document related to the Government Bonds transaction I inquired about such as Bonds, Certificates, Confirmation Letter between the Bank and Home Trade or any other original document related to the transaction on which the Government Bonds have been purchased for the Bank. I have not found any original documents that would suggest this.

21. Also, the bank did not have the original documents regarding any transaction done by the bank with any other broker company for the purchase of bonds.

22. In the audit report which I had done for the period from 1.4.2000 to 31.3.2001, it was also suggested that such transactions should be very cautious and should be verified by visiting the concerned office in Mumbai whether the securities are actually purchased or not and The appropriate report should be submitted by the bank to the concerned office from time to time. But during the investigation in my present case, I found that there was no compliance of the directives of this earlier audit by the bank came

(Due to the mid-day time, the next meeting is postponed until later.)

(Read to witness and acknowledged to be correct.)

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

Date : 04/12/2019

**Witness no.1 Bhaurao Aswar was next examined by the prosecution along with Mrs. Jyoti Vajani and Mrs. L. S. Continued after the interval by Gajbhiye :-**

23. He also made a preliminary inquiry into the transaction regarding the purchase of the said accounts and prepared a report on the same and submitted it to the Joint Registrar, Co-operative Societies, Nagpur. Submitted on 28.4.2002. I wrote and prepared the said report myself and then typed it. After typing the report, I read it and signed it after making sure it was correct. The said report is now shown to me. This is him. Its content is correct. This report is marked as K. 1138 is being given.

24. After I submitted the said report to the Joint Registrar, Co-operative Societies, on the same day i.e. dt. On 28.4.2002 he gave me a letter to report the matter to the police. Accordingly, I prepared a complaint against the accused to give to the police station. The said complaint has now been shown to me. This is it. It is my signature. Its content is correct. Mark him. 1139 is being given. Because it was very late that night, d. On 29.4.2002 I gave the said complaint to Police Station Ganeshpeth. Along with the said complaint, I had attached the copies of the documents which were made available to me by the investigation officer from the bank while filing the complaint with the police. Among the said documents, I had filed the copies of documents No.1114, 1137, 1138 and the following with the plaintiff. In addition to all the following documents, I have attested with my signature while making a complaint to the police and the original copies of all these documents have been filed on record.

1. d. Copy of note sheet of Nagpur District Central Cooperative Bank dated 5.2.2002.- Nishani K. 1140.

2. Photocopy of adjustment letter issued by Home Trade Limited is in total 7 pages. - Sign c. 1141/1 to 1141/7.

3. Nagpur District Central Bank Dt. Copy of note sheet of transaction with Indramani Merchants Private Limited dated 25.1.2002. Nishani K.1142.

4. Copy of confirmation letter from Indramani Merchants Private Limited. Sign c. 1143.

5. Nagpur District Central Bank Dt. Copy of transaction note sheet dated 25.1.2002 with Syndicate Management Servances Private Limited. Mark no.1144.

6. Copy of confirmation letter from Syndicate Management Services Private Limited.- Nishani K. 1145.

7. Nagpur District Central Bank Dt. Copy of transaction note sheet dated 25.1.2002 with Century Dealers Private Limited. Mark no. 1146.

8. Copy of confirmation letter from Century Dealers Pvt Ltd. 1147.

9. Nagpur District Central Bank Dt. Copy of transaction note sheet dated 25.1.2002 with Giltage Management Private Limited. Mark no. 1148.

10. A total of 5 copies of confirmation letter from Giltage Management Pvt Ltd.-. Mark no. 1149, 1150, 1151, 1152 and 1153.

25. The original copies of the above documents are on record and are as follows.

1. d. Copy of Nagpur District Central Co-operative Bank note sheet dated 5.2.2002. - Sign c. 1154.

2. Photocopy of adjustment letter issued by Home Trade Limited 6 is in the leaves. - Mark no. 1155/1 to 1155/6.

3. Nagpur District Central Bank Dt. dated 25.1.2002 Indramani Merchants Pvt Copy of note sheet of transaction to be done with Ltd. Mark no. 1156.

4. Copy of confirmation letter from Indramani Merchants Private Limited. - Mark no. 1157.

5. Nagpur District Central Bank Dt. Copy of note sheet of transaction with Syndicate Management Services Private Limited dated 25.1.2002. Mark no. 1158. 6. Copy of confirmation letter from Syndicate Management Services Private Limited.- Mark no. 1159.

7. Nagpur District Central Bank Dt. dated 25.1.2002 Century Dealers Pvt Copy of note sheet of transaction to be done with Ltd. Mark no. 1160.

8. Copy of confirmation letter from Century Dealers Private Limited. Mark no. 1161.

9. Nagpur District Central Bank Dt. Copy of note sheet of transaction with Giltage Management Private Limited dated 25.1.2002. Mark no. 1162.

10. Copies of total 4 confirmation letters from Giltage Management Private Limited. -

Mark no. 1163, 1164, 1165 and 1166.

26. Now I was shown the first news report in print. It is my signature. Its content is correct. Mark him. 1167 is being given.

27. Thereafter my statement was recorded by the Inquiry Officer concerned and thereafter a supplementary statement was recorded.

**In cross- examination accused no. 1 advocate Shri. Devendra Chavan :-**

28. My education is M.A. (Economics), M.Com. As GDC & A. has come (The cross-examination was adjourned till 5.12.2019 due to expiry of court time.)

(Read to witness and acknowledged to be correct.)

(She.Ra.Totla)  
Additional Chief Judicial Magistrate,  
Nagpur

Date : 04.12.2019

**Regular criminal trial c. 147/2002  
Govt -vs- Sunil Kedar and others  
Symbol number: 1113.....**

Date :-05.12.2019

**In cross-examination accused no.1 by senior advocate Shri. Subodh Dharmadhikari with Advocate Shri. Devendra Chavan continued on oath :-**

29. In my audit of Nagpur District Bank for the period dated 1.4.2000 to 31.3.2001, the errors in the purchase of government bonds were mentioned. I cannot say at this point exactly what those errors were. It is true to say that during March 2001 physical bonds were purchased by the said bank.

30. It cannot be said by me that in the audit report which I submitted on 31.10.2001 I did not state that the bonds purchased by the Bank during that period were not purchasable or wrong.

31. I am not aware that bonds were purchased by various District Central Co-operative Banks in Maharashtra in March 2001 and as such there was no order to purchase them. It is true to say that in March 2001 Nagpur District



There was no order against the bank imposing any restriction on the central bank not to buy bonds.

Question :- Nagpur District Central Bank was allowed to buy bonds through brokers during March 2001.

Ans :- No such permission was found in my inspection.

32. It is true to say that I also do not see any restrictions on buying securities through brokers in this way.

- Question :- In the audit report you submitted dated 31.10.2001, you have nowhere stated that purchase of bonds through brokers in March 2001 is incorrect.
- Answer :- I do not remember at this moment what exactly I wrote about it in the said report.

33. It is true to say that in my audit report dated 31.10.2001 I had mentioned that the purchase of bonds in this way should be done with due care and verification of purchase of bonds in physical form or not should be done by visiting the concerned office at Mumbai. . It is true to say that if Nagpur District Central Bank had restriction or ban on purchase of bonds through brokers, such purchase of bonds would have to be done diligently and confirmation of purchase of bonds in physical form or not would have to be done by visiting the concerned office at Mumbai, according to my audit. Not mentioned in the report.

34. In my audit report dated 31.10.2001 I stated that the errors mentioned and directed to be rectified by me were not followed as the bank was required to submit a rectification report to the office within 3 months after I submitted the said report. , but no such report was received from the bank. It is true to say that I have not independently inquired as to whether the instructions for remedying the errors in the said report were followed, only because the remedy report was not received from the bank within the period of 3 months mentioned by me.

35. It is true to say that till the time I filed the complaint (No.1139) at Police Station Ganeshpeth on 29.4.2002, the financial year was 1.4.2001 to 31.3.2002.

Nagpur District Central Bank was not audited for the period. It is true to say that by the time I filed this complaint, I had not received the complete documents regarding the bond purchase transactions carried out by Nagpur District Central Bank during the financial year 1.4.2001 to 31.3.2002. It is true to say that I have not stated in the plaint (No. 1139) that the bank cannot purchase the securities. It is true to say that in the plaint (No.1139) I have not stated that the bank cannot purchase securities through brokers.

36. It did not happen that d. In the meeting of the Board of Directors of the Bank on 25.8.2001, the transactions regarding bond investment were informed. I think it was just a meeting of the management committee. Now read to me the underlined part 'A' of my complaint (No.1139). In that, the board of directors of BAKE. 25.8. It is mentioned that the information regarding bond transaction was given in the meeting dated 2001. The said 'Information to the Board of Directors' is wrongly mentioned.

- Question :- Can you tell me any reason why the matter is mentioned wrongly?
- Ans :- I was directed by my superiors to inquire from whatever records I received within a period of only two days and then file a complaint with the police station, so it must have been a mistake in haste.

37. It is true to say that I did not receive the complete records of the inquiry officer from the bank before filing the complaint to the police station, but as I was instructed to file a complaint with the police station within a short period of time, I did not personally inquire whether the brokers concerned in this transaction had the said bonds or not.

38. Among the documents made available to me for enquiry, I was not able to find the correspondence between the bank and the brokers regarding bond purchase transactions from time to time. It is true to say that I was directed by the Joint Registrar, Cooperative Society to file a complaint with the police station by giving a letter (No.1114) so I filed a complaint with the police station. It is true to say that before filing the complaint, I filed the complaint after discussions with myself, the Joint Registrar, his officers and the Public Prosecutor Mr. Gadkari.

(Witness read and agreed to be correct.)

**Cross-examination by accused No.1 ended.**

(As it was mid-day, the case was adjourned till after mid-day for cross-examination by the other accused.)

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

Date : 05.12.2019

**In cross- examination accused No. 2 Advocate Shri. Ashok Bhangde continued on oath :-**

39. It is true to say that on 28.4.2002 my co-registrar, other officers of that office and public prosecutor Sh. Had a meeting with Bansod. It is true to say that d. On 28.4.2002, till about 11 o'clock in the night, I met the Joint Registrar, other officers of that office and Government Prosecutor Shri. Along with Bansod. It is true to say that the draft of the prosecution was given to me that night by the public prosecutor Shri. Prepared by Bansod. I now say that the said draft was given to me on the basis of the report prepared by me myself. d. 28. From the evening of 4.2002, I was the Joint Registrar, other officers of that office and Public Prosecutor Shri. Get in touch with Bansod. From 28.4.2002 to 29.4.2002, between 1 to 1.30 in the morning, I also went to the police station with a complaint.

40. the provisions of the Maharashtra Co-operative Societies Act, 1960 do not remember It is true to say that Nagpur District Central Cooperative Bank has its own bye-laws. I had seen the said sub-rules while filing the complaint. I used to be appointed as a special auditor in the Board of Directors meeting. Also, district deputy registrar, cooperative societies were also invited to the meeting of the board of directors.

41 At the time of my audit, I had not seen the correspondence entered into by the Bank with NABARD. It is true to say that in my audit report I had suggested that the bank should take the assistance of NABARD's Financial Expert Advisor in connection with the bond purchase transaction.

- Question :- Investment by Reserve Bank of India during the period of 1992 and 1995 Have you seen any of the papers that the association has produced?
- Ans :- It was not available to me.

42. I have inquired with the bank and my office to get the circulars of RBI for the year 1992 and 1995 but they were not available to me.

43. It is true to say that my preliminary inspection report dated only It is limited to the transactions that took place on 25.1.2002 and 5.2.2002. d. I have not audited Nagpur District Central Cooperative Bank for the period 1.4.2001 to 31.3.2002. It is not true to say that I have given wrong and false complaint to the police station and today I am giving false testimony.

**Cross-examination - Accused No. Application (No.1169) has been filed for getting next date by 4 to 7. has been approved. therefore,**

**Advocate Shri.A.K. appeared for accused No .8 and 9. Choubey :-**

44. I have not inquired about the procedure for buying and selling bonds in the stock exchange. On behalf of the bank I did not inquire as to how much loss or profit was made in the transactions on 25.1.2002 and 5.2.2002. I could not do it due to lack of time.

- Question :- Confirmation letters No. 1141/1 to 1141/7 issued by Home Trade Limited show profit.
- Answer :- It is necessary to see whether the transactions mentioned in the said confirmation letter actually took place or not and it is necessary to see how the figures mentioned in it are only mentioned without actual transactions.

45. It is not true to say that there was no such scam but only to curry favor with my superiors I filed a false complaint by preparing a fake inquiry report.

**In cross-examination accused No. 11 advocate Shri.C.H. Jaltare:-**

46. I had about 20 years of auditing experience before the inquiry report I prepared. It is true to say that in the present case the transaction of buying and selling of securities is an important part. It is true to say that I am not familiar with Bombay Stock Exchange and National Stock Exchange. I did not request my superiors to get a BAC and NAC educated person to help me in my inquiry. I know that in share trading huge profit or huge

may cause damage.

47 I know that there are bye-laws of Nagpur District Central Bank. I had seen it. It is true to say that the board of directors of a bank consists of directors elected by the shareholders of the bank as well as directors nominated by the government. It is true to say that apart from the board of directors, the bank consists of managers, accountants and other staff. It is true to say that each employee is assigned his own tasks. The policy decisions of the bank are taken by the board of directors in accordance with the relevant rules and regulations. It is true to say that such policy decisions of the Board of Directors are implemented by the concerned officers/employees of the Bank. It is true to say that the officers and employees cannot neglect the implementation of the decisions of the Board of Directors.

48. I can't say what an SLR is at this point.

49. SGL stands for Subsidiary General Ledger Account. It is popularly called Demat account. Currently, I have no idea that all bonds and securities are kept under this demat account. I don't know that the bonds which were earlier kept in physical form started to be kept in demat form over time due to some scams. I am not aware that during conversion of physical bonds into demat form, the bonds were in physical form as well as in demat form. It is true to say that whatever bond purchase amount was given to the brokerage firms in this case, the entire amount was given in the form of cheque. I am not aware that on any such check accused c. 11 No signature of Peshkar.

50. It is not true to say that at the behest of the then government, the then public prosecutor and the then concerned officers, I prepared a false inquiry report and filed a false complaint. It is not true to say that there was no scam in the present case.

(The case of accused no.4 to 7 has been requested to be kept in tomorrow morning session for cross-examination of the said witness. Accepting it, it is ordered that the cross-examination of the said witness should be completed by them in the morning session and before 2 pm.)

Read to witness and acknowledged to be correct.)

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

Dated 05.12.2019

Date :-06.12.2019

**In cross-examination accused No. 5 and 6 Advocate Shri. Gopal M. Aggarwal on oath  
Continued:-**

51. I am not aware that the two companies Indramani Merchants Private Limited and Century Dealers Private Limited are associate companies of Home Trade Limited. It is not known to me that two companies namely Indramani Merchants Private Limited and Century Dealers Private Limited credited the amount of Rs.11.68 crores and Rs.16.48 crores to the account of the company Home Trade Limited through two cheques. I do not know whether the amount received from the two companies Indramani Merchants Pvt Ltd and Century Dealers Pvt Ltd was credited by Home Trade Ltd to Nagpur District Central Cooperative Bank or not. I do not know whether checks of Rs.11.68 crores and Rs.16.48 crores by two companies namely Indramani Merchants Private Limited and Century Dealers Private Limited from Nagpur District Central Co-operative Bank were directly sent to Mumbai or by some other means the said checks reached these two companies. was done. On the confirmation letter (No. 1157 and No. 1161) the accused No. I don't know whether 5 and 6 have signatures or not. I cannot say that the confirmation letter (No. 1157 and No. 1161) was sent to the bank by the director of Home Trade Limited accused K.3 Sanjay Agarwal with false signatures. I am not aware that the checks given to Nagpur District Central Co-operative Bank by accused No. 5 and 6 were merely as guarantee, but the bank misused it and presented the said checks for encashment. It is not true to say that accused No. 5 and 6 have not committed any kind of scam or crime and I have prepared a false report against them and given a false complaint to the police station.

**In cross- examination accused No 4 and 7 Advocate Shri. Girish Purohit proceeds on oath Start :-**

52. Me Syndicate Management Pvt Ltd and Giltage Management Pvt

There is no information about the two brokerage firms Ltd. No information was provided by Nagpur District Central Cooperative Bank during my inquiry regarding these two companies. Also, no other information was provided to me by the bank except the note sheet and confirmation letter which I have mentioned in my vicinity regarding the transactions that took place with the said companies. It is true to say that I myself had not sought any information about these two companies from the bank apart from the above mentioned documents. Dated 25.1.2002 and dt. I have not inquired into any transaction other than the two dates 5.2.2002 and also audited the financial year 2001 - 2002.

- Question- The two companies Syndicate Management Private Limited and Giltage Management Private Limited have not committed any crime, embezzlement, false document or conspiracy in the present case.
- Answer :- It is not possible for me to say that these two companies lied in the bank transaction Whether or not embezzlement has been committed by producing the document.

53. I had read the NABARD guidelines before filing the complaint at the police station.

- Question :- Did you complain to NABARD about this matter?
- Ans :- I had discussed with NABARD about the matters which were found in the audit. I did not complain to them in writing.

54. I did not go through the SEBI guidelines before making the inquiry and filing the complaint. I inquired as per the provisions of RBI which I knew. The RBI circular in this regard was not available to me in our office. I did not send letters to RBI, SEBI and NABARD demanding circulars and other information regarding the provisions regarding purchase and sale of government bonds.

55. I had not taken information about how to buy and sell government bonds in the market, and what to do if the purchased bonds are not received.

- Question :- Did you ask the bank for the original copies of the documents No. 1144, 1145, 1148, 1149 to 1153?
- Ans :- I asked for all the original records but only the said photocopies were provided to me. I had not seen the original record.

56. I myself had not given any letter of my signature to the bank to get the original copies of the said documents or to see the original records. It is true to say that whatever records were given to me for inquiry were only photocopies. Photocopies of about 13 pages marked in this case were provided to me by the investigating officer.

57: It is not true to say that just to curry favor with the superiors a mere false complaint was made to the police station without any proper investigation. It is true to say that I personally accused c. 4 and 7 were not personally met and no inquiry was made. It is true to say that I had not sent any letter etc. to the two companies namely Syndicate Management Pvt Ltd and Giltage Management Pvt Ltd for inquiry and seeking information. It is true to say that both these companies are not from Nagpur. It is true to say that no document was given to me by the bank regarding the transactions of these two companies with Nagpur District Central Co-operative Bank at Nagpur. It is true to say that no such document was provided to me by the bank as there was no transaction with them at Nagpur.

**Cross-examination is over.**

No re-examination.

(Read to witness and acknowledged to be correct.)

(She.Ra.Totla)  
Additional Chief Judicial Magistrate,  
Nagpur

Date : 06.12.2019

#### Certificate

I affirm that the contents of this PDF Evidence are ..  
same word to word, as per original Evidence.

Name of Stenographer:- Ku. G.A. Joshi (Grade II)



**Statement of Witness No. 2 on behalf of the Government**

**I solemnly declare that:-**

My Name :- Santosh Lilbaji Chaure

Age :- 78 years

Occupation :- Agriculture

Lived:- in Kodegaon, Taluka Savner, District Nagpur

**On behalf of the prosecution, Assistant Public Prosecutor Smt. L.S. Gajbhiye**

1. About 17 - 18 years ago I was elected as a director in Nagpur District Central Cooperative Bank. The board of directors meets, resolutions are taken and thus the bank's operations are run. After I was elected, in the first meeting of the board of directors, the president and manager of the bank were given the authority to deal with the bank and a resolution was taken. In the said meeting, no topic regarding buying government securities was discussed.
2. Apart from the board of directors, the bank also had other committees. I was in the loan committee. During my term of office, loans were given to farmers by the bank. I do not remember whether loans were given to anyone other than farmers.
3. The minutes of the meetings of the board of directors or the proceedings of the loan committee were written in Marathi language. I now say that sometimes they were written in English as well.
4. I have completed my education till 6th standard. I do not understand the text written in English language. What type of resolutions are circulating in our bank?

I can't tell.

5. I was aware of the resolution and discussion in the meeting of the board of directors in which I myself was present. When the director appears in the meeting of the board of directors, his signature is taken then and there for his presence.

6. I was working as a director in the said bank for about one and a half years. I do not have any information regarding the decision regarding the purchase and sale of government securities by the bank during my tenure. I am not aware of any resolution of such transaction as there was never any discussion on this matter in any meeting of our Board of Directors.

7. During my tenure in the said bank as a director, the chairman of the bank was Shri. Kedar and Manager Mr. Chaudhary was. It did not happen that d. In the meeting of the Board of Directors on 19.1.1999, it was resolved that all the transactions of purchase and sale of government securities should be jointly signed by one of the bank's chairman and vice-chairman, the general manager, the manager and the chief accountant. I don't know what is government securities. I came to know through the newspaper that there was a scam related to the purchase of shares in the bank and that an administrator had been appointed to the bank.

**(As the witness is not telling the truth before the court, the Assistant Public Prosecutor requested that he be allowed to ask questions in the form of cross-examination. That is being allowed.)**

8. Now I am Subject of the meeting of the Board of Directors on 19.1.1999 c. 8 Resolution taken as per c. 8 Read and explain. I am not aware that according to the said resolution, all transactions related to purchase and sale of government securities were given jointly to two of the President Sunil Kedar, Vice President Ashatai Mahajan, General Manager Chaudhary, Manager Gode and Chief Accountant. It is not true to say that as per the said resolution, all the dealings in relation to purchase and sale of government securities shall be conducted by Chairman Sunil Kedar, Vice Chairman Ashatai Mahajan, General Manager

Chaudhary, Manager Gode and Chief Accountant I knew that it was given jointly to two of them and I told the same to the police during the interrogation and accordingly the police recorded my statement. The underlined part 'A' of my statement was read to me. He is not right, I did not tell the police that. It is true to say that it has been many years now. It is true to say that because of the passage of time, I do not remember clearly what resolutions were passed in the meeting. It is not true to say that because of that I have not given a proper statement today.

**In cross-examination accused no. 1 by Mr. Devendra Chavan Advocate:-**

9. I was the director of that bank when I came to know about the scam in the said bank from the newspaper. It is true to say that at that time because I had lodged a complaint in the police station and I myself was the director of that bank, an atmosphere of apprehension was created in my mind. It is true to say that during that period the police called me to record my statement. The police had taken my signature on the statement. d. Statements on record dated 8.5.2002 and 13.5.2002 were shown to me. I don't have my signature on it. So it would be fair to say that both statements are not mine. Mark C for both the above statements respectively. 1181 and 1182 are being given. I personally do not know anything about the exact scam that took place in the said bank. It cannot be said to me that there is really no fraud in the bank.

**Reverse investigation Accused no.. 2 on behalf of Shri.A. K.S. Bhangde Lawyer:-**

10. I was not called to the police station for questioning. But once the CID office was called.

**Cross-examination by accused no.5 and 6 Mr. Aggarwal's lawyer :- Refused.**

**In cross-examination accused no. 4 and 7 by Mr. Girish Purohit lawyer. :- Refused.**

**cross investigation Accused no.8 and 9 on behalf of Shri. Choubey Counsel :-  
Refused.**

**In cross-examination accused no. 11 by Shri.C.H. Jaltare lawyer :- Refused.**

**Cross- examination is over. No re-examination.**

Read to witness and acknowledged to be correct.

(She.Ra.Totla)  
Additional Chief Judicial Magistrate,  
Nagpur

Date : 09.12.2019

#### Certificate

I affirm that the contents of this PDF Evidence are same word to word, as per original. Evidence.

Name of Stenographer:- Ku. G.A. Joshi (Grade II)

**Statement of Witness No. 3 on behalf of the Government**

**I solemnly declare that:-**

My name :- Vasant Bhauraoji grow up

Age :- 54 years

Occupation :- Agriculture

Residing :- Gundari, Taluka Parshivani, District Nagpur

**On behalf of the prosecution, Assistant Public Prosecutor Smt. L.S. Gajbhiye**

1. In the year 1999, I was elected as a director in Nagpur District Central Cooperative Bank. I was present in the first meeting of the Board of Directors after the election. My signature was taken in the attendance register for attending the said meeting.

2. In the said first meeting, the powers of the day-to-day affairs of the bank were given to the officers of the bank i.e. the manager, the chief officers and officers of the bank i.e. the chairman and the vice-chairman of the bank. I do not remember now what other topics were discussed in that meeting and what resolutions were taken.

3. Apart from the board of directors, the bank also had other committees. I was alternately included in each such committee.

4. During this period, Sunil Kedar was the president and Ashatai Mahajan was the vice president of the bank. Also at that time Chaudhary was the General Manager, Gode was the Chief Officer.

(As it was mid-day, the matter was adjourned till after mid-day for consideration.)

(Read to witness and acknowledged to be correct.)

(She.Ra.Totla)  
Additional Chief Judicial Magistrate,  
Nagpur

Date:- 09.12.2019

**Date : 09.12.2019) After noon:- Further cross-examination of witness no.3 Vasant Bhauraoji Wandhe continued on oath, Assistant Public Prosecutor Mrs.L. S. Gajbhiye:-**

5. d. On 19.1.1999 I was shown the attendance register regarding my presence in the meeting of the Board of Directors. It is signed. The page of the said register shall be marked as c. 1184 is being given. I was present on that day. 272 is my signature.

6. Other than the rights to see the affairs of the organization to the office bearers and officers of the organization, what other subjects d. I do not now remember what was discussed in the meeting on 19.1.1999.

7. I do not remember whether I was present as a member of the Management Committee on 25.8.2001 or not.

8. When I was a director, I came to know through the newspaper that there was a scam in the purchase of BAKET bonds. I do not now recall that any matter related to purchase and sale of government securities was discussed or any resolution was passed in the meeting of the Board of Directors or the Management Committee of the Bank during my tenure as Director. It is not known to me which officers and officers of the Bank were empowered in the meeting of the Board of Directors in connection with the purchase and sale of Government securities.

9. It did not happen that d. In the meeting of the board of directors on 19.1.1999, it was resolved that all transactions of purchase and sale of government securities should be jointly signed by one of the chairman and vice- chairman, one of the officers, the general manager, the manager and the chief accountant.

**(As the witness is not telling the truth before the court, the Assistant Public Prosecutor requested that he be allowed to ask questions in the form of cross-examination. That is being allowed.)**

10. Now I am Matters of the Board of Directors meeting on 19.1.1999

Resolution taken as per no.8 no. 8 Read and explain. According to the said resolution, it is mentioned that all transactions related to purchase and sale of government securities have been jointly given to two of President Sunil Kedar, Vice President Ashatai Mahajan, General Manager Chaudhary, Manager Gode and Chief Accountant. Such a resolution is on record so it must have been taken.

11. (Ld. APP has submitted that witness has ascertained the existence of such resolution, hence it be exhibited. It be accordingly exhibited. It is marked as Exh.1185.)

12. I do not remember that I myself was present in the meeting of the Management Committee on 25.8.2001 and the meeting was held for the five subjects mentioned therein and the subjects coming up with the approval of the Chairman in time. I am not aware that any other matter was discussed in that meeting apart from the matters 1 to 5 mentioned. I am not aware that no discussion has taken place before me regarding items Nos. 6 to 6 (3) which came up for discussion with the permission of the President and I have not been told anything by the President or anyone else about it. I do not know that the subject of the said resolution c. 6 to 6 (3) without any discussion and without telling the members and office bearers present in the meeting, it was mentioned that the resolution was taken indirectly by the directors regarding the said matters.

13. I d. Subject of Management Committee Resolution dated 25.8.2001 c.

A resolution passed pursuant to 6(2) was read out. I do not remember that a resolution was passed that everyone was informed about the purchase and investment of government bonds as mentioned therein.

14. It is true to say that after I came to know about the scam in the said bank, the police interrogated me and recorded my statement. In the underlined part 'A' of my statement, "Chairman, Vice-Chairman were given the right to buy and sell government securities as per rules but through Dala

I did not tell the police during the interrogation that I had not been given the authority to buy and sell government securities and I had not signed the resolution for buying and selling government securities.

15. I did not tell the police during the interrogation that d. In the meeting held on 25.8.2001, without giving any information to the meeting attendees regarding the government bond transaction, President Sunil Kedar and General Manager Ashok Chaudhary passed Resolution C without the consent of the President. 6 to 6 (3) was written out. Also, I had not told the police that the subject in it was c. 6 (2) It was a matter for the Board of Directors but the matter was not placed before the Board of Directors but was betrayed by taking a note for the purpose of showing that the Board of Management was aware of it.

16. Also, I did not tell the police at the time of investigation that the board of directors did not give information even though the transaction was going on for about 8 months and thus betrayed the board of directors and the bank and embezzled money by illegally buying and selling crores of government securities of the bank and the said work was done by Chairman Sunil Kedar and General Manager. Chaudhary has done. 17. The underlined part 'B' of my statement was read to me. I did not tell the police that.

18. Also, I had not told the police that in the resolution dated 24.9.2001, the purchase of government securities was not mentioned in the list of subjects, so d. Rule 6 (2) taken on 25.8.2001 has been noted by the Chairman and General Manager at their convenience.

19. The underlined part 'C' of my statement was read to me. I did not tell the police that.

20. I did not tell the underlined parts 'A', 'B' and 'C' of my statement to the police. I cannot give any reason why he mentioned it in my statement.

21. When I became director in 1999, my education was up to 10th standard. I can read and write Marathi language.. I can read English language



No and do not understand.

22. When I was elected as a director in the year 1999, I was not fully aware of the rights and duties of a director. I was a director in the said bank for about two to two and a half years. Even during my period of two to two and a half years, I did not get to know all the rights and duties of the director.

23. It is true to say that in whatever meetings of the Board of Directors J. A discussion is held by the directors present on the subject on which the subject is placed, after which a subject is approved by consensus and then a resolution is passed and then the minutes of such meeting are shared in the next meeting of the board of directors.

• Read out. It is true to say that after reading the said minutes the board of directors present approves it after making sure that it is correct and thus the minutes of the previous meeting are approved.

24. After two to two and a half years after I was elected as a director, the board of directors of the bank was dissolved. I do not now remember the exact irregularities in the bank's affairs during my tenure of the said two to two and a half years. It is not true to say that I have the knowledge of this whole matter but the then officers and office bearers of BAKE

**I am not telling the court because of pressure.**

**25. In cross-examination accused no. 1 by Mr. Devendra Chavan Advocate:-**

It is true to say that during my two to two and a half years as a director, many meetings of the Board of Directors and the Board of Managers were held in our bank. I do not remember that the management committee meets every month to be taken. It is true to say that all these meetings differed in the way they were held. The resolution should be passed. It is true to say that these two and a half years of mine. Today I do not remember which resolutions were passed during the tenure.

26. It is true to say that I have an English language paper

If it comes, I will explain it to the right person.  
accused no. 2 by Shri.A. K. Bhangde Vakil: Denied.  
accused no.5 and 6 Mr. Aggarwal's lawyer refused.  
accused no. 4 and 7 by Mr. Girish Purohit lawyer refused.  
accused no. 8 and 9 by Mr. Chaubey Vakil:- Denied.  
accused no. 11 by Shri.C.H. Jaltare lawyer refused.  
is over. No re-examination.

In cross-examination  
In Cross-examination  
In cross-examination  
In cross-examination  
In cross- examination  
In Cross- examination

Read to witness and acknowledged to be correct.

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

Dated 09.12.2019

#### Certificate

I affirm that the contents of this PDF Evidence are  
same word to word, as per original Evidence.

Name of Stenographer:- Ku. G.A. Joshi (Grade II)

**Statement of Witness No. 4 on behalf of the Government**

**I solemnly declare that:-**

My name:- Sukhdev Bhikaji Patil  
Age:- 65 years  
Business:- retired  
Will stay:- Mundwa, Keshavnagar, Pune.

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. I joined the post of Probationary Deputy Registrar, Co-operative Societies on 19.6.1985. From June 22, 1988 to July 5, 1999, I was posted as District Deputy Registrar and then Regional Deputy Director, (Sugar) at Nagpur. After that d. 5.12.2000 to 27.5. During 2002 I was working as District Deputy Registrar, Co-operative Society, Nagpur.
2. d. 5.12.2000 to dt. During the period 27.5.2002 I was working as a nominated member in Nagpur District Central Cooperative Bank. During this period, my responsibility was to guide the board of directors and inform about government schemes.
3. d. I attended the meeting of the Board of Directors of Nagpur District Central Cooperative Bank on 31.7.2001. In the said meeting, there was a discussion regarding the continuation of Nagpur District Central Co-operative Bank's account with Maharashtra State Co-operative Bank, Mumbai (Subsidiary General Ledger Account) as directed by the Reserve Bank. Also, a resolution was taken after discussing about providing authority to the directors and officers regarding the handling of the said property. In said meeting

There was no discussion on purchase and sale of government securities in physical form, in any subsequent meeting of Nagpur District Central Co-operative Bank there was never any discussion regarding purchase and sale of government securities in physical form.

4. I myself have not done any audit of this bank but in the audit conducted by the Special Auditor in the office of Joint Registrar, Co-operative Societies for the period 2000-2001 and also in the inspection of NABARD, it was mentioned that the transaction of purchase of government securities in physical form is profitable but in doing so Proper care must be taken. The transaction of buying and selling government securities of the said bank must be done with the approval of the board of directors.

**Cross investigation Accused no. 1 on behalf of Shri. Devendra Chavan Advocate and on behalf of Accused no.2 Shri.A.K. Bhangde Lawyer:-**

5. I d. He did not attend any meeting of the said bank after 31.7.2001. It is true to say that d. As I was not present in any meeting of the said bank after 31.7.2001, I am not aware of what decisions were taken by the board of directors and what transactions were made through the bank. I am not aware that the Bank had written to NABARD several times requesting it to provide suitable personnel with technical knowledge to deal with the sale and purchase of Government Securities. It is true to say that being a nominated member of the said bank I knew the code/regulations of the said bank. I am not aware that the Code of the Bank does not state anywhere as to the matter on which the Board of Directors or the Administrative Committee or the Annual General Meeting shall hold meetings, pass resolutions or take decisions.

- Question :- On what basis are you saying that the proposal regarding purchase and sale of government securities must be approved in the meeting of the board of directors?
- Answer:- My general opinion is that financial transactions should be done that way.

6. It is true to say that whatever transaction in the present case

I personally cannot say anything about whether the transaction mentioned by the prosecution is

wrong or right. Cross-examination by accused no.5 and 6 Mr. Aggarwal's lawyer	refused
In cross-examination accused no. 4 and 7 by Mr. Girish Purohit lawyer.	refused.
In cross-examination accused no .8 and 9 by Mr. Chaubey lawyer.	refused
Denied cross-examination accused no. 11 by Shri.C.H. Jaltare lawyer	refused.
Cross- examination is over. No re-examination.	

It has been read and agreed to be correct.

(Sr. Totla)  
Additional Chief Magistrate,  
Nagpur

Date : 11.12.2019

#### Certificate

I affirm that the contents of this PDF Evidence are  
same word to word, as per original Evidence.  
Name of Stenographer:- Ku. G.A. Joshi (Grade II)

**Regular criminal case No. 147/2002  
Government -vs Sunil Kedar and  
others Mark number: 1192**

**Statement of Witness No. 5 on behalf of the Government**

**I solemnly declare that:-**

My name - Natthu Govindrao Awari  
Age - 70 years  
Occupation - Retired  
Residing - at Nanded City, Sinhagad Road, Pune.

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. I started working in Nagpur District Central Cooperative Bank in the year 1977 as a clerk. After 1985, I was promoted as B-class officer. In the bank, the meeting of the management committee was held once in a month and the meeting of the board of directors was held once in two months. All the directors and related employees of the bank used to attend the meeting of the board of directors. i come I used to attend the meetings of the Board of Directors and the Board of Managers.
2. At the beginning of the meeting, the board of directors signed the attendance sheet and the meeting started after the quorum was reached. I used to write the minutes of the entire meeting after the resolutions etc. were passed according to the topic of the meeting.
3. d. A meeting of the Board of Directors was held on 19.1.1999. In it, the authority to buy and sell government securities was given to the Chairman, General Manager, Accountant and Chief Administrative Officer. At that time Bank President Sunil Kedar, General Manager A.N. Chowdhury, Accountant A.G. Gokhale and Chief Administrative Officer Adhikari Goode was. I had not written the minutes of the said meeting. On
4. May 1999, a resolution was passed in the meeting of the Board of Directors regarding the opening of an SGL account in the Reserve Bank for purchase of government securities

had come I myself have written the minutes of the said meeting. The certified true copy of the said minutes was shown to me. The signature is mine and the contents are correct. Mark him. 1193 is being given.

5. A meeting of the Management Committee was held on 25.8.2001. In that meeting, the General Manager gave information about the fund to be maintained for the current life of the bank. Accordingly, the bank informed that a total of Rs. 225 crores has been invested in the purchase of government bonds through SGL and Rs. 75 crores and Rs. 150 crores through Home Trade. I myself have written the minutes of the said meeting. The certified true copy of the said minutes was shown to me. The signature is mine and the contents are correct. Mark him. 1194 is being given.

6. The police said my dt. Statement was recorded on 30.4.2002. Dated 30.4. On 2002, the police came to the bank for investigation. He had seized the documents from the bank from the then in-charge manager of the bank, Sessa Rao Gode. At that time, the police had seized from Gode the note sheet approved by the President regarding the purchase of government securities, as well as the contract notes of Home Trade and other broker companies, as well as the correspondence between Gode and some checks etc. The said contract note and note sheet were related to the transactions done by the bank with companies such as Home Trade, Indrayani, Century, Syndicate and Giltage. At that time 1 to 32 documents respectively (total 155 pages) were seized from the bank by the police. The said confiscation panchnama has now been shown to me. It is signed by me as well as another referee Shri. Wakhre and in-charge manager Shri. Gode also signed. I know her. Its content is correct. Mark him. 1195 is being given..

7. The note-sheets seized from me were now shown to me. They are the same. The said notesheets are marked respectively. 1196 to 1229 is being given. Also the confiscated contract notes and correspondence belong to him

Exhibit number 1230 to 1280 is being given respectively. Also the true copies of the cheque were seized. They showed me now. They are being given Exhibit number 1281 to 1291 respectively.

8. I acknowledge that the following documents have been shown to me and have the signatures of the following persons. I recognize them

Deed	Names of Signatories
Souvenir No. 1197, 1198	Accountant Wakhre, General Manager Chaudhary and President Sunil Kedar
Souvenir No. 1200, 1201, 1203	Accountant Wakhre, President Sunil Kedar and In-charge Manager Gode
Souvenir No. 1202, 1217, 1218, 1219, 1221, 1222, 1223, 1224	In-charge Manager Gode and President Sunil Kedar
Souvenir No. 1204, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1220, 1225, 1226	In-charge Manager Gode, General Manager Chaudhary and President Sunil Kedar
Souvenir No. 1205 & 1206, 1229, 1295	Accountant Wakhre, In-charge Manager Gode, General Manager Chaudhary and President Sunil Kedar
Souvenir No. 1207	Accountant Wakhre, In-charge Manager Gode and President Sunil Kedar
Souvenir No. 1154, 1156, 1158, 1160, 1162, 1227, 1228, 1292, 1293, 1294	Accountant Wakhre, General Manager Chaudhary & President Sunil Kedar

9. I know the above-mentioned signatures because I have worked with them.

10. I was shown the attendance register of the meeting of the Managing Committee and the Board of Directors. The said attendance register was seized from me by the police. The confiscation panchnama regarding that has now been shown to me. It has my and the referee's signatures. Its content is correct. It has been given Exhibit No. 1296. The said register is now shown to me. I have signed it on the first page.



The judges have signed before me. The said register is being marked as no.1297.

**Cross-examination by accused no.1 and 2 Mr. Ahuja and Mr. A.K. Bhangre Advocate:-**

11. After the seizure panchnama etc. the police did not record my statement again. I myself used to write the minutes of the meetings of the Board of Directors and the Board of Managers. The said minutes have to be kept in the next meeting for approval. I cannot say for sure that d. The minutes of the meeting held on 25.8.2001 were read and approved in the next meeting of the Board of Directors on 24.9.2001. I used to make rough notes of whatever meetings took place. I have not written any of the note-sheets that I have been shown in my Sartat exam. The signatures on the note sheet concerned were not made before me.

- Question :- Did you not read any seizure document before signing?
- Ans :- I had not read the seizure sheet completely.

12. It is not true to say that no note sheet, register or other document was seized from me or from me and no Panchnama was made. Seshrao Gode is alive today. I don't know if Vakhre is alive or not.

13. "It is true to say that when the police staff came to our bank, we were all under pressure at that time. I cannot tell you that the police seized numerous documents from the bank during the investigation. After the seizure, the police wanted to see the document regarding what documents were taken or seized from our bank. I didn't get the connection.

14 I did not say at the time when my statement was taken by the police that "the note sheet approved by the President regarding the purchase of government securities and the contract note of Home Trade and other broker companies and the bank's correspondence with them, some checks etc. were seized from Gode. The said contract note and note sheet Haya Bank offers Home Trade, Indrayani, Century, Syndicate etc

Giltage was in connection with the transaction with these companies."

**Cross-examination by accused no.5 and 6 Mr. Aggarwal Advocate:-**

15. At the time I took my statement, the police did not say that "the note sheet approved by the President regarding the purchase of government securities, as well as the contract note of Home Trade and other broker companies and the bank's correspondence with them, some checks etc., were seized from Gode. The said contract note and note sheet are here. The bank's transactions with companies such as Home Trade, Indrayani, Century, Syndicate and Giltage were related."

**In cross-examination accused no. 4 and 7 by Mr. Ahuja Lawyer:-**

16. At the time I took my statement, the police did not say that "the note sheet approved by the President regarding the purchase of government securities, as well as the contract note of Home Trade and other broker companies and the bank's correspondence with them, some checks etc., were seized from Gode. The said contract note and note sheet are here. The bank's transactions with companies such as Home Trade, Indrayani, Century, Syndicate and Giltage were related."

**Cross investigation Accused no. 8 and 9 on behalf of Shri. Choubey denied the lawyer.**

**In cross-examination**

**accused no. 11 by Shri.C.H. Jaltare Lawyer: Denied. Cross- examination is over. No re-examination.**

Read to witness and acknowledged to be correct.

(She.Ra.Totla)  
Additional Chief Judicial Magistrate,  
Nagpur

**Certificate**

I affirm that the contents of this PDF Evidence are  
same word to word, as per original Evidence.

Name of Stenographer:- Ku. G.A. Joshi (Grade II)

**Statement of Witness No. 5 on behalf of the Government**

**I solemnly declare that:-**

My name - Natthu Govindrao Awari  
Age - 70 years  
Occupation :- Retired  
Residing at- Nanded City, Sinhagad Road, Pune.

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. I started working in Nagpur District Central Co-operative Bank in the year 1977 as a clerk. After 1985, I was promoted as B-class officer. The board of directors meeting was held once in a month and the meeting of the board of directors was held once in two months. All the directors and related employees of the bank used to attend the meeting of the board of directors. I used to attend the meetings of the Board of Directors and the Board of Managers.

2. At the beginning of the meeting, the board of directors signed the attendance sheet and the meeting started after the quorum was reached. I used to write the minutes of the entire meeting after the resolutions etc. were passed according to the topic of the meeting.

3. d. A meeting of the Board of Directors was held on 19.1.1999. In that Authority to buy and sell government securities Chairman, General Manager, Accountant and Principal was given to administrative officers. At that time Sunil was the chairman of the bank Kedar, General Manager A.N. Chaudhary, Accountant A. G. Gokhale and Chief Administrative Officer Adhikari Goode was. I had not written the minutes of the said meeting.

4. Reserve for purchase of government securities in May 1999

1\* Corrected as per order passed below Exh.1 dated 21.12.2019.

The resolution to open an SGL account in the bank was taken in the meeting of the board of directors. I myself have written the minutes of the said meeting. The certified true copy of the said minutes was shown to me. The signature is mine and the contents are correct. Mark him. 1193 is being given.

5. A meeting of the Management Committee was held on 25.8.2001. In that meeting, the General Manager gave information about the funds to be maintained for the current life of the bank. Accordingly, the bank informed that a total of Rs. 225 crores has been invested in the purchase of government bonds through SGL and Rs. 75 crores and Rs. 150 crores through Home Trade. I have written the minutes of the said meeting myself. The certified true copy of the said minutes was shown to me. The signature is mine and the contents are correct. Mark him. 1194 is being given.

6. The police said my dt. Statement was recorded on 30.4.2002. d. On 30.4.0 2002, the police came to Bakke for questioning. They had seized the bank documents from the then in-charge manager of the bank Sessa Rao Gode. At that time, the police had seized from Gode the note sheet approved by the President regarding the purchase of government securities, as well as the contract notes of Home Trade and other broker companies, as well as the bank's correspondence with him and some cheques, etc. The said contract note and note sheet were related to the transactions done by the bank with companies such as Home Trade, Indrayani, Century, Syndicate and Giltage. At that time 1 to 32 documents respectively (total 155 pages) were seized by the police from the bank. A Panchnama of the said seizure was made and detailed information about the seizure was written in it. The said confiscation panchnama has now been shown to me. It is signed by me as well as another referee Shri. Vakhre and in-charge manager Shri. Gode also signed. I know her. The contents are correct. Mark him. 1195 is being given.

7. The note-sheets seized before me were now shown to me. They are the same. The said notesheets are marked Exhibit respectively. 1196 to 1229 is given

Also the seized contract notes and correspondence are the same and Exhibit No. 1230 to 1280 are being given respectively. Also the true copies of the checks were seized. They showed me now. They are being allotted the Souvenir number 1281 to 1291.

8. The Deed was shown to me as follows. It has the signatures of people as follows. I know them.

Deed	Names of Signatories
Exhibit No. 1197, 1198	Accountant Wakhre, General Manager Chaudhary and President Sunil Kedar
Exhibit No. 1200, 1201, 1203	Accountant Wakhre, President Sunil Kedar and In-charge Manager Gode
Exhibit No. 1202, 1217, 1218, 1219, 1221, 1222, 1223, 1224	In-charge Manager Gode and President Sunil Kedar
Exhibit No. 1204, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1220, 1225, 1226	In-charge Manager Gode, General Manager Chaudhary and President Sunil Kedar
Exhibit No. 1205 & 1206, 1229, 1295	Accountant Wakhre, In-charge Manager Gode, General Manager Chaudhary and President Sunil Kedar
Exhibit No. 1207	Accountant Wakhre, In-charge Manager Gode and President Sunil Kedar
Exhibit No. 1154, 1156, 1158, 1160, 1162, 1227, 1228, 1292, 1293, 1294	Accountant Wakhre, General Manager Chaudhary and President Sunil Kedar

9. I know the signatures as above because I have worked with them.

10. I was shown the attendance register of the meeting of the Managing Committee and the Board of Directors. The said attendance register was seized from me by the police. The confiscation panchnama regarding that has now been shown to me. It has my and the referee's signatures. Its content is correct. It has been given Exhibit No. 1296.

The said register is now shown to me. I have signed it on the first page and the referees have signed it before me. The said register is being marked as no.1297.

**Cross Exhibit on behalf of accused no.1 and 2, Shri. Ahuja and Shri.A.K. Bhangde Lawyer:-**

11. After the seizure panchnama etc. the police did not record my statement again. I myself used to write the minutes of the meetings of the Board of Directors and the Board of Managers. The said minutes have to be kept in the next meeting for approval. I cannot say for sure that d. The minutes of the meeting held on 25.8.2001 were read and approved in the next meeting of the Board of Directors on 24.9.2001. I used to make rough notes of whatever meetings took place. I have not written any of the note-sheets which I have been shown now in my examination. The signatures on the note sheet concerned were not made before me.

- Q:- You did not read any seizure document before signing it?
- Ans :- I had not read the seizure sheet completely.

12. It is not true to say that no note sheet, register or other document was seized from me or from me and no Panchnama was made. Seshrao Gode is alive today. I don't know if Vakhre is alive or not.

13. It is true to say that we were all under pressure when the police staff came to our bank. I cannot tell you that the police seized numerous documents from the bank during the investigation. It is the document regarding which documents were taken or seized from our bag by the police after the said seizure I couldn't relate to watching.

14. At the time I took my statement, the police did not say that "notesheets approved by the President regarding the purchase of government securities, as well as contract notes of Home Trade and other brokerage firms and correspondence between the bank and some checks etc. were seized from Gode

The contract note and note sheet were in connection with the bank's transactions with Home Trade, Indrayani, Century, Syndicate and Giltage."

**Cross-examination by accused no .5 and 6 Mr. Aggarwal Advocate:-**

15. At the time I took my statement, the police did not say that "the note sheet approved by the President regarding the purchase of government securities, as well as the contract note of Home Trade and other broker companies and the bank's correspondence with them, some checks etc., were seized from Gode. The said contract note and note sheet are here. The bank's transactions with companies such as Home Trade, Indrayani, Century, Syndicate and Giltage were related."

**In cross-examination accused no. 4 and 7 by Mr. Ahuja Lawyer :-**

16. At the time when I took my statement, the police did not say that "the note sheet approved by the President regarding the purchase of government securities and the contract note of Home Trade and other brokerage firms and the correspondence with them, some checks etc. were seized from Gode. The said contract note and note sheet are here. The bank's transactions with companies such as Home Trade, Indrayani, Century, Syndicate and Giltage were related."

**Cross investigation Accused no. 8 and 9 on behalf of Shri. Choubey Counsel :  
Denied**

**In cross-examination accused no. 11 by Shri.C.H. Jaltare Lawyer. :  
Denied**

**Cross-examination is over. No re-examination.**

Read to witness and acknowledged to be correct.

(She.Ra.Totla)  
Additional Chief Judicial Magistrate,  
Nagpur

Date : 16.12.2019.

**Certificate**

I affirm that the contents of this PDF Evidence are  
same word to word, as per original Evidence.

Name of Stenographer:- Ku. G.A. Joshi (Grade II)

**Statement of Witness No. 6 on behalf of the Government dated 18.12.2019**

**I solemnly declare that:-**

My name is Sandhya Arun Dani  
Age - 63 years  
Occupation :- Retired  
Beside Bhole Petrol Pump, Nagpur.

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. I started working in Nagpur District Central Cooperative Bank in the year 1978 as a clerk. In the year 1999, I was promoted as B-Class Officer and posted in the Inspection Department. At that time Mr. Wakhre was working in the post of Accountant A-Grade. I was in the inspection department, but the then president of BACA Shri. Kedar introduced me to an accountant working in the accounting department, Mr. Wakhre was asked to help. At that time the manager of the bank was Gode and the general manager was Chaudhary. The main accountants were the Peshkars. I know Sunil Kedar, Wakhre, Chaudhary and Gode as I have worked with them. Currently Chaudhary and Peshkar are present in the court.

2. A-class and B-class officers had the authority to sign checks etc. in financial transactions of the bank. As my original assignment was in the checking department, I was not authorized to endorse checks as per the bank's resolution.

3. I used to ask Manager Gode and in his absence Sir Manager Chaudhary to prepare a note sheet regarding the Government Securities transaction. I used to prepare a note sheet as per his orders. After the note sheet is prepared I the Manager and in his absence the General Manager for further action and approval



kept with them. The approval of the transaction mentioned on the said note sheet was taken from Sunil Kedar, Chairman of the Bank.

4. Note sheet mark 1204 was shown to me. The transaction mentioned in the said note sheet used to come from the company concerned to the chairman by fax, he would give the information about it to Manager Gode and Manager Gode would ask me to prepare the note sheet accordingly. Accordingly I have prepared this note sheet. The said note sheet is prepared on 24.03.2001 regarding difference accrual cost between purchase of government securities and wiki. After preparing the said note sheet it was sent to manager Gode for approval. It has the signatures of Manager Gode, General Manager Chaudhary and Bank President Sunil Kedar. I know that. It is also signed by me.

5. Notesheet marks 1208 to 1226 were shown to me. The transaction mentioned in the said note sheet used to come from the company concerned to the chairman by fax, he would give the information about it to Manager Gode and Manager Gode would ask me to prepare the note sheet accordingly. Accordingly I have prepared these note sheets. After preparing the said note sheet, it was sent to Manager Gode for approval. It has the signatures of Manager Gode, General Manager Chaudhary and Bank President Sunil Kedar. I know that. It also has my signature. Their details are as follows

6. The following was shown to me. Following are the signatures of the people on it. I know them.

Diarrhea	Names of the signatories	with which company there would be behavior of that company Names
exhibit no1204 Accountant Vakhre,	Sunil Kedar . General Manager Chaudhary and President	Home Trade Ltd.
exhibit no1208 Accountant Vakhre	Sunil Kedar . Chairman and. To 1216, 1220, In-charge Manager Gode 1225, 1226	Home Trade Ltd

Nishani K.1217 to In-charge Manager Gode and President Sunil Home Trade Ltd.  
1219 and 1221 to Kedar

7. All the above note sheets are written by me and the contents are correct. These are all my signatures on note sheets.

**Cross investigation Accused no. 1 on behalf of Shri. Chavan Lawyer:-**

8. It is true to say that my work was limited to the mere preparation of note-sheets. It is true to say that, therefore, I cannot say anything about whether the transaction mentioned therein is true, false or erroneous.

**Cross investigation Accused no. 2 on behalf of Shri. Bhangde Lawyer:-**

9. It is true to say that my work was limited to the mere preparation of note-sheets. It is true to say that, therefore, I cannot say anything about whether the transaction mentioned therein is true, false or erroneous.

**In cross-examination accused no. 4 and 7 by Mr. Purohit Advocate:-**

**10. Rejected.**

**Cross-examination by accused no.5 and 6 Mr. Aggarwal Advocate:-**

**11.Rejected.**

**Cross investigation Accused no. 8 and 9 on behalf of Shri. Choubey Counsel:-**

**12. Rejected.**

**In cross-examination accused K. 11-Adv. Shri. By Chaurasia Mr. Jaltare Lawyer:-**

**13. Rejected.**

Cross-examination is over. No re-examination.

Read to witness and acknowledged to be correct.

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

Dated 18.12.2019

**Statement of Witness No. 7 on behalf of the Government**

Dated 18.12.2019

**I solemnly declare that:-**

My name is Madhukar Bhaiyyaji Vakhre

Age 65 years

Occupation :- Retired

Residency Mahal, Nagpur

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. I joined Nagpur District Central Co-operative Bank on 10.10.1973 as a Clerk. In the year 1985, I was promoted as a B-class officer. Accordingly, I was appointed as a B-class officer in the accounts department at the head office of the bank. Since about 1994, I have been involved in investment transactions in a bank.

2. In the year 1999, the Bank was working as President Sunil Kedar, Vice President Ashatai Mahajan, General Manager Chaudhary, Manager Gode and Chief Accounts Officer Peshkar. I know all of them and also their friends. Among them Chaudhary and Peshkar are present in the court today.

3. According to the resolution of the bank, the authority to conduct financial transactions was given to any one of the President Sunil Kedar, Vice President Ashatai Mahajan, General Manager Chaudhary and Manager Gode, Chief Accounts Officer Peshkar and one of the B-class officers in the head office. I myself was a B-class officer.

4. All transactions related to investment of the bank President Sunil Kedar and

General Manager Choudhary used to see it and I had the task of writing the account and deposit of the transaction. During my leave or absence my work was done by our B-Class Officer Mrs. Dani used to do it.

5. From the year 1999, it was decided that the bank should deal with the purchase and sale of government securities in order to make a profit for the bank. For that SGL account of our bank was opened at Maharashtra State Co-operative Bank, Mumbai. Our General Manager and Chairman used to deal in buying and selling of Government Securities with information/advice from the Funds Department of Maharashtra State Co-operative Bank, Mumbai. Accordingly I was asked by the General Manager to prepare these notes.

6. Since 2001 Home Trade Ltd. The General Manager informed me that we are going to deal with the purchase and sale of government securities. Home Trade Ltd. He also had an account with Maharashtra State Co-operative Bank, Mumbai. During this period, government purchase transaction was done through Home Trade Ltd. instead of through SGL account. It has been done through After the said transaction, the general manager would ask me to write a note about this transaction. Home Trade Ltd. I was instructed by the General Manager to keep a separate ledger to keep records of accrued expenses related to all transactions. According to Home Trade Ltd. The account of the accrued expenses related to whatever transactions have been done with it has been recorded in a separate register. Home Trade Ltd. from approximately 05.02.2001. Accompanying transaction records are maintained in a separate register.

7. General Manager Chaudhary and Chairman Kedar Home Trade Ltd. To discuss with him and after that the transaction was settled and the fax regarding the settled transaction was sent to Home Trade Ltd. He used to come to General Manager Chaudhary. The general manager used to tell me to write his notes. After I prepared notes I used to present them to my senior officer Peshkar, in his absence the said notes manager Shri. I used to submit to Gode. The said remark after the feedback given by him

It would go to the General Manager Chaudhary and then the said note would be placed before the President Sunil Kedar for approval.

8. Adjustment Letter No. 1141/1 and Contract Note No. 1141/2 to 1141/7 were shown to me. Sadar Dast Home Trade Ltd. They have come to the bank. It is signed by General Manager Chowdhury regarding its receipt on Dast Nishani 1141/1.

9. Note sheet mark 1196 is now shown to me. It is prepared by Chief Accountant Peshkar in his handwriting and signed by him. Also, after placing the said note sheet in front of General Manager Chaudhary, it is signed by General Manager Chaudhary. Also, the text written below the note sheet written by Peshkar above Chaudhary's signature is in Chaudhary's handwriting.

10. Note sheet No. 1197 dated 03.02.2001 was shown to me. It is written by me. Home Trade Ltd. A check of Rs.25,80,02,152.78 (Rupees Twenty Five Crores One Lakh Two Thousand One Hundred Two Hundred and Eight Paise) for purchase of physical security from Home Trade Ltd. It has been mentioned about getting approval to give them. The said note sheet is signed by me. I prepared the said note sheet and kept it before the Chief Accountant Peshkar. After that the said note sheet was placed before General Manager Chaudhary and after that the said note sheet was approved by President Sunil Kedar. The note sheet is signed by me, Peshkar, Chaudhary and Sunil Kedar.

11. After completing the process as mentioned above, Home Trade Ltd. The following note sheet has been prepared and approved

s. No	Serial no.	Date	of the contact	Amount	Total supporting officers and names of officers
1	1197	03.02.2001	Purchase	25,80,02,152.78	Pashkar, chaudhary and sunil kedar
2	1198	05.02.2001	Purchase	26,06,25,00	Pashkar, chaudhary and sunil kedar
3	1199	03.03.2001	Purchase	26,41,75,069	Pashkar, chaudhary and sunil kedar

4	1200	16/03/2001	Purchase	15,4,83,250	Manager Gode and President Sunil Kedar
5	1201	20/03/2001	Purchase	40,44,20,666	Manager Gode and President Sunil Kedar
6	1202	21/03/2001	Sale		Manager Gode and President Sunil Kedar the said note sheet was prepared by Mrs. Dani and it is signed by her, I recognize it.
7	1203	23/03/2001	Purchase	20,00,00,000	Manager Gode and President Sunil Kedar
8	1204	24/03/2001	Adjustment note of difference in purchase and sale transactions	4,44,73,583 34 The amount of this difference was deposited in the bank's current account at Mumbai in Account No. 101/5751	Manager Gode, General Manager Chaudhary and President Sunil Kedar as well as the said note sheet was prepared by Mrs. Dani and it is signed by her, I recognize it.
9	1205	28/03/2001	Sale		It has the signatures of former manager Gode, general manager Chaudhary and president Sunil Kedar.
10	1206	28/03/2001	Purchase	It was decided to transfer the said purchase amount to Home Trade Limited from Bank Current Account No. 101/5751.	It has the signatures of former manager Gode, general manager Chaudhary and president Sunil Kedar.
11	1207	04/06/2001	Purchase	20,00,00,000 Twenty crores	It has the signatures of former manager Gode, general manager Chaudhary and president Sunil Kedar.

12	1208	23/08/2001	Note sheet of accrued expenses of purchase and sale of government securities		Manager Gode, General Manager Chaudhary and President Sunil Kedar as well as the said note sheet was prepared by Mrs. Dani and it is signed by her, I recognize it.
13	From 1209 till 1211	24/08/2001	Sale		Manager Gode, General Manager Chaudhary and President Sunil Kedar as well as the said note sheet was prepared by Mrs. Dani and it is signed by her, I recognize it.
14	1212	24/08/2001	Purchase	10,00,00,000 Ten crores	Manager Gode, General Manager Chaudhary and President Sunil Kedar as well as the said note sheet was prepared by Mrs. Dani and it is signed by her, I recognize it.
15	1213	24/08/2001	Purchase	15,00,00,000 Fifteen crores	Manager Gode, General Manager Chaudhary and President Sunil Kedar as well as the said note sheet was prepared by Mrs. Dani and it is signed by her, I recognize it.
16	1214	24/08/2001	Purchase	20,00,00,000 Twenty crores	Manager Gode, General Manager Chaudhary and President Sunil Kedar as well as the said note sheet was prepared by Mrs. Dani and it is signed by her, I recognize it.



17	1215	24/08/2001	Purchase	20,00,00,000 Twenty crores	Manager Gode, General Manager Chaudhary and President Sunil Kedar and the said note sheet is created and signed by Mrs. Dani, I recognize her sign.
18	1216	07/09/2001	Note sheet of accrued expenses of purchase and sale of government securities		Manager Gode, General Manager Chaudhary and President Sunil Kedar and the said note sheet is created and signed by Mrs. Dani, I recognize her sign.
19	1217	07/09/2001	Sale		Manager Gode, General Manager Chaudhary and President Sunil Kedar and the said note sheet is created and signed by Mrs. Dani, I recognize her sign.
20	1218	07/09/2001	Sale		Manager Gode, General Manager Chaudhary and President Sunil Kedar and the said note sheet is created and signed by Mrs. Dani, I recognize her sign.
21	1219	07/09/2001	Sale		Manager Gode, General Manager Chaudhary and President Sunil Kedar and the said note sheet is created and signed by Mrs. Dani, I recognize her sign.

22	1220	07/09/2001	Purchase	20,00,00,00 Twenty Crores	Manager Gode, General Manager Chaudhary and President Sunil Kedar as well as the said note sheet is created by Mrs. Dani and signed by her, I recognize it.
23	1221	07/09/2001	Sale		Manager Gode, General Manager Chaudhary and President Sunil Kedar as well as the said note sheet is created by Mrs. Dani and signed by her, I recognize it.
24	1222	07/09/2001	Purchase	35,00,00,000 Thirty Five Crores	Manager Gode, General Manager Chaudhary and President Sunil Kedar as well as the said note sheet is created by Mrs. Dani and signed by her, I recognize it.
25	1223	07/09/2001	Purchase	15,00,00,000 Fifteen Crores	Manager Gode, General Manager Chaudhary and President Sunil Kedar as well as the said note sheet is created by Mrs. Dani and signed by her, I recognize it.
26	1224	07/09/2001	Purchase	15,00,00,000 Fifteen Crores	Manager Gode and President Sunil Kedar as well as the said note sheet is created by Mrs. Dani and signed by her, I recognize it.

27	1225	30/10/2001	Note sheet of accrued expenses of purchase and sale of government securities		Manager Gode, General Manager Chaudhary and President Sunil Kedar as well as the said note sheet was prepared by Mrs. Dani and it is signed by her, I recognize it.
28	1226	30/10/2001	Note sheet of accrued expenses of purchase and sale of government securities		Manager Gode, General Manager Chaudhary and President Sunil Kedar as well as the said note sheet was prepared by Mrs. Dani and it is signed by her, I recognize it.
29	1227 & 1228	08/01/2002	Sale		It is signed by former General Manager Chaudhary and President Sunil Kedar.
30	1229	11/01/2002	Sale		It is signed by former General Manager Chaudhary, Manager Gode and President Sunil Kedar.
31	1162	25/01/2002	Note sheet regarding purchase and sale accruals		It is signed by former General Manager Chaudhary and President Sunil Kedar.
32	1160	25/01/2002	Purchase	10,00,00,000 Ten crores	It is signed by former General Manager Chaudhary and President Sunil Kedar.
33	1158	25/01/2002	Purchase	15,00,00,000 Fifteen crores	It is signed by former General Manager Chaudhary and President Sunil Kedar.
34	1156	25/01/2002	Purchase	15,00,00,000 Fifteen crores	It is signed by former General Manager Chaudhary and President Sunil Kedar.
35	1292	05/02/2002	Sale		It is signed by former General Manager Chaudhary and President Sunil Kedar.

36	1293	05/02/2002	Sale		It is signed by former General Manager Chaudhary and President Sunil Kedar.
37	1154	05/02/2002	Purchase	75,00,00,000 Seventy five crores	It is signed by former General Manager Chaudhary and President Sunil Kedar.
38	1294	01/02/2002	Sale		It is signed by former General Manager Chaudhary and President Sunil Kedar.
39	1295	11/02/2002	Sale		It is signed by former manager Gode, general manager Chaudhary and president Sunil Kedar

**As it is mid-day, the next round of enquiry is postponed until after mid-day.**

Read to witness and acknowledged to be correct.

Date : 18/12/2019

(S. R. Totalaa)

Additional Chief Judicial Magistrate

Nagpur

After midday, enquiry continued on oath –

Mrs. Jyoti Vajani and Mrs. L.S. Gajabhiye for the prosecution

12. I myself have written the note sheet of the transaction with Indramani Pvt. Ltd. The said note sheet Exhibit No. 1142 was shown to me. It mentions the transaction of purchase of government securities of Rs.15,00,00,000 (Rs. Fifteen Crores) through Indramani Pvt Ltd. It also mentions the accrual expense account. It is signed by former General Manager Chaudhary and President Sunil Kedar. Also the confirmation letter of this transaction is already at Exhibit 1143. The said letter was received by our bank from Indramani Pvt. Ltd.

13. The transaction with Syndicate Management Services Pvt. Ltd.

The note sheet is written by me. The said note sheet is dated 25.01.2002 and is marked 1144. Out of which Government Securities Rs.15,00,00,000 (Rs. Fifteen Crores) Syndicate Management Services Pvt. Purchase transactions through them are mentioned. It mentions the accrual expense account. It is signed by myself, General Manager Chaudhary and President Sunil Kedar. Also the confirmation letter of this transaction is already at 1145. The said letter Syndicate Management Services Pvt. Ltd. It was received by our bank.

14. Century Dealers Pvt. Ltd. I myself have written the note sheet of the transaction with him. The said note sheet is dated 25.01.2002 and is marked 1146. In it government securities of Rs.10,00,00,000 (Rupees Ten Crores) Century Dealers Pvt. Purchase transactions through them are mentioned. It mentions the accrual expense account. It is signed by myself, General Manager Choudhary and President Sunil Kedar and the confirmation letter of this transaction is already at Nishani 1147. The said Letter Century Dealers Pvt. Ltd. It was received by our bank.

15. Giltage Management Services Pvt. Ltd. I myself have written the note sheet of the transaction with him. The said note sheet is dated 25.01.2002 and is marked 1148. In it Government Securities Rs.10,60,00,000 (Rupees Ten Crore Sixty Lakhs) Giltage Management Services Pvt. Purchase transactions through them are mentioned. It mentions the accrual expense account. It is signed by myself, General Manager Chaudhary and President Sunil Kedar. Also the confirmation letter of this transaction is already on mark 1149, 1150, 1151. The said letter Giltage Management Services Pvt. Ltd. It was received by our bank. Also Giltage Management Services Pvt. Ltd. Confirmation letter of accrued expenses in respect of government securities bought and sold through them is at number 1152 and 1153.

16. Around the period of January 2002 by our bank NABARD

was observed. At that time, as I had transaction records related to purchase and sale of government securities, my transaction records were also thoroughly checked by NABARD along with the monitoring of other departments. In this entire government securities buying and selling transaction, the original government securities never came to our bank. Also photocopies of government securities etc. did not come to my table for record or any other work.

17. Both letter dated 02.02.2002 outgoing No. 423 and dated 06.02.2002 outgoing No. 598 were shown to the witness. General Manager Choudhary is in charge of it. But I do not have any other information as per the said letter. Anukame marks 1303 and 1304 are being given to the said officers.

18. During interrogation, the police had recorded my statement twice. Also during the investigation on 30.04.2002 Investigating Officer Belle from our Bank Manager Gode, Home Trade Ltd., Indrayani Pvt. Ltd., Century Management Services Pvt. Ltd., Syndicate Pvt. Ltd. and Giltage Pvt. Ltd. Notesheets, confirmation letters, contract notes and checks etc. related to the transactions related to the purchase and sale of government securities of our bank through these companies. 1 to 32 seized. At the time of the said seizure sheet, I myself and the other five witnesses Shri. Awhari appears. The said Seizure Panchnama has now been shown to me. It is signed by me, as well as by Shri. Awhari and the investigating officer are assisted by Belle. It is also signed by manager Gode. Sadar Panchnama is already at mark 1195. I have read and signed this Panchnama. Its content is correct.

19. On 01.05.2002 Investigating Officer Bell seized original documents from me regarding the fax acknowledgment, other communications made through fax. The said Seizure Panchnama has now been shown to me. As mentioned therein the documents vide C.1 to 13 were seized from me. It is signed by myself and two Panch Tekam and Kadu. Tekam and Kadu are employees of our bank. The content of Panchnama is correct. 1305 is assigned to Panchnama is The documents seized pursuant to the said Panchnama, fax receipts and other messages sent by fax were shown to me.

20. Anu.K. 1. The receipt of confirmation letter is dated 05.03.2001 and is marked 1306.

21. Anu.K. 2 is a letter sent by fax dated 05.03.2001 to the Chief Officer, Accounts, Maharashtra State Co-operative Bank, Mumbai, signed by myself and General Manager Chaudhary. He is being given the mark 1307.

22. Anu.K. 3 The receipt of confirmation letter is dated 16.03.2001 and is marked 1308.

23. Anu.K. 4 above is a letter sent by fax dated 16.03.2001 to the Chief Officer, Accounts, Maharashtra State Co-operative Bank, Mumbai, signed by myself and General Manager Chaudhary. He is being given the mark 1309.

24. Out of which confirmation letter on No. 5 is dated 20.03.2001 and is being marked as 1310.

25. Chief Officer, Accounts, Maharashtra State Co-operative on No. 6 of that Back, Mumbai is a copy of the letter sent by fax dated 20.03.2001 signed by me and Manager Gode. Where is the original copy? Can't remember now. It is being given Article-A.

26. S. No. Home Trade Ltd. on 7 There is a fax from him in the name of Chaudhary and Peshkar. It is being given Article-B.

27. Anu.K. Home Trade Ltd. on 8 The form of transfer received from him to the bank is a sample. It is being given Article-C.

28. Anu.K among them. Home Trade Ltd. on 9 Book Debt Certificate from is He is being given Article-D.

29. Home Trade Ltd. on No. 10 of that. The form of transfer received from him to the bank is a sample. It is being given Article-e.

30. Anu.K. Home Trade Ltd. on 11,12,13. The certificate from him, sample of transfer form and book date certificate is unique to him

**Article-E/1, E/2, E/3 are being given.**

**Cross-examination was adjourned till next day due to expiry of court time is**

Read to witness and acknowledged to be correct.

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

Dated 18.12.2019

Dated 19.12.2019

**Cross-examination begins on oath**

**Accused no. 11 on behalf of Shri. Jaltare Vakil:-**

31. I worked in Nagpur District Central Cooperative Bank for about 39 years. I am aware of the general rights and duties of the employees, officers and officials of the bank during this period. We did not have a position of Chief Executive Officer in our portfolio. It is true to say that the General Manager of a bank performs the same duties as the Chief Executive Officer. It is true to say that the account of income and expenditure of the bank is kept by the accounts department. It is true to say that the Board of Directors and Executive Board decide what and how to invest in the bank, not the accounting department. It is true to say that the account department of the bank does not take the decision regarding which company to invest in, through whom to invest and who will be the representative to handle the transaction on behalf of the bank. It is true to say that in the present case Home Trade Ltd. This company has not been appointed by the account department of the bank.



32. According to my knowledge accused K.11 Suresh Peshkar was a contract employee in the bank. He was working as Chief Accounts Officer. It is true to say that I myself was working under him. It is true to say that in the present case Home Trade Ltd. Peshkar is not involved in appointing this company.

33. It is true to say that whatever transaction of buying and selling of government securities was done through Babank was not done in consultation with the accounting department of the bank. It is true to say that the advice to sell the government securities held by the bank and at what rate it should be sold was not taken by the account department of the bank and these matters were not within the purview of the account department. It is true to say that after purchase of securities, the contract note comes to the account department of the bank. After the contract note comes to the account department, the only job of the account department is to prepare the note sheet accordingly and submit it to the general manager and chairman of the bank for approval. After preparing the note sheet with my signature, it accused K. 11. It used to go to the head of the bank for approval through Peshkar.

34. I was now shown note sheet No. 1196 dated 02.02.2001. It is true to say that in this note sheet it is mentioned that Home Trade Ltd. After contacting the bank, the government securities which the bank wants to buy in the form of SGL, he himself will complete the transaction as a broker and make the securities available to the bank. It also mentions that securities in physical form are available in the market at slightly cheaper rates.

" M/s Home Trade Ltd. Navi Mumbai have approached our bank to act as broker to collect, deliver and trade government of India dated securities which we are purchasing/ selling in SGL form. It has been gathered that physical form of securities are available in the market comparatively cheaper. However, to get them endorse in our name through Public Debt Office of RBI offices, time factor is involved and actual scripts shall be

available to us as and when received from the RBI office and the company. In the mean time it is to be clarified to the company that the holding certificate from the party will be received by the company and consideration shall have to be treated as based for treatment from the company for the purpose. It is in this context, submitted for consideration to the company for the purpose. If approved, the entire transaction shall have to be routed through our current account which Mr. Cooper has opened with Bank Mumbai, i.e. current account No.101/5751. Submitted please  
Signature of Chief Accountant  
Dt.02.02.2001"

- वरीलप्रमाणे निशानी ११९६ मधील मजबूत बरोबरी आहे.
३५. हे म्हणणे खरे आहे की, स्वतःपास नोटशीट द्वारे लेखा विभागात मजबूत देण्यात येणारी एक जबाबदारीची सुचना यादी होती.
३६. निशानी ११९६ ची मुळप्रत दाखविण्यात येणारी ही तीच आहे. स्थाला निशानी १३१० देण्यात येत आहे.
३७. हे म्हणणे खरे आहे की, मार्गानंतर सरव्यवस्थापक यांच्या पाठविण्यात आली. या विषयी मार्फत वरील प्रमाणे शेरा नोट मंजूरीसाठी अध्यक्षकाडे पाठविण्यात आली.
३८. हे म्हणणे खरे आहे की, व्यवहाराच्या लेखा विभागाकडून मंजूर झाल्यानंतरच सदर व्यवहाराबाबतची लेखा विभागाचा काहीही संबंध नव्हता. काही ठिकाणी गीट होम ट्रेड लि. सोबतच्या उविण्यात याचच्या त्या मंजूर झाल्याची काहीही व्हायची. सदर व्यवहाराशी संबंध नव्हता.
- उलटतपास आरोपी क.१ तर्फे श्री. च. व. वर्क
३९. नोटशीट निशानी १३१० याचा तपास मालकाने केला आहे. यापुर्वी आरोपी क.११ तर्फे घेण्यात आलेल्या उलटतपास मालकाने केले आहे. यातून काहीही कल्पना नव्हती. मी तपास करून घेतल्याने असे नमूद केले आहे.

That, the content in it was a kind of cautionary instruction. I have expressed my personal opinion on this matter after reading the contents of the said note sheet in my cross-examination.

40. I have worked in banking sector for about 38 years. My entire 38 years of service has been in the cooperative banking sector. It cannot be said that, therefore, I have all the information about how the affairs of a co-operative bank are run. It is not known to me that a co-operative bank is required to maintain a total of 3 percent cash reserve and 25 percent liquidity of total demand and liabilities. It is true to say that the bank is required to maintain the required liquidity (Tarti Zindagi) as per RBI norms. It is true to say that a bank has to invest at various levels to stay afloat in this manner. These investments include purchase of government securities, fixed deposits with Maharashtra State Cooperative Bank, deposits with RBI and bonds of NABARD etc. It is true to say that all these investments are made by banks as part of their day-to-day operations.

41. It is true to say that a cooperative bank cannot directly open an SGL account with RBI. It is true to say that SGL accounts of other co- operative banks are opened with RBI through Maharashtra State Co- operative Bank. It is true to say that every co-operative bank is required to open an account in a state co-operative bank. It is true to say that the amount of the transaction regarding the purchase and sale of government securities is paid from the current account of the co-operative bank. It is true to say that Home Trade Ltd. in the present case. All the transactions with him were paid from the current account of Nagpur District Central Bank. It is true to say that Maharashtra State Co-operative Bank had an idea that the said transaction amount was paid from our bank's current account. It is true to say that in respect of any transaction in the present case by the Maharashtra State Co-operative Bank

No objection was ever taken.

42. It is true to say that inspection of co-operative banks is done every 2 years through NABARD. It is true to say that during the sandar inspection all the transactions of the bank including the investment related transactions are monitored. It is true to say that apart from the financial affairs of the bank, the administrative policies and decisions taken by the bank are also monitored by NABARD.

43.

- Question :- In February 2002, your bank account was monitored by NABARD for two years from 01.04.1999 to 31.03.2001?
- Ans :- In the year 2002, our bank was monitored by NABARD. But I don't remember for what period the said observation was.

44. It is true to say that when NABARD inspected our bank in February 2002, the sale and purchase of securities in the present case had already been completed. At the time of said observation, I was working in the accounting department of our bank. It is true to say that at the time of said inspection, whatever accounts I had with respect to investment were examined.

45. I am not aware that after completion of inspection by NABARD in February 2002, as directed by NABARD dt. On 26.02.2002 a meeting of the Board of Directors of Bace was held.

46. NABARD's monitoring report did not bring to my notice any objections to the dealings in government securities and neither did it in my own inspection. It is true to say that Sadar

The transaction in the case was completed after completing this process.

47. A separate register is kept for fixed deposits and separate registers for purchase and sale of government securities with reference to bank's investment. It is true to say that in the present case, a separate register of securities transactions was maintained with a view to properly accounting for the said transactions. It is true to say that the transaction of sale and purchase of securities in the present case was a large transaction. It is true to say that if any director or senior officer of the bank wants to see the register or any other documents held by the bank regarding the said transaction then it is available to him. It is true to say that the transaction in question in the present case was not a hidden transaction.

**Reverse investigation Accused no. 2 on behalf of Shri. Bhangde Lawyer:-**

48. It is true to say that I have had occasion to look at Notesheet No. 1196 only in the last two days. It is true to say that the police did not ask me any questions about this note sheet.

49. Adjustment Letter No. 1141/1 was shown to me. It is true to say that the said letter to our bank Home Trade Ltd. came from It is true to say that I cannot say whether the signature of the General Manager is an acknowledgment of receipt of the said letter or a true copy. It is true to say that the contract notes were sent by Home Trade along with the adjustment letter.

50. It is true to say that trial balance is sent to RBI every month through our bank. It is true to say that in the said trial balance, all transactions of purchase and sale of government securities and investment transactions by the bank.

Also the information of the transactions done in the SGL account is included and it is sent to the RBI.

**In cross-examination accused no. 4 and 7 by Mr. Purohit Advocate:-**

51. It is true to say that all the money transactions regarding purchase and sale of government securities have been done from our bank's account of Maharashtra State Co-operative Bank in Mumbai. It is true to say that Giltage Management Services Pvt. and Syndicate Management Services Pvt. Ltd. These companies are not from Nagpur. It is true to say that these two companies did not have any account in our bank at Nagpur and no transactions were done with these companies in the bank at Nagpur. It is true to say that at the time when I produced Notesheets No. 1144 and 1148, no representative etc. of these two companies were present before me at Nagpur. I am not aware that the representatives of these two companies never came to our bank office at Nagpur regarding the related transaction. It is true to say that no representatives of these two companies ever actually came to my table.

52. I don't know about our bank's Syndicate Management Services Pvt. Ltd. regarding buying and selling of government securities. There was never any written agreement with this company.

53.

- Question :- Syndicate Management Pvt. There is no written agreement / contract note with this company with your bank.
- answer :- no contract note for them. Confirmation Letter Mark 1145

According to I had prepared a note sheet.

54. Note sheet mark 1144 was shown to me. I have not written the non-SLR bonds sold in it and the subsequent text in English

I do not know who wrote the entire text signed by the President. It was pointed out to me that the text contains the following.

**"Non SLR bond sold Power Greed Corporation of India**

Amount received:- 16,71,45,205.00

Buy Syndicate:- 16,71,43,375.00

Balance amount:- 1830.48

55. The note sheet number 1144 shown to me belongs to our bank. Also the note sheet number 1158 shown to me is also from our bank. Note sheet Nishani 1158 is the original note sheet and Nishani 1144 is a photocopy. It is true to say that after receiving the confirmation letter we prepare the note sheet of such transaction. After confirming that all the transactions were done as per Nishani 1145, note sheet Nishani 1144 was prepared.

56. Has the balance amount 1830.48 been deposited in the bank account under the signature of the Chairman in

- Question :- mark 1144 after the transaction of purchase and sale of securities?
- Ans :- I don't remember now which amount was deposited in which account.

57. It is true to say that each transaction has a different note sheet prepared with respect to each company. It is true to say that not all the transactions of all the companies have been prepared together in one note sheet. It is true to say that the transaction entered into with one company is not mentioned in the note sheet of the other company. It is true to say that the company with which the transaction has been made is mentioned in that note sheet of the bank.

58. It is true to say that in Nishani 1142, 1143, 1144, 1146

Lastly, the amount mentioned therein belongs to the bank. It is true to say that the note-sheet marks the amount remaining after the transaction and it is. It is true to say that the note sheet marks 15 amount remaining after the transaction and it is in the bank account. It is true to say that in note sheet mark 1146 12... amount is remaining after the transaction and it has been deposited in the bank account.

59. Contract Notes Syndicate Pvt Ltd as per Contract Notes vide question marks 1141/1 to 1141/7. were not accompanied, the reply was not received by me in relation to Contract Notes Syndicate Pvt.

60. It is true to say that Home Trade Ltd. Contract notes bearing marks 1141/1 to 1141/7 came from It is true to say that all these contract notes were prepared and came to us from Bombay. It is true to say that all the documents relating to the transaction of securities were prepared in Bombay and executed there. It is true to say that on the reverse side of the contract notes marked 1141/1 to 1141/7 it is stated that any dispute arising in connection with this transaction shall be within the jurisdiction of the Bombay Court. It is true to say that in the said contract note, it is mentioned that in case of any dispute, it should be resolved before an arbitrator in Mumbai as per the rules and recommendations of the Low National Stock Exchange. I do not know that Syndicate Pvt. and Giltage Pvt. Ltd. These companies have not committed any malpractice or illegal financial transactions with our bank. Adjournment of further cross-examination as it is mid-day



Read to the witness and acknowledged to be correct:

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

Date : 19.12.2019

After noon, further cross-examination begins on oath

**In cross-examination accused no. 4 and 7 by Mr. Purohit Advocate:-**

61. It is true to say that Syndicate Pvt. Ltd. and Giltage Pvt. Ltd. had never given photocopies of government securities to our bank. I have Syndicate Pvt Ltd and Giltage Pvt Ltd. had not furnished any false documents in respect of dealing in government securities. It is true to say that today I am unable to tell what is written in Dast A.K.1 to 32 seized in Japti Panchnama Nishani 1195. Also, in Panchnama Nishani 1305, the confiscated Dast. Today I do not remember what is written in 1 to 13. It is true to say that after seeing the Panchnama, I said that the signatures of Panch Tekam and Kadu were on the Panchnama. It is true to say that Panchnama Nishani 1305 I had seen on the day before my evidence was to commence, so I stated in my evidence that it was signed by Panchas Tekam and Kadu. It is not true to say that what is written in the said Panchnama only because I read the Panchnama on the day before the evidence, I told about it during the evidence. I say now that I did not remember its contents. It is true to say that I did not receive a copy of the panchnama along with the witness summons. It is true to say that I remembered all these matters as the public prosecutor read them to me in court the day before the evidence. It is true to say, as I testified yesterday and today gave

**Cross-examination accused no. 5 6 by Mr. Aggarwal Advocate:-**

62. It is true to say that Notesheet No. 1160 was prepared as per Confirmation Letter No. 1161. It is true to say that Notesheet No. 1156 was prepared as per Confirmation Letter No. 1157. Apart from Confirmation Letter No. 1157 and 1161, I did not have any document regarding the bank's agreement or transaction with the concerned accused and I cannot say whose signatures are on the documents No. 1157 and 1161. -No signature.

**Reverse investigation Accused no. 8 and 9 on behalf of Shri. Choubey Counsel:-**

63. denied,

**Cross-examination is over, no re-examination.**

Read to witness and acknowledged to be correct.

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

Date : 19.12.2019

## Certificate

I affirm that the contents of this PDF Evidence  
are same word to word, as per original Evidence.

Name of Stenographer: Ku. S.W. Warulkar (Grade III)

**Statement of Witness No. 7 on behalf of the Government**

Dated 18.12.2019

I solemnly declare that:-

My name is Madhukar Bhaiyyaji Vakhre  
Age 65 years  
Occupation Retired  
Residence :- Mahal, Nagpur

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. I joined Nagpur District Central Co-operative Bank on 10.10.1973 as a Clerk. In the year 1985, I was promoted as a B-class officer. Accordingly, I was appointed as a B-class officer in the accounts department at the head office of the bank. Since about 1994, I have been involved in investment transactions in a bank.

2. In the year 1999, the Bank was working as President Sunil Kedar, Vice President Ashatai Mahajan, General Manager Chaudhary, Manager Gode and Chief Accounts Officer Peshkar. I know all of them and also their friends. Among them Chaudhary and Peshkar are present in the court today.

3. According to the resolution of the bank, the authority to conduct financial transactions was given to any one of the President Sunil Kedar, Vice President Ashatai Mahajan, General Manager Chaudhary and Manager Gode, Chief Accounts Officer Peshkar and one of the B-class officers in the head office. I myself was a B-class officer. 4

. All transactions related to investment of the bank President Sunil Kedar and

General Manager Choudhary used to see it and I had the task of writing the account and deposit of the transaction. During my leave or absence my work was done by our B-Class Officer Mrs. Dani used to do it.

5. From the year 1999, it was decided that the bank should deal with the purchase and sale of government securities in order to make a profit for the bank. For that SGL account of our bank was opened at Maharashtra State Co-operative Bank, Mumbai. Our General Manager and Chairman used to deal in buying and selling of Government Securities with information/advice from the Funds Department of Maharashtra State Co-operative Bank, Mumbai. Accordingly I was asked by the General Manager to prepare these notes.

6. Since 2001 Home Trade Ltd. The General Manager informed me that we are going to deal with the purchase and sale of government securities. HOME TRADE LTD. He also had an account with Maharashtra State Co-operative Bank, Mumbai. During this period, government purchase and sale transaction was not done through SGL account but Home Trade Ltd. It has been done through After the said transaction, the general manager would ask me to write a note about this transaction. Home Trade Ltd. I was instructed by the General Manager to keep a separate ledger to keep records of accrued expenses related to all transactions. According to Home Trade Ltd. The account of the accrued expenses related to whatever transactions have been done with it has been recorded in a separate register. Home Trade Ltd. from approximately 05.02.2001. Accompanying transaction records are maintained in a separate register.

7. General Manager Chaudhary and Chairman Kedar Home Trade Ltd. To discuss with him and after that the transaction was settled and the fax regarding the settled transaction was sent to Home Trade Ltd. From the General Manager would come to Chaudhary, Sir Manager would ask me to write his notes. After I prepared notes I used to submit them to my senior officer Peshkar, in his absence the said notes manager Shri. I used to submit to Gode. The said remark after the feedback given by him

It would go to General Manager Chaudhary and then the said note would be placed before President Sunil Kedar for approval.

8. Adjustment Letter No. 1141/1 and Contract Note No. 1141/2 to 1141/7 were shown to me. Sadar Dast Home Trade Ltd. They have come to the bank. It is signed by General Manager Chowdhury regarding its receipt on Dast Nishani 1141/1.

9. Note sheet mark 1196 is now shown to me. It is prepared by Chief Accountant Peshkar in his handwriting and signed by him. Also, after placing the said note sheet in front of General Manager Chaudhary, it is signed by General Manager Chaudhary. Also, the text written below the note sheet written by Peshkar above Chaudhary's signature is in Chaudhary's handwriting.

10. Note sheet No. 1197 dated 03.02.2001 was shown to me. she I wrote it myself. Home Trade Ltd. Physical security by Rs.25,80,02,152.78 (Rupees twenty five crore fractional lakhs) for purchase Check for Two Thousand One Hundred Two Paise and Seventy Eight) to Home Trade Ltd. to give ton It has been mentioned about getting approval. The said note sheet is signed by me. I prepared the said note sheet and kept it before the Chief Accountant Peshkar. After that

The said note sheet was placed before General Manager Chaudhary and thereafter the said

President Sunil Kedar has approved the note sheet. On the said note sheet

I am assisted by Peshkar, Chaudhary and Sunil Kedar.

11. After completing the process as mentioned above, Home Trade Ltd. The following note sheet has been prepared and approved

Anu. C 1 of the Agreement/Settlement Government Securities Agreement. No. Date 1197

No	c. No	DATE	of the content	Total purchase amount	Officials and Officers who supported the
1	1197	03.02.2001	Purchase	25,80,02,152.78	Peshkar, Chaudhary and Sunil Kedar
2	1198	05.02.2001	Purchase	26,06,25,000.00	Peshkar, Chaudhary and Sunil Kedar
3	1199	03.03.2001	Purchase	26,51,75,069.00	Peshkar, Chaudhary and Sunil Kedar

4	1200	16/03/2001	Purchase	15,14,83,250	Manager Gode and President Sunil Kedar
5	1201	20/03/2001	Purchase	40,44.20,666	Manager Gode and President Sunil Kedar
6	1202	21/03/2001	Sale		Manager Gode and President Sunil Kedar said note sheet has been prepared by Mrs. Dani and I know it is signed by them.
7	1203	23/03/2001	Purchase	20,00,00,000	Manager Gode and President Sunil Kedar
8	1204	24/03/2001	Adjustment note of difference in purchase and sale transactions	4,44,73,583 34 the difference amount was deposited in the Bank's current account at Mumbai in Account No. 101/5751.	Manager Gode, General Manager Chaudhary and President Sunil Kedar as well as the said note sheet was prepared by Mrs. Dani and it is signed by her, I recognize it.
9	1205	28/03/2001	Sale		It has the signatures of former manager Gode, general manager Chaudhary and president Sunil Kedar
10	1206	28/03/2001	Purchase	It was decided to transfer the said purchase amount to Home Trade Limited from Bank Current Account No. 101/5751.	It has the signatures of former manager Gode, general manager Chaudhary and president Sunil Kedar
11	1207	04/06/2001	Purchase	20,00,00,000 Twenty crores	It has the signatures of former manager Gode, general manager Chaudhary and president Sunil Kedar

12	1208	23/08/2001	Note sheet of accrued expenses of purchase and sale of government securities		Manager Gode, General Manager Chaudhary and President Sunil Kedar and the said note sheet is created and signed by Mrs. Dani, I recognize her sign.
13	From 1209 till 1211	24/08/2001	Sale		Manager Gode, General Manager Chaudhary and President Sunil Kedar and the said note sheet is created and signed by Mrs. Dani, I recognize her sign.
14	1212	24/08/2001	Purchase	10,00,00,000 Ten Crores	Manager Gode, General Manager Chaudhary and President Sunil Kedar and the said note sheet is created and signed by Mrs. Dani, I recognize her sign.
15	1213	24/08/2001	Purchase	15,00,00,000 Fifteen crores	Manager Gode, General Manager Chaudhary and President Sunil Kedar and the said note sheet is created and signed by Mrs. Dani, I recognize her sign.
16	1214	24/08/2001	Purchase	20,00,00,000 Twenty crores	Manager Gode, General Manager Chaudhary and President Sunil Kedar and the said note sheet is created and signed by Mrs. Dani, I recognize her sign.



17	1215	24/08/2001	Purchase	20,00,00,000 Twenty crores	Manager Gode, General Manager Chaudhary and President Sunil Kedar as well as the said note sheet was prepared by Mrs. Dani and it is signed by her, I recognize it.
18	1216	07/09/2001	Note sheet of accrued expenses of purchase and sale of government securities		Manager Gode, General Manager Chaudhary and President Sunil Kedar as well as the said note sheet was prepared by Mrs. Dani and it is signed by her, I recognize it.
19	1217	07/09/2001	Sale		Manager Gode, General Manager Chaudhary and President Sunil Kedar as well as the said note sheet was prepared by Mrs. Dani and it is signed by her, I recognize it.
20	1218	07/09/2001	Sale		Manager Gode, General Manager Chaudhary and President Sunil Kedar as well as the said note sheet was prepared by Mrs. Dani and it is signed by her, I recognize it.
21	1219	07/09/2001	Sale		Manager Gode, General Manager Chaudhary and President Sunil Kedar as well as the said note sheet was prepared by Mrs. Dani and it is signed by her, I recognize it.

22	1220	07/09/2001	Purchase	20,00,00,000 Twenty crores	Manager Gode, General Manager Chaudhary and President Sunil Kedar as well as the said note sheet was prepared by Mrs. Dani and it is signed by her, I recognize it.
23	1221	07/09/2001	Sale		Manager Gode, General Manager Chaudhary and President Sunil Kedar as well as the said note sheet was prepared by Mrs. Dani and it is signed by her, I recognize it.
24	1222	07/09/2001	Purchase	35,00,00,000 Thirty five crores	Manager Gode, General Manager Chaudhary and President Sunil Kedar as well as the said note sheet was prepared by Mrs. Dani and it is signed by her, I recognize it.
25	1223	07/09/2001	Purchase	15,00,00,000 Fifteen crores	Manager Gode, General Manager Chaudhary and President Sunil Kedar as well as the said note sheet was prepared by Mrs. Dani and it is signed by her, I recognize it.
26	1224	07/09/2001	Purchase	15,00,00,000 Fifteen crores	Manager Gode and President Sunil Kedar as well as the said note sheet was prepared by Mrs. Dani and it is signed by her, I recognize it.

27	1225	30/10/2001	Note sheet of accrued expenses of purchase and sale of government securities		Manager Gode, General Manager Chaudhary and President Sunil Kedar as well as the said note sheet was prepared by Mrs. Dani and it is signed by her, I recognize it.
28	1226	30/10/2001	Note sheet of accrued expenses of purchase and sale of government securities		Manager Gode, General Manager Chaudhary and President Sunil Kedar as well as the said note sheet was prepared by Mrs. Dani and it is signed by her, I recognize it.
29	1227 & 1228	08/01/2002	Sale		It is signed by former General Manager Chaudhary and President Sunil Kedar.
30	1229	11/01/2002	Sale		It is signed by former General Manager Chaudhary, Manager Gode and President Sunil Kedar.
31	1162	25/01/2002	Note sheet regarding purchase and sale accruals		It is signed by former General Manager Chaudhary and President Sunil Kedar.
32	1160	25/01/2002	Purchase	10,00,00,000 Ten crores	It is signed by former General Manager Chaudhary and President Sunil Kedar.
33	1158	25/01/2002	Purchase	15,00,00,000 Fifteen crores	It is signed by former General Manager Chaudhary and President Sunil Kedar.
34	1156	25/01/2002	Purchase	15,00,00,000 Fifteen crores	It is signed by former General Manager Chaudhary and President Sunil Kedar.
35	1292	05/02/2002	Sale		

36	1293	05/02/2002	Sale		It is signed by former General Manager Chaudhary and President Sunil Kedar
37	1154	05/02/2002	Purchase	75,00,00,000 Seventy five crores	It is signed by former General Manager Chaudhary and President Sunil Kedar
38	1294	01/02/2002	Sale		It is signed by former General Manager Chaudhary and President Sunil Kedar
39	1295	11/02/2002	Sale		It is signed by former manager Gode, general manager Chaudhary and president Sunil Kedar

**As it is mid-day, the next round of enquiry is postponed until after mid-day.**

Read to witness and acknowledged to be correct.

Date : 18/12/2019

(S.R.Totalaa)

Additional Chief Judicial Magistrate,  
Nagpur

After midday, enquiry continued on oath –

**Mrs. Jyoti Vajani and Mrs. L.S. Gajabhiye for the prosecution**

12. I myself have written the note sheet of the transaction with Indramani Pvt. Ltd. The said note sheet Exhibit No. 1142 was shown to me. It mentions the transaction of purchase of government securities of Rs.15,00,00,000 (Rs. Fifteen Crores) through Indramani Pvt Ltd. It also mentions the accrual expense account. It is signed by former General Manager Chaudhary and President Sunil Kedar. Also the confirmation letter of this transaction is already at Exhibit 1143. The said letter was received by our bank from Indramani Pvt. Ltd.

13. The transaction with Syndicate Management Services Pvt. Ltd.

The note sheet is written by me. The said note sheet is dated 25.01.2002 and is marked 1144. In it, government securities amounting to Rs.15,00,00,000 (Rs. Fifteen Crores) Syndicate Management Services Pvt. Purchase transactions through them are mentioned. It mentions the accrual expense account. It is signed by myself, General Manager Chaudhary and President Sunil Kedar. Also the confirmation letter of this transaction is already at 1145. The said letter Syndicate Management Services Pvt. Ltd. Our bank had received from

14. Century Dealers Pvt. Ltd. I myself have written the note sheet of the transaction with him. The said note sheet is dated 25.01.2002 and is marked 1146. In it government securities of Rs.10,00,00,000 (Rupees Ten Crores) Century Dealers Pvt. Purchase transactions through them are mentioned. It mentions the accrual expense account. It is signed by myself, General Manager Choudhary and President Sunil Kedar and the confirmation letter of this transaction is already at Nishani 1147. The said Letter Century Dealers Pvt. Ltd. It was received by our bank.

15. Giltage Management Services Pvt. Ltd. I myself have written the note sheet of the transaction with him. The said note sheet is dated 25.01.2002 and is marked 1148. In it Government Securities Rs.10,60,00,000 (Rupees Ten Crore Sixty Lakhs) Giltage Management Services Pvt. Purchase transactions through them are mentioned. It mentions the accrual expense account. It is signed by myself, General Manager Chaudhary and President Sunil Kedar. Also the confirmation letter of this transaction is already at mark 1149, 1150, 1151. The said letter Giltage Management Services Pvt. Ltd. It was received by our bank. Also Giltage Management Services Pvt. Ltd. Confirmation letter of accrued expenses in respect of government securities bought and sold through them is at number 1152 and 1153.

16. Around the period of January 2002 to our bank by NABARD

was observed. At that time, as I had transaction records related to purchase and sale of government securities, my transaction records were also thoroughly checked by NABARD along with the monitoring of other departments. In this entire government securities buying and selling transaction, the original government securities never came to our bank. Also photocopies of government securities etc. did not come to my table for record or any other work.

17. Both the letter dated 02.02.2002 outgoing number 423 and dated 06.02.2002 outgoing number 598 were shown to the witness. General Manager Choudhary is in charge of it. But I do not have any other information as per the said letter. Anukame marks 1303 and 1304 are being given to the said officers.

18. During interrogation, the police had recorded my statement twice. Also during the investigation d. On 30.04.2002, Investigating Officer Belle from our bank, Manager Gode, Home Trade Ltd., Indrayani Pvt. Ltd., Century Management Services Pvt. Ltd., Syndicate Pvt. Ltd. and Giltage Pvt. Ltd. Notesheets, confirmation letters, contract notes and checks etc. related to the transactions of our bank regarding the purchase and sale of government securities through these companies. according to 1 to 32 seized. At the time of the said seizure, I myself and the other five witnesses Shri. Awhari appears. The said Seizure Panchnama has now been shown to me. It is signed by me, as well as by Shri. Awhari and the investigating officer are assisted by Belle. It is also signed by manager Gode. Sadar Panchnama is already at mark 1195. This Panchnama has also been read and signed. The contents are correct.

19. On 01.05.2002 Investigating Officer Bell seized original documents from me regarding the fax acknowledgment, other communications made through fax. The said Seizure Panchnama has now been shown to me. As mentioned therein, the documents No.1 to 13 were seized from me. It is signed by myself and two Panch Tekam and Kadu. Tekam and Kadu are the employees of our bank. The content of Panchnama is correct. 1305 is assigned to Panchnama.

is The documents seized pursuant to the said Panchnama, fax receipts and other messages sent by fax were shown to me.

20. Anu.K. 1. The receipt of confirmation letter is dated 05.03.2001 and is marked 1306.

21. Anu.K. 2 is a letter sent by fax dated 05.03.2001 to the Chief Officer, Accounts, Maharashtra State Co-operative Bank, Mumbai, signed by me and General Manager Chaudhary. He is being given the mark 1307.

22. Among them, the receipt of confirmation letter on No. 3 is dated 16.03.2001 and is being marked as 1308.

23. Anu.K. 4 above is a letter sent by fax dated 16.03.2001 to Chief Officer, Accounts, Maharashtra State Co-operative Bank, Mumbai, signed by me and General Manager Chaudhary. He is being given the mark 1309.

24. Out of which confirmation letter on No. 5 is dated 20.03.2001 and is being marked as 1310.

25. Anu.K. 6 is a photocopy of the letter sent by fax dated 20.03.2001 to the Chief Officer, Accounts, Maharashtra State Co-operative Bank, Mumbai, signed by me and Manager Gode. I can't remember where the original is now. It is being given Article-A.

26. Anu in it. c. Home Trade Ltd. on 7 There is a fax from him in the name of Chaudhary and Peshkar. It is being given Article-B.

27. Anu in it. c. Home Trade Ltd. on 8 The form of transfer received from him to the bank is a sample. It is being given Article-C.

28. Home Trade Ltd. on No. 9 of that. Book Debt Certificate from  
is He is being given Article-D.

29. Home Trade Ltd. on No. 10 of that. The form of transfer received from him to the bank is a sample. It is being given Article-e.

30. Home Trade Ltd. on No. 11, 12, 13 of that. The certificate from him, sample of transfer form and book date certificate is unique to him

**Article-E/1, E/2, E/3 are given. is The cross-examination is being held over until dawn due to the expiry of court time.**

Read to witness and acknowledged to be correct.

Date : 18.12.2019.

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

Dated 19.12.2019

**Cross-examination begins on oath**

**On behalf of accused no.11 Shri. Jaltare Vakil:-**

31. I worked in Nagpur District Central Cooperative Bank for about 39 years. I am aware of the general rights and duties of the employees, officers and officials of the bank during this period. Our bank did not have a position of Chief Executive Officer. It is true to say that the General Manager of a bank performs the same duties as the Chief Executive Officer. It is true to say that the accounts of the income and expenditure of the bank are maintained by the accounting department. It is true to say that the Board of Directors and Executive Board decide what and how to invest in the bank, not the accounting department. It is true to say that the account department of the bank does not take the decision regarding which company to invest in, through whom and who will be the representative to handle the transaction on behalf of the bank. It is true to say that in the present case Home Trade Ltd. This company has not been appointed by the account department of the bank.



32. According to my knowledge accused K.11 Suresh Peshkar was a contract employee in the bank. He was working as Chief Accounts Officer. It is true to say that I myself was working under him. It is true to say that in the present case Home Trade Ltd. Peshkar is not involved in appointing this company.

33. It is true to say that whatever transaction of buying and selling government securities was done through the bank was not done in consultation with the accounting department of the bank. It is true to say that the Bank's Accounts Department was not taking advice on selling the government securities held by the Bank and at what rate they should be sold and these matters were not within the purview of the Accounts Department. It is true to say that after purchase of securities, the contract note comes to the account department of the bank. After the contract note comes to the account department, the only job of the account department is to prepare the note sheet accordingly and submit it to the general manager and chairman of the bank for approval. After preparing the note sheet with my signature, it accused K. 11. Through Peshkar, he used to go to the head of the bank for approval.

34. I was now shown the note sheet No. 1196 dated 02.02.2001. It is true to say that in this note sheet it is mentioned that Home Trade Ltd. After contacting the bank, the government securities which the bank wants to buy in the form of SGL, he himself will complete the transaction as a broker and make the securities available to the bank. It also mentions that securities in physical form are available in the market at slightly cheaper rates.

" M/s Home Trade Ltd. Navi Mumbai have approached our bank to act as broker to collect, deliver and trade government of India dated securities which we are purchasing/ selling in SGL form. It has been gathered that physical form of securities are available in the market comparatively cheaper. However, to get them endorse in our name through Public Debt Office of RBI offices, time factor is involved and actual scripts shall be

available to us as and when received by the RBI office and the company. In the mean time it is to be clarified by the company that the holding certificate from the party who receive the consideration shall have to be treated as based for treating them for the purpose. It is in this context, submitted for consideration whether the proposal can be considered. If approved, the entire transaction shall have to be routed through our current account which M. S. Coopers & Lybrand Bank Mumbai, i.e. current account No.101/5751. Submitted please  
Signature of Chief Accountant  
Dt.02.02.2001"

वरीलप्रमाणे निशानी ११९६ मधील मजकूर बरोबरी आहे.

३५. हे म्हणणे सरे आहे की, या मजकूरची एक खबरदारीची सुचना या स्वरूपात नोटशीट द्वारे लेखा विभागाकडे देण्यात आली होती.

३६. निशानी ११९६ ची मुळप्रत या दस्तऐवजात ही तीच आहे. त्याला निशानी १३१० देण्यात येत आहे.

३७. हे म्हणणे सरे आहे की, या विषयाबाबत मार्फत वरील प्रमाणे शेरा मारल्यानंतर सरव्यवस्थापक यांच्या मार्फत नोटशीट मंजूरीसाठी अध्याक्षकांकडे पाठविण्यात आली.

३८. हे म्हणणे सरे आहे की, या काही नोटशीट होम ट्रेड लि. सोबतच्या व्यवहाराच्या लेखा विभागाकडून मंजूर झालेले पुढे उविण्यात यायच्या त्या मंजूर झाल्यानंतरच सदर व्यवहाराबाबतची नोटशीट काढायची. सदर व्यवहाराशी लेखा विभागाचा काहीही संबंध नव्हता.

उलटतपास आरोपी क्र.१ तर्फे श्री. च. व. वकील -

३९. नोटशीट निशानी १३१० याबाबत मजकूर पोणतीही कल्पना नव्हती. मी यापुर्वी आरोपी क्र.१ तर्फे देण्यात आलेल्या उलटतपास दरम्यान असे नमूद केले आहे

That, the approval in it was a kind of precautionary instruction. I have expressed my personal opinion on this matter after reading the contents of the said note sheet in my cross-examination.

40. I have worked in the banking field for about 38 years. My entire 38 years of service has been in the cooperative banking sector. It cannot be said that, therefore, I have all the information about how the affairs of a co-operative bank are run. I don't know that co-operative bank is required to maintain 3 percent cash reserve and 25 percent liquidity of total demand and liabilities. It is true to say that the bank is required to maintain the required liquidity (Tarti Zindagi) as per RBI norms. It is true to say that a bank has to invest at various levels to stay afloat in this manner. The investment includes purchase of government securities, fixed deposits with Maharashtra State Cooperative Bank, deposits with RBI and bonds of NABARD etc. includes It is true to say that all these investments are made by banks as part of their day-to-day operations.

41. It is true to say that the cooperative bank cannot directly open an SGL account with RBI. It is true to say that SGL accounts of other co-operative banks are opened with RBI through Maharashtra State Co-operative Bank. It is true to say that every co-operative bank is required to open an account in a state co-operative bank. It is true to say that the amount of the transaction regarding the purchase and sale of government securities is paid from the current account of the co-operative bank. It is true to say that Home Trade Ltd. in the present case. All the transactions with him were paid from the current account of Nagpur District Central Bank. It is true to say that Maharashtra State Co-operative Bank had an idea that the said transaction amount was paid from our bank's current account. It is true to say that in respect of any transaction in the present case by the Maharashtra State Co-operative Bank

No objection was ever taken.

42. It is true to say that inspection of co-operative banks is done every 2 years through NABARD. It is true to say that during the said monitoring, all other transactions including whatever transactions the bank may have done in relation to investment are monitored. It is true to say that apart from the financial affairs of the bank, the administrative policies and decisions taken by the bank are also monitored by NABARD.

43. Question: In February 2002, your bank account was monitored by NABARD for two years from 01.04.1999 to 31.03.2001? Answer: In 2002, our bank was monitored by NABARD. But I don't remember for what period the said observation was.

44. It is true to say that when NABARD inspected our bank in February 2002, the sale and purchase of securities in the present case had already been completed. At the time of said observation, I was working in the accounting department of our bank. It is true to say that at the time of said inspection, whatever accounts I had with respect to investment were examined.

45. I am not aware that after completion of inspection by NABARD in February 2002, as directed by NABARD dt. A meeting of the Board of Directors of the Bank was held on 26.02.2002.

46. NABARD's monitoring report did not bring to my notice any objections to the dealings in government securities and neither did it in my own inspection. It is true to say that Sadar

The transaction in the case was completed after completing this process.

47. A separate register is kept for fixed deposits and separate registers for purchase and sale of government securities with reference to the investment of the bank. It is true to say that in the present case, a separate register of transactions of sale and purchase of securities was maintained for the purpose of keeping proper account of the said transactions. It is true to say that the transaction of sale and purchase of securities in the present case was a large transaction. It is true to say that if any director or senior officer of the bank wants to see the register or any other documents held by the bank regarding the said transaction, it is available to him. It is true to say that the transaction in question in the present case was not a hidden transaction.

**Reverse investigation Accused no. 2 on behalf of Shri. Bhangde Lawyer:-**

48. It is true to say that I have had occasion to look at Notesheet Nishani 1996 only in the last two days. It is true to say that the police did not ask me any questions about this note sheet.

49. Adjustment Letter No. 1141/1 was shown to me. It is true to say That said letter to our bank Home Trade Ltd. came from It is true to say that whether the signature of the General Manager was made as an acknowledgment of receipt of the said letter or as a true copy, I cannot say. It is true to say that the contract notes were sent by Home Trade along with the adjustment letter.

50. It is true to say that every month to RBI through our bank  
A trial balance is sent. It is true to say that in the said trial balance  
All transactions of purchase and sale of government securities and investment by the bank

Also, the information of transactions done in SGL account is included and it is sent to RBI.

**In cross-examination accused no. 4 and 7 by Mr. Purohit Advocate :-**

51. It is true to say that all the money transactions regarding purchase and sale of government securities have been done from our bank's account of Maharashtra State Cooperative Bank in Mumbai. It is true to say that Giltage Management Services Pvt. and Syndicate Management Services Pvt. Ltd. These companies are not from Nagpur. It is true to say that these two companies did not have any account in our bank at Nagpur and no transactions were done with these companies in the bank at Nagpur. It is true to say that at the time when I produced Notesheets No. 1144 and 1148, no representative etc. of these two companies were present before me at Nagpur. I don't know about this, the representatives of both these companies never came to our bank office at Nagpur with reference to the related transaction. It is true to say that no representatives of these two companies ever actually came to my table.

52. I don't know about our bank Syndicate Management Services Pvt. Ltd. regarding buying and selling of government securities. There was never any written agreement with this company.

53.

- Question:- Syndicate Management Pvt. Ltd. There is no written agreement / contract note with this company with your bank.
- Answer :- no contract note for them. I had prepared the note sheet as per confirmation letter no 1145.

54. Note sheet mark 1144 was shown to me. I have not written the non-SLR bonds sold in it and the subsequent text in English

I do not know who wrote the entire text signed by the President. It was pointed out to me that the text contains the following.

**"Non SLR bond Sold Power Greed Corporation of India**

amount received - 16,71,45,205

Buy Syndicate - 16,71,43,375

balance amount - 1830.43

55. The note sheet number 1144 shown to me belongs to our bank. Also note sheet mark 1158 shown to me also belongs to our bank. Note sheet Nishani 1158 is the original note sheet and Nishani 1144 is a photocopy. It is true to say that after receiving the confirmation letter we prepare the note sheet of such transaction. After confirming that all the transactions were done as per Nishani 1145, note sheet Nishani 1144 was prepared.

56.

- Question :- Mark 1144 under the signature of the Chairman, the balance amount 1830.48 has been deposited in the bank account after the transaction of purchase and sale of securities, has it been credited?
- Ans:- I don't remember now which amount was deposited in which account.

57. It is true to say that every transaction is related to every company  
Different note sheets have been prepared. It is true to say that all companies  
A note sheet has not been prepared together with the transactions. It is true to say  
That, the transaction done with one company is mentioned in the note sheet of another  
company not done It is true to say that the company with which the transaction is done  
It is mentioned in that note sheet of the bank.

58. It is true to say that in Nishani 1142, 1143, 1144, 1946

Lastly, the amount mentioned therein belongs to the bank. It is true to say that the note-sheet marks the amount remaining after the transaction and it is. It is true to say that note sheet marks 15 amount remaining after transaction and it is in bank account. is It is true to say that the note sheet marks 11 in 1146. The amount remains after the transaction and it has been deposited in the bank account

59.

- Question :- Contracts as in Nishani 1141/1 to 1141/7.. Notes as in Contract Notes Syndicate Pvt. Didn't get along.
- Ans :- I have not received contract notes in that form for preparation of notice sheet in connection with Syndicate Pvt.

60. It is true to say that Home Trade Ltd. Contract notes bearing marks 1141/1 to 1141/7 came from It is true to say that all these contract notes were prepared and came to us from Bombay. It is true to say that all the documents relating to the transaction of securities were prepared in Bombay and executed there. It is true to say that on the reverse side of the contract notes marked 1141/1 to 1141/7 it is stated that any dispute arising in connection with this transaction shall be within the jurisdiction of the Bombay Court. It is true to say that in the said contract note it is mentioned that in case of any dispute, it should be settled before the arbitrator at Mumbai as per the rules and recommendations of the National Stock Exchange. I do not know that Syndicate Pvt. and Giltage Pvt. Ltd. These companies have not committed any malpractice or illegal financial transactions with our bank. Adjournment of further cross-examination as it is mid-day.



Read to witness and acknowledged to be correct.

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

Date : 19.12.2019

After noon, further cross-examination begins on oath

**In cross-examination accused no. 4 and 7 by Mr. Purohit Advocate:-**

61. It is true to say that Syndicate Pvt. Ltd. and Giltage Pvt. Ltd. had never given photocopies of government securities to our bank. I have Syndicate Pvt Ltd and Giltage Pvt Ltd. had not furnished any false documents in respect of dealing in government securities. It is true to say that today I am unable to tell what is written in Dast A.K.1 to 32 seized in Japti Panchnama Nishani 1195. Also, today I do not remember what is written in Panchnama Nishani 1305 in Dast A.K.1 to 13. It is true to say that after seeing the Panchnama, I said that the Panchnama has the signatures of Panch Tekam and Kadu. It is true to say that Panchnama Nishani 1305 I had seen on the day before my evidence was to commence, so I stated in my evidence that it was signed by Panchas Tekam and Kadu. It is not true to say that what is written in the said Panchnama only because I read the Panchnama on the day before the evidence, I told about it during the evidence. I say now that I did not remember its contents. It is true to say that I did not receive a copy of the panchnama along with the witness summons. It is true to say that I remembered all these matters as the public prosecutor read them to me in court the day before the evidence. It is true to say, as I testified yesterday and today.

**On the contrary, accused no.5 and 6 on behalf of Shri. Agarwal Advocate:-**

62. It is true to say that Notesheet No. 1160 was prepared as per Confirmation Letter No. 1161. It is true to say that as per Confirmation Letter No. 1157 Notesheet No. 1156 was prepared. Apart from the confirmation letter No. 1157 and 1161, I did not have any other document regarding the bank's agreement or transaction with the concerned accused and I cannot say whose signatures are on the document No. 1157 and 1161. It is true to say that marks 1157 and 1161 are not signed by any officer of our bank.

**63. Reverse investigation Accused no.. 8 and 9 on behalf of Shri. Choubey Counsel:-**

- Rejected.

**Cross-examination is over. No re-examination.**

Read to witness and acknowledged to be correct.

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

Date : 19.12.2019

## Certificate

I affirm that the contents of this PDF Evidence are same word to word, as per original Evidence.

Name of Stenographer: Ku. S.W. Warulkar (Grade III)

**Statement of Witness No. 8 on behalf of the Government**

Dated 19.12.2019

I solemnly declare that:-

My name :- Ramesh Venkatarao Nimje

Age :- 58 years

Business :- Business

will stay :- Tandapeth, Nagpur

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. I was elected as Director in Nagpur District Central Cooperative Bank in 1998. Also I was a member of the loan committee of the bank. The meetings of the board of directors were held once every three months. In the year 1999, the first meeting of the Board of Directors was held after the election. I was present in that meeting. Resolutions were taken according to the topics that were kept in the said meeting. After I became a director, I attended all the meetings of the Board of Directors of Bace.

2. A circulating resolution was taken in the bank. My signature was obtained on the same day that the said resolution was passed. The bank official told me that the said circulating resolution is to be sent to NABARD. I do not know the name of that officer now. I do not know what is written in that resolution. The content was written in English. I am a class 12 fail. I can't read English very well. I do not have any information about the transaction regarding purchase and sale of government securities by the bank. No discussion about this was done in any meeting of the Board of Directors. The police interrogated me and recorded my statement.

**On behalf of accused no. 1, Shri. Chavan Lawyer:-**

3. I was a director in NDCC Bank since 1993. I know a little bit about how the bank works and what are the bylaws. I had a copy of our Bank's bylaws. I had read it. It is true to say that many powers were conferred on the Board of Directors of the Bank as per the said Bylaws. It is not in my mind that the Board of Directors had the power to delegate their powers to other employees/officers of the Bank. It is true to say that before the meeting of the board of directors, the notice of the said meeting was given to the directors. It is true to say that together with the notice of the meeting, information was also given as to the topics to be discussed in the respective meeting.

4. I was not in the management committee. It is true to say that, therefore, I do not know on what topics the management committee held its meeting, what it discussed and what resolutions were passed.

5. I do not remember that on 25.08.2001, a resolution was passed in the meeting of the Board of Directors regarding the purchase and sale of government securities. I cannot say that a resolution was taken in the meeting of the Board of Directors on 25.08.2001 regarding the purchase and sale of Government securities.

6. • I do not now remember that the meeting of the Board of Directors was held on 24.09.2001. I cannot say that the resolution which was taken in the previous meeting regarding the purchase and sale of government securities dated 24.09. The approval was given in the 2001 board meeting. It is true to say that some directors are members of both the board of directors and management committee of the bank.

7. I do not remember that our bank was inspected by NABARD in February 2002. It is true to say that after that on 26.02. In 2002 there was a meeting of the board of directors of our bank and I myself was present in that meeting.

8. Minute book of Board of Directors meeting (dated from 19.12.2000 onwards) was shown to me at page C. 156 is my name. As the said document was shown to the witness during cross-examination, it is marked as 1312. It is true to say that the said meeting was called by NABARD to make some suggestions regarding the banking business. I do not recall that in this meeting NABARD gave any instructions to the bank regarding the sale and purchase of government securities. I don't remember that NABARD opined in this meeting that the transaction of investing in government securities is a good type of transaction. I do not recall that after this meeting, the Bank requested NABARD to provide expert manpower for government securities transactions. I do not remember that in the meeting dated 26.02.2002 there was a discussion regarding purchase and sale of government securities. It is not true to say that what I have stated in my Saratta that the transaction of purchase and sale of government securities was never discussed in the meeting of the Board of Directors is wrong.

9. It is true to say that since my tenure as a director in the bank has been over for many years, I no longer remember what was discussed and what resolutions were passed in every meeting during my tenure. It is true to say that, although there was a discussion about the transaction of government securities, I do not now remember that there was such a discussion.

10. It is true to say that the annual report of the bank is published every year and it is placed in the general meeting of the bank. It is true to say that the report contains a complete account of the entire investment made by the bank, purchase and sale of government securities and the overall financial condition of the bank.

11. It is true to say that on 31.07.2001, the General Meeting of the Board was held. I do not remember whether I was present in that general assembly or not. It is true to say that a copy of the annual report is given to every director of the Bank in the general meeting.

12. Now I am shown the annual report for the period 2000-2001. This is him. He is being given the mark 1315. It is true to say that on page C12 of this report there is a mention about the transaction of purchase and sale of government securities. Also, on page no.27, it is mentioned that State and Central Government securities of Rs. It is true to say that the balance sheet on page C.32 shows a profit of Rs.8,59,01,765.54 (Rupees Eight Crores Sixty Nine Lakhs One Thousand Seven Hundred Five Six, paise fifty four only) to the Bank. It is true to say that the said annual report is available to all the members of the bank and general public.

**Reverse investigation Accused no. 2 on behalf of Shri. Bhangde Lawyer:-**

13. It is true to say that till date I have not raised any written objection against the Board of Directors of BAKE regarding any transaction. It is true to say that I was a member of the Board of Directors. It is true to say that the topics to be discussed in the Board of Directors meeting. It was given to me in advance. It is true to say that the NABARD officials attended the meeting of our bank. It is true to say that I was present at the meeting of our Board of Directors held by NABARD. It is true to say that Annual Report No. 1315 is first prepared by a Chartered Accountant and then it is published.

**14. In cross-examination accused no. 4 and 7 by Mr. Purohit Advocate:-**

- Rejected.

**15. Cross-examination by accused no.5 and 6 Mr. Aggarwal Advocate:-**

- Rejected.

**Reverse investigation Accused no. 8 and 9 on behalf of Shri. Choubey**

Lawyer:- rejected

**In cross-examination accused no. 11-adv. Mr. By Chaurasia Mr. Jaltare Vakil:-**

17. Rejected.

**Cross-examination is over. No**

re-examination. Read to witness and acknowledged to be correct.

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

Date : 19.12.2019



## Certificate

I affirm that the contents of this PDF Evidence are  
same word to word, as per original Evidence.

Name of Stenographer:- Ku. S.W.Warulkar (Grade III)

Regular criminal case No. 147/2002  
Government -vs Sunil Kedar and  
others Mark number: 1317

**Statement of Witness No. 9 on behalf of the Government**

Dated 20.12.2019

I solemnly declare that:-

My name is :- Dr. Baban Bhauraoji Taiwade

Age :- 64 years

Occupation:- Retired

Plot no:- 13, Pawanbhoomi, Wardha Road, Nagpur.

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. On 12.12.1998 I was elected as Director in Nagpur District Central Cooperative Bank. The first meeting of the Board of Directors after the election was held in January 1999. President and Vice President were elected in this meeting.

2. I myself attended the meeting of the Board of Directors on 19.01.1999. In that day's meeting, resolutions were passed regarding various committees of directors and giving them the authority to run their business as per the agenda.

3. In this meeting, personnel related matters like recruitment, promotion and similar matters were given to the management committee.

4. Minutes of the meeting regarding my presence in the meeting dated 19.01.1999 Book page c. 94 Now shown to me. Regarding my presence in the meeting I have signed He is being given the mark 1318.

5. In the meeting dated 16.05.1999, a resolution was taken regarding the manner in which government securities should be dealt with. As per the said resolution, it was decided to open an SGL account of our bank with the Reserve Bank and transact government securities in consultation with the expert committee from Maharashtra State Co-operative Bank, Mumbai.

6. Now I was shown the attendance register of the meeting dated 19.01.1999 and 16.05.1999. I have signed the register regarding my presence in both these meetings. Page K in the register (mark 1297) regarding my presence in the meeting dated 19.01.1999. 272 is signed. My signature No. 20 is on. Regarding my presence in the meeting on 16.05.1999 in the said register page K. 290 on A.K. 20 is my signature. He is being given the mark 1319.

7. If there is a very urgent need for a matter in the Bank, the officers of the Bank have the right to decide on it by circulating a resolution on such matter through a circulating resolution. But such circulating resolution is required to be placed in the next regular meeting of the Board of Directors and approved.

8 The Managing Committee has been given limited powers as per resolution dated 19.01.1999. Accordingly, they are not authorized to buy and sell government securities. In any meeting of the board of directors of our bank, the transaction regarding purchase and sale of government securities was not discussed and its approval was also not taken.

9. The police had recorded my statement.

**In cross-examination accused no. 2 by Mr. Bhangde lawyer and accused no. 1 by Mr. Collectively by Ahuja :-**

10. It is true to say that the registers which have been shown to me in my vicinity today are the first to be shown. I did not mention during my police interrogation that,

"In the meeting dated 16.05.1999, a resolution was taken regarding the manner in which government securities should be transacted. According to the said resolution, it was decided to open an SGL account of our bank with the Reserve Bank and to consult the expert committee from Maharashtra State Co- operative Bank, Mumbai to transact government securities."

I did not tell the police because the police did not ask me about it.

11. It is true to say that the resolution of the meeting of the Board of Directors dated 19.01.1999. As per 8, purchase and sale of government securities, transfer of endorsement etc. A resolution was passed regarding the granting of powers regarding the transaction. It is true to say that these resolutions c. 8 was approved in the subsequent meeting of the Board of Directors. It is true to say that in this meeting resolution c. 8th, was unanimously approved by all the Directors and Officers present.

12. It is not true to say that the Managing Committee had the right to conduct the said transaction as per the resolution taken regarding the transaction of purchase and sale of Government securities as per the circulating resolution.

13. I do not remember the meeting of the board of directors of BAKE on 26.02.2002. It is true to say that an annual report is prepared every year with reference to Bacay. It is true to say that in this annual report, the account of all the financial transactions including all the transactions made by the bank in the context of investment has been mentioned.

is It is true to say that the said report is published in the Annual General Meeting. The said annual report is not prepared by chartered accountants. Chartered accountants prepare accounting reports.

14. I am not aware that the agenda of the meeting of the Management Committee on 25.08.2001 was circulated to all concerned before the meeting. I was not a member of the management committee. That's why I didn't get the subject list.

15. \*It is not true to say that there is no rule that the Circulating Resolution must be approved at the next meeting of the Board of Directors. It is not true to say that the circulating resolution has to be approved in the next meeting, I am lying.

16. It is not true to say that in any meeting of the board of directors neither the transaction of purchase and sale of government securities was discussed nor any such transaction was approved. It is not true to say that I am bearing false witness. It is not true to say that the Managing Committee had no authority to deal with the purchase and sale of government securities, I am lying.

17. **.In cross-examination accused no. 4 and 7 by Mr. Purohit Advocate:-**

- Rejected.

18. **Cross-examination by accused no.5 and 6 Mr. Aggarwal Advocate:-**

- Rejected.

19. **Reverse investigation Accused no. 8 and 9 on behalf of Shri. Choubey Counsel:-**

- Rejected.

**Statement of Witness No. 10 on behalf of the Government**

I solemnly declare that:-

My name. :- Hiren Nandubhai Amin  
Age. :- 48 years  
'Business. :- business  
will remain. :-B-7, Sarvodaya Nagar Society, Part 1, Sola Road, Ahmedabad, Gujarat.

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. I was a director in Syndicate Management Services Private Limited from 1999 to 2003. Our company was in the business of buying and selling government securities. Amit Verma was also a director in this company along with me. I know him.

2. On 7.1.2002 we entered into a company transaction with Nagpur District Central Co-operative Bank Limited, Nagpur. Powergrid Corporation securities (10.90%) were sold by our company to the said NDCC Bank. We received the amount from Nagpur District Central Cooperative Bank. We received Rs.16,57,24,520.55/- (Rupees Sixteen Crore Fifty Seven Lakh Twenty Four Thousand Five Hundred Twenty Paise Fifty Five) from Nagpur District Central Cooperative Bank regarding the said transaction. On the same day I deposited the said amount in the account of Century Dealers Private Limited. Mahendra Agarwal was the director of Sadar Century Dealers Private Limited at that time. While apportioning the said amount to Century Dealers, we deduct our brokerage fee and leave the rest

The amount was credited to Century Dealers. The said transaction was done by me as per instructions of Home Trade Limited. They told us to square the amount coming from Nagpur with Century Dealers as we mentioned above. It was also told by Home Trade that in return they will purchase/provide us with Government Guarantees through Home Trade. At that time the director of Home Trade Limited was Sanjay Aggarwal.

3. Then on 25.1.2002 we were informed by Home Trade that the transaction dated 7.1.2002 is to be reversed and the government securities which were sold to NDCC Bank on 7.1.2002 should be taken back and in lieu of 9.39 GOI (2011) (Government of India Securities maturing in the year 2011) We were informed by Home Trade to sell the securities to the bank. But the guarantee of 9.39 GOI (2011) by Home Trade was not given to us as agreed. We were informed by Home Trade that these guarantees will be provided by Home Trade to Century Dealers Pvt Ltd and by Century Dealers Pvt Ltd to our company. In this transaction, the amount of the difference between the purchase and sale of government securities was about Rs.1830.48 (Rupees one thousand eight hundred and thirty paise and forty eight), which I returned to the Nagpur District Central Cooperative Bank.

4. Confirmation letter regarding the said transaction. 1159 showed me. That's it. It is signed by the then director of our company, Amit Verma. I was also the director at that time. So I recognize his signature. I have never received the government guarantee as informed by Home Trade Limited. I have filed a criminal case in Ahmedabad against Sanjay Agarwal of Home Trade Limited and Mahendra Agarwal of Century Dealers Private Limited.

5. I know Ketan Seth. He is the Director of Giltage Management Private Limited. I was shown a copy of a fax. The said fax came to our office from Nagpur District Central Bank. It is denoted by c. 1348 was given.

**In cross-examination accused no. 1 by Mr. Devendra Chavan Advocate.** : Denied

**Reverse investigation Accused no. 2 on behalf of Shri.A.K. Cannabis counsel** : Denied

**In cross-examination accused no. 4 and 7 by Mr. Girish Purohit Advocate -**

6. It is true to say that Syndicate Management Services Private Limited is a Private Limited Company. It is true to say that from the year 1999 till date, I and the accused K. 7 Amit Verma is a director in this company. It is true to say that I and accused no.7 Amit Verma have a partnership firm named Syndicate Securities and Management Services.

7. It is true to say that both I and Amit Verma are aware of all the transactions between Syndicate Management Services Private Limited and Syndicate Securities and Management Services. It is true to say that Home Trade Limited has been doing business with our Syndicate Management Private Limited since 1999. It is true to say that our company's dealings with Home Trade Company were in connection with buying and selling of government securities. It is true to say that Home Trade Limited was a registered brokers company in SEBI, NSE & BSE. It is true to say that a company so registered has the right to buy and sell government securities. It is true to say that a company so registered has the right to appoint sub-brokers for buying and selling government securities.



8. It is true to say that Home Trade Limited was known as the largest brokerage firm in the bond market. It is true to say that at that time the annual turnover of Home Trade Limited was around Rs. 25,000 crores (Rupees twenty five thousand crores). It is true to say that Home Trade had a good reputation in the market at that time in connection with buying and selling of government securities.

9. It is true to say that during the period from 1999 to 2001 our company had done several transactions of buying and selling government securities with Home Trade Limited. It is true to say that it never happened in this transaction that we were not given government securities by Home Trade Limited.

10. It is true to say that whatever government securities we used to buy, we generally bought them for the banks. It is true to say that government securities are only bought by banks, private individuals cannot buy them.

11. It is true to say that we used to transfer the amount received from the bank to Home Trade Limited for the transaction in which we used to deal in buying government securities for the banks and the government securities for that transaction were given to us by Home Trade Limited. It is true to say that sometimes Home Trade Limited asked us to transfer the transaction amount to the company they mentioned and informed us that they would provide us with a government guarantee in return.

12. It is true to say that we were asked by Home Trade Limited to transfer the amount received by us from the Bank to Century Dealers Private Limited and accordingly we transferred the said amount to Home Trade Limited.

13. It is true to say that d. The amount received by us from NDCC Bank on 7.1.2002 was transferred from the account of NDCC Bank, Maharashtra State Co-operative Bank, Mumbai to the current account of our company, Janata Co-operative Bank Limited, Branch Fort Mumbai. Class was held in 2869. The said amount came to our company as payment for the purchase of PowerGrid's security at 10.90 (rate of interest). It is true to say that we were informed by Home Trade Limited to deposit the said amount in the account of Century Dealers Private Limited and take delivery of Government Guarantee. It is true to say that therefore on the same day, after deducting our company's brokerage amount of Rs.1,50,000/- (Rupees one and a half lakh), we credited all the amount received from NDCC Bank to the account of Century Dealers Pvt Ltd at Janata Sahakari Bank, Branch Fort Mumbai. It is true to say that the difference amount of this transaction approximately Rs.1830/- (Rupees One Thousand Eight Hundred and Thirty) was deposited by us on 29.1.2002 in the account of Nagpur District Central Bank with State Cooperative Bank, Mumbai.

14. It is true to say that since our company is located in Ahmedabad, other bank accounts of our company are located in Ahmedabad since 1999. It is true to say that on the request of the Director of Home Trade Limited we opened our company account in Janata Cooperative Bank, Mumbai. It is true to say that at that time we were told by Home Trade Limited that the account of Indramani, Giltage and Century Dealers Dalal Subsidiaries are also with Janata Sahakari Bank, so if our account is in the same bank, it will facilitate the transaction.

15. It is true to say that I myself, the accused c. 7 Neither Amit Verma nor any of our employees came to Nagpur in person. Saying this.

It is true that apart from the two transactions on 7.1.2002 and 25.1.2002, our company has not had any transaction with NDCC Bank before or after that. It is true to say that d. As on 7.1.2002, I had no transaction with NDCC Bank at Nagpur or Mumbai.

16. I am now Shown the letter sent to us by Home Trade Limited dated 23.4.2002. Mark him. 1349 is being given. The said letter is marked K. 1349 was received by us, after receipt of Bank's letter No.1348. It is true to say that letter no.1348 and 1349 were seized by the police from our company office. (Due to mid-day time, re-examination will be postponed till after mid-day.)

Date : 10.01.2020.

Additional Chief Judicial Magistrate,

(She.Ra.Totla)

Nagpur

**Cross-examination continued on oath after noon - Accused no. 4 and 7 by Mr. GB Purohit Advocate:-**

17. It is true to say that d. 7.1.2002 and dt. Apart from the transaction dated 25.1.2002 our company has not had any dealings with Century Dealers Private Limited. I have brought with me a copy of the complaint filed against Century Dealers Private Limited and Home Trade Limited. I can file it in court. In it Takar is in Gujarati language and has been translated into English. I have brought the said translation through my lawyer. I myself have verified that the said translation is correct. Also the said translation in English language by Notary Shri. The certificate has been notarized by Rajveer Singh Rajput and the notary has given the certificate that it has been translated as per the original document.

18. Criminal cases presented by me to the Metropolitan Magistrate, Ahmedabad A certified copy of the case has been submitted and it is marked C. 1351 and his Sign up for English translation. 1352 is being given. Sadar Takar Ni.1351.

Immediately i.e. filed on 7.6.2002 before the Metropolitan Magistrate, Ahmedabad. It is true to say that apart from the transactions with Nagpur Zilla Sahakari Bank, I have also mentioned the details of the transactions with other banks in the said Takari. It is true to say that in the said claim, the Government Guarantee purchased for Morbi Nagari Cooperative Bank, Rajkot, Bhadrans People's Cooperative Bank, Gujarat Mercantile Cooperative Bank and Nagpur District Central Cooperative Bank was not received from Home Trade Limited. It has been mentioned in my complaint. It is true to say that the said complaint No. 1351 mentioned accused K. 2 Mahendra Aggarwal is the Director of Century Dealers Private Limited. It is true to say that the said dispute is in Ni.1351. The said accused K.1 Sanjay Aggarwal is the director of Home Trade Limited. It is true to say that on the request of accused K.1 Sanjay Aggarwal in Takar No.1351, I accused K. 2 transferred the amount to Century Dealers Private Limited of Mahendra Aggarwal. It is true to say that the amount we transferred to Century Dealers Private Limited was received from NDCC Bank in the account of our company Syndicate Management Services Private Limited. It is true to say that Mahendra Aggarwal: I have made Mahendra Aggarwal a non-applicant in my complaint as neither we nor NDCC Bank have received the government guarantee to be procured from him for NDCC Bank. It is true to say that Takar Ni. 1351 our company Syndicate Management Services Private Limited has filed through me. It is true to say that in the said complaint accused K. 7 Amit Verma has been called as a witness.

**Cross-examination by accused no.5 and 6 Mr. Aggarwal Advocate:-**

19. It is true to say that at the behest of accused Sanjay Aggarwal, I had deposited the amount of purchase of government securities in the account of Century Dealers Private Limited.

Question :- The said amount which you have credited to the account of Century Dealers Private Limited has been credited by Century Dealers Private Limited to the account of Home Trade Limited?

Answer :- Yes, Sanjay Agarwal told me that.

20. The police had recorded my statement. I mentioned in my Sartapa The following statement was made when the police recorded my statement. 'On 7.1.2002 Nagpur District Central Co-operative Bank Limited, \*!! We had a company transaction with Nagpur. The said NDCC Bank sold securities of Powergrid Corporation (10.90%) from our company. We received the amount from Nagpur District Central Cooperative Bank. We received Rs.16,57,24,520.55/- (Rupees Sixteen Crore Fifty Seven Lakh Twenty Four Thousand Five Hundred Twenty Paise Fifty Five) from Nagpur District Central Cooperative Bank regarding the said transaction. On the same day I deposited the said amount in the account of Century Dealers Private Limited. Mahendra Agarwal was the director of Sadar Century Dealers Private Limited at that time. While apportioning the said amount to Century Dealers, we have apportioned the said amount to Century Dealers after deducting our brokerage amount. The said transaction was done by me as per instructions of Home Trade Limited. They told us that you should transfer the amount coming from Nagpur as I have mentioned above, in return they will buy/provide us through Govt. Pratibhuti Home Trade. At that time the director of Home Trade Limited was Sanjay Aggarwal.

3. Then on 25.1.2002 we were informed by Home Trade that dt. 9.39 GOI (2011) to reverse the transaction dated 7.1.2002 and take back the government securities which were sold to NDCC Bank on 7.1.2002.

Government of India Securities maturing in the year 2011) We were informed by Home Trade to sell these securities to the bank. But the guarantee of 9.39 GOI (2011) by Home Trade was not given to us as agreed. We were informed by Home Trade that these guarantees will be provided by Home Trade to Century Dealers Pvt Ltd and by Century Dealers Pvt Ltd to our company. In this transaction the amount of the difference in government bond purchase was about 1830.48 which I returned to the Nagpur District Central Co-operative Bank.' I cannot explain why the above text was not mentioned by the police in my recorded statement. It is not true to say that I had not told any such matter to the police and hence it has not been mentioned in my statement.

21. The criminal case filed against Bhi Mahendra Aggarwal (mark no. 1351) has not yet been decided by the court. Summons have not been issued to Sanjay Agarwal in the said case. Mahendra Agarwal has appeared in the said case. It is true to say that I and Amit Verma are both directors of Syndicate Management Private Limited. It is not true to say that I filed a false case against Mahendra Aggarwal in Ahmedabad to save Amit Verma. It is true to say that the case I filed in Ahmedabad was filed after the FIR in Nagpur. It is not true to say that I am bearing false witness.

**Reverse investigation Accused no. 8 and 9 on behalf of Shri. Choubey Counsel:- Refused.**

**In cross-examination accused no. 11 by Shri.C.H. Jaltare Advocate:- Denied.**

**Cross-examination is over. No re-examination.**

read to the witness and agree to be correct as well as his counsel along with the witness Shri. Brijraj C. The witness and his counsel admit that the witness is present and the evidence recorded is correct and the witness has understood everything about it.

(Shehra Totla)  
Additional Chief Judicial Magistrate,  
Nagpur

Date : 10.01.2020

#### Certificate

I affirm that the contents of this PDF Evidence are same word to word, as per original Evidence.

Name of Stenographer: Ku. G.A. Joshi (Grade II)

RCC 147-2002  
(P.W.No.10)  
dt.10.1.2020  
Digitally signed by  
Shekhar Ramnathji Totla  
Location: Nagpur  
Date: 2020.01.11  
16:38:49 +0530

**Statement of Witness No. 11 on behalf of the Government**

I solemnly declare that:-

My Name :- Devang Bhanuprasad Thakar

Age :- 45 years

business:- private job,

Residing :- 9A, Kapilkunj, Rokadia Lane, Borivali West, Mumbai-92.

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. I joined Lloyd's Brokerage in the year 1997 in the accounting department. At that time I was given an appointment letter by the director of the said company, Sanjay Agarwal. Over time, Lloyd's Brokerage was renamed to another name. I don't remember it now but eventually the said company was renamed as Home Trade Limited. The office of the company was located at Vashi, Navi Mumbai till the time the said company closed down. I was posted as a book keeper. I was responsible for recording transactions in the books of accounts. I used to record transactions using tally method. Our senior Mrs. Shukla and Shri. We used to submit the report of the entries in the computer to Baldua. Home Trade Limited used to operate a warranty procurement wiki. In our company Mrs. Kanan and Mr. Roy was in the department dealing with the sale and purchase of government securities. Jai Mehta and Ketan Maskaria also used to look after the billing and other correspondence related to the sale and purchase of government securities.

In cross-examination accused no. 1 by Mr. Devendra Chavan Advocate: Denied.



**On reverse investigation, Shri. a. K.S. Bhangde Counsel:- Denied.**

**In cross-examination accused no. 4 and 7 by Mr. Girish Purohit Advocate :- Denied.**

**Cross-examination by accused no.5 and 6 Mr. Aggarwal's lawyer :- refused.**

**Reverse investigation Accused no. 8 and 9 on behalf of Shri. Choubey Counsel:-Refused.**

**In cross-examination accused no. 11 by Shri.C.H. Jaltare Advocate:- Denied.**

**Cross-examination is over. No re-examination.**

Read to witness and acknowledged to be correct.

(Sr. Totla)  
Additional Chief Magistrate,  
Nagpur

Date : 10.01.2020

**Certificate**

I affirm that the contents of this PDF Evidence are same word to word, as per original Evidence.

Name of Stenographer:- Ku. G.A. Joshi (Grade II)

RCC 147-2002  
(P.W.No.11) dt.10.1.2020  
Digitally signed by  
Shekhar Ramnathji Totla  
Location: Nagpur  
Date: 2020.01.11  
16:41:00 +0530

**Statement of Witness No. 12 on behalf of the Government**

I solemnly declare that:-

My name :- Rajendra Gangaram More,

Age :-67 years,

Business :- Retired,

Will stay :- A.L.. 6, Building no. 25, Flat No.6, Sector Panchavati Apartment, Vikoli, Mumbai.

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. d. On 15.5.2002 I was working as Assistant Colony Officer in CIDCO, Navi Mumbai. Also Mr. Arun Dekmukh was working with me as a room officer. We had leased office space in Vashi Railway Station premises to Home Trade Limited. Our Senior Officer Marathe, Manager, City Services told me and Mr. Arun Deshmukh was informed to appear as a judge in the office of home trade. After that, both of us, the police officer and Mr. Nagupar Criminal Investigation Department. Went to home trade office with Belle. Accused K.3 Sanjay Aggarwal was also with us at that time. The office was sealed from outside when we visited. The said seal was opened before us all. We all entered the home trade office after opening the door. Inside was the reception counter. There were computer systems and other furniture. There were halls and cabins. The cabin door was opened by inserting a card. Also Sanjay Agarwal's cabin, canteen and some other rooms were also in the said office. At that place, with the help of male and female employees of Home Trade Limited, enter the password and start the computer

was done. Prints of the documents containing the relevant records in the office at that time were extracted from the computer system before all of us. The officers of the State Crime Investigation Department seized a total of 71 files/documents such as extracts, documents and files from the said office and prepared a proper list of all the seized files and documents.

2. Before the said action, we were searched. This proceeding, dt. Commencing on 15.5.2002 dt. Expired on 16.5.2002. We were strategically present during the whole process. Also during these proceedings we did not go out of the office. Panchnama of the entire proceedings was prepared before us. The said Panchnama was read by me and another Panch Arun Deshmukh. Its content is correct. The said Panchnama was now shown to me. It is signed by me and Arun Deshmukh as referees and it is also signed by the Investigating Officer and the accused Sanjay Agarwal. This is the one who showed me the said Panchnama. Nishani to Panchnama c. 1361 is being given. I was shown the 71 files seized as per the said Panchnama, these are the same. The said files are signed by me, Arun Deshmukh and accused Sanjay Agarwal. They are being given Article AA-1 to Article AA-71.

3. Similarly on 17.5.2002 we went to the office of Home Trade Limited at Thakkar Towers shown by Sanjay Aggarwal. I myself, Arun Deshmukh, accused Sanjay Aggarwal, investigating officer Belle and other police personnel were present there. There, Sanjay Agarwal's subordinate staff opened the door of the office in front of us. We found all the materials in the said office scattered. Documents and files were lying in disarray. It was also seen that the electrical wires of the office were removed and scattered. Accused Sanjay Agarwal and his employees present related documents there

made 23 files of such documents were seized before all of us. The Panchnama was produced before us after preparing a proper list of the seized files. The said Panchnama and all the files are signed by me, the second Panch Arun Deshmukh and the accused Sanjay Agarwal. The said Panchnama and files were shown to me. These are the same. The Panchnama is signed by myself, Arun Deshmukh, Investigating Officer Belle and accused Sanjay Agarwal. Its content is correct. Nishani to Panchnama c. 1362 is being issued and files are being issued from Article Bab-1 to Article Bab-23.

**On reverse investigation, Shri. Ahuja counsel and accused no. 2 on behalf of Shri. Ashok Bhangde Advocate:-**

4. At the time of Panchnama, my senior officer Shri. The Marathas were Shri. Marathe remembers giving written orders. I have a single copy of the order from Shri. It was given by Marathe. I have not maintained the copy of that order. I have not been given any letter etc. in writing by Investigating Officer Belle to appear as referee. Investigating officer Belle did not take my written consent before starting the panchnama. It is not true to say that I had no occasion to personally see what was mentioned in any of the documents or files seized by the Investigating Officer. It is not true to say that I never visited the office of the concerned company as a judge as mentioned. It is not true to say that no Panchnama proceedings were conducted before me as I have mentioned. It is not true to say that the documents signed by me were done sitting in the office of the State Crime Investigation Department. It is not true to say that I am bearing false witness.

**In cross-examination accused no. 4 and 7 by Mr. Purohit Advocate:-**

5. I am Arun Laxmanrao Deshmukh, the second judge to testify today

I have come to the court with him. I have received a summons in connection with the present case. I had not received any documents with the said summons. Before testifying today, I had seen two Panchnamas in the witness room. The said panchnama was shown to me by the public prosecutor before testifying. I personally cannot say who else has signed the Panchnama other than me. It is not true to say that I signed the Panchnamas in question in the office of the State Crime Investigation Department at Konkan Bhavan. It is not true to say that the second referee did not sign before me. We all signed to each other.

6. I was told by Investigating Officer Belle. 15.5.2002 and dt. No letter or summons was issued to appear as Panch for Panchnamas on 17.5.2002. We never went to the CID office at Konkan Bhavan regarding Panchnama. The investigating officer did not show me any written order to remove the seal affixed to Sanjay Aggarwal's office.

7. I don't know who else has an office or what is in Chathu area of Sanjay Agarwal's office. I am dated 15.5.2002 and dt. 17.5.2002 I don't remember which stab was on that day. It is not true to say that only as mentioned in both Panchnamas I am saying that 71 and 23 files were seized respectively. It is true to say that I am unable to say what is mentioned in the said files 71 and 23 respectively and for what they were seized. It is not true to say that Deshmukh did not sign in front of me so I said earlier that the second umpire did not recognize Arun Deshmukh's signature. It is true to say that I do not know who wrote both these Panchnamas and what they wrote. The name of the public prosecutor in the said case is Mrs. Jyoti Vajani. It is not true to say that I am giving false testimony at the behest of Public Prosecutor Mrs. Vajani.

**Cross-examination by accused no. 5 and 6 Mr. Aggarwal Advocate:-**

8. I have come to the court today along with another judge Arun Laxmanrao Deshmukh to testify. I have received a subpoena in connection with the present case. I had not received any documents with the said summons. Before testifying today, I had seen two Panchnamas in the witness room. The Panchnama was shown to me by the public prosecutor before I testified. I personally cannot say that the said Panchnama is signed by anyone other than me. It is not true to say that I signed the Panchnamas in question in the office of the State Crime Investigation Department at Konkan Bhavan. It is not true to say that the second referee did not sign before me. We all signed to each other.

9. I was told by Investigating Officer Belle. 15.5.2002 and dt. No letter or summons was issued to appear as Panch for Panchnamas on 17.5.2002. We never went to the CID office at Konkan Bhawan regarding Panchnama. The investigating officer did not show me that there was any written order to remove the seal affixed to Sanjay Agarwal's office.

10. I don't know who else has an office or what is in Chathu area of Sanjay Agarwal's office. I am dated 15.5.2002 and dt. 17.5.2002 I don't remember which stab was on that day. It is not true to say that only as mentioned in both Panchnamas I am saying that 71 and 23 files were seized respectively. It is true to say that I am unable to say what is mentioned in the said files 71 and 23 respectively and for what they were seized. It is not true to say that Deshmukh did not sign in front of me so I said earlier that the second umpire did not recognize Arun Deshmukh's signature. It is true to say that I do not know who wrote both these Panchnamas and what they wrote. The name of the public prosecutor in the said case is Smt

Jyoti Bhajani is like this. It is not true to say that I am giving false testimony at the behest of Public Prosecutor Mrs. Vajani.

**Reverse investigation Accused no. 8 and 9 on behalf of Shri. Choubey Counsel: Refused.**

**On the other hand, the accused no. 11 by Mr. Jaltare Lawyer: Denied.**

**Cross-examination is over. No re-examination.**

Read to witness and acknowledged to be correct.

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

Date : 14.01.2020

**Statement of Witness No. 13 on behalf of the Government**

(dated :- 15.01.2020)

I solemnly declare that:-

My Name :- Shankar Bhaduji Randhaye

Age :- 59 years

Occupation :- Retired.

Residing :- in Flower Valley Complex, Marigold Apartment 504, Khadakpara, Kalyan.

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. I was working in Maharashtra State Cooperative Bank, Mumbai from 1990 to 2018. In the year 2002, I was working as Deputy Chief Officer. At that time Kishore Jadhav was also working with me as an officer in the bank. d. On 30.5.2002, the police came to our Mumbai headquarters. At that time our senior officials asked me and Kishore Jadhav to appear as referees. At that time Shiv Singh Sandusingh Bighot was also working as an officer in our bank.

2. At that time, the police seized from our banker Shiv Singh Sandusingh Bighot the resolution of opening an account of Home Trade Limited in our bank, the list of directors of the said company, PAN card of the company, addresses of the directors and 30 to 35 checks transacted with the said company. The police prepared a panchnama with the details of the said seized documents, read it to us, we read it ourselves. Around 35 to 40 documents were seized at the time of said seizure panchnama. The said confiscation panchnama was shown to me. On that, my



Kishore Jadhav as referee and Shiv Singh Bidhot signed. Its content is correct. Mark him. 1370 is being given. He also took our signatures on the documents seized before us. It was shown to me. It is signed by myself, Kishore Jadhav and Shiv Singh Bighot. The said seized documents are marked respectively. 1370/1 to Nishani c. 1370/40 is being given.

**Reverse investigation Accused no. 8 and 9 on behalf of Shri. Choubey Counsel:-**

3. I had not submitted any such certificate etc. to the police to show that I was working as Deputy Chief Officer in Maharashtra State Cooperative Bank in the year 2002. Our bank has a separate room for records. Also there was a separate chamber for me to sit. At the time of Panchnama, all related documents were called at one place. It is not true to say that I do not know which file contained the documents which were brought before us. It is not true to say that no documents were seized before me and no such panchnama was done. It is not true to say that no document was seized and no list was prepared before me. It is not true to say that nothing was seized from me as I mentioned and I am giving false testimony just to curry favor with my superiors.

**Accused no. 4 and 7 on behalf of Shri. Ahuja and accused no. 2 on behalf of Shri. Ashoka  
Joint cross-examination by Bhangde counsel :-**

4. Dated: On 30.5.2002 the senior most officer in our bank is Shri. Chandrasekhar was Shri. Chandrasekhar gave a verbal order. The police had not given me a written letter to appear as a judge. I do not remember how many sets of Panchnama copies were made. A copy of Panchnama was given to Shiv Singh Bighot and it was recorded by him that he had received such a copy. This is true

(Date :- 30.01.2020)

**Statement of Witness No. 24 on behalf of the Government**

I solemnly declare that:-

My Name :- Bindumadhav Prabhakar Tikekar

Age:- 57 years

Business:- job

Residing :- Vileparle, Mumbai

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. I have been working in HDFC Bank since 1995. Currently I am working as Senior Executive Vice President.

2. d. Two letters dated 8.5.2002 were received by our bank from the police. We had two accounts with Giltage Management Services Private Limited in our bank. We were informed through these letters to freeze both the said accounts. The said letters have now been shown to me. These are the same. A sign of mercy to them. 1570 and 1571 are being given. Pursuant to the said letters, we have frozen both the accounts of Giltage Management Services Pvt Ltd and informed the police through such letter. Along with the letter, we had sent the statements of the concerned department to the police. The said letters were shown to me. It is my signature. Its content is correct. They are marked respectively. 1572 and 1573 are being given.

**In cross-examination accused no. 4 and 7 by Mr. Purohit Advocate:-**

3. In May 2002, I was working as an Assistant Vice President at our bank. Even then our bank was named HDFC Limited. I personally did not receive the letter (marked c. 1570 and 1571) from the police. I do not remember whether any police officer actually came to meet me to hand over the said letter or to inquire. At that time I did not know for what reason the said letter was sent to HDFC Bank by the police. I have not brought any document today regarding the consultation of our office legal department to seize the bank accounts in this way. I don't recall whether our bank's legal department gave me any advice or instructions in writing after this incident or not. I do not remember that d. From 8.5.2002 to 30.5.2002 on which exact date I was advised in writing by our Legal Department regarding the letters concerned. I do not recall whether the police obtained a court order to seize the account or not and whether I inquired with our legal department about it. Letters (1572 and 1573) were drafted by me myself. After preparing the draft of the said letters, I had not shown them to our legal department.

4 It is true to say that during the relevant period Giltage Management Services Limited had a good reputation and a good turnover. The said company had a current account in our bank. The said company will be in the business of buying and selling government securities. I don't know whether the said company has a bank current account with us today or not. It is true to say that we did not have any dispute against this company during the relevant period. It is not possible for me to say with certainty whether the said company had committed any default in its dealings with our bank or not. It is not true to say that if the said company had committed any embezzlement, I have mentioned in the relevant letter

No, no documents were seized from me. It is not true to say that I am bearing false witness.

**Cross-examination by accused no .5 and 6 Mr. Aggarwal Advocate : Denied.**

**In cross-examination accused no 11 by Mr. Jaltare Lawyer. : Denied.**

**Cross-examination is over. No re-examination.**

Read to witness and acknowledged to be correct.

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

Date : 15.01.2020

#### Certificate

I affirm that the contents of this PDF Evidence are  
same word to word, as per original Evidence.

Name of Stenographer:- Ku. G.A. Joshi (Grade II)

(Date :- 15.01.2020)

**Statement of Witness No. 14 on behalf of the Government**

I solemnly declare that:-

my name:-Deepak Haribhau Devghare  
age:-44 years  
Business:-job,  
will stay:- Shantinagar, Nagpur.

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. In the year 2002, I was employed in the State Crime Investigation Department. I know Bandu Mukundarao Kamble and Dinesh Sakhre. He was also working with me. Mr. A laptop was seized from Shah by the CID office. Accordingly, a confiscation panchnama was prepared. He had read me. The said confiscation panchnama was shown to me.. it is signed by me. Also Bandu Kamble has also signed it as a referee. Its content is correct. Mark him. 1372 is being given.

2. d. On 23.5.2002 approximately 24 to 25 files were seized from Shivshankar Pandey, resident of Calcutta. Panchnama was done accordingly. He read it to me. The said Panchnama was shown to me. This is him. It is signed by me and Dinesh Sakhre. Its content is correct. Mark him. 1373 is being given.

**Cross-examination by accused no.1, 4 and 7 Mr. Ahuja Vakil, Accused no. 2**

**On behalf of Shri. Bhangde Counsel, on behalf of accused no.5 and 6 Shri. Agarwal and accused no. 8 and 9 on behalf of Shri. Choubey, counsel and accused no. 11 on behalf of Shri. Burning star lawyer Together by:-**

3. I do not know the accused in this case. Seizure Mr. Shah and Shivshankar Pandey. It did not happen that my signatures were taken only on the already written Panchnama without seizing anything from me. I was employed in the State Criminal Investigation Office. The investigating officer at that time Shri. Belle was my superior. It is not true to say that I signed the documents because they told me and I do not know anything about the confiscation proceedings. It is not true to say that I am giving false testimony and nothing has been seized from me.

**Cross-examination is over. No re-examination.**

Read to witness and acknowledged to be correct.

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

**Date :१५.०१.२०२०**

#### Certificate

I affirm that the contents of this PDF Evidence are same word to word, as per original Evidence.

Name of Stenographer:- Ku. G.A. Joshi (Grade II)

(Dated :- 15.01.2020)

**Statement of Witness No. 15 on behalf of Govt**

I solemnly declare that:-

My name :- is Nana Daulatrao Kadu,  
Age:- 69 years,  
business:- retired,  
The plot :- will be c. 43, Survenagar Layout, Raghujinagar, Nagpur

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. d. On 1.5.2002 I was called by the police as a referee. Some documents were seized from Nagpur District Central Cooperative Bank. The said documents were seized from Madhukar Vakhre. At that time Madhukar Vakhre was working as Accounts Officer in Nagpur District Central Co-operative Bank and I myself was working in loan department. Also Hiralal Tekam was working as constable in our bank then. About 13 14 documents were seized from Madhukar Vakhre at that time before us. The details of seized documents were written in panchnama and panchnama was produced before us. he. Panchnama was shown to me. It is already at the mark of 1305. It is signed by myself and Hiralal Tekam as referees. Its content is correct. I was shown the documents seized as per Seizure Panchnama. He was previously marked with K. 1306 and 1310 and Articles A to E and Articles E-1 to E-3 are given.

2. I know Seshrao Gode. They are administrative officers in our bank was The police had seized about 30 documents from them. Seized Seizure Panchnama along with statement of documents was prepared before us. he Read it. Then signed it. Its content is correct. to him

Sign c. 1375 is being given. The documents seized as per the said Panchnama were shown to me. The said documents are the same. Out of which document C.1 has the signature of our then officer Gode. I know her. Mark the said note sheet c. 1376 is being given.. Dast c. 4 this dt. Letter dated 14.9.2000 on which also Shri. Signed by Gode. I know her. Mark him. 1377 is being given. Dast c. 7 this dt. Letter dated 14.9.2000 on which also Shri. Signed by Gode. I know her. Mark him. 1378 is being given. Also on Dast K.12 Shri. Gode's signature and I recognize it. Mark him. 1379 is being given. Articles C-1 to C-29 are being provided to other cadres.

**In cross-examination accused no.1. 4 and 7 by Mr. Ahuja Vakil, on behalf of accused no.2 Mr. Bhangde lawyer, on behalf of accused no.5 and 6 Mr. Aggarwal and accused no. 8 and 9 by Mr. Chaubey lawyer and accused no. 11 on behalf of Mr. Put together by Jaltare Vakil.**

3. I had signed the Panchnama only seeing that the documents were as listed in the Panchnama. I do not know what the seized documents are related to. It is not true to say that the Investigating Officer took my signature on the Panchnama by threatening to make me an accused in the case. It is true to say that all the documents were collected by the investigating officer and they told us that they are seizing them. It is not true to say that there was no seizure with me and I am giving false testimony.

**The cross-examination is over. No re-examination.**

Read to witness and acknowledged to be correct.

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

Date : 15.01.2020



## Certificate

I affirm that the contents of this PDF Evidence are same word to word, as per original Evidence.

Name of Stenographer:- Ku. G.A. Joshi (Grade II)

(Dated :- 16.01.2020)

**Statement of Witness No. 16 on behalf of Govt**

I solemnly declare that:-

My Name :- Bandu Mukundarao Kamble,  
Age:- 56 years,  
business :- job,  
Will live:- in Ajaynagar, Ambazari, Nagpur.

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. I have been working in State Crime Investigation Office as constable for last 26 years. Deepak Devghare was also working with me as a constable in our office.
2. d. On 23.8.2002 in our office Shri. Belle asked us to appear as umpires for Panchnamya. There, a laptop and 5 CDs were seized from a gentleman named Shah. Accordingly, a seizure panchnama was prepared before us. The said confiscation panchnama was shown to me. He has already been marked. 1372 has been given. It is signed by myself and the other referee Deepak Devghare. Its content is correct.
3. On 18.6.2002 we were told by our senior officers that they wanted to seize some documents from Peshkar, an employee of NDCC Bank.. and asked us to appear as a referee. At that time our companion Madhukar Vakhre was present as the second umpire. About 5 papers at that time

These documents, which also contained NABARD's correspondence with NDCC Bank, were seized from Peshkar before us. Accordingly, seizure panchnama was prepared. He showed me now. It is signed by me, the other Panch Vakhre, Police Officer Bele and Peshkar. Its content is correct. Mark him. 1383 is being given. The seized documents were shown to me. That's what they are. They are being given Article D-1 to D-6 respectively.

4. After that samples were taken from the samples of Sanjay Agarwal, Mahendra Agarwal, Poddar and Ketan Seth. It is now shown to me. These are the ones. It is signed by me as a referee. Each of the above has 6 signatures on 6 pages each. They are marked respectively. 1384 to 1407 is being given. Also, all these specimen signature papers bear the signatures of the second referee who is with me.

**Reverse investigation Accused no. 11 on behalf of Shri. Jaltare Counsel, on behalf of Accused no.1 Shri.Ahuja counsel and accused no. 2 on behalf of Shri. Ashok Bhangde Advocate:-**

5. Mr. Belle called us between 5 and 5.30 pm for Panchnamya. It is true to say that a person had come to our office, that he was a bank employee Peshkar and we wanted to seize documents from him. Belle said. I had seen the documents seized from Sadar Peshkar.

6. Articles D-1, D-2, D-3, D-4 and D-6 were now shown to me. I don't know what is written in it. Articles D-1 to D-6 have not been signed by me. I am not able to tell the dates of the correspondence in these documents. It has not made any special marks etc. for its seizure before me. It is not true to say that there was no seizure before me and only at the behest of Mr. Bell

I am bearing false witness.

**In cross-examination accused no. 4 and 7 by Mr. Purohit Advocate :-**

7. It is not true to say that only I myself, Shri. Only three of us, Belle and Peshkar, were present. Our employees and other 810 people were present there.

8. I don't remember the date on which Belle called me for Panchnamya on 18.6.2002 and 23.8.2002 and also for Sahaya sampling. Shri. Belle did not give me a written summons. It is not true to say that apart from this Panchnamya many times Shri. Belle had also called me for the second Panchnama so this time also she called me. In the present case I was summoned three times by Belle as referee. No such records have been kept in my office that I have acted as an umpire. It is true to say that it was not my office to appear as a referee. It is true to say that Mr. I signed the Panchnama as Belle told me. It is not true to say that Shri. I am bearing false witness today at Belle's behest.

**Cross-examination by accused no.5 and 6 Mr. Aggarwal Advocate:- Denied.**

**Reverse investigation Accused no. 8 and 9 on behalf of Shri. Choubey Counsel:-Refused.**

**Cross-examination is over. No re-examination.**

Read to witness and acknowledged to be correct.

(She.Ra.Totla)  
Additional Chief Judicial Magistrate,  
Nagpur

Date : 16.01.2020

## Certificate

I affirm that the contents of this PDF Evidence are same word to word, as per original Evidence.

Name of Stenographer:- Ku. G.A. Joshi (Grade II)

(Date :- 17.01.2020)

**Statement of Witness No. 17 on behalf of the Government**

I solemnly declare that:-

My name is Umeshbhai Kantilal Pathak,

Age :- 63 years

Occupation :- Retired

Residing :- 102, Mahaveer Society, Behind Navnirman School, Rani, Ahmedabad.

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. The police never asked me to appear as a judge for panchnamya. I know Nilesh Mahesh Kumar Mehta. They are my relatives. Now I was shown six Panchnamas dated 5.6.2002 and 6.6.2002. Me and my relative Nilesh Mehta are the judges on it. I don't remember now why we did the said help. It did not happen that on 5.6.2002 and before us on 6.6.2002 materials like mobile handset, monitor, printer and computer system etc. were seized from different persons at Mumbai. The witness admitted that all the six Panchnamas shown to him were his own signatures and having identified the signatures of Nilesh Mehta, marked those signatures respectively. 1417 to 1422 is being given.

Because the witness is not telling the truth before the court Questioning should be allowed in the form of cross-examination The request was made by the Assistant Public Prosecutor. That is allowed is.)

2. It is not true to say that d. On 5.6.2002, I and Nilesh Mehta were summoned to the office of the State Crime Investigation Department, Mumbai, as referees for seizure panchnama. It is not true to say that we agreed to appear as referees. It is not true to say that before us, a total worth of Rs.63,000/- was seized from Damodar Sohanlal Baldua, a Nokia company mobile handset, monitor, printer, scanner, CPU and other materials. It is not true to say that Panchnama was prepared accordingly, it was read to us and Nilesh Mehta and I signed as Panchs to ensure that the contents were correct.

3. It is not true to say that d. On 6.6.2002, I and Nilesh Mehta were called to the office of the State Crime Investigation Department, Mumbai, as referees for seizure panchnama. It is not true to say that we agreed to appear as referees. It is not true to say that we have seized from Hiren Uday Gada a laptop of IBM thinkware company, a palmtop model and a mobile phone of Nokia company and other materials worth Rs.1,63,000/- in total. It is not true to say that Panchnama was prepared accordingly, it was read out to us and Nilesh Mehta and I signed as Panchs, ensuring that the contents were correct.

4. It is not true to say that d. On 6.6.2002, I and Nilesh Mehta were called to the office of the State Crime Investigation Department, Mumbai, as referees for seizure panchnama. It is not true to say that we agreed to appear as referees. Jayakumar Rasiklal Mehta is my brother-in-law and Nilesh Mehta. He is Rasiklal Mehta's nephew. I do not know that Jayakumar Rasiklal Mehta was working in Home Trade Limited in 2002. It is not true to say that we have one CPU, keyboard, one scanner, one HP laser printer, two speakers, one mouse, one from Jayakumar Rasiklal Mehta.

A cooler monitor, a modem, a mobile phone worth about 24 to 25,000 rupees were seized. It is not true to say that panchnama was prepared accordingly, it was read out to us and I and Nilesh Mehta signed as referees to ensure that the contents were correct. Now I was shown the signature of the person from whom the material was seized in the said Panchnama. She belongs to my brother-in-law Jayakumar Mehta.

5. It is not true to say that d. On 6.6.2002, I and Nilesh Mehta were called as arbitrators for seizure panchnama at the office of the State Crime Investigation Department at Mumbai, it is not true that we agreed to appear as arbitrators. It is not true to say that before us two laptops, mobile phones and other materials were seized from Vinod Balakrishna Menon. It is not true to say that Panchnama was prepared accordingly, it was read out to us and I and Nilesh Mehta signed as Panch to ensure that the contents were correct.

6. It is not true to say that d. On 6.6.2002, I and Nilesh Mehta were called to the office of the State Crime Investigation Department, Mumbai, as referees for seizure panchnama. It is not true to say that we agreed to appear as referees. It is not true to say that we have recovered from Mukeshchandra Rameshchandra Somani one thinkpad, one palmtop and a mobile phone of Nokia company worth about Rs.56,000/-. It is not true to say that panchnama was prepared accordingly, it was read out to us and I and Nilesh Mehta assisted as referees to ensure that the contents were correct.

7. It is not true to say that d. On 6.6.2002 Mala and Nilesh Mehta were sent to the office of the State Crime Investigation Department at Mumbai for seizure panchnama



So it was called. It is not true to say that we agreed to appear as referees. It is not true to say that before us, a total amount of Rs.1,98,000/- was seized from Mr. Shrikant Nath Sharma including laptop, mobile, palm top, computer system and other materials. It is not true to say that Panchnama was prepared accordingly, it was read out to us and Nilesh Mehta and I signed as Panchs, ensuring that the contents were correct.

8. I know the importance of signature. I do not sign any documents without understanding the document. My brother-in-law Jayakumar Mehta asked me to sign it, so I signed the Panchnams. It is not true to say that all these Panchnams proceedings took place in my presence, but I am giving false testimony today because I don't want to be ostentatious.

**Reverse investigation Accused no. 1 on behalf of Shri. Ahuja Counsel, on behalf of Accused no.2 Shri. Ashok Bhangde Advocate, accused no. 4 and 7 on behalf of Shri. Purohit counsel, for accused A.5 and 6 Shri. Agarwal Counsel, accused no. 8 and 9 on behalf of Shri. Choubey, counsel and accused no. 11 on behalf of Shri. Jaltare denied counsel.**

**Cross-examination is over. No re-examination.**

Read to witness and acknowledged to be correct.

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

Date : 17.01.2020

## Certificate

I affirm that the contents of this PDF Evidence are  
same word to word, as per original Evidence.

Name of Stenographer: Ku. G.A. Joshi (Grade II)

(Dated : 21.1.2020)

**Statement of Witness No. 18 on behalf of Govt**

I solemnly declare that:-

My Name :- Seshrao Shamrao Gode

Age :- 75 years

Business :- Retired

Residing :- Avantika Apartment, Swavalambi Nagar, Nagpur

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. I joined Nagpur District Central Cooperative Bank in the year 1976 as Regional Technical Officer. In the year 1985, I was promoted to the post of Principal, Administration. Since 1991, I have been working as an in-charge manager.

2. As per Sub-rule 35 of the BAC, I had the powers of the General Manager in his absence. Also, as the in-charge manager, I used to have the tasks of convening the meeting of the board of directors of BAKE, implementing the resolutions taken by the board of directors, convening other meetings, and keeping administrative control. According to the bye-laws of the Bank, it is necessary to obtain the permission of the Government and the approval of the Board of Directors to buy and sell government securities. I am aware of the by-laws of the said bank and I have brought the copy of the said by-laws with me today. As per section 25 (14) of the said by-laws, if meeting of the Board of Directors of the Bank is not possible for some immediate reason, the Chairman of the Bank may pass a circulating resolution along with five other Directors and after passing such resolution, that Director for approval.

It must be kept in the next meeting of the board. I am filing the bylaws of the said bank in the court. I have received the said copy from the bank. This copy is marked c. 1450 is being given.

3. During the period from 1993 to 1999, Sunil Kedar was the chairman of our bank and Ashok N. Chaudhary was the general manager. Also S. G. Peshkars were chief accountants. Among them Chaudhary and Peshkar are present in the court today.

4. The General Manager has the power to convene the meeting of the Board of Directors, appoint other committees as per the Bank's Byelaws etc. General Manager Chaudhary was appointed on deputation from Maharashtra State Co-operative Bank, Mumbai in our bank.

5. Also Peshkar was appointed to our bank by the Hon'ble Chairman on contractual basis after he retired from the service of Reserve Bank of India. Mr. Peshkar was assigned the task of controlling the accounting department of the bank and managing the work of the accounting department.

6. d. General Manager Chaudhary was on leave from 11.9.2000 to 23.9.2000. I was in charge of them at that time. d. On 14.9.2000 there was a proposal to give a loan of Rs.40 crore to Euro Discover India Limited by pledging shares. That proposal was submitted by the Accounts Department. He showed me now. The said proposal has been submitted with the signature of Peshkar. It is stated in the said proposal that the approval of the Board of Directors and the Government is required to approve the proposal. It is signed by Peshkar and me. It is also signed by President Sunil Kedar. Its content is correct. This proposal is marked by c. 1451 is being given.

7. Also, I prepared a circulating resolution regarding the loan of Rs.40 crores by pledging shares from Euro Discover India Limited. Sunil Kedar asked me to prepare the said resolution. I prepared the proposal regarding the said resolution. He showed me. This is him. It is signed by me and its contents are correct. He already had a sign. 1376 has been given.

8. After that a circulating resolution was taken. He showed me. • President Sunil Kedar, Vice President Ashatai Mahajan, Director Shamrao Dhawad, Director Kusumtai Pricekar, Director Morbaji Vithobaji Nimje, Director Ramesh Kumar Nimje, Director S.L. Chore's help. I know all of them. Mark him. 1452 is being given. After approval of the said resolution by the President, I gave a letter to the Chief Accountant regarding payment of Rs.40 crores to Euro Discover India through 4 checks of Rs.10 crores each. The said letter was shown to me. It is signed by me and its contents are correct. He was already marked. 1377 has been given.

9. I do not remember what happened next regarding the said 40 crores transaction. But I can tell by looking at the related documents. I have various diseases and my kidney is failing so I can't tell without seeing the records. Regarding the approval of the said loan of Rs.40 crores, we have written to Euro Discover India Limited and informed that the said loan amount has been transferred from their bank account number 101/5751 at Maharashtra State Co-operative Bank, Mumbai. The proposal regarding the said investment was made by BAKE's CA. Mr. It was checked by Thackeray. Checks of the following dates were taken from Sanjay Agarwal, Ketan Seth and Trivedi regarding the said transaction. I do not remember the amount of the said cheque. The said check was shown to me. These are the ones. They are marked respectively. 1453, 1454 and 1455 are being given.

10. I d. I am now shown the letter dated 14.9.2000 addressed to Euro Discover Limited. This is it. The contents are correct. He already 1378 has been given.

11. Letter No. 1379 was shown to me. It is my signature. I sent it to Euro Discover India. Euro Discover India's acceptance of Mr. It is given by Trivedi and it is signed by Trivedi.

(As it is mid-afternoon and also the witness has requested for further cross-examination tomorrow due to his health condition. Therefore, the case is adjourned till tomorrow for cross-examination.)

Read to witness and acknowledged to be correct.

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

Date : 21.01.2020

(Date :- 22.01.2020)

**Witness no. 18 Sessa Rao Gode on oath on behalf of the prosecution Mrs. Jyoti Vajani along with Mrs. L.S. Continued by Gajbhiye :-**

12. Investigating Officer Bell has seized documents from my bank for witnesses. The details of the documents they seized from me are mentioned in the Panchnama. The said Panchnama was now shown to me. It is signed by me as well as Panch Tekam and Kadu. According to the said Panchnama, a total of 1 to 33 documents have been seized. The said Panchnama is the same. Its content is correct. He has already been marked. 1375 is given.

13. According to the letter we gave to Euro Discover India, they asked for documents like \* personal guarantee, promissory note, company resolution, letter of acceptance and post dated cheques, etc. He had sent us all these documents along with the letter as requested by us. The said letter and all the accompanying documents are attached with the panchanama. She showed me now. They are the same. Among them, the letter of guarantee was shown to me. It is signed by the Director of Euro Discover India Limited. The said letter of guarantee is being marked as 1456, 1457 and 1458 respectively. Also showed me the letter received from Euro Discover India Limited. This is it. It is being given a mark of 1459. Along with this, receipt of receipt of Rs.400 crores to Euro Discover India Limited, promissory note, copy of resolution and letter from Wage India Limited and Home Trade Limited and post dated check issued by them have been enclosed in the case. All these documents are in my possession. Belle has confiscated. They are marked respectively. 1460, 1461, 1462, 1462, 1463, 1464, 1465, 1466, 1467 and 1468 are being given. Along with this, a certificate issued by Damodar Baldua & Associate was presented to us by Euro Discover India. It showed me. This is it. to him Nishani c.1469 is being given.

14. After the circulating resolution was passed, I and Peshkar went to President Sunil Kedar and told him that it is necessary to keep the said circulating resolution before the meeting of the board of directors and get his approval as well as get the approval of the government. But President Sunil Kedar said that the said amount is to be sent today, so a check was prepared by the Accounts Department and the said amount was sent to Euro Discover India Limited.

15. Government securities transactions when the president at our headquarters

At that time, it was done with their direct approval and note sheets were written accordingly. Sometimes when the President was in Mumbai, he used to inform us about the purchase and sale of government securities over the phone from Mumbai and asked us to prepare a note sheet accordingly. The following transactions were to be done by preparing a note sheet. The said note sheet used to be written by the accounts department of our bank and came to me. I used to comment on it and send it to the general manager. If the General Manager was not present, I would personally comment on it and put it before the President for approval. The said note sheet is marked c. 1200 to 1226, 1229 and 1295 were shown to me. These are the same. All these note sheets used to come to us from the accounts department of our bank. This note sheet has the signatures of myself, Accounts Officer and President Sunil Kedar. Also, some of them have the signature of General Manager Chaudhary on the note sheet. Some of the note sheets have the signatures of Vakhre and Dani. The entire text written on these note sheets about those transactions is correct. All these documents were in our bank. It was seized from our bag by the investigating officer.

16. Also, contract notes were seized from me while doing the said Panchnama. The said contract notes were now shown to me. These are the same. They are already marked. 1230 to Nishani c. 1280 has been given. It also contains the adjustment letters and confirmation letters seized from us by the investigating officer. They all showed me now. That's what they are. They have already been given marks K. 1157, 1161, 1163, 1164, 1165, 1166.

17. Panchnama of confiscation of said document has now been shown to me. It is signed by me, Panch Vakhre and Awari. Its content is correct. It has already been assigned Nishani K.1195.

18. Also, investigating officer Belle d. to us on 28.10.2002



He gave a letter and demanded some documents. The said letter was now shown to me. I have signed on receipt of the letter. Mark him. 1470 is being given.

19. As requested in the said letter, I have informed the Investigating Officer Belle on 19.1. 1999, certified copies of the resolutions dated 16.5.1999 and 25.8.2001 were given. I gave the said resolution to the investigating officer along with my covering letter. That letter was shown to me. It is my signature. The contents are correct. Mark him. 1471 is being given. Also the resolution sent by me along with the said letter has now been shown to me. That's what they are. They have already been marked. 1185, 1193 and 1194 are given. Along with the copy of the said resolution, I had given the account statements of our bac from Maharashtra State Co- operative bac, Mumbai to the investigating officer. Said Account Statement Our Current Account c. of 101/5751. According to the said account, there are details of the amount which we paid to Home Trade Limited for purchase and sale of government securities. The contents are correct. It was marked as K.1472/1 & 1472/24 is being issued.

20. Also to the Investigating Officer Belle I dt. Along with the letter dated 17.6.2002, the details of the check through which the loan amount of Rs.40 crores was given to Euro Discover India Limited. The said letter was shown to me. It is my signature. The contents are correct. He is being given Nishani c.1473.

21. Mr. Aswar was a special auditor. He had investigated the transaction of buying and selling government securities. He asked me for the record of the government guarantee transaction. I gave it to them along with the letter. The said letter dated 6.8.2002 was shown to me. That's it. It is my signature. The contents are correct. Mark him. 1474 is being given

is Along with the letter I gave them the details received from our accounts department. He showed me. This is him. Its content is correct. He is being given a mark of 1475. I also provided the investigating officer with the details of the investments made by our bank in other banks. He showed me. This is him. Its content is correct. He is being given Nishani c.1476. The police had recorded my statement.

(The cross-examination application No. 1477 is being reserved till 27.1.2020 as per the above order.)

Read to witness and acknowledged to be correct.

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

Date : 22.01.2020

Date :- 27.01.2020

**In cross- examination, accused no.1 was represented by senior advocate Mr. Subodh Dharmadhikari along with advocate Mr. Devendra Chavan continued on oath :-**

22. I am not aware that since 1991, Nagpur District Central Co-operative Bank has been dealing in the sale and purchase of government securities. As per my knowledge, Nagpur District Central Co-operative Bank first traded government securities in the year 2000. It is true to say that a note sheet was prepared for the Bank to conduct the transaction of purchase and sale of Government Securities through Home Trade Limited. The note sheet (marked c. 1196) was now shown to me. This is it. The said note sheet was prepared by the Chief Accounts Officer and kept before the General Manager and the General Manager kept it before the Chairman. It is true to say that it bears the signatures of Chief Accounts Peshkar and General Manager Choudhary, and it does not bear the signature of President Sunil Kedar.

23. Bacche's Potentium (sign c. 1450) was now shown to me. It does not contain the sub-rule that government permission is required for buying and selling government securities. I do not know whether there are any rules or orders other than the Bye-laws regarding the need for Government permission to buy and sell Government securities.

24. I don't know in what capacity General Manager Chaudhary was working in Maharashtra State Cooperative Bank, Mumbai before joining our bank on deputation. Also I don't know in what post the Chief Accountant Peshkar was working in Reserve Bank of India before he was appointed under our contract system. I don't remember how after Sunil Kedar's tenure as president from 1993 to 1999 was over, he was again working as president of our bank in 2000.

25. It is true to say that Nagpur District Central Cooperative Bank's CA. On the panel of Shri.P.S. Thackeray is CA. So it worked. It is true to say that in what used to be complicated bank transactions, Bacche's CA. Mr. P.S. Thackeray was consulted. It is true to say that regarding the transaction of Rs.40 crores with Euro Discover India Limited, Shri.P.S. Thackeray was consulted. It is true to say that Shri.P.S. Thackeray had informed the bank that there was no objection to the said transaction of Rs 40 crore with Euro Discover India Limited. It is true to say that after that the resolution to be taken for the said transaction, the letter of guarantee which was to be taken, as well as the proposal to be prepared for the said transaction were drafted by Shri. P. S. It was prepared by Thackeray.

26. Prepared in connection with transaction with Euro Discover India Limited

The proposal made (Mark 1451) was shown to me. It is not mentioned in the said proposal that the permission of the government is necessary for the transaction mentioned therein. It is true to say that the said proposal only mentions that the transaction requires a resolution of the Board of Directors.

27. The note sheet (marked c. 1376) was now shown to me. It is true to say that it is signed by me. It is true to say that it is not mentioned in this note sheet (mark no.1376) that I was asked to prepare the said note sheet by President Sunil Kedar. Also I have not recorded in any other document that I was told by Sunil Kedar to prepare the said note sheet. It is true to say that to prepare the said note sheet I am telling this matter verbally, except that I have no other documentary evidence. It is true to say that the note sheet (mark C.1376) was not prepared by the Accounts Department and sent to me. The note sheet (mark no. 1376) mentions that there will be no meeting of the Board of Directors in the near future. I have mentioned so in the note sheet because the meeting of the Board of Directors was held once in two months and it was not immediately held when the relevant transaction took place. It is true to say that the Bank's bye-laws provide for urgent convening of board meetings. It is true to say that I have not proposed in the note sheet (mark no. 1376) that a meeting of the Board of Directors should be convened immediately. Thus, I cannot give any reason why the said note sheet did not propose that an urgent meeting of the Board of Directors should be convened.

28. I had not prepared any draft etc. for the circulating resolution. Circulating resolution mark c. I cannot say who drafted 1452.

29. It is true to say that Euro Discover India Limited was given a loan of Rs.40 crores after he fulfilled the terms and conditions prescribed for the loan. After passing the circulating resolution, I myself and Peshkar met the President Sunil Kedar and informed that the transaction of the said circulating resolution needs to be approved by the Board of Directors meeting as well as approval of the Government, I have no other documentary evidence to show that apart from my oral statement.

30. It is true to say that note sheet marks c. 1376 for the reasons for which it is proposed that a circulating resolution be proposed, I myself submitted the proposal. It is true to say that the said note sheet Ex.1376 does not state that the transaction therein requires permission of the Government. It is not true to say that in pursuance of the said circulating resolution, I myself and Peshkar met the president and informed that the transaction in it needs to be approved in the meeting of the board of directors and permission of the government is also required. I now say that we did not tell Sunil Kedar that it is necessary to get the permission of the government regarding the said transaction. It is true to say that note sheet marks c. As mentioned in 1376, since the transaction was to be done immediately and could not be delayed till the meeting of the board of directors, the said transaction was completed as per the circulating resolution. It is true to say that therefore the said transaction was done with the passing of the circulating resolution. It is true to say that on the said loan of Rs.40 crores, Euro Discover India Ltd. had agreed to pay interest at the rate of 20% and semi-annually.

31. Now I need a bank statement. 1472/2 and 1472/3 shown. It is true to say that according to the said account dt. On 19.3.2001 the loan amount given to Euro Discover India Ltd. was repaid to the bank of Rs.40 crores.

It is recorded. It is true to say that the said bank statement dated in K.1472/2 and 1472/3. As per the entry dated 20.3.2001, it is recorded that the interest amount of Rs.10,95,890/- in the said loan transaction has been repaid to the bank by Euro Discover India Limited.

32. It is true to say that the said loan of Rs.40 Crores given to Euro Discover India Limited has been repaid by Euro Discover India Limited along with the fixed interest. It is true to say that there is no loss to the bank in the said loan transaction of Rs.40 crores.

33. It is true to say that whether President Sunil Kedar was in Nagpur or Mumbai, whatever transactions he asked for notesheets were prepared within the framework of the law, no notesheets were prepared for illegal transactions. It is true to say that if there was anything objectionable about the transactions contained in the note sheet, I would have mentioned it in the note sheet and would not have signed such note sheet.

**Counsel for accused no.2, Shri. Bhangde :-**

34. It is true to say that when General Manager Choudhary was on leave, his charge was with me. It is true to say that such powers are conferred under the Bank's by-laws.

**In cross-examination accused no. 4 and 7 Advocate Shri. Purohit, accused no. 5 and 6 by Adv. Mr. Aggarwal and accused no. 8 and 9 by Mr. Four together:-**

35. It is true to say that with Euro Discover India Limited, Jo

the transaction, which had taken place, was in respect of a loan. It is true that the transaction entered into with Home Trade Limited was in connection with the sale and purchase of Government securities. It is true to say that these two transactions had nothing to do with each other and the two transactions were completely different. It is true to say that after the loan transaction with Euro Discover India Limited, the sale and purchase of government securities was done with Home Trade Limited. I am only aware of the loan transaction with Euro Discover India Limited. It is true to say that the loan given to Euro Discover India Ltd. was given as per the rules and as per the rules they returned the loan to our bank. It is true to say that Euro Discover India Ltd. has repaid the loan with interest as per bank rules and therefore no dispute or suit etc. has been filed by the bank against them or their directors.

36. Now I was shown the checks (marks c. 1466, 1467 and 1468). The said check was given to our bank by Euro Discover India Limited as security for their loan. It is true to say that the bank was required to return the said check to the concerned after the loan was repaid. Now I was shown the checks (marks 1453, 1454 and 1455). The said check was given to our bank by the director of Euro Discover India Limited as his personal guarantee against the loan. It is true to say that the bank was required to return the said check to the concerned after the loan was repaid.

37. Now I was shown the confirmation letter (Marks No. 1446, 1447, 1458, 1459, 1460, 1461, 1462, 1463, 1464 and 1465) as well as the check (Marks No. 1466, 1467, 1468, 1453, 1454 and 1455). It is true to say that none of these documents and checks were produced before me, as well as the checks concerned.

No one has signed.

38. Now I was shown the bank statement marks K.1472/2 and 1472/3. It is true to say that according to the said account dt. It is recorded that on 19.3.2001 the loan amount given to Euro Discover India Ltd. was repaid to the bank of Rs.40 crores. It is true to say that the said bank statement is marked c. Dated between 1472/2 and 1472/3. As per the entry dated 20.3.2001, it is recorded that the interest amount of Rs.10,95,890/- in the said loan transaction has been repaid to the bank by Euro Discover India Limited.

39. It is true to say that the said loan of Rs.40 Crores given to Euro Discover India Limited has been repaid by Euro Discover India Limited along with the fixed interest. It is true to say that the bank has not incurred any loss in the said loan transaction of Rs.40 crores.

40. I myself did not verify the contents of the document which the police seized from me before handing over the said document to the police. It is true to say that I do not know the contents of the documents which the police seized from me. It is true to say that the police have produced panchnama marks from me as Serial Nos. 1 to 33. I do not know the contents of the documents which were seized as per 1375.

41. Contract notes (marks 1230 to 1280), adjustment letters and confirmation letters (marks 1157, 1161, 1163 to 1166) were not produced before me. It was prepared by us from Mumbai itself, I don't know about that. It is true to say that I do not know the contents of these documents and by whom and for what they were prepared. This



I am not aware of the transaction related to the document. It is true to say that even when the said documents were seized from me I did not know what they related to.

42. I recognized the signatures of Awari and Vakhre on the Panchnama (marked c. 1195) as they had signed before me even before that. It is not true to say that I falsely stated that the amounts paid to Home Trade Limited in the account for purchase and sale of government securities were stated and correct. By looking at the entries in the said bank statement no.1472/1 to 1472/24, I can say that the said amounts have been transacted. It is true that the said account contains the records of the amounts given by the bank to the companies Home Trade Limited, Giltage Management Private Limited, Syndicate Management Services Private Limited, Indramani Merchants Private Limited and Century Dealers Private Limited and the amount returned to the bank by them. . It is true to say that Nishani c. 1472/15, the Bank has paid Rs.16,57,24,520.55 and Rs. 11,22,09,589.04 is mentioned and in No. 1472/16, Indramani Merchants Private Limited and Century Dealers Private Limited respectively Rs. 16,48,41,780.80 and 11,68,70,821.92 are mentioned. Also, the amount paid by Home Trade Limited to Syndicate Management • Services Private Limited Bank on Bank Statement No.1472/16 is Rs. 16,54,08,750 was returned to the bank on 10.1.2002. Also, it is recorded on 10.1.2002 that Home Trade Limited has returned to the bank the amount of Rs.11,22,58,888.89 which was given by the bank to Giltage Management Private Limited on account statement No.1472/16. Also account transfer no. On 1472/17 it is recorded on 11.1.2002 that Home Trade Limited returned the amount of Rs.17,76,05,000 and Rs.10,46,11,400 to the bank through cheque. This

It is true to say that the said d. Amounts refunded by Home Trade Limited on 11.1.2002 were refunded by Home Trade to Indramani Merchants Pvt Ltd and Century Dealers Pvt Ltd as refund of amount given by the bank. It is true to say that the amount paid by the bank to Century Dealers Private Limited, Giltage Management Private Limited, Indramani Merchants Private Limited and Syndicate Management Services Private Limited to purchase government securities was returned to the bank by Home Trade Limited.

(Due to the mid-day time, the cross-examination is being adjourned till after mid- day.)

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

Date : 27.01.2020

**Accused no continued on oath in cross-examination. 4 and 7 by Adv. Mr. Purohit, accused no.5 and 6 Adv. Mr. Aggarwal and accused no. 8 and 9 by Mr. Four together:-**

43. It is true to say that all the transactions of purchase and sale of government securities by our bank were done through the current account of our bank with Maharashtra State Co-operative Bank, Branch Mumbai. It is true to say that the amount of the difference in the transactions of purchase and sale of government securities as per account statement no.1472/1 to 1472/24 with the above mentioned four companies were also deposited in the account of our Bank at Maharashtra State Co-operative Bank, Mumbai. It is true to say that the difference I am referring to is the profit made by the bank from buying and selling government securities. It is true to say that sometimes the amount received from the government securities wiki would be deducted by the brokerage company and the remaining amount would be deposited in our account, also known as the difference amount.

44. Mr. Aswar had asked for bank records from us to investigate the transaction of sale and purchase of securities. I don't remember if they gave us a letter asking for records or not. I do not recall that he had given any letter and therefore no such letter has been placed on record in the present case. The letter (1474) was now shown to me. The said letter Shri. Regarding the receipt of Mr. Aswar. Aswar has not given his signature and stamp on it. Dast (AD 1475 and 1476) was now shown to me. The said document Shri. Aswar had received this message from Shri. Aswar has not given these two orders. Dast (A.D. 1475 and 1476) was not composed by me. I do not know which employee of our office prepared the said document. I personally do not know its contents. I had not verified the contents myself. The letter (d.1474) was now shown to me. On top of the copy it is written as In-Charge Manager and signed in pen. My signature is not there. It is given the underlined part 't'. It is true to say that the letter (d.1474) of Shri. Aswar has not mentioned that he gave the bank records for verification. Dast (AD 1475 and 1476) was now shown to me. It is true to say that I do not have my signature on both these documents.

**In cross-examination accused no. 11 by Mr. Jaitare Advocate:- Denied.**

**Cross-examination is over. No re-examination.**

Read to witness and acknowledged to be correct.

(She.Ra.Tolla)  
Additional Chief Judicial Magistrate.  
Nagpur

Date : 27.01.2020.

### Certificate

I affirm that the contents of this PDF Evidence are same word to word, as per original Evidence.

Name of Stenographer:- Ku. G.A. Joshi (Grade II)

(Dated :- 22.1.2020)

**Statement of Witness No. 19 on behalf of Govt**

I solemnly declare that:-

My Name :- Prakash Rabindranath Kelkar  
Age 69 years  
Occupation :- Retired  
Residing :- Dahanukar Colony, Kothrud, Pune.

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. On 27.9.2002 I was working at Janata Cooperative Bank, Branch Fort Mumbai. On that day, the police seized the documents from our bank manager Deshpande in front of me and another panch, Prakash Athawale, and made a panchnama and took our signatures on it. The details of seized documents are mentioned in the said Panchnama. The said seizure sheet was shown to me. It is signed by me, second umpire Prakash Athawale and manager Deshpande. The contents are correct. Mark him. 1479 is being given.

2. In the said documents, the sample form of signatures, current account opening form and the letter of authorization to operate the bank account were given. The said seized document was shown to me. Among the documents seized from me now is the photograph of Mina Potdar and Prakash Potdar of Indramani Merchants Pvt.

And signed. I know them because they are customers in our backlog.  
Articles E-1 to E-10 are being given to all the said seized documents.

**Cross-examination by accused no.5 and 6 Mr. Aggarwal Advocate:-**

3. The police had not given me a written notice or summons to appear as a referee at the time of seizure panchnama. I do not know from whom our bank took the seized documents and for what purpose. Manager Deshpande will have the information about it. I do not have my own signature on any of the seized documents. Also, no marks etc. have been made on the actual documents to show that the seized documents are the same. It is not true to say that I signed the Panchnama only at the request of my superiors but the actual Panchnama was not before me. It is not true to say that Bhi is giving false testimony and no action has been taken against me.

**In cross-examination accused no. 1 by Mr. Ahuja's lawyer refused.**

**On reverse investigation, Shri. Ashok Bhangde Counsel: Denied.**

**In cross-examination accused no. 4 and 7 by Mr. Purohit Vakil:- Denied.**

**Reverse investigation Accused no. 8 and 9 on behalf of Shri. Choubey Counsel: Refused.**

**In cross-examination accused no. 11 by Mr. Jaltare Lawyer: Denied.**

**Cross-examination is over. No re-examination.**

Read to witness and acknowledged to be correct.

Date : 22.01.2020.

(Shehra Totla)  
Additional Chief Judicial Magistrate,  
Nagpur

## Certificate

I affirm that the contents of this PDF Evidence are  
same word to word, as per original Evidence.

Name of Stenographer: Ku. G.A. Joshi (Grade II)

(Dated :- 23.01.2020)

**Statement of Witness No. 20 on behalf of Govt**

I solemnly declare that:-

My Name :- Gurunath Madhukar Kumbare

Age 48 years

Occupation - Job (Security Guard)

Residing :- Koparkhairane, Navi Mumbai.

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. In the year 2002, I was working as a security guard on the fifth floor of Tower C.7 in the International Infotech Park building in Vashi Railway Station Complex. In the same building, there was an office of Home Trade Limited in Tower C.3 on the fifth floor.

2. On 6.7.2002 the police of Crime Branch of Nagpur came to our building for investigation. They asked me to appear as a referee. I had another judge with me. I don't remember his name. Along with the police, I, another umpire and others went near the home trade office. The police broke the seal and entered inside. Serial No. 1 to 30 was seized from the said office. A panchnama was prepared by mentioning the description of the confiscated items in the panchnama. The said Panchnama was now shown to me. It is signed by me and another referee. After reading it, I signed it. Its content is correct. Mark him. 1485 is being given.



**In cross-examination accused no. 1 by Mr. Ahuja's lawyer refused.**

**cross investigation Accused no. 2 on behalf of Shri. Ashok Bhangde Counsel: Denied.**

**In cross-examination accused no. 4 and 7 by Mr. Purohit Advocate: Denied.**

**Cross-examination by accused no.5 and 6 Mr. Aggarwal's lawyer refused.**

**cross investigation Accused no. 8 and 9 on behalf of Shri. Choubey Counsel: Refused.**

**In cross-examination accused no. 11 by Mr. Jaltare Lawyer: Denied.**

**Cross-examination is over. No re-examination.**

Read to witness and acknowledged to be correct.

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

Date : 23.01.2020

#### Certificate

I affirm that the contents of this PDF Evidence are  
same word to word, as per original Evidence.

Name of Stenographer:- Ku. G.A. Joshi (Grade II)

(Dated :- 24.1.2020)

**Statement of Witness No. 21 on behalf of Govt**

I solemnly declare that:-

My name:- Mangesh Padmakar Patil

Age :- 50 years

Business :- job

Will stay :- Umbarpada, Palghar,

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. d. On 14.6.2002 I and Kantilal Sharma were called as referees in the LIID office. At that place, two people Piyush Sharma and Chirag Jain presented materials like computer system, laptop, mobile handset, palmtop etc. The police seized it from us and prepared a seizure panchnama. It is signed by myself and Kantilal Sharma as referees and also signed by Police Inspector Deshpande. Its content is correct. He is being given Nishani K.1492.

2. d. On 18.6.2002 I and Kantilal Sharma were called as referees in the CID office. There J. Rajagopal presented a laptop and a mobile handset. The police seized it from us and prepared a seizure panchnama. It is signed by myself and Kantilal Sharma as referees and also signed by Police Inspector Deshpande. Its content is correct. Mark him. 1493 is being given.

3. d. On 24.6.2002 I and Kantilal Sharma were called as referees in the CID office. At that place, four people namely Sandhya Chitale, Shilpa Joglekar, Vivek Luthra and Mauleek Shah presented materials such as mobile handsets, palmtops, laptops, thinkpads, etc. The police seized it from us and prepared a seizure panchnama. It is signed by myself and Kantilal Sharma as referees and also signed by Police Inspector Deshpande. Its content is correct. Mark him. 1494 is being given.

4. d. On 15.7.2002 I and Kantilal Sharma were called as referees in the CID office. There, Rajendra Virkar presented materials like computer systems, laptops, mobile handsets, palmtops. The police seized it from us and prepared a seizure panchnama. It is signed by myself and Kantilal Sharma as referees and also signed by Police Inspector Deshpande. The contents are correct. It is given by Nisha as c.1495.

5. d. On 13.7.2002 I and Kantilal Sharma were called as referees in the CID office. At that place, Hemant Aadharkar presented the materials like laptop and mobile handset of Nokia company. The police seized it from us and prepared a seizure panchnama. It is signed by myself and Kantilal Sharma as referees and also signed by Police Inspector Deshpande. The contents are correct. He is being given Nishani c.1496.'

6.. dt. On 19.6.2002 I and Kantilal Sharma were called as referees in the CID office. At that place Manish Agarwal, Vikant Kanyal and Vinayak Hallikar presented materials like laptops, mobile handsets, palmtops etc.

was done The police seized it from us and prepared a seizure panchnama. It is signed by myself and Kantilal Sharma as referees and also signed by Police Inspector Deshpande. The contents are correct. He is being given Nishani c.1497.

7. d. On 6.6.2003 I and Ishwarlal Sharma were called as referees in the CID office. There, Vinayak Shivram Sawant and Sachin Parangule presented a television, 6 revolving chairs of Godrej company, paper shredding machine, xerox machine of Modi company, etc. The police seized it from us and prepared a seizure panchnama. It is signed by me and Ishwar Lal Sharma as referee and also signed by Police Inspector Deshpande. Its content is correct. He is being given Nishani c.1498.

**In cross-examination accused no. 1 by Mr. Ahuja Vakil :- Denied.**

**cross investigation Accused no. 2 on behalf of Shri. Ashok Bhangde declined to counsel.**

**In cross-examination accused no. 4 and 7 by Mr. Purohit Advocate:- Denied.**

**Cross-examination by accused no.5 and 6 Mr. Aggarwal Advocate: Denied.**

**cross investigation Accused no. 8 and 9 on behalf of Shri. Choubey Counsel:- Refused.**

**In cross-examination accused no. 11 by Mr. Jaltare Advocate:- Denied.**

**Cross-examination is over. No re-examination.**

Read to witness and acknowledged to be correct.

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

Date : 24.01.2020

Certificate

I affirm that the contents of this PDF Evidence are same word to word, as per original Evidence.

Name of Stenographer :- Ku. G.A. Joshi (Grade II)

R.C.C.No. 147/2002  
State Vs. Sunil Kedar & Ors  
Exh. No. 1525

**Deposition of witness No. 22 for prosecution.**  
*(The witness has prayed to record his evidence in English language. Neither the prosecution nor the defence has any objection for the same. Hence, his evidence is being recorded in English language.)*

I do hereby on solemn affirmation state that :-

Name of witness :- Shivyogi Basavraj Kubsad,  
Aged about :- 45 Yrs,  
Occupation :- Service,  
Resident of :- Vikroli, Mumbai.

**Examination-in-chief by Spl.P.P. Smt.Jyoti Wajani with Smt.L.S.Gajbhiye.**

1. Since February 2001, I am serving with HDFC Bank. Initially, my appointment was as an Assistant Manager. Presently, I am working as Senior Vice President. We received a letter dated 19.9.2002 from Police Inspector, Crime Investigation Department, Nagpur. By way of said letter, the information was sought regarding transaction of Home Trade Limited. Said letter is now shown to me. It is the same. It bears stamp of our Bank acknowledging the said letter. It is marked as Exh.1526.

2. Our bank was holding the account of Home Trade Limited. Accordingly, we have provided the requisite information to police i.e. Crime Investigation Department, Nagpur by a letter dated 30.9.2002. Said letter is now shown to me. It bears my signature. Its contents are correct. It is marked as Exh.1527. The details provided in the letter are as per the record maintained by our Bank.

Cross-examination by Adv.Purohit. for accused Nos.4 & 7 alongwith  
Adv.Mr.Agrawal for accused Nos. 5 & 6:-

3. It is true to say that the letter received by our Bank from Crime Investigation Department, Nagpur was in Marathi language. I am personally not aware as to who has received said letter on behalf of our Bank and what were the contents of said letter. It is true to say that said letter was shown to me by Spl.P.P. before entering into witness box and therefore, I am affirming that said letter was received by our Bank. It is true to say that I did not bring the office copy of said letter with me. I do not remember whether our Bank is having office copy of said letter. Before coming to the Court today from Mumbai, I did not enquire with our office (Bank) as to whether copy of such letter dated 19.9.2002 is with our record.

**Que.-** Whether being a Bank Officer you are supposed to provide the information of transaction relating to certain account on the basis of telephonic request?

**Ans.-** No.

4. If any information regarding any account is sought by police or any other judicial authority then the Legal Officer of our Bank would consider such request and after his clearance, the requisite information can be provided to the concerns. I did not bring with me the copy of any such legal opinion obtained by me before forwarding the concerned information to the police. I have not provided copy of any such legal opinion or permission regarding the supply of concern information to the investigation officer. I do not remember that I had not obtained any such opinion or permission from the Legal Department of Bank before providing such information and therefore, no such copy of any opinion or permission is filed on record. It is true to say that if any information pertaining to the banking transaction of any account in official capacity is supplied, then the certification of such information by the concern

bank officer is necessary as per Banking Regulations. I do not recollect whether bank has taken any acknowledgment or receipt regarding letter (Exh.1527) from the investigation officer. I do not exactly recollect whether I have obtained any acknowledgment of said letter from the investigation officer. In general, if any such information is handed over to any judicial authority or police then it is necessary to obtain the acknowledgement of the same from the person receiving it, else, it is required to be forwarded by R.P.A.D. If the information is personally handed over, then the person receiving such information or communication is required to acknowledge the same on the office copy of such information or communication. Today I did not bring with me any such acknowledgment to the effect that letter (Exh.1527) was handed over to the investigation officer. Today I did not bring with me any official record of our Bank thereby disclosing that the account number mentioned in the letter (Exh.1527) pertains to Home Trade Limited. It is true to say that I did not bring with me any official record to show that the amount mentioned in the letter (Exh.1527) was deposited in the account of Home Trade Limited.

5. It is not true to say that Home Trade Limited was not having any such account with us and I have provided false information to the investigation officer. I do not recollect whether Mr. Bele had personally met me during the relevant time. I do not recollect whether the investigation officer had recorded my statement in the present case. It is true to say that today also after coming to the court this letter was shown to me and therefore I am deposing in that respect. It is not true to say that I am not aware about anything for which my deposition is recorded. It is not true to say that I am deposing falsely.

Cross-examination by Adv.Ashok Bhangde, for accused No.2:- Declined.

Cross-examination by Adv.Choubey, for accused No.8 & 9:- Declined.



**Cross-examination by Adv.C.H.Jaltare, for accused No.11:- Declined.**

**Re-examination : Nil.**

**R.O.A.C.**

**(S.R.Totla)  
ACJM, Nagpur  
Dt/- 28.01.2020**

**Before me.**

**(S.R.Totla)  
Addl. Chief Judl. Magistrate, Nagpur**

**Certificate**

I affirm that the contents of this PDF Evidence are same word to word, as per original Evidence.

Name of Stenographer :- Ku. G.A. Joshi (Grade II)

R.C.C.No. 147/2002  
State Vs. Sunil Kedar & Ors  
Exh. No. 1528

Deposition of witness No. 23 for prosecution.

*(The witness has prayed to record her evidence in English language. Neither the prosecution nor the defence has any objection for the same. Hence, her evidence is being recorded in English language.)*

I do hereby on solemn affirmation state that :-

Name of witness :- Smt. Usha Vyankat Rao  
Aged about :- 69 Yrs,  
Occupation :- Retired,  
Resident of :- Bhandup, Mumbai.

Examination-in-chief by Spl.P.P. Smt.Jyoti Wajani with A.P.P. Smt.L.S.Gajbhaye.

1. I joined Maharashtra State Co-operative Bank, Mumbai as Deputy Chief Officer in the year 1984. Since 2003, I was promoted as General Manager and I retired from the same post in the year 2008.
2. In the year 2002, our bank received a letter from Police Inspector Shri.Bele thereby asking for some information regarding transactions between Nagpur District Central Cooperative Bank and Home trade Limited. Said letter dt. 28.5.2002 is now shown to me. It is the same. It bears the stamp of our Bank pertaining to its receipt. It is marked as Exh.1529.
3. In response to the said letter, our Accounts Department prepared the information as per our office record and I have forwarded the same to the police by way of letter dated 20.5.2002. Said letter demonstrates the details of the transaction of which the information was sought for. Said letter is now shown to me. It bears my signature. Its contents are correct as the same was

verified by me and thereafter I signed the same. It is marked as Exh.1530.

4. The details of the documents which were provided to the investigation officer are mentioned in the letter (Exh.1530). The true copies of the documents were provided to the investigation officer. The documents are shown to me. First eight transactions mentioned in the letter (Exh.1530) were done on the basis of fax communication made to us by Nagpur District Central Cooperative Bank and remaining four transactions were done in accordance with the cheques issued by NDCC Bank. The true copies of fax messages and cheques are now shown to me. They are the same. *(The Id. Counsel for accused No.4 & 7 has objected to exhibit the true copies of documents on the ground that they are not verified as per the Banking Rules and Regulations. The Id. Spl.P.P. has submitted that the copy of the document maintained in the regular course of business of the Bank. On the other hand Id. Counsel for accused No.4 & 7 has submitted that the originals are with the Bank and therefore, the same should have been produced on record. After hearing both the sides, this Court is of the view that the documents sought to be exhibited are not the account extracts but the communications and the copies of cheques which the bank has received in their day to day business. Under such circumstance, there appears no legal hurdle to exhibit the same. Hence, the objection is rejected.)* They are marked as Exh.1531 to 1541.

5. Thereafter, we have provided the information as per our letter dated 5.8.2002 in respect of transaction between NDCC Bank and Home Trade Limited alongwith the information of transactions highlighted by a separate extract. The transaction between NDCC Bank and Home Trade Limited are highlighted in green ink and are certified by the signature of the concern bank official. The information was prepared by the concern department of our bank and I have verified the same. Said letter is now shown to me. It bears my

signature. Its contents are correct. It is marked as Exh.1542. The information provided with the said letter is now shown to me. It is the same. It is marked as Exh.1543/1 to 1543/11.

6. Now the another statement which was provided by us to NDCC Bank is shown to me. It is already marked as (Exh.1472/1 to 1472/24). Today I have brought the original account extract. This copy (Exh.1472/1 to 1472/24) is duly certified by our bank.

Cross-examination by Adv.Shri.Purohit. for accused Nos.4 & 7 alongwith Adv.Mr.Agrawal for accused Nos. 5 & 6:-

7. In the year 2001-2002 and 2002-2003, I was posted at our Head Office of Mumbai. It is true to say that during said period, the payment by NDCC Bank was made through our Bank to Home Trade Limited and other companies on the instructions of NDCC Bank. Letter (Exh.1530) is now shown to me. It was prepared as per the information provided by our Accounts Department. It is true to say that except the entries at Sr.No.9, 10,11 & 12 mentioned in the letter (Exh.1530), there were no other entries in our accounts pertaining to any other transactions of payment by NDCC Bank to Syndicate Management Services Private Limited, Giltage Management Private Limited, Indramani Merchants Private Limited and Century Dealers Private Limited.

8. I am not able to say whether the entries of payment made to respective companies were towards the purchase of government securities.

9. I have not personally gone through the Account Books to verify the entries mentioned in (Exh.1542), the information was prepared by the concern

department of our bank and I have just forwarded the same. It is true to say that the concern official who prepared the information in (Exh.1542) has told me about the same that he has prepared it as per the record of our bank. The documents (Exh.1543/1 to 1543/11) are now shown to me. It is true to say that as per the said documents, the information contained in it discloses the route map of the amounts of inflows and outflows of the money transaction between NDCC and Home Trade and other four above companies.

10. Now, the document (Exh.1543/9) and the copy of cheque bearing No.666011 at (Exh.1532) are shown to me. The transaction at Sr. No.1 in entry No.10 vide (Exh.1543/9) is pertaining to the cheque bearing No.666011 at (Exh.1532). It is true to say that said cheque No.666001 was issued in favour of Giltage Management Services by NDCC Bank. It is true to say that said cheque was presented for encashment by Giltage Management Services in its account maintained with Janata Sahakari Bank bearing Account No.2932. It is true to say that it is mentioned in the extract (Exh.1543/9) that said cheque was received by Giltage Management Services for purchase of Mahajivan Pradhikaran Bond, face value of Rs.10 Crores. It is true to say that on the next date i.e. on 8.1.2002 said amount was transferred by Giltage Management Services to Indramani Merchants vide cheque No.961512. It is true to say that on the same day i.e. on 8.1.2002 Indramani Merchants presented the said cheque for encashment in their A/c No.2814 maintained in Janata Sahakari Bank. It is true to say that the break-up of Rs.11.22 Crores received by Indramani Merchants Pvt. Limited from Giltage Management Services is mentioned in bold letters in the entry No.10 vide (Exh.1543/9) as per the transaction dated 9.1.2002. It is true to say that the amount which was received by Giltage Management Services for purchase of Mahajivan Pradhikaran Bond was diverted to Indramani Merchants for purchase of government securities as per the instructions of NDCC Bank. It is true to say

that as per entry dated 9.1.2002, the amount of Rs.3.81 Crore was transferred to the account of Hugli Traders by cheque No.923694 and said amount was deposited in the account No.2468 of Hugli Traders maintained with Janata Sahakari Bank. It is true to say that on the same day, the amount of Rs.3.82 Crores was transferred by Hugli Traders in the account No.17031 of Home Trade Limited maintained with M.S. Cooperative Bank vide cheque No.958558.

10. Home Trade Limited was having account with our Bank. Likewise account of NDCC Bank was also with us. The amount received from NDCC Bank was transferred as per their instructions to Home trade Limited as per Entry No.10 (Exh.1543/9). As per entry A, B & C, the amount of Rs.11.22 Crore was transferred to Home Trade Limited and the same amount was again transferred by Home trade Limited through their A/c No.17031 maintained with Maharashtra State Cooperative Bank to the account of NDCC Bank vide cheque No.695158 as per entry No.10 (Exh.1543/9). It is true to say that as per said entry No.10, the amount of Rs.11.22 Crores which was transferred to Giltage Management by NDCC on 7.1.2002 was again received back by NDCC Bank on 9.1.2002 through Home Trade Limited vide cheque No.695158.

11. Now the entry No.12 (Exh.1543/11) is shown to me. As per said entry, an amount of Rs.16.57 Crores was transferred by NDCC Bank vide cheque No.666016 to Syndicate Management Services vide their A/c No.2869 maintained with Janata Sahakari Bank. It is true to say that said amount of Rs.16.57 Crore was received by Home Trade Limited as per entry No.A, B, C, D, E, F mentioned in bold letters and lastly, the said amount was retransferred to NDCC Bank on 8.1.2002 by Home Trade Limited through cheque No.695160.

12. It is true to say that the amount of Rs.16.57 Crore received by Syndicate Management Services through their A/c No.2869 for purchase of Power Greed bonds was transferred to Century Dealers Limited for purchase of government securities as the NDCC bank refused to purchase Power Greed bonds. I do not know the transaction about Century Dealers and Pacific Finance. Our bank was having account of Home Trade Limited and the break-up of the amount received by Home Trade Limited is mentioned in entry No.12. Lastly, the amount of Rs.16.54 Crores was transferred to NDCC Bank by Home Trade Limited through cheque No.695160. The bottom note of entry No.12, "The figures typed in bold are the break-up of 16.57 Crore" is pertaining to the amount of Rs.16.57 Crore received by Syndicate Management Services on 7.1.2002 and said break-up is mentioned in bold letters by entry A, B, C, D, E & F. It is true to say that as per said break-up, the amount of Rs.16.54 Crore was returned back to NDCC Bank on 8.1.2002 vide cheque No.695160. It is true to say that as per said entry No.10 & 12, the amounts paid by NDCC Bank to Giltage Management Services and Syndicate Management Services were returned back to NDCC Bank.

12. As per said statements (Exh. 1543/9 & 1543/11) it can not be said that Giltage Management Services and Syndicate Management Services have misappropriated the amount received from NDCC Bank against purchase of government securities because as per the statements the amount received by them appears to be returned to the NDCC Bank.

(Due to recess, cross-examination is deferred till 3.15 p.m.)

(S.R.Totla)  
Addl. Chief Judl. Magistrate, Nagpur  
Dt/- 28.01.2020

Cross-examination resumed on oath.- Adv. Shri.G.B.Purohit for accused No.4 & 7 alongwith Adv. Shri. Agrawal for accused No.5 & 6 :-

13. It is true to say that as per entry No.9 (Exh.1543/8), an amount of Rs.11.69 Crore was transferred to Century Dealers by NDCC Bank on 9.1.2002 by cheque No.666016. It is true to say that Century Dealers have received the said amount in their A/c No.2811 maintained with Janata Sahakari Bank. It is true to say that as per said statement, said amount was received by Century Dealers for purchase of MKVDC Bonds of face value of Rs.10 Crore.

14. The amount of entry A, B & C in bold letters mentioned in the statement (Exh.1542/8) was received in the A/c No.17031 of Home Trade Limited. As per said account statement, the Home Trade Limited had issued cheque No.695164 of Rs.10.23 Crore in favour of NDCC Bank. Now I say that as per entry No.9 (Exh.1543/8), the name of payer of cheque No.695164 is not mentioned in the statement.

15. As per entry No.9 (Exh.1543/8), the title of the document is "Route map of the outflows of money received from NDCC."

16. It can not be said that column No.5 in (Exh.1543/8) titled as "Receiver" is meant for the party who received money in the transaction. Now the entries A, B & C in the name of Home Trade Limited in column No.5 of (Exh.1543/8) are shown to me.

Que.- Whether according to you as per said column No.5 Home Trade Limited has not received the amount?

Ans.- The amount was deposited in the A/c No.17031 of Home Trade Limited maintained with the M.S. Cooperative Bank on 11.1.2002 by cheques and the said amount pertains to the entry of Rs.3.50 Crore, 3.37 Crore and 3.36 Crore.



Que.- Whether the last entry of (Exh.1543/8) in column No.5, the total of A+B+C pertains to the same amount which was received by Home trade Limited in their A/c No.17031 ?

Ans.- Yes. It is in respect of the said amount. Witness volunteers that however, there is no mention in the statement about the account Number of NDCC Bank thereby disclosing that the cheque No.695164 issued by Home Trade Limited was encashed or not.

17. It is true to say that entry No.9 i.e. (Exh.1543/8) is in respect of the inflows of money received from NDCC Bank. It is true to say that the column in said document titled as "Payer" pertains to the party who has paid the money and the column titled as "Receiver" pertains the party who has received the money. It is true to say that the column No.6 of the said document is titled as "Amount rupees in crore". It is true to say that the amounts mentioned in the said column are the amounts in crore. It is true to say that in the last entry of column No.5 titled as "Receiver", name of NDCC Bank is mentioned and ahead of NDCC Bank the sum is mentioned as A+B+C. It is true to say that in the column No.6 against the entry of NDCC Bank, the amount mentioned is 10.23 Crore.

18. Now entry No.11 (Exh.1543/10) is shown to me. As per said entry, an amount of Rs.16.48 Crore is shown to be paid by NDCC Bank to Indramani Merchants on 10.1.2002. It is true to say that as per said entry, Indramani Merchants received said amount in their A/c No.2814 maintained with Janata Sahakari Bank and it is shown to be received for purchase of MKVDC bonds of face value of Rs.15 Crore. It is true to say that as per said statement, Indramani Merchants has transferred said amount to Hugli Trading, Pacific Finance and Poddar Traders which was further transferred by them to Home Trade Limited as per entry A, B, C, D, E & F. It is true to say that Home Trade has deposited the said amount with M.S. Cooperative Bank in their A/c

No.17031. It is true to say that as per column No.5 titled as "Receiver", the last entry is in the name of NDCC Bank by adding the entries A+B+C+D+E+F and the total amount as such shown in column No.6 is Rs.17.76 Crore. I can not say whether the amount of Rs.17.76 Crore pertaining to cheque No.695165 was realized in the account of NDCC Bank. As per the statement (Exh.1543/10), NDCC Bank has received cheque No.695165 of Rs.17.76 Crore.

19. The account statement (Exh.1472/1 to 1472/24) is now shown to me. According to me, on the basis of said account statement, the route maps (Exh.1543/1 to 1543/11) have been prepared. It can not be said that the amounts shown as credited in account statement (Exh.1472/1 to 1472/24) are actually received by bank. It is true to say, that, if the payment by cheque is not realized (encashed) then such payment is again entered into the debit side in account extract.

20. As per account statement (Exh.1472/15), the amounts of Rs.16,57,24,520.55 and Rs.11,22,09,589.04 are shown to be paid by NDCC Bank and received by Syndicate Management Services and Giltage Management Services respectively by way of cheque Nos.666012 and 666011 and said transaction corresponds to the entry No.10 and 12 below (Exh.1543/11 and 1543/9) pertaining to the transactions of said two companies with NDCC Bank. It is true to say that as per account statement (Exh.1472/16) on 8.1.2002 the amount of Rs.16,54,08,750/- is credited to the account of NDCC Bank. It is true to say that said entry at (Exh.1472/16-A) (as it appears that inadvertently two pages of the account statement are given Exh.1472/16, the concern page having the present entry is marked as Exh.1472/16-A) corresponds to the entry No.12 (Exh.1543/11) pertaining to transaction dated 8.1.2002 mentioned in the last row. It is true to say that as per said account statement (Exh.1472/16-A), it is confirmed that said cheque

bearing No.695160 is encashed in the account of NDCC Bank. It is true to say that said payment was returned back to NDCC Bank against the payment of Rs.16.57 Crore made by NDCC bank to Syndicate Management Services Private Limited.

21. It is true to say that as per account statement (Exh.1472/16), on 10.1.2002 the amount of Rs.11,22,58,888.89 is credited to the account of NDCC Bank. It is true to say that said entry at (Exh.1472/16) corresponds to the entry No.10 (Exh.1543/9) pertaining to transaction dated 9.1.2002 mentioned in the last row. It is true to say that as per said account statement (Exh.1472/16) it is confirmed that said cheque bearing No.695158 issued by Home Trade Limited is encashed in the account of NDCC Bank. It is true to say that amount which was paid to Giltag Management Services as per (Exh.1543/9) has been returned back to NDCC Bank vide transaction dated 9.1.2002.

22. It is true to say that if two account holders are having their account in the same branch and if the amount is transferred to one account from the account of another account holder, then entry of such transaction in account statement is shown as 'Transferred'.

23. As per account statement (Exh.1472/17), the amount of Rs.17,76,05,000/- and Rs.10,46,11,400/- are shown to be credited to the account of Nagpur District Central Cooperative Bank vide respective cheque Nos.695165 and 695164. Said entry of Rs.17,76,05,000/- in (Exh.1472/17) corresponds to the entry in (Exh.1543/10) pertaining to transaction dated 11.1.2002 by way of cheque No.695165 issued by Home Trade Limited in favour of NDCC Bank. However, entry of Rs.10,46,11,400/- as disclosed in account statement (Exh.1472/17) is not matching with the entry in route map (Exh.1543/8) as there is difference in amount. Amount shown in (Exh.1543/8) paid by Home Trade Limited to NDCC Bank by way of cheque

No.695164 is shown to be Rs.10.23 Crore whereas in account statement though the cheque Number is same, the amount deposited is shown to be 10,46,11,400/-. It is true to say that the cheques no.695164 and 695165 were encashed in the account of NDCC Bank as per the account statement against the amounts received by Century Dealers and Indramani Merchants Limited at (Exh.1543/8 and 1543/10) respectively.

Que.- Now it is confirmed from the account statement (Exh.1472/1 to 1472/24) and the route map (Exh.1543/8 to Exh.1543/11) that the amount received by Giltage Management Services, Indramani Merchants Limited, Century Dealers Limited and Syndicate Management Services Pvt. Ltd. has been returned back by these companies to the NDCC Bank.

Ans.- After perusing the account statement and route map, it may be concluded that the amount received by these four companies from NDCC Bank has been returned back to the NDCC Bank.

24. According to me, the contents of the route maps (Exh.1543/8 to 1543/11) filed on record and that of account statements (Exh.1472/1 to 1472/24) are true and correct.

Gross-examination by Adv.Shri.Chavan. for accused No.1:- Declined.

Gross-examination by Adv.Ashok Bhangde. for accused No.2:- Declined.

Gross-examination by Adv.Choubey. for accused No.8 & 9:- Declined.

Gross-examination by Adv.C.H.Jaitare. for accused No.11:- Declined.

Re-examination : Nil.

R.O.A.C.

(S.R.Totla)

Before me.

(S.R.Totla)

ACJM, Nagpur  
Dt/- 28.01.2020

Addl. Chief Judl. Magistrate, Nagpur

Such a note would have been taken on their account. It is not true that I had not sent any account statements along with the letters to the police and falsely mentioned in these letters that I was sending them. It is true to say that the receipt of the said letter by the police is not on these letters. It is true to say that after the summons in this case I have gone through any of the records in our bank. No verification was done. There is no mention of any such records in the witness summons. It is true to say that after coming to the court the letter was shown to me and after seeing it I said that we had sent it. It is true to say that my letter did not specify how many pages the statement was sending. Our bank does not have an inbound and outbound scoring system for correspondence. I don't know the law as to whether a bank is legally required to keep an inbound and outbound register. We keep an office copy of correspondence in our back office, and do not keep any other records. I have not brought the office copies of the concerned letters. I don't know what is the current status of these two accounts. It is not true to say that we seized both the said accounts illegally without going through the legal process.

**In cross-examination accused no. 1 by Mr. Ahuja Vakil :- Denied.**

**Cross investigation Accused no. 2 on behalf of Shri. Ashok Bhangde Counsel: Denied.**

**Cross-examination by accused no. 5 and 6 Mr. Aggarwal Advocate:- Denied.**

**Cross investigation Accused no. 8 and 9 on behalf of Shri. Choubey Counsel: Refused.**

**In cross-examination accused no. 11 by Mr. Jaltare lawyer refused.**

**Cross-examination is over. No re-examination.**

Read to witness and acknowledged to be correct.

(She.Ra.Totla)  
Additional Chief Judicial Magistrate,  
Nagpur

Date : 30.01.2020.

Certificate

I affirm that the contents of this PDF Evidence are same word to word, as per original Evidence.

Name of Stenographer :- Ku. G.A. Joshi (Grade II)

(Date : 30.1.2020)

**Deposition of witness No. 25 for prosecution.**

*(The witness has prayed to record her evidence in English language. Neither the prosecution nor the defence has any objection for the same. Hence, her evidence is being recorded in English language.)*

I do hereby on solemn affirmation state that :-

- Name of witness :- Sandra Rodrigues
- Aged about :- 53 Yrs,
- Occupation :- Service,
- Resident of :- B-26, RBI Officers' Quarters, Opposite A.C.Market, Taddeo, Mumbai - 35.

**Examination-in-chief by Spl.P.P. Smt.Jyoti Wajani with A.P.P. Smt.L.S.Gajbhiye.**

1. I have joined my services with R.B.I. in the year 1990 on the post of Clerk. In 1997, I was promoted as Assistant Manager and transferred to Ahmedabad and then to Pune. In 2005, I was promoted as Manager and since 2006, I am posted at Mumbai. In the year 2012, I was promoted as Assistant General Manager. Presently, I am working on the same post at Mumbai.

2. Wani Sharma, Jasbir Singh, Surin and S.K.Mishra were the employees of Reserve Bank of India. Our bank received the witness summons of these four persons. However, one of them Mr. S.K.Mishra is no more and other three could not be located. After receiving summons of these four people, we have tried to search the communication made by them with Nagpur Police and the copies of all these communications which they have made with the police are with me.

3. The following communications are now shown to me.

1] Letter dated 1<sup>st</sup> May, 2002 issued by Mr. Bele to RBI alongwith statement of purchase of government securities.

2] Letter dated 3<sup>rd</sup> May, 2002 issued by our bank to Mr. Bele with the signature of Smt. Wani Sharma.

3] Letter dated 28<sup>th</sup> May, 2002 received to our bank by Mr. Bele. (Total two pages).

4] Letter dated 16.10.2002 issued by RBI to Mr. Bele with the signature of Mr. Jasbir Singh. (Total three pages).

5] Letter dated 29.06.2002 issued by Mr. Bele to our office. (Total five pages).

6] Above letter was replied by our bank to police with the signature of Mr. S.K.Mishra vide letter dated 9.7.2002 thereby informing them that the information sought for was forwarded to the Rural Planning and Credit Department of RBI. It is marked as Exh.1580.

7] Thereafter, Mr. Surin from our bank has directly replied the letter of police thereby addressing the same to Mr. Bele vide letter dated 14.11.2002 alongwith the annexures. By way of annexures, RBI has provided information about the various circulars issued by RBI and which were violated by NDCC Bank. Alongwith letter and annexures, various circulars issued by RBI were also forwarded to police. There are four circulars forwarded with the annexures. (Total 23 pages).

8] Letter dated 21.09.2002 issued by Mr. Bele thereby seeking details of government securities held by Home Trade Limited since 1.1.2001 till the date of letter.

9] In response to the said letter, Mr.S.K.Mishra issued a letter dated 7.10.2002 to Mr. K.B.Bele alongwith the statement of government securities held by Home Trade Limited since April 1997 to September 2002. Said statement is running from page No.357 to 360 of the chargesheet. (Total pages 25).

10] Thereafter, Mr. Bele forwarded a letter dt. 15.9.2002 alongwith photocopies of govt. securities thereby requesting us to confirm whether the said government securities are genuine and whether same were transferred in the name of Home Trade Limited. The copy of said letter was also forwarded to office of Nagpur, R.B.I.



alongwith our office at Mumbai. The said chart is annexed with the letter of Mr. Bele. It runs in five pages.

11] Said letter was replied from our bank with the signature of Mr. S.K.Mishra vide letter dated 16.10.2002 alongwith statement showing the details of security transactions held by Home Trade Limited and their holdings.

Now, I say that I have brought the office copy of all these communications and the documents from our record and that of chargesheet are the same.

(Ld. Counsels for accused No.1, 2, 4 to 9 and 11 have taken objection that the concern documents can not be exhibited as the copies of these documents were not provided to them and the concern witness is not the author of any of the documents and she is also not signatory to any of these documents, though except Mr.S.K.Mishra other persons who are the authors of these documents are alive as per the prosecution. It is further submitted that the prosecution has not taken any steps to secure the presence of these witnesses except that the empty formality was made and mere statement is made that other three employees of RBI have been retired and could not be traced out. It is submitted that the retired employees are the pensioners and their addresses must be within the knowledge of RBI as the retired persons were the top officers. Hence, these documents can not be exhibited. They are not the public documents.

The Ld. Spl.P.P. has submitted that the statement of a person who can not be found is relevant as per S.32(2) of the Indian Evidence Act. Therefore, documents are required to be exhibited as per the provisions of said Section 32(2).

After hearing the learned counsel for the accused and learned Spl.P.P. and after going through the record, it appears that whatever documents are filed on record quoting the same as the communication between RBI and the investigation officer seems to be the part of chargesheet, the copies of which are already provided to the accused persons. Apart from this, communication is from

the official record of the government authority and the relevant office copies are brought by the witness. The contention that the concern officers would have made communication are available but are not brought before the court can not be accepted for the short reason that the person who present incharge of the concern official record can very well depose about such record. That apart, there are copies of circulars of RBI of which the court can very well take judicial note and therefore, there is no hurdle to exhibit this communication alongwith their annexures. Hence, the objection stands rejected.)

4. Accordingly, the concerned documents are marked as under :
- 1] Letter dated 1<sup>st</sup> May, 2002 issued by Mr. Bele to RBI alongwith statement of purchase of government securities. It is marked as Exh.1575 alongwith annexures i.e. total four pages.
  - 2] Letter dated 3<sup>rd</sup> May, 2002 issued by our bank to Mr. Bele with the signature of Smt. Wani Sharma. It is marked as Exh.1576 alongwith annexures i.e. total four pages.
  - 3] Letter dated 28<sup>th</sup> May, 2002 received to our bank by Mr. Bele. It is marked as Exh.1577 (Total two pages).
  - 4] Letter dated 16.10.2002 issued by RBI to Mr. Bele with the signature of Mr. Jasbir Singh. It is marked as Exh.1578 (Total three pages).
  - 5] Letter dated 29.06.2002 issued by Mr. Bele to our office. It is marked as Exh.1579 (Total five pages).
  - 6] Above letter was replied by our bank to police with the signature of Mr. S.K.Mishra vide letter dated 9.7.2002 thereby informing them that the information sought for was forwarded to the Rural Planning and Credit Department of RBI. It is marked as Exh.1580.
  - 7] Thereafter, Mr. Surin from our bank has directly replied the letter of police thereby addressing the same to Mr. Bele vide letter dated 14.11.2002 alongwith the annexures. By way of annexures, RBI has provided information about the various circulars issued by RBI and which were violated by NDCC Bank. Alongwith letter and annexures, various circulars issued by RBI were also forwarded to

police. There are four circulars forwarded with the annexures. It is marked as Exh.1581/1 to 1581/23 alongwith annexure and RBI circulars. (Total 23 pages).

8] Letter dated 21.09.2002 issued by Mr. Bele thereby seeking details of government securities held by Home Trade Limited since 1.1.2001 till the date of letter. It is marked as Exh.1582.

9] In response to the said letter, Mr.S.K.Mishra issued a letter dated 7.10.2002 to Mr. K.B.Bele alongwith the statement of government securities held by Home Trade Limited since April 1997 to September 2002. Said statement is running from page No.357 to 360 of the chargesheet. It is marked as Exh.1583/1 to 1583/25 alongwith statement of government securities (Total pages 25).

10] Thereafter, Mr. Bele forwarded a letter dt. 15.9.2002 alongwith photocopies of govt. securities thereby requesting us to confirm whether the said government securities are genuine and whether same were transferred in the name of Home Trade Limited. The copy of said letter was also forwarded to office of Nagpur, R.B.I. alongwith our office at Mumbai. The said chart is annexed with the letter of Mr. Bele. It runs in five pages. Said letters are marked as Exh.1584 & 1585 respectively and their annexures in five pages are marked as Exh.1586/1 to 1586/5.

11] Said letter was replied from our bank with the signature of Mr. S.K.Mishra vide letter dated 16.10.2002 alongwith statement showing the details of security transactions held by Home Trade Limited and their holdings. It is marked as Exh.1587/1 to 1587/13.

All the above documents are as per our office record.

**(Cross-examination is reserved till next date as per order passed below application Exh.1588).**

**Before me.**

**(S.R.Totla)**

**Addl. Chief Judl. Magistrate, Nagpur**

**Dt/- 30.1.2020**

(Date : 12.03.2020)

**Cross-examination of P.W.25 Mrs. Sandra Rodrigues on oath :-**  
**Adv. Devendra Chavan for accused No.1, Adv. Bhangde for accused No.2,**  
**Adv. Agrawal for accused No.5 & 6, Adv. Aniruddha Choubey for accused**  
**No.8 & 9 and Adv. C.H.Jaltare for accused No.11 :-**

5. It is true to say that our office received witness summons in the name of Wani Sharma, Jasbir Singh and S.K.Mishra. It is true to say that whatever witness summons initially received by our office were not in my name. It is true to say that during the investigation of this case, my statement was not recorded by police. It is true to say that therefore I had no personal knowledge about the transactions disputed in this case.

6. At the time of investigation, Wani Sharma was holding the post of Chief General Manager, Jasbir Singh was General Manager (Banking) and Mr. S.K. Mishra was the Assistant General Manager (Public Debt Office). It is true to say that the witness summons to our office were received in the personal name of these three persons and were not addressed to the posts they held.

7. It is true to say that we did not receive the witness summons in the name of Mr. Surin. It is true to say that the statement in my examination-in-chief that we received the witness summons also in the name of Mr. Surin is not correct.

8. Though initially the summons were not received in my name, our office has decided to send me before court because the evidence was required to be lead on the basis of record maintained with our office. It is true to say that said decision of my office is not placed on record. It is true to say that as said decision is not placed on record, it can't be ascertained as to under what authority I am deposing in the court. The witness volunteers that the letter of my office is with me, however it is not placed on record.

9. It is true to say that other than the documents which are placed on record, I did not come across any other document in concern with the present case. It is not true to say that I did not verify the contents of the documents which are placed on record. It is true to say that I am stating that the contents of the documents were verified by me because the same were written by some of the officers though there was no physical verification. Prior to coming before the court for deposition, I did not make any communication about the contents of these documents, with the persons who wrote them.

10. I did not find any document suggesting the intervention by R.B.I. in respect of transactions of Government Securities entered into by Nagpur District Central Cooperative Bank. I did not come across any document suggesting that R.B.I. has preferred any complaint with SEBI against NDCC or Home Trade Limited. I did not find any document or inspection note of R.B.I. which suggests any communication by R.B.I. to Cooperative Authorities as regards the alleged transaction done at the instance of NDCC.

11. It is not true to say that whatever I have deposed before the court is incorrect and I am not having any authority to depose before the Court as the witness summons was not issued in my name.

12. Pension scheme was applicable to R.B.I. earlier. Said scheme was in operation till before last 5 years. It is true to say that Wani Sharma, Jasbir Singh and Mr. Surin are the pensioners of our Bank.

13. Our office maintains inward and outward register. Said registers were maintained even prior to the year 2002 and are being maintained thereafter also. I did not produce on record the inward and outward register pertaining to the communications referred by me in my examination-in-chief. It is not true to say that our office neither received any communication nor

forwarded any communication to the investigation officer as deposed by me.

**Cross-examination by Adv. Girish Purohit for accused No.4 & 7 in addition to the cross-examination already conducted on behalf of other accused :-**

14. It is true to say that at the relevant time I was not acquainted with the transactions entered into by NDCC, Home Trade and other companies. It is true to say that at the relevant time I was not acquainted with the transactions of sale-purchase of Government Securities entered into by NDCC, Home Trade and other companies routed through R.B.I. It is true to say that the documents produced on record do not disclose that R.B.I. had suggested any penal action against NDCC, Home Trade and other companies pertaining to the alleged transactions.

15. I know about non-banking financial companies to the extent of their definition. (Now a document purported to be downloaded from the site of R.B.I. is shown to the witness.) It is true to say that the document shown to me is downloaded from the site of R.B.I. and I agree with the contents appearing in the said document. However, the contents of the said document pertains to the year 2011. Said document is marked as Exh.1947. It is true to say that as per document (Exh.1947), the non-banking financial companies can deal with the sale and purchase of Government Securities.

16. Letter (Exh.1578) is shown to me. It is not true to say that said document does not bear outward number of our office. It is true to say that the letter (Exh.1578/1) is not the original letter itself which was sent to Mr. Phansalkar, Superintendent of Police, State C.I.D.

17. The companies whose names are mentioned in the letters produced on record are not the non-banking financial companies but they are brokers.

(Ld. Counsel for accused No.4 & 7 has prayed for referring the photocopy of document alleged to have been the licence issued by R.B.I. in favour of his client, i.e. accused No.4. Ld. Spl. Public Prosecutor objected to refer the document in evidence having no authenticity at all. In counter, ld. Counsel for accused No.4 & 7 has relied upon the case law namely *Bipin Shantilal Panchal Vs. State of Gujrat* reported at 2001(3) SCC 1, to contend that the document can be tentatively exhibited by recording the objection of other side, subject to decision at the last stage in the final judgment. After hearing both the sides, the court is of the view that the document shown to the witness appears to be photocopy of the document and as such, at this stage the authenticity of the document can be disputed. Under such circumstances, the question can be permitted to be put to the witness by tentatively marking the document as article. Hence, question is permitted.)

18. R.B.I. issue licences to the non-banking financial companies. However, the issuance of licence is done by other department and therefore, I am not able to say about the exact position of said licence. It is true to say that such licences were issued by Non-Banking Supervision Mumbai Regional Office. However, at present, licences are issued by Central Office of R.B.I.

19. I am not aware whether in the year 1999, RBI used to issue the licences, like the one which is shown to me marked as 'Article AAA'. I am aware about the R.B.I. rules which existed during the period 1998 till 2002 for sale and purchase of Government Securities. I am not aware under what rule the inter-state Government Securities in physical form were sold and purchased during the concern period.

20. As and when the government seeks loan, it would sell securities and from that sale proceeds, they would raise the loan. This is done by issuing public notice. It is not true to say that no permission of any authorities

including RBI, SEBI or Stock Exchange is required for sale and purchase of the Government Securities. It is true to say that non-banking financial companies are under the supervision of RBI and not under the SEBI. It is true to say that such companies are not required any permission for such sale and purchase of Government Securities. Brokers are not supposed to purchase or sell the Government Securities. It is not true to say that there is no ban for brokers to sell and purchase the Government Securities. According to me, they can not sell or purchase more than 5% of the total transaction done by Bank in the whole year.

21. The document (Exh.1581/21) is shown to me. The terms in the said document pertaining to the limit of 5% had existed prior to the year 1994. Said guidelines contained in the said document have been superseded by another guidelines of the year 1994 on the basis of which I have earlier deposed that there is bar of 5% for brokers. It is not true to say that no such circular superseding the circular of the year 1993-1994 has been ever issued by the R.B.I. It is not true to say that there is no amendment to the terms and conditions mentioned in the RBI circular (Exh.1581/21).

22. I am not aware about any NABARD circular pertaining to the guidelines issued for the Cooperative Banks in respect of sale and purchase of Government Securities.

23. The mechanism for the sale and purchase of Government Securities in the relevant period of the year 1998 to 2002 was that the buyer and the purchaser were required to fill up the transfer forms and these forms were required to be submitted to RBI and then RBI would require to make an entry as to who is the new purchaser, and one month therefrom, the entries of sale and purchase of the securities were taken in the accounts of concern seller or purchaser. This procedure was same for even the inter-state sale and purchase



of securities. It is not true to say that there was no such procedure for inter-state sale and purchase of securities. It is not true to say that as there was no such procedure for filling of the Transfer Forms etcetra and to forward it to RBI and therefore, no physical verification of the documents produced on record has been taken by any of the officers.

24. It is not true to say that the officers of RBI who were summoned and are alive did not come before the Court to lead evidence as they have done mere empty formalities. It is not true to say that the National Stock Exchange is the only authority which can provide the correct information about the holding of Government Securities. It is not true to say that without any authority I am giving false evidence today.

**Re-examination : Nil.**

**R.O.A.C.**

**(S.R.Totla)  
ACJM, Nagpur  
Dt/- 12.03.2020**

**Before me.**

**(S.R.Totla)  
Addl. Chief Judl. Magistrate, Nagpur**

**Certificate**

I affirm that the contents of this PDF Evidence are same word to word, as per original Evidence.

Name of Stenographer :- Ku. G.A. Joshi (Grade II)



RCC 147-2002 (P.W.25-E) dt.12.3.2020  
Digitally signed by  
Shekhar Ramnathji Totla  
Location: Nagpur  
Date: 2020.03.13  
14:03:41 +0530

R.C.C.No. 147/2002  
State Vs. Sunil Kedar & Ors  
Exh. No. 1590

(Date : 31.01.2020 )

**Deposition of witness No. 26 for prosecution.**

*(The witness has prayed to record his evidence in English language. Neither the prosecution nor the defence has any objection for the same. Hence, his evidence is being recorded in English language.)*

I do hereby on solemn affirmation state :-

Name of witness :- Vishwas Vinayak Ranjangaonkar,  
Aged about :- 69 Yrs,  
Occupation :- Retired Chief State Examiner of Documents, State  
C.I.D.  
Resident of :- Pune.

**Examination-in-chief by Spl.P.P. Smt.Jyoti Wajani with  
A.P.P. Smt.L.S.Gajbiye.**

1. I have completed my M.Sc. (Organic Chemistry) from Pune University in the year 1973. I have taken departmental training in the Science of Examination of Documents for a period of one year. I have examined thousands of documents. I have worked as Examiner of Documents for 34 years. I was working as State Examiner of Documents, C.I.D.(M.S.), Nagpur from the year 1999 to 2003.

2. The documents in the present case bearing Crime No.101/2002 registered at Ganeshpeth Police Station have been examined by me. I have examined about five different sets of documents as referred by C.I.D. in the present case on different five occasions.

3. First set of documents for examination was received by me on 22<sup>nd</sup> of

July, 2002. The letter of C.I.D. received to my office is now shown to me. It bears stamp of the concern clerk alongwith his signature. It is marked as Exh.1591. Additional documents were received to me under letter dated 30.7.2002 and 28.8.2002. Both these letters are now shown to me. It bears signature of the concern clerk of my office. They are respectively marked as Exh.1592 & 1593.

4. All the documents received by way of these three letters bearing Exh.1591 to 1593 were marked by me. I had received total 61 documents and a register. These documents include the specimen signatures of concern persons, natural signatures of those persons and the disputed documents. The disputed documents are as under. I have marked disputed documents from Q-1 to Q-74, the signatures purported to be made by Mr. S.C.Kedar are marked as 'Q-1 to Q-43' and the signatures purported to be made by Mr. A.N.Choudhary are marked as 'Q-44 to Q-74'. Their particulars are as under :

Sr. No.	Particulars of marking of disputed documents	Exh.No.
1.	Q-1 & Q-44 in green ink.	1310 (already exhibited)
2.	Q-2 & Q-45	1197 (already exhibited)
3.	Q-3 & Q-46	1198 (already exhibited)
4.	Q-4 & Q-47	1199 (already exhibited)
5.	Q-5	1200 (already exhibited)
6.	Q-6	1201 (already exhibited)
7.	Q-7	1202 (already exhibited)
8.	Q-8	1203 (already exhibited)
9.	Q-9 & Q-48	1204 (already exhibited)
10.	Q-10 & Q-49	1205 (already exhibited)
11.	Q-11 & Q-50	1206 (already exhibited)
12.	Q-12	1207 (already exhibited)
13.	Q-13 & Q-51	1208 (already exhibited)

14.	Q-14 & Q-52	1209 (already exhibited)
15.	Q-15 & Q-53	1210 (already exhibited)
16.	Q-16 & Q-54	1211 (already exhibited)
17.	Q-17 & Q-55	1212 (already exhibited)
18.	Q-18 & Q-56	1213 (already exhibited)
19.	Q-19 & Q-57	1214 (already exhibited)
20.	Q-20 & Q-58	1215 (already exhibited)
21.	Q-21 & Q-59	1216 (already exhibited)
22.	Q-22	1217 (already exhibited)
23.	Q-23	1218 (already exhibited)
24.	Q-24	1219 (already exhibited)
25.	Q-25 & Q-60	1220 (already exhibited)
26.	Q-26	1221 (already exhibited)
27.	Q-27	1222 (already exhibited)
28.	Q-28	1223 (already exhibited)
29.	Q-29	1224 (already exhibited)
30.	Q-30 & Q-61	1225
31.	Q-31 & Q-62	1226
32.	Q-32 & Q-63	1227
33.	Q-33 & Q-64	1228 (already exhibited)
34.	Q-34 & Q-65	1229 (already exhibited)
35.	Q-35 & Q-66	1162 (already exhibited)
36.	Q-36 & Q-67	1160
37.	Q-37 & Q-68	1158 (already exhibited)
38.	Q-38 & Q-69	1156 (already exhibited)
39.	Q-39 & Q-70	1292 (already exhibited)
40.	Q-40 & Q-71	1293 (already exhibited)
41.	Q-41 & Q-72	1154 (already exhibited)
42.	Q-42 & Q-73	1294 (already exhibited)
43.	Q-43 & Q-74	1295 (already exhibited)

5. The specimen signatures purported to be written by Sunil Chhatrapal Kedar were marked by me as 'S-1 to S-6'. Their particulars are as

under:

Sr.No.	Particulars of documents of specimen signatures	Exhibit No.
1.	S-1	Marked as 1596
2.	S-2	Marked as 1597
3.	S-3	Marked as 1598
4.	S-4	Marked as 1599
5.	S-5	Marked as 1594
6.	S-6	Marked as 1595

6. The specimen signatures purported to be written by Ashok Choudhary were marked by me as 'A-1 to A-6' and 'A-7 to A-12'. Their particulars are as under:

Sr. No.	Particulars of documents of specimen signatures	Exhibit No.
1.	A-1	Marked as 1600
2.	A-2	Marked as 1601
3.	A-3	Marked as 1602
4.	A-4	Marked as 1603
5.	A-5	Marked as 1604
6.	A-6	Marked as 1605
7.	A-7	Marked as 1606
8.	A-8	Marked as 1607
9.	A-9	Marked as 1608
10.	A-10	Marked as 1609
11.	A-11	Marked as 1610
12.	A-12	Marked as 1611

7. Natural signatures of Mr. S.C.Kedar were marked by me as 'SN-1 to SN-39'. These signatures are in register which is already marked as Exh.1297. The particulars of the natural signautres of S.C.Kedar are as under :

Sr.No.	Particulars of signatures of S.C.Kedar	Page No. of register Exh.1297.	Exhibit No. given to concern page
1.	SN-1	272	Already marked as 1184
2.	SN-2	275	Marked as 1612
3.	SN-3	285	Marked as 1613
4.	SN-4	288	Marked as 1614
5.	SN-5	289	Already marked as 1319
6.	SN-6	291	Marked as 1615
7.	SN-7	294	Marked as 1616
8.	SN-8	308	Marked as 1617
9.	SN-9	330	Marked as 1618
10.	SN-10	331	Marked as 1619
11.	SN-11	332	Marked as 1620
12.	SN-12	333	Marked as 1621
13.	SN-13	334	Marked as 1622
14.	SN-14	335	Marked as 1623
15.	SN-15	336	Marked as 1624
16.	SN-16	337	Marked as 1625
17.	SN-17	338	Marked as 1626
18.	SN-18	340	Marked as 1627
19.	SN-19	343	Marked as 1628
20.	SN-20	344	Marked as 1629
21.	SN-21	345	Marked as 1630
22.	SN-22	346	Marked as 1631
23.	SN-23	349	Marked as 1632
24.	SN-24	350	Marked as 1633
25.	SN-25	351	Marked as 1634
26.	SN-26	354	Marked as 1635
27.	SN-27	357	Marked as 1636
28.	SN-28	358	Marked as 1637

29.	SN-29	359	Marked as 1638
30.	SN-30	360	Marked as 1639
31.	SN-31	361	Marked as 1640
32.	SN-32	362	Marked as 1641
33.	SN-33	363	Marked as 1642
34.	SN-34	364	Marked as 1643
35.	SN-35	367	Marked as 1644
36.	SN-36	368	Marked as 1645
37.	SN-37	369	Marked as 1646
38.	SN-38	374	Marked as 1647
39.	SN-39	376	Marked as 1648

8. Natural signatures of Mr. Ashok Choudhary were marked by me as 'AN-1 to AN-14'. These signatures are in register which is already marked as Exh.1297. The particulars of the natural signatures of Ashok Choudhary are as under :

Sr.No.	Particulars of signatures of Ashok Choudhary	Page No. of register Exh.1297.	Exhibit No. given to concern page
1.	AN-1	274	Marked as 1649
2.	AN-2	275	Already marked as 1612
3.	AN-3	285	Already marked as 1613
4.	AN-4	290	Marked as 1650
5.	AN-5	294	Already marked as 1616
6.	AN-6	310	Marked as 1651
7.	AN-7	332	Already marked as 1620
8.	AN-8	333	Already marked as 1621
9.	AN-9	334	Already marked as 1622

10.	AN-10	339	Marked as 1652
11.	AN-11	346	Already marked as 1631
12.	AN-12	371	Marked as 1653
13.	AN-13	374	Already marked as 1647
14.	AN-14	376	Already marked as 1648

9. The documents now shown to me are the same and bears my markings.

10. After marking the documents as above, I have carried out my examination with the help of different magnifying devices. I have also carried out my examination under different lighting conditions and under ultra-violet rays. The documents were sent to the photographic section for obtaining their photographs. After receiving the documents from photographic section, I carried out my examination and arrived at a conclusion that -

- 1] The red-encircled signatures marked Exh.Q-1 to Q-43 are written by the writer who wrote Exh.S-1 to S-6 and Exh. SN-1 to SN-39.
- 2] The red-encircled signatures marked as Exh.Q-44 to Q-74 are written by the writer who wrote Exh. A-1 to A-12 and Exh.AN-1 to AN-14.

11. The opinion now shown to me is the same. The contents are correct and bears my signature. It is marked as Exh.1654. The opinion alongwith all the documents were sent to The Additional Superintendent of Police, C.I.D., Nagpur under my office letter No. NHP/538/NHW/148/2002/VVR dated 24.9.2002. It is now shown to me. It is the same and bears my signature. Its contents are true and correct. It is marked as Exh.1655.



12. I am herewith producing my statement of reasons for this particular set of documents. Its contents are correct and bears my signature. It is marked as Exh.1657.

13. The second set of documents which I received on 26.8.2002 is now shown to me alongwith the letter and index of the documents. The letter is now shown to me. It bears signature of our Assistant Examiner of Documents. I know the signature. It is marked as Exh.1658 and the index is marked as Exh.1659. Additional documents in this particular set was received by our office on 8.10.2002. Said letter of State C.I.D. is now shown to me. It is the same. It bears signature of concern clerk of our office. It is marked as Exh.1660.

14. I received total 46 loose documents and two progressive report cards and four cheques. The documents were marked by me as follows. The signatures purported to be written by S.H.Agrawal were marked by me as 'Q-1 to Q-15' and 'Q-22 to Q-25'. The particulars are as under :

Sr.No.	Particular of documents	Marking given by me	Exhibit No.
1.	Adjustment letter dated 29.10.2001	Q-1	1661
2.	Document dated 29.10.2001	Q-2	1662
3.	Document dated 21.3.2001	Q-3	1663
4.	Document dated 10.6.2001	Q-4	1664
5.	Document dated 6.6.2001	Q-5	1665
6.	Document dated 29.3.2001	Q-6	1666
7.	Document dated 21.3.2001	Q-7	1667
8.	Contract Note	Q-8	Already exhibited as Exh.1273
9.	Contract Note	Q-9	Already exhibited as Exh.1274

10.	Contract Note	Q-10	Already exhibited as Exh.1275
11.	Contract Note	Q-11	Already exhibited as Exh.1276
12.	Contract Note	Q-12	Already exhibited as Exh.1277
13.	Contract Note	Q-13	Already exhibited as Exh.1278
14.	Contract Note	Q-14	Already exhibited as Exh.1279
15.	Contract Note	Q-15	Already exhibited as Exh.1280
16.	Cheque dated 8.1.2002	Q-22	Already exhibited as Exh.1370/36
17.	Cheque dated 11.1.2002	Q-23	Already exhibited as Exh.1370/38
18.	Cheque dated 11.1.2002	Q-24	Already exhibited as Exh.1370/39
19.	Cheque dated 7.6.2001	Q-25	Already exhibited as Exh.1370/19

15. The signatures purported to be written by K.K.Seth were marked by me as Exh.'Q-16 to Q-19'.

Sr.No.	Particular of documents	Marking given by me	Exhibit No.
1.	Confirmation letter dated 26.1.2002	Q-16	Already marked as Exh.1165
2.	Document of details of transaction dated 25.1.2002	Q-17	Already marked as Exh.1166
3.	Confirmation letter dated 26.1.2002	Q-18	Already marked as Exh.1164
4.	Confirmation letter dated 26.1.2002	Q-19	Already marked as Exh.1163

16. The signature purported to be written by Mr.M.R.Agrawal were

marked by me as 'Q-20'. It is confirmation letter dated 25.1.2002 and it is already marked as Exh.1161.

17. The signature purported to be written by S.S.Poddar was marked by me as 'Q-21'. It is confirmation letter dated 25.1.2002 and it is already marked as Exh.1157.

18. The specimen signatures purported to be written by Sanjay Harirram Agrawal were marked by me as 'S-1 to S-6'. They are already marked as Exh.1384 to 1389.

19. The specimen signatures purported to be written by Ketan Kantilal Seth were marked by me as 'A-1 to A-6'. They are already marked as Exh.1390 to 1395.

20. The specimen signatures purported to be written by Mahendra Radhyeshyam Agrawal were marked by me as 'B-1 to B-6'. They are already marked as Exh.1396 to 1401.

21. The specimen signatures purported to be written by Shriprakash Shantilal Poddar were marked by me as 'C-1 to C-6'. They are already marked as Exh.1402 to 1407.

22. The natural signatures of Sanjay Harirram Agrawal were marked by me as 'SN-1 to SN-4'. They are already marked as Exh.1370/1. These signatures are on the front and back side of Exh.1370/1.

23. The natural signatures of K.K.seth were marked by me as 'AN-1 to AN-4'. They are already marked as Exh.1370/1. These signatures are on the front and back side of Exh.1370/1.

24. The natural signatures of M.R. Agrawal were marked by me as 'BN-1 to BN-3'. These signatures are on the report card. It is marked as Exh.1668.

25. The natural signatures of S.S.Poddar were marked by me as 'CN-1 & CN-2'. These signatures are on the report card of Shilpa Poddar. It is marked as Exh.1669.

26. All the above documents are shown to me are the same and bear my markings.

27. After marking the documents as above, I have carried out my examination with the help of different magnifying devices. I have also carried out my examination under different lighting conditions and under ultra-violet rays. The documents were sent to the photographic section for obtaining their photographs. After receiving the documents from photographic section, I carried out my examination and arrived at a conclusion that -

1] The red-encircled signatures marked Exh.Q-1 to Q-15 and Q-22 to Q-25 are written by the writer who wrote Exh.S-1 to S-6 and Exh. SN-1 to SN-4.

2] The red-encircled signatures marked as Exh.Q-16 to Q-19 are written by the writer who wrote Exh. A-1 to A-6 and Exh.AN-1 to AN-4.

3] The red-encircled signatures marked as Exh.Q-20 is not written by the writer who wrote Exh. B-1 to B-6 and Exh.BN-1 to BN-3.

4] I am unable to express any definite opinion as regards the identity or

otherwise of the signature marked as Exh.Q-21 with the signatures marked as Exh.C-1 to C-6, CN-1 & CN-2 for want of sufficient identifying characteristics.

28. The opinion now shown to me is the same. The contents are correct and bears my signature. It is marked as Exh.1670. The opinion alongwith all the documents were sent to The Deputy Superintendent of Police, State C.I.D., Nagpur under my office letter No. NHP/45/NHW/178/2002/VVR/2003 dated 28.1.2003. It is now shown to me. It is the same and bears my signature. Its contents are true and correct. It is marked as Exh.1671.

29. I am herewith producing my statement of reasons for this particular set of documents. Its contents are correct and bears my signature. It is marked as Exh.1672.

(Due to recess period, further examination-in-chief is deferred till after recess period.)

Before me.

(S.R.Totla)

Addl. Chief Judl. Magistrate, Nagpur

Dt/- 31.1.2020

Examination-in-chief resumed on oath.

Examination-in-chief by Smt. Jyoti Wajani, Spl.P.P. and Smt.L.s.Gajbhiye, A.P.P.:-

30. I have received the separate set of documents in the same crime for examination from Dy.S.P., State C.I.D., Nagpur on 8.10.2002 vide letter dated 7.10.2002. I received 64 loose documents and 27 cheques. Office copy of letter dated 7.10.2002 is now shown to me. It is the same. It is marked as Exh.1673. The index annexed with it is marked as Exh.1674.

31. The disputed signature purported to be written by A.S.Warma was marked by me as 'Q-1' which is on document namely confirmation letter dated 25.1.2002. It is already marked as Exh.1159.

32. The disputed signatures purported to be written by S.C.bhandari were marked by me as 'Q-2 to Q-105' and Q-85(A). The particulars of these markings and the concern documents are as under :

Sr. No.	Particulars of document	Marking by me	Exhibit No.
1.	Contract note	Q-2 & Q-3 (Q-2 is on front side of the page and Q-3 is on the back side.)	Already marked as Exh.1231
2.	Contract note	Q-4 & Q-5 (Q-4 is on front side of the page and Q-5 is on the back side.)	Already marked as Exh.1230
3.	Document dated 23.3.2001	Q-6	Already marked as Exh.1232
4.	Contract Note	Q-7 & Q-8 (Q-7 is on front side of the page and Q-8 is on the back side.)	Already marked as Exh.1233
5.	Contract Note	Q-9 & Q-10 (Q-9 is on front side of the page and Q-10 is on the back side.)	Already marked as Exh.1234
6.	Adjustment letter dated 23.8.2001	Q-11	Already marked as Exh.1235
7.	Contract Note	Q-12 & Q-13 (Q-12 is on front side of the page and Q-13 is on the back side.)	Already marked as Exh.1236
8.	Contract Note	Q-14 & Q-15 (Q-14 is on front side of the page and Q-15 is on the back side.)	Already marked as Exh.1237

9.	Contract Note	Q-16 & Q-17 (Q-16 is on front side of the page and Q-17 is on the back side.)	Already marked as Exh.1238
10.	Contract Note	Q-18 & Q-19 (Q-18 is on front side of the page and Q-19 is on the back side.)	Already marked as Exh.1239
11.	Document dated 25.8.2001	Q-20	Already marked as Exh.1240
12.	Contract Note	Q-21	Already marked as Exh.1241
13.	Document dated 25.8.2001	Q-22	Already marked as Exh.1242
14.	Contract Note	Q-23	Already marked as Exh.1243
15.	Document dated 25.8.2001	Q-24	Already marked as Exh.1244
16.	Contract Note	Q-25	Already marked as Exh.1245
17.	Document dated 25.8.2001	Q-26	Already marked as Exh.1246
18.	Adjustment letter dated 6.9.2001	Q-27	Already marked as Exh.1247
19.	Contract Note	Q-28 & Q-29 (Q-28 is on front side of the page and Q-29 is on the back side.)	Already marked as Exh.1248
20.	Contract Note	Q-30 & Q-31 (Q-30 is on front side of the page and Q-31 is on the back side.)	Already marked as Exh.1249
21.	Contract Note	Q-32 & Q-33 (Q-32 is on front side of the page and Q-33 is on the back side.)	Already marked as Exh.1250
22.	Contract Note	Q-34 & Q-35 (Q-34 is on front side of the page and Q-35 is on the back side.)	Already marked as Exh.1251

23.	Document dated 8.9.2001	Q-36	Already marked as Exh.1252
24.	Contract Note	Q-37	Already marked as Exh.1253
25.	Contract Note	Q-38	Already marked as Exh.1254
26.	Document dated 8.9.2001	Q-39	Already marked as Exh.1255
27.	Contract Note	Q-40 & Q-41 (Q-40 is on front side of the page and Q-41 is on the back side.)	Already marked as Exh.1256
28.	Document dated 8.9.2001	Q-42	Already marked as Exh.1257
29.	Contract Note	Q-43 & Q-44 (Q-43 is on front side of the page and Q-44 is on the back side.)	Already marked as Exh.1258
30.	Document dated 8.9.2001	Q-45	Already marked as Exh.1259
31.	Document dated 1.11.2001	Q-46 to Q-49	Already marked as Exh.1260 to 1263
32.	Contract Notes, on all these contract notes the signature on front as well as back page have been respectively marked.	Q-50 & Q-51 to Q-66 & Q-67	Already marked as Exh.1264 to Exh.1272
33.	Contract Notes, on all these contract notes the signature on front as well as back page have been respectively marked.	Q-68 & Q-69 to Q-76 & Q-77	Already marked as Exh.1155/3 to Exh.1155/6
34.	Adjustment letter dated 4.2.2002	Q-78	Already marked as Exh.1155/1
35.	27 Cheques	Q-79 to Q-105 & Q-85(A)	Already marked as Exh. No. 1370/8, 1370/28, 1370/33, 1370/37, 1370/40, 1370/15, 1370/16, 1370/18, 1370/29,



		1370/34, 1370/20 to 1370/24, 1370/26, 1370/25, 1370/27, 1370/30 to 1370/32, 1370/35, 1370/9, 1370/10, 1370/13, 1370/11 & 1370/12 respectively.
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33. The specimen signatures purported to be written by Amit Warma were marked by me as 'S-1 to S-6'. They are not shown to me. They are the same. They are respectively marked as Exh.1675 to 1680.

34. The specimen signatures purported to be written by Subodh C. Bhandari were marked by me as 'A-1 to A-6'. They are not shown to me. They are the same. They are respectively marked as Exh.1681 to 1686.

35. The natural signatures of A.S.Warma were marked by me as 'SN-1 to SN-4' which is on the document dated 3.1.2002. These signatures are on front and back side of said documents. It is marked as Exh.1687.

36. The natural signatures of Subodh C. Bhandari were marked by me as 'AN-1 to AN-7'. Out of these signatures, signatures marked as 'AN-1 to AN-4' are on the Current Account Opening Form. These signatures are on front and back side of said documents. It is marked as Exh.1688. The signature 'AN-5' is on Specimen Signature Card. It is marked as Exh.1689. The signature 'AN-6 & AN-7' are on true copy of resolutions passed on dated 6.4.2001. Said copies of resolutions are respectively marked as Exh.1690 & 1691.

37. All the above documents are shown to me and bears my markings.

38. After marking the documents as above, I have carried out my examination with the help of different magnifying devices. I have also carried out my examination under different lighting conditions and under ultra-violet rays. The documents were sent to the photographic section for obtaining their photographs. After receiving the documents from photographic section, I carried out my examination and arrived at a conclusion that -

- 1] The red-encircled signatures marked Exh.Q-1 is written by the writer who wrote Exh.S-1 to S-6 and Exh. SN-1 to SN-4.
- 2] The red-encircled signatures marked as Exh.Q-2 to Q-105 & Q-85(A) are written by the writer who wrote Exh. A-1 to A-6 and Exh.AN-1 to AN-7.

39. The opinion now shown to me is the same. The contents are correct and bears my signature. It is marked as Exh.1692. The opinion alongwith all the documents were sent to The Deputy Superintendent of Police, State C.I.D., Nagpur, Unit. Nagpur under my office letter No. NHP/218/NIW/209/2002/VVR/2003 dated 24.4.2003. It is now shown to me. It is the same and bears my signature. Its contents are true and correct. It is marked as Exh.1693.

40. I am herewith producing my statement of reasons for this particular set of documents. Its contents are correct and bears my signature. It is marked as Exh.1694.

(Court time is over. Hence, further examination-in-chief is deferred till 1-2-2020.)

Before me.

(S.R.Totla)  
Addl. Chief Judl. Magistrate, Nagpur  
Dt/- 31.1.2020

(Date : 01.02.2020)

**Examination-in-chief resumed on oath.**

**Smt. Jyoti Wajani, Spl.P.P. and Smt.L.S.Gajbiye, A.P.P. for State:-**

41. I have received fourth set of documents for examination on 21.11.2002 from Deputy Superintendent of Police, State C.I.D., Nagpur Unit, Nagpur vide their letter dated 21.11.2002. It is now shown to me. It is marked as Exh.1695. After receiving these documents, a letter was sent to the investigation officer to make available natural writings and signatures of Suresh Damodar Peshkar vide our office letter dated 28.11.2002. Accordingly, our office received the additional documents on 5.12.2002 as per the letter of I.O. dated 5.12.2002. I received total 16 documents under these two letters of I.O.

42. After receiving the documents, I marked them as under. The disputed writings on the note-sheet was marked by me as 'Q-1' and the signature below the writings was marked by me as 'Q-1(S)'. The questioned document shown to me is the same and bears my marking. Said note-sheet is already exhibited as Exh.1310.

43. The specimen writings purported to be written by Suresh Damodar Peshkar were marked by me as 'S-1 to S-6'. These specimen writings are now shown to me. They are the same and bear my markings. They are respectively marked as Exh.1696 to Exh.1701.

44. The specimen signatures of the aforesaid person i.e. S.D.Peshkar were marked by me as 'S-7 to S-12'. They are now shown to me. They are the same and bear my markings. They are respectively marked as Exh.1702 to 1707.

45. The natural signatures of S.D.Peshkar were marked by me as 'SN-1 & SN-2' and his natural writing was marked by me as 'SN-3'. My markings as such are now shown to me. They are the same. They are now marked as Exh.1708 to 1710.

46. After marking the documents as above, I have carried out my examination with the help of different magnifying devices. I have also carried out my examination under different lighting conditions and under ultra-violet rays. The documents were sent to the photographic section for obtaining their photographs. After receiving the documents from photographic section, I carried out my examination and arrived at a conclusion that -

1] The red-encircled writing and signature marked Exhibits Q-1 & Q-1(S) are written by the writer who wrote Exh.S-1 to S-12 and Exh. SN-1 to SN-3.

47. The opinion now shown to me is the same. The contents are correct and bears my signature. It is marked as Exh.1711. The opinion alongwith all the documents were sent to The Deputy Superintendent of Police, State C.I.D., Nagpur, Unit Nagpur under my office letter No. NHP/219/NIW/239/2002/VVR/2003 dated 24.4.2003. It is now shown to me. It is the same and bears my signature. Its contents are true and correct. It is marked as Exh.1712.

48. I am herewith producing my statement of reasons for this particular set of documents. Its contents are correct and bears my signature. It is marked as Exh.1714.

49. I received the fifth set of documents for examination in this case on 10.6.2003 from Dy.S.P., C.I.D. Nagpur under his letter dated 10.6.2002. It is now shown to me. It is the same. It bears signature of concern clerk of our

office. It is marked as Exh.1715. I received total 15 documents and 4 cheques alongwith index. The index is marked as Exh.1716.

50. The documents were marked by me as follows. The disputed signatures on the five contract notes were marked by me as 'Q-1 to Q-5'. These contract notes are now shown to me. They are the same and bear my markings. They are now marked as Exh.1717 to 1721.

51. The signatures on holding certificates dated 15.3.2001 were marked by me as 'Q-6 to Q-8'. They are now shown to me. They are the same and bear my markings. They are now marked as Exh.1722 to 1724.

52. The signatures of the said person on four cheques were marked by me as 'Q-9 to Q-12'. They are now shown to me. They are the same and bear my markings. They are already marked as Exh.1370/6, 1370/17, 1370/7 & 1370/14 respectively.

53. Specimen signatures purported to be written by N.S.Trivedi were marked by me as 'S-1 to S-6'. They are now shown to me. They are the same and bear my markings. They are now marked as Exh.1725 to 1730.

54. The natural signatures of N.S.Trivedi were marked by me as 'N-1 & N-2' on the document dated 7.3.2001. These signatures are on front and back side of the document. It is now shown to me. It is the same and bear my markings. It is already marked as Exh.1370/1.

55. After marking the documents as above, I have carried out my examination with the help of different magnifying devices. I have also carried out my examination under different lighting conditions and under ultra-violet rays. The documents were sent to the photographic section for obtaining their

photographs. After receiving the documents from photographic section, I carried out my examination and arrived at a conclusion that -

1] The red-encircled signatures marked Exhibits Q-1 & Q-12 are written by the writer who wrote Exh.S-1 to S-6, N-1 & N-2.

56. The opinion now shown to me is the same. The contents are correct and bears my signature. It is marked as Exh.1731. The opinion alongwith all the documents were sent to The Additional Superintendent of Police, State C.I.D., Nagpur, Unit Nagpur under my office letter No. NHP/472/NHW/123/2003/VVR dated 31.7.2003. It is now shown to me. It is the same and bears my signature. Its contents are true and correct. It is marked as Exh.1732.

57. The reason for this opinion is as follows.

1] The questioned and the standard signatures reveals similar skill.

The writing characteristic such as line quality, alignment, rhythm, movement, pressure, relative size and proportion of letters revealed similar habits.

2] The combination of letters 'n' 's' is similar in the two sets.

3] Letter 't' reveals similar relative height and bulb formation in the two sets.

4] Letter 'r' reveals similar formation of letter pattern in the two sets.

5] Letter 'd' reveals similar relative height and inclination in the two sets.

6] Letters 'v' 'c' & 'i' reveals similar mannerism of the writer's habit in the two sets. Placement of rubric is similar in the two sets.

7] The questioned and the standard signatures reveal natural variation. There is no significant difference in the two sets.

8] The similarities in the individual characteristic are significant and sufficient to prove in combination common authorship in the two sets.

Cross-examination by Adv. Mr.C.H.Jaltare on behalf of accused No.11 :-  
Declined.

(Cross-examination on behalf of remaining accused is deferred till 25.02.2020 with consent of both the parties and the witness and as per the order dated 30.1.2020 passed below Exh.1588.)

Before me.

(S.R.Totla)

Addl. Chief Judl. Magistrate, Nagpur  
Dt/- 01.02.2020

Date : 25.02.2020

Cross-examination on oath by Adv. Mr.Ahuja on behalf of accused No.1 :-  
Declined.

Cross-examination by Adv. Mr.A.K.Bhangde on behalf of accused No.2 :-  
Declined.

Cross-examination by Adv. Mr.Agrawal on behalf of accused No.5 & 6 :-  
Declined.

**Cross-examination by Adv. Choubey on behalf of accused No.8 & 9 :-**

58. We use to take entries of the documents which are sent by us to our photography department. I have not handed over the record of such entries to the Investigation Officer. The photographs are not filed on record. I have not provided the negatives of these photographs to the Investigation Officer. It is not true to say that I have formed my opinion only on the basis of photographs.

59. I have not provided the reasoning of my opinion alongwith the opinion itself. I myself did not obtain the specimen signatures. I have not filed the details and name of the concern photographer of our department. It is not true to say that no such photographs were ever obtained. It is not true to say that I have prepared the reasoning afterwards and only in a way which would suit the prosecution case.

**Cross-examination by Adv. Purohit on behalf of accused No.4 & 7 :-**

60. I am a questioned document examiner. I have not filed on record any documentary evidence to show that I am a questioned document examiner.

Que.- What type of opinion, whether in the form of examination of questioned document or in the form of forensic report, the investigation officer has requested to you?

Ans.- I was requested in respect of handwriting only and accordingly, I have given the opinion.

61. My opinion was sought for handwriting as well as signatures. It is not true to say that the letter by which the investigation officer sought my opinion did not specify as to on what particular aspect my opinion was



required. It is true to say that in the opinion given by me I did not specify the mode and method of examination. It is not necessary to submit the certificate to the effect that at the time of examination of the documents my eye sight was excellent. I have not submitted any such certificate alongwith my opinion. Since last 25 years, I am using spectacles. I am using the spectacles for the problem of eye-sight. It is not true to say that the examiner who is having problem of eye-sight is mandatorily required to submit certificate of excellent eye-sight. It is not true to say that the examiner who is having problem of eye-sight has to obtain a second opinion from another examiner and that process is called 'Peer Review Stage'. It is true to say that the specifications of magnified devices used by me are not specifically mentioned in my report. It is true to say that I have not mentioned in my report about the apparatus or devices used by me for examination. It is true to say that now a days one of the instrument used by government agencies for examination of documents is Radio Spectral Comparator. It is not true to say that in earlier days, generally the examination of documents was used to be carried out by using Electrostatic Detection Apparatus. It is not true to say that Electrostatic Detection Apparatus and Radio Spectral Comparator are more accurate result oriented than the magnified instruments. These instruments are generally used for examination of ink indentation marks etcetra. It is not true to say that had these two instruments were used, the result of examination would have been some different. It is not true to say that these apparatus are generally used for detection of documents pertaining to the crime of forgery etcetra. It is true to say that in my report I have not mentioned stage-wise procedure for analysis and the conclusion reached upon by me. It is not true to say that the opinion given by me in this case is not conclusive. It is not true to say that for coming to the correct conclusion, it is necessary to obtain the opinion of another examiner independently. It is not true to say that without following the due procedure and adopting the correct methods and instruments, I have merely forwarded a mechanical opinion.

Re-examination : Nil.

R.O.A.C.

**Before me.**

(S.R.Totla)  
ACJM, Nagpur  
Dt/- 25.02.2019

(S.R.Totla)  
**Addl. Chief Judl. Magistrate, Nagpur**

Certificate

I affirm that the contents of this PDF Evidence are  
same word to word, as per original Evidence.

Name of Stenographer :- Ku. G.A. Joshi (Grade II)

(Date :- 3.2.2020)

**Statement of Witness No. 27 on behalf of the Government**

I solemnly declare that:-

My name :- Chandrasekhar Tukaramji Samarth

Age :- 76 years

Business :- agriculture,

will remain:- Sawangi Bujrook, Post Pipra Bela, Taluka Umred, District Nagpur.

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. At the time when the transaction in this case took place, I was elected as a director in the Nagpur District Central Cooperative Bank from the constituency of small landholders and economically weak.
2. I do not remember whether I myself attended the first meeting of the Board of Directors after my election. Being a co-operative bank, Nagpur District Central Bank must operate as per the relevant Banking and Co-operative Act.
3. Before holding the meeting of the board of directors, it is necessary to send to each director along with the pre-meeting notice about the subject, where and when the meeting is to be held and also the office notes regarding it. After that, when the quorum of the meeting is reached, the meeting starts properly and if the quorum is not reached, the chairman has to give instructions as to when or how often the meeting should be held further. After the commencement of the meeting, the chairman has to announce that all the directors have been briefed on the topics discussed in the meeting.

4. At the time of the transaction in this case, President Sunil Kedar, Vice President Ashatai Mahajan, General Manager Chowdhury were also the directors of Maharashtra State Cooperative Bank. General Manager Chaudhary was also working in Maharashtra State Co-operative Bank and on deputation in Nagpur District Central Bank.

5. If some urgent decisions are to be taken, the bank can take a circulating resolution as per rules. Thus as per rules after passing the circulating resolution it is required to be approved in the next meeting of the Board of Directors.

6. In the present case, we were never informed that any circulating resolution was taken by the bank for purchase of government securities and no such circulating resolution was ever placed before the meeting of the Board of Directors for approval.

7. Also, we were never informed about what our bank did with regard to the purchase of government securities and the purchase of government securities by holding a proper meeting of the board of directors. No such matter was ever raised before any meeting of the Board of Directors. Also, it is necessary to prepare a budget regarding the total share capital held by the bank and accordingly the investment to be made by the bank in various options. No such budget was ever placed before us and no such budget was presented in the Aamsabha either.

**In cross-examination by accused no. 1 Mr. Mr. Devendra with Subodh Dharmadhikari Advocate Chavan lawyer and accused no. 2 by Mr. Ashok Bhangde Advocates collectively:-**

8. How many term I was working in Nagpur District Central Cooperative Bank

don't remember I have read Bach's Biologs. It is true to say that as per the bank's bylaws, three systems are functioning in our bank namely General Body, Board of Directors and Management Committee. I do not remember how many directors there were in the board of directors of the bank in the year 1998-1999 when I was elected as the director of the bank. I do not remember whether I was a member of the management committee or not. I do not remember whether I attended any meeting of the Management Committee or not and whether I took attendance allowance etc. as such or not.

9. I was present in the meeting of the Management Committee on 25.8.2001 and on that day I also signed the attendance register, now I am shown the certified copy of the attendance register. I cannot say with certainty whether the signature on the said register is mine or not. I'm not saying I can't recognize my own signature. Still I can't say whether the signature on the attendance register is mine or not.

10 \* Now I am shown the entry in the attendance register. Accordingly, on 25.8.2001, the signature under the record regarding receipt of attendance allowance of Rs.200 is not mine. I know that perjury is a crime.

11. Dast No. 1620, No. 1624, No. 1652, No. 1627, No. 1629 and No. 1631 were shown to me. I was shown the certificates regarding my attendance on the relevant dates. I declare that all said records are managed and I do not own any of the documents shown to me. I have to say that all the endorsements in my name regarding my presence in the attendance register No.1297 are false and I do not remember that I was present in any of the hundreds of meetings of the Management Committee held during my tenure.

12. This. I do not remember that I d. Attending the meeting of the Management Committee on 19.1.1999 or not. It is not true to say that I do not remember anything that I myself did as a bank director.

13. I have attended a few meetings during my tenure. I remember that most of the meetings I attended were general meetings. I know that the bank has annual general meeting and special general meeting is also held. It is true to say that the notice of general meeting is issued and it is sent to every member. It is true to say that along with the said notice the annual report of the concerned year is also sent to the members. It is true to say that in respect of any matter mentioned in the Annual Report, in whole or in part; If a member has any objection he can register such objection. It is true to say that it is the duty of every director to attend the Annual General Meeting.

14. It is true to say that the General Assembly of the financial year 2000 2001 dt. I was present in the AGM held on 31.7.2001. I do not recall that copies of the Annual Report were sent to each Assembly along with notices for the respective AGMs as well. It is true to say that I did not dispute that I did not receive a copy of the annual report along with the notice for that year's general meeting. I do not remember whether I attended the said Annual General Meeting or not. It is not true to say that the annual report has given information about the investment in government securities and bonds made in that year.

15. I now have a sign. 1315 shown. Page in the said annual report All the information given on C.12 is in one line and not detailed. Now I have a sign. Page from 1315 c. 27 shown. In it securities and It is mentioned about bonds and which company's securities and bonds have been bought The amounts are mentioned. The witness himself says that about it The document 'has never been shown to us. I am of this type of transaction

I have not made a written request to show the document to the bank in my capacity as a director.

16. During my tenure as a director, I never knew that the bank was dealing in government securities and bonds. I have raised verbal objections in the meetings regarding the financial condition of the bank and where and how the bank has invested but no note was taken. I had not taken any written objection to the bank that my objections were not recorded in the minutes of the meeting. It is not true to say that I am giving false testimony by trying to isolate myself so that no responsibility falls on me as a director.

**In cross-examination accused no. 4 and 7 by Mr. The priest refused the lawyer.**

**Cross-examination by accused no.5 and 6 Mr. Aggarwal Advocate: Denied**

**cross investigation Accused no. 8 and 9 on behalf of Shri. Choubey Counsel: Refused.**

**In cross-examination accused no. 11 by Mr. Jaltare Vakil: Denied.**

**Cross-examination is over. No re-examination.**

Read to witness and acknowledged to be correct.

Dated 03.02.2020.

(She.Ra.Totla)  
Additional Chief Judicial Magistrate,  
Nagpur

## Certificate

I affirm that the contents of this PDF Evidence are same word to word, as per original Evidence.

Name of Stenographer:- Ku. G.A. Joshi (Grade II)



(Date :- 4.2.2020)

**Statement of Witness No. 28 on behalf of the Government**

I solemnly declare that:-

My name :- Vinayak Laxman Hampihallikar,

Age :- 51 years,

business :- private job,

Residence :- Bellandur, Bangalore.

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. I was working as Software Development Officer in Home Trade Limited, Mumbai from January 2001 to March 2002. The company stopped paying us so I left the job in March 2002. When I was employed in this company, I was provided a laptop by the company for office work.

2. • Dt. On 19.6.2002, when I was not at home, the police seized the laptop given to me by the company for office work from my wife Nina Hampihallikar. My wife had given that letter to the police. That letter was shown to me now. This is it. It is signed by my wife. This letter is marked K. 1737 is being given.

**In cross-examination accused no. 1 by Mr. Chavan Advocate:- Denied.**

**cross investigation Accused no. 2 on behalf of Shri. Ashok Bhangde Counsel:- Denied**

**In cross-examination accused no. 4 and 7 by Mr. Purohit Advocate: Denied.**

**Cross-examination by accused no.5 and 6 Mr. Aggarwal Advocate: Denied.**

**cross investigation Accused no. 8 and 9 on behalf of Shri. Choubey Counsel: Refused.**

**In cross-examination accused no. 11 by Mr. Jaltare Lawyer: Denied**

**Cross-examination is over. No re-examination.**

Read to witness and acknowledged to be correct.

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

Dated 04.02.2020

#### Certificate

I affirm that the contents of this PDF Evidence are  
same word to word, as per original Evidence.

Name of Stenographer:- Ku. G.A. Joshi (Grade II)

(Date :- 4.2.2020)

**Statement of Witness No. 29 on behalf of the Government**

I solemnly declare that:-

My name :- Ashok Srihari Madavi,  
Age :- 54 years  
Business :- job  
Will stay :- Near Hanuman Temple, Ramnagar, Nagpur,

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. I was working as Constable in State CID, Nagpur in 2002. Along with Madhya, Dinesh Nagorao Sakhre was also working as a constable in the same office.

2. On 28.6.2002 the specimen signature of Amit Verma was taken before us at our CID office at Nagpur. At that time, signature samples of Amit Verma were taken on six pages in total, six on each page. At that time I myself and Dinesh Sakhre were present there as witnesses. Samples of said Sahais have now been shown to me. These are the ones. It is signed by myself and Divash Sakhre as witnesses. The said documents are already marked with c. 1675 to 1680 is given.

**On behalf of accused no.1 Mr. Chavan's lawyer:- refused.**

**cross investigation Accused no. 2 on behalf of Shri. Ashok Bhangde Counsel: Denied**

**In cross-examination accused no. 4 and 7 by Mr. Purohit Advocate:-**

3. It is true to say that the police told me that the person present is Amit Verma so I am saying that the specimen signatures are of Amit Verma. It is true to say that our officials have not shown us the identity card etc. of the person named Amit Verma as really Amit Verma. It is true to say that sample Sahaya Nishani c. 1675 to 1680 were taken by our Saheb, we only signed on it as Panch.

**Cross-examination by accused no.5 and 6 Mr. Aggarwal Advocate: Denied.**

**Cross investigation Accused no. 8 and 9 on behalf of Shri. Choubey denied the lawyer.**

**In cross-examination accused no. 11 by Mr. Jaltare Lawyer: Denied.**

**Cross-examination is over, no re-examination.**

Read to witness and acknowledged to be correct.

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

Dated 0.4.02.2020

**Certification**

I affirm that the contents of this PDF Evidence are  
ne word to word, as per original Evidence.

Name of Stenographer:- Ku. G.A. Joshi (Grade 11)

(Date :- 4.2.2020)

**Statement of Witness No. 30 on behalf of the Government**

I solemnly declare that:-

My name :- Gilind Digambar Ghormade,  
Age :- 54 years  
Business :- job,  
will remain :- Telipura, Sitabardi, Nagpur

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. In the year 2002, I was working in Nagpur District Central Cooperative Bank, Nagpur HQ as Lipig. Shirish Sessa Rao Gode was working as a driver in a private vehicle hired by our bank.
2. Nagpur CID dated 1.5.2002. Police came to our bank for investigation. At that time, the investigating officer had taken samples of the assistants of Chaudhary, the general manager of our bank, before us. At that time, Ashok Chaudhary's samples were taken in front of me and Shirish Gode, six on each page, on a total of six pages. I have now been shown the copy of the sample of Sadar Sahay. K are areas. It is signed by me as a witness. This is the only sign for him. 1600 to 1605 is given.

**In cross-examination by accused no.1 Mr. Chavan Vakil :- Denied.**

**cross investigation Accused no. 2 on behalf of Shri. Ashok Bhangde Counsel: Denied**

**In cross-examination accused no. 4 and 7 by Mr. Purohit Advocate: Denied.**

**Cross-examination by accused no.5 and 6 Mr. Aggarwal Advocate:- Denied.**

**On the other hand, the accused no. 8 and 9 by Mr. Chaubey Vakil:- Denied.**

**Cross-examination by accused no: 11 Mr. Jaltare Lawyer: Denied.**

**Cross-examination is over. No re-examination.**

After reading Sagaras, Dadhile agrees to be right.

(Sh. Res. Totla)  
Additional Chief Magistrate,  
Nagpur

Date : 04.02.2020

#### Certificate

I affirm that the contents of this PDF Evidence are  
Same word to word, as per original Evidence.

Name of Stenographer:- Ku. G.A. Joshi (Grade II)

(Date :- 5.2.2020)

**Statement of Witness No. 31 on behalf of the Government**

I solemnly declare that:-

My name :- Rajesh Shamrao Kathode

Age :- 48 years

Business :- job

will stay :- Pension Nagar, Police Line Takli, Nagpur

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. I am working as Constable in State Crime Investigation Department, Nagpur since July 1994.
2. On 15.6.2002 the sample of Ketan Seth was taken in our office at Nagpur, at that time I myself and Deepak Devgade were present as witnesses. Samples of signatures of Ketan Seth were taken before us on a total of six pages, six per page. Samples of said Sahais have now been shown to me. These are the ones. I and Deepak Devgade have signed it as witnesses. They are already marked. 1390 to 1395 is given.
3. After that d. Also on 2.10.2002 at our office at Nagpur Subodh Bhandari's sample was taken, at that time myself and Ajay Kumar Sharma and we both appeared as witnesses. By Subodh Bhandari Taking before us samples of signatures on six pages in total came Samples of said Sahais have now been shown to me. These are the ones. I and

Ajay Kumar Sharma has signed as a witness. They are already marked. 1681 to 1686 is given.

**In cross-examination accused no. 8 and 9 by Mr. Chaubey lawyer and accused no. 4 and 7 By Shri.Purohit Vakil jointly :-**

4. In the year 2002, I was working as a constable. At that time Mr. Belle's office was on the ground floor. Generally, when called by the boss, the soldier would go to the office. It is true to say that the sepoy had no idea what Saheb was reading on the table. In the year 2002, around 8 to 10 sepoy were working in our office. The names of those 810 soldiers were Bandu Kamble, Devgade, etc.

5. On 15.6.2002, Mr. Belle appeared before us as a witness There was no written summons to stay.

- Question :- Did Mr. Belle introduce you to all those who were in his office that day?
- Ans :- Those whose samples were to be taken were introduced.

6. I don't remember how many people were present in Belle Saheb's office that day. I do not remember whether we made an official note that we were thus called as witnesses. It is not true to say that at the time when we were called as witnesses, Mr. Bell had already prepared the documents and only on his request we signed the prepared documents. I do not remember whether Mr. Bell showed us any form of identification of the said Isam as Kelan Seth or not. I myself did not ask for any documentary proof that the person related to Bele Saheb is Ketan Seth. This



I do not remember whether we asked Mr. Belle whether there were any written orders regarding the taking of samples of Ketan Seth's hair. It is not true that the relevant statements were not made before us by Ketan Seth. It is not true to say that there were no signatures on any of the papers concerned, we only signed them as witnesses at the behest of Belle. It is not true to say that I had seen the relevant documents in court before testifying. It is not true to say that I am bearing false witness.

7. "On 2.10.2002, Belle Saheb had not given us a written summons to appear as witnesses.

- Question :- Did Mr. Belle introduce you to all those who were in his office that day?
- Ans :- Those whose samples were to be taken were introduced.

8. I don't remember how many people were present in Belle Saheb's office that day. We were called as witnesses that day after 2:30 to 2:30 PM. Thus it is not true that I remember whether we had taken an official note about calling us as witnesses or not, that at the time when we were called as witnesses, Mr. Bele had already prepared the documents and only on his request we signed the prepared documents. I do not remember whether Mr. Bele Saheb showed us any form of identification of the said Isam being Subodh Bhandari or not. I myself did not ask for any documentary proof that the person related to Bele Saheb is Subodh Bhandari. Hi I don't remember whether we asked Mr. Belle whether there were any written orders regarding the taking of samples of Subodh Bhandari's hair. It is not true to say that Subodh Bhandari had made the relevant statements before us. It is not true to say that any signature on any paper concerned

No, we only signed it as witnesses at Belle's request. It is not true to say that I had seen the documents in court before testifying.

9. I joined as constable on 4.7.1994. Our d. 2.10. 2002 copy of attendance sheet regarding our presence in the office Shri. I don't know if Belle took it or not. It is not true to say that d. I was not present in the office on 2.10.2002. We are He was called as a witness on 2.10.2002 between about 2 to 2.30 in the afternoon. It is not true to say that no samples of Sahay were taken before us and I am giving false testimony just to please Mr. Bell.

**In cross-examination accused no. 1 by Mr. Chavan's lawyer refused.**

**cross investigation Accused no. 2 on behalf of Shri. Ashok Bhangde Counsel: Denied.**

**Cross-examination by accused no.5 and 6 Mr. Aggarwal Advocate: Denied.**

**On the contrary Accused no.. 11 by Mr. Jaltare Advocate:- Denied.**

**Cross-examination is over. No re-examination.**

Read to witness and acknowledged to be correct.

(She.Ra.Totla)  
Additional Chief Judicial Magistrate,  
Nagpur

Date : 05.02.2020

## Certificate

I affirm that the contents of this PDF Evidence are  
same word to word, as per original Evidence.

Name of Stenographer: Ku. G.A. Joshi (Grade II)

(Dated :- 10.2.2020)

**Statement of Witness No. 32 on behalf of Govt**

I solemnly declare that:-

My Name :- Ajay Ashok Dutta,  
Age :- 46 years  
Business :- private job,  
Will stay :- Kharghar, Mumbai

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. In the year 2002 I was living in Vashi at B-2/19 Sector-15, Room No.19 Vashi. I do not know Rajkumar Juneja. The police did not call me as a referee. I have not had any seizure. d. 1. The seizure panchnama dated 5.2002 was now shown to me. It is not my signature as a referee.

As the witness was not telling the truth before the court, the Assistant Public Prosecutor requested that he be allowed to ask questions in the form of cross-examination. It is allowed.)

2. It is not true to say that d. On 1.5.2002, the police did not call me and Rajkumar Juneja to the office of Home Trade Limited as referees for seizure panchnamya. It is not true to say that at that time I and Rajkumar Juneja appeared as judges. It is not true to say that at that time of home trade

The office was closed and hence Home Trade Officer Aneev Ansari was called. It is not true to say that thereafter the office of Home Trade Limited was opened and search was conducted before us. It is not true to say that at that time from the office of Home Trade Limited dt. 1.4.2001 to 11.4.2002 and dated 1.1.2002 to 11.4. 2002 as well as dt. 1.4.2001 to 31.3.2001, dt. Copies of the statement of bond transactions made by Home Trade Limited with NDCC Bank for the period 1.4.1999 to 31.3.2001 were seized from us. It is not true to say that at that time photocopies of passports of Manoj Shah, Sanjay Agarwal and Ketan Seth, Directors of Home Trade Limited were seized from us. It is not true to say that at that time the reconciliation bank statement of Home Trade Limited Company was also seized before us. It is not true to say that all the seizures as above were made before me and Rajkumar Juneja, accordingly the Investigating Officer prepared the seizure panchnama before us, read it to us and then we both signed it as judges. It is not true to say that the signature in Panch C.2 on the Seizure Panchnama is mine. I am now shown my then address on the Japti Panchnama. He is right. It is not true to say that I am giving false testimony to save the accused under pressure.

**In cross-examination accused no. 1 by Mr. Ahuja Vakil:- Denied.**

**cross investigation Accuser no. 2 on behalf of Shri. Ashok Bhangde Counsel: Denied.**

**In cross-examination accused no. 4 and 7 by Mr. Purohit Advocate:- Denied.**

**Cross-examination by accused no. 5 and 6 Mr. Aggarwal Advocate: Denied.**

**cross investigation Accused no. 8 and 9 on behalf of Shri. Choubey Counsel:- Refused.**

**On the other hand, the accused no. 11 by Mr. Jaltare lawyer refused.**

**Cross-examination is over. No re-examination.**

Read to witness and acknowledged to be correct.

(She.Ra.Totla)

Date : 10.02.2020.

Additional Chief Magistrate,  
Nagpur

#### Certificate

I affirm that the contents of this PDF Evidence are  
same word to word, as per original Evidence.

Name of Stenographer:- Ku. G.A. Joshi (Grade 11)

(Dated :- 10.2.2020)

**Statement of Witness No. 33 on behalf of Govt**

I solemnly declare that:-

my name: Sudhakar Govindrao Borkar

age :- 69 years

Business :-retired

will stay :-Plot K.14, Durganagar, Manewada Road, Nagpur..

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. I was working as Accountant in Account Section in Nagpur District Central Cooperative Bank, Nagpur. As I was working as an accountant, I was responsible for disbursing whatever payments were approved. Peshkar was working as Chief Accountant at that time. He is present in court today. At that time Sunil Kedar was the chairman of the bank.

2. I had disbursed the payment to Euro Discover India as per the record of payment to Euro Discover India. Also Euro Discover India I can't remember now what other transactions I did as an accountant as it's been a long time.

**Because the witness is not telling the truth before the court Questioning should be allowed in the form of cross-examination The request was made by the Assistant Public Prosecutor. That is allowed is.)**

2. It is true to say that after the closing of the cash book, Peshkar gave me a letter for Euro Discover India Limited. On 14.9.2000 asked to produce four checks of Rs.10 crore each along with vouchers. It is true to say that accordingly Peshkar told me that the Chairman of the bank was present in the bank and that the said checks were to be given to him. According to On 14.9.2000 I d. 15. 9.2000 4 checks of Rs.10 Crores each dated this date were prepared and handed over to Peshkar. It is true to say that the Peshkar told me that the Chairman would later issue the receipt regarding the said check to the party. It is true to say that since Peshkar was my superior, I did not ask him about the said receipt. It is true to say that I did not remember this incident as it had been a long time and I remembered it after the matter was read to me.

**In cross-examination accused no. 11 by Mr. Jaltare lawyer and accused no. 1 by Mr. Ahuja Vakil collectively:-**

3. My office hours were 10.30 am to 5.30 pm. This Whatever the incident was, it took place during office hours, i.e. within 5.30 pm. I am unable to say whether the cash book was closed at the time of the said incident or not. It is true to say that I have my signature on the check as an accountant. As all the four checks were placed on my table, I signed them. It cannot be said to me that it is a general practice to prepare a check on the evening of the first day if the amount is to be disbursed immediately on the following morning. Now I was shown Dast No. 1376. I recognize Gode's signature on it. I do not know whether this amount of Rs.40 crores was returned to the bank with interest by Euro Discover India. It is not true to say that I have no knowledge of the matter but I am bearing false witness.



In cross-examination accused no. 4 and 7 by Mr. Purohit Vakil: Denied.

On cross investigation, Shri. Ashok Bhangde Counsel: Denied.

Cross-examination by accused no.5 and 6 Mr. Aggarwal Advocate: Denied.

cross investigation Accused no. 8 and 9 on behalf of Shri. Choubey Counsel: Refused.

Cross-examination is over. No re-examination.

Read to witness and acknowledged to be correct.

(She.Ra.Totla)

Additional Chief Magistrate,

Nagpur

Date : 10.02.2020

#### Certificate

I affirm that the contents of this PDF Evidence are  
same word to word, as per original Evidence.

Name of Stenographer:- Ku. G.A. Joshi (Grade II)

(Dated :- 10.2.2020)

**Statement of Witness No. 34 on behalf of Govt**

I solemnly declare that:-

my name :- Ganesh Mahadev Vadwalkar

age :- 57 years

Business :- nirank

will remain :- Nalasopara, Thane.

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. On 22.6.2002 I S. at Vileparle. K. Was working in a trading company. Next to our office was the office of Giltage Management Services Limited. I do not know this person Roopchandel Narsingh Manjhi.

2. On 22.6.2002 I was called to the office of Giltage Management Services Limited. The police were seizing some documents from the office of Sadar Giltage Company. I don't know what that document was. Who else but me? I cannot say who was present there. The owner of Giltage Company was present there. I don't know their name. They asked me to sign the panchnama so I signed the panchnama. I do not know what the seized documents were. The confiscation panchnama was now shown to me. It is my signature. Sign the said signature. 1754 is being given. He also showed me the other two Dasts that accompany the Panchnama. It has my signatures but I don't know the contents. Apologies to those friends. 1755 and 1756 are being given

**As the witness was not telling the truth before the court, the Assistant Public Prosecutor requested that he be allowed to ask questions in the form of cross-examination. It is allowed.)**

2. It is not true to say that on 22.6.2002 Police Officer Belle asked me to appear as referee on seizure panchnama. I don't know if another umpire Rupchandel Narsingh Majhi was also present at that time. I do not know that at that time the office of the said Giltage company was searched and seized before both our Panchas. It is true to say that Ketan Seth of Giltage Company was present at that place. I am not aware that the details of the documents seized by the police have been mentioned in the seizure panchnama and it is written as serial number 1 to 27 in the seizure panchnama. I am not aware that some files were seized at the time of Seizure Panchnama.

3. It is not true to say that entire confiscation proceedings were conducted before me, confiscation panchnama was prepared, it was read out to me and then signed by myself, second panch and Ketan Seth. It is true to say that my signature is on every page of the confiscation sheet. I have studied up to 10th standard and can read and write Marathi. I understand the importance of signing, it is true to say that we do not sign anywhere anyone asks us to sign. It is not true to say that the entire proceedings of Panchnama took place before me so I signed the Panchnama. It is not true to say that because I know Ketan Seth, I am bearing false witness to save him.

**In cross-examination accused no. 4 and 7 by Mr. Purohit Advocate:-**

4. It is true to say that any Panchnama action took place before me

There was no so I don't remember anything.

In cross-examination by accused no.1 Mr. Ahuja's lawyer refused.

cross investigation Accused no. 2 on behalf of Shri. Ashok Bhangde Counsel: Denied.

Cross-examination by accused no.5 and 6 Mr. Aggarwal Advocate: Denied.

cross investigation Accused no. 8 and 9 on behalf of Shri. Choubey denied the lawyer.

In cross-examination accused no. 11 by Mr. Jaltare Advocate:- Denied.

Cross-examination is over. No re-examination.

Read to witness and acknowledged to be correct.

(Sr. Totla)

Additional Chief Magistrate,

Nagpur

Date: 10.02.2020

#### Certificate

I affirm that the contents of this PDF Evidence are  
same word to word, as per original Evidence.

Name of Stenographer: Ku. G.A. Joshi (Grade 11)

**Regular criminal case No. 147/2002**

**Government -vs Sunil Kedar and**

**others Mark number: 1757**

(Dated :- 10.1.2020)

**Statement of Witness No. 35 on behalf of Govt**

I solemnly declare that:-

my name :- Akhilesh Gunwant Shah,

age :- 50 years

Business :- business

will remain :- Nehrunagar, Ahmedabad.

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. In the year 2002, Amit Verma was doing broking under the name Syndicate Management Private Limited. On 11.7.2002, Amit Verma's father called me to his office. I know Saroj Verma. She was also present in the Syndicate Management office. Chaparashi, who is working in the said company, was also present there. The police searched the office of Syndicate Management Limited. During the said search, they seized 4-5 CDs and 2-3 floppies and 2 documents. Accordingly, seizure panchnama was prepared. The said confiscation panchnama has now been shown to me. It is my signature as referee. Its content is correct. Amit Verma's mother Saroj also signed it as a referee. The said confiscation panchnama is the same. He is being given a mark of 1758. The seized stocks have already been marked with K.1348 and 1349. That's what they are.

**In cross-examination accused no. 4 and 7 by Mr. Purohit Advocate:-**

2. It is true to say that letter Ex. 1348 and 1349 other than others

Nothing was seized before me. It is true to say that I do not know what these letters are about.

In cross-examination accused no. 1 by Mr. Ahuja's lawyer refused.

Cross investigation Accused no. 2 on behalf of Shri. Ashok Bhangde Counsel: Denied.

Cross-examination by accused no.5 and 6 Mr. Aggarwal Advocate: Denied.

Cross investigation Accused no. 8 and 9 on behalf of Shri. Choubey counsel: denied,

In cross-examination accused no. 11 by Mr. Jaltare Lawyer: Denied.

Cross-examination is over. No re-examination.

Read to witness and acknowledged to be correct.

(She.Ra.Totla)

Additional Chief Magistrate,

Nagpur

Date : 10.02.2020

#### Certificate

I affirm that the contents of this PDF Evidence are  
same word to word, as per original Evidence.

Name of Stenographer:- Ku. G.A. Joshi (Grade II)

(Dated :- 14.2.2020)

**Statement of Witness No. 36 on behalf of Govt**

I solemnly declare that:-

my name :- Parimal Rasiklal Shah

age :- 63 years

Business :- CA.

will stay :- Andheri, Mumbai.

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. I have been working as a Chartered Accountant since 1981. Sanjay Agarwal was the director of Home Trade Limited. Apart from him, Ketan Seth and Trivedi were also directors in that company. Both Baldua and Bhandari were working in the accounting department of the said company. Srikant Sharma was the Company Secretary.

2. I did the Statutory Audit of the company Home Trade Limited for two years 1999 2000 and 2000 2001. Home Trade Limited was engaged in share broking. His three firms namely Price Water House, KPMC and Love Lawn Lewis were responsible for maintaining the accounting system of Home Trade Limited. The said three companies wanted to see all the accounts of Home Trade Limited. After we were called for audit, we were given the closing balance of this company and all the statements of transactions etc. Based on that we used to complete the audit.

3. The Audit Report prepared by us and the said

I have now been shown the balance sheet and documents received by us from Home Trade to prepare the Audit Report. Audit Report is the same. Said

(Ld. Counsels for all accused have objected to exhibit the document on the ground that it does not bear signature of the witness and signature of author is also not on the said report. It is further submitted that copy filed on record is xerox copy of the alleged report. Ld. Spl.P.P. has submitted that the report is prepared by this witness and therefore, he is the authorized person to depose about the same. It is further submitted by Ld. Spl.P.P. that it bears the stamp and signature of the Company Registrar. After hearing both the sides, it appears that investigation officer has obtained this certified copy from the office of Company Registrar which is a public office. Even though report does not bear the signature of the concern Chartered Accountant, the fact can not be overlooked that it is a document i.e. certified copy provided by the Public Office. Hence, being a certified copy of document issued by public office, it be exhibited. [Page No.245 to 266/400]) Mark him. 1784 is being given.

4. After the audit from 1st April, 2000 to 31st March, 2001, I left the said company as my residence was in Andheri and the office of the company was at a long distance from there and the information required for the audit was not provided by the company within time.

**In cross-examination accused no. 4 and 7 by Mr. Purohit Advocate:-**

5. Govt to audit companies which have high turnover Chartered Accountant approves. Annual turnover of the company Home Trade Limited It was around 40 to 50 crore rupees. It is not true to say that such companies Government Chartered Accountant to conduct audit



appoints Chartered Accountant is appointed by the Board of Directors of the company. Home Trade Limited had about 6 to 7 directors during the relevant period.

6. It is true to say that during the year 2000 2001 when I. Ketan Seth was the Director of Giltage Management Company during the audited period. It is true to say that at that time Sanjay Agarwal and Nandkishore Trivedi were directors in Home Trade Limited. It is true to say that at that time Home Trade Limited and Giltage Management Services Limited were two different companies.

7. It is true to say that Nishani c. I myself have not given the document of 1784 to the investigating officer. It is true to say that the police did not demand the said documents by giving me a written letter etc. It is true to say that after the audit of the company, the audit report is prepared and submitted wherever it is to be submitted with the signature of the auditor. It is true to say that Dast Nishani c. Nowhere on 1784 is the signature of the directors or auditors of the company. It is true to say that Nishani c. The Audit Report dated 1784 does not bear my signature anywhere. It is true to say that there is no certificate to the effect that I have prepared the said Audit Report nor my signature on the Audit Report. It is true to say that the audit report for the period for which the auditor has been appointed by the company must be submitted to the company before the auditor resigns from the company. I have tendered my resignation from Home Trade Limited for the financial year commencing on 1st April 2001. It is true to say that I do not know what transactions transpired in that company after I resigned from the said company. It is true to say that on the copy of the Audit Report which is given to the company, the auditor and the concerned directors

There are aids. It is true to say that the office copy of the Audit Report which we have also bears the signatures of the auditor and the concerned directors. It is true to say that we do not give the Audit Report of that company to anyone other than the concerned company.

6. I don't know if the office of the company was closed after 2001 or not and who were their directors or which director resigned etc. It is true to say that without the signature of the auditor on the audit report, the audit report is not final. It is true to say that the name of Ketan Seth as a director is not mentioned anywhere in the Audit Report (A.D. 1784). I informed Home Trade Limited by email that I am not getting the proper information for auditing on time and also because of the long distance of my house, it is difficult to audit.

7. While doing the audit report, I knew how far the office of Home Trade Limited is from my house. It is not true to say that I have never audited Home Trade Limited and have never given the relevant Audit Report and hence my signature is not there.

(Cross-examination adjourned till after noon due to intermission.)

(She.Ra.Totla)

Date : 14.02.2020.

Additional Chief Judicial Magistrate,  
Nagpur

**Cross-examination continued on oath:-**

**Accused no. 8 and 9 on behalf of Shri. Choubey Counsel:-**

8. It is true to say that Nandkishore Trivedi is also a Chartered Accountant. I do not know whether Nandkishore Trivedi was a Professional Director in the company or not. It is not true to say that Euro Asian Securities Private Limited and Home Trade Limited are two different companies and their directors are also different. I had audited a company called Home Trade Limited. I don't remember when Euro Asian Securities Pvt Ltd changed its name to Home Trade Ltd. It is not known to me whether Nandkishore Trivedi as a director was responsible for any function of the company. I don't remember that. Whether or not Nandkishore Trivedi was a director in Home Trade Limited during the period under audit. It is not true to say that I have never audited Home Trade Limited and Audit Report No. C 1784 is completely false.

**In cross-examination accused no. 1 by Mr. Ahuja Vakil :- Denied.**

**cross investigation Accused no. 2 on behalf of Shri. Ashok Bhangde Counsel: Denied.**

**Cross-examination by accused no.5 and 6 Mr. Aggarwal Advocate: Denied.**

**In cross-examination accused no. 11 by Mr. Jaltare Lawyer: Denied.**

**Cross-examination is over. No re-examination.**

Read to witness and acknowledged to be correct.

(She.Ra.Totla)

Dated 14.02.2020.

Additional Chief Judicial Magistrate,  
Nagpur

## Certificate

I affirm that the contents of this PDF Evidence are  
same word to word, as per original Evidence.

Name of Stenographer: Ku. G.A. Joshi (Grade 11

**Regular criminal trial c. 147/2002**

**Govt -vs- Sunil Kedar and others**

**Mark number: 1793**

(Date :- 17.2.2020)

**Statement of Witness No. 37 on behalf of the Government**

I solemnly declare that:-

my name :- Shrikant Someshwar Deshpande

age :- 63 years

Business :- retired

will stay :- Sahakar Nagar, Pune-9.

**On behalf of the prosecution, Smt. Jyoti Vajani along with Smt. L.S. Gajbhiye**

1. I was working as Senior Officer in Janata Sahakari Bank, Fort Mumbai in June 2002. d. On 27.9.2002 the police seized some documents from our bank. We had bank accounts of two companies namely Indramani Merchants Private Limited and Century Dealers Private Limited. The police had requested from our bank the application for opening the account of the said companies and all the related documents as well as the related documents regarding the operation of the said account. Accordingly, we gave all the relevant documents to the police. He prepared a Panchnama regarding it. The said Panchnama was now shown to me. This is him. It is my signature. Its content is correct. It has already been given Nishani c.1479. If you show me the document seized along with the said Panchnama, I can identify it. They are as follows.

2. Account Opening Form of Indramani Merchants Private Limited, He already had a sign. 1688 has been given. Also along with said form Samples courtesy of Subodh Bhandari from Indramani Merchants Private Limited The form taken is already marked C 1689. Said

Accompanying the form is a resolution submitted to Indramani Merchants Private Limited, already marked C. 1690 has been given. Also, the resolution regarding the authorization of Subodh Bhandari by the said company is enclosed with the account opening form. He already had a sign. 1691 has been given. Also, a photocopy of the change in company address form has been attached. Also along with form no. Photocopy of 32 is attached. Both these forms are being given Article CC-1 and CC-2. Along with that, Meena Poddar and Shri. Attached is the resolution of the company authorizing Shri Prakash Poddar. Along with this resolution, Meena Poddar and S. Samples of Poddar's contributions are attached. It is collectively denoted as c. 1794 is being given. (Two pages in total). In the said documents, there is a resolution regarding giving authority to Jitendra Agarwal and Poddar. Along with it are samples of their contributions. Mark them collectively as c. 1795 is being given.

3. Account opening form of Century Dealers Pvt Ltd along with the said form along with specimen signatures of Century Dealers Pvt Ltd account holders, resolution, form no. 32, letter dated 30.3.2002 received from Century Dealers Private Limited, Form No. 32 in which Shashi Aggarwal and S.P. There is information about Poddar, also there are documents like copy of resolution dated 1.3.2002 and sample form of signatures. Anukame to them 1796/1 1796/9 is being given.

4. On 21.9.2002, the police sent us a letter and demanded the certificate regarding the documents seized from us as part of the investigation and the account statements of the concerned companies. The said letter was shown to me. Regarding receipt of it in our bank, signature of bank related employee and bank stamp are on it. They are marked respectively. 1797 and 1798 are being given. Pursuant to the said letter, we debited them vide letter dated 23.9.2002,

The route map and certificate of the transaction has been given. It is now shown to me. That's what they are. The said letter dated 23.9.2002 is signed by me. Its content is correct. Mark him. 1799 is being given.

5. I was now shown the account opening form of Syndicate Management Services Pvt Ltd along with the letter (No.1799). He is the one. He has already been given 1 (A.D. 1687). Along with the said form, we were given a copy of the seizure notice regarding the documents seized by the police. She showed me now. Mark him. 1800 is being given.

6. On 27.9.2002, we informed them about the documents they demanded from us through our letter. Some of the documents were seized from us by the Central Crime Investigation Department and informed to the police. The said letter was shown to me. It is my signature. Its content is correct. Mark him. 1801 is being given. Along with this letter, we have attached the office copy of the letter we had given to the Central Criminal Investigation Department. It was shown to me. It is my signature. Its content is correct. Mark him. 1802 is being given.

17. Certificates dated 5.10.2002 and dated 10.10.2002 were shown to me. The concerned companies have the said certificates regarding the transaction done through our bank. Along with the said letters, we had provided the account statements of the concerned to the police. The said letter and account statements are the same. Along with this letter, a summary of the transactions of the said companies with our bank is attached. (Ld. Counsels for all the accused have taken objection to exhibit the alleged route-map on the ground that it is not signed by anyone and there is no certificate of bank certifying those entries as per the provisions of Bankers' Books Evidence Act It is is further submitted that the concerned witness has not prepared these route-maps

certificate. The investigation officer has sought for the information from Bank and the present witness has supplied said information to the I.O. Therefore, there is not doubt about the genuineness of these documents and the same are required to be exhibited.

After hearing both the sides, it appears that the investigation officer has sought the concerned information from the Bank with a request to send the same alongwith certificate. It is apparent that the route-map annexed with the certificate does not bear the signature or the seal of the Bank. However, the same are supplied to investigation officer alongwith the separate certificate. So far as question of provisions of Bankers' Books Evidence Act are concerned, it is apparent that the route-map supplied alongwith the certificate are not the bank statements but only limited to the explanation of the entries appearing in the bank statement and the disclosure as to how these transactions have taken place. However, the witness has submitted that he is unable to explain as to which route-map was forwarded alongwith which certificate. Hence, certificate be exhibited and the route-map be marked as article.)

8. Dated 5.10.2002 and dt. Letters dated 10.10.2002 are marked as C.1803 and 1804 respectively. Also the Routemap is being given Article Dud-1 to Dud-7.

9. On 23.9.2002, we gave the details and certificate regarding the transaction with NDCC Bank and Home Trade Limited to the investigating officer, as per the said certificate and details, the transactions which were underlined in red ink are mentioned between Home Trade Limited and NDCC Bank through our bank. The said certificate and details were shown to me. He is the one. Mark the said certificate. 1805 is being given as well as the detailed article



Dud-8 to Dud-18 is being given.

(At the request of the witness, the testimony was adjourned for 5 minutes.)

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

Date : 17.02.2020

**On cross-examination, the accused no. 4 and 7 by Mr. Purohit Advocate :-**

10. Senior officers are responsible for verifying the transaction as well as controlling the concerned branch. It is true to say that I myself as a senior officer do not do the work of accepting the account opening forms, taking samples of the signatures of the account holders. A separate officer is appointed in the bank for this purpose. It is true to say that the account opening forms of the companies which I have mentioned in my brief have not actually received the forms from the account holders themselves, nor have I personally taken the samples of the signatures of the account holders. I myself cannot say which person actually signed the said form and the specimen signatures. It is true to say that I cannot say anything even about the people who have identified themselves on the said form. Letters (dated 1797 and 1798) were shown to me. I cannot tell which officer of our bank has received the said letter and which officer has signed it. It is true to say that on the letter (d. 1799) that it was received by Investigating Officer Bayle, he did not sign the letter. Also, regarding the receipt of the documents mentioned in the said letter (marked c. 1799) by Belle, there is no signature of his signature on the actual letter. It is true to say that a bank has an inbound and outbound register of correspondence in the bank. It is true to say that the letter (d. 1799) does not mention Babanka's outward appearance. Also on the letter (N 1801) there is no signature on the said letter as the receipt of the said letter by Belle or anyone in his office. It is true to say that

The letter (No. 1801) does not mention the bank's outgoing number.

11. On the letter (no.1802), the signature is not on the said letter as the said letter is received by someone in the office of CBI, Mumbai. It is true to say that the letter (No. 1802) does not mention the bank's external number.

12. I have not brought with me today the official copy or other records in my office in connection with the letters (No. 1799, No. 1801 and No. 1802). It is not true that there was no correspondence as mentioned by me in pursuance of the said three letters and therefore I have not brought their office copies or related records with me.

13. The letter (d. 1803) was now shown to me. It is true to say that it does not have our bank's outgoing number. It is true to say that there is no acknowledgment of receipt of this letter by the person to whom it was sent. It is true to say that the account number and account holder name of which account details are being sent are not mentioned in the cover letter. It is true to say that the said letter does not mention the transaction in respect of which the particulars are being sent in pursuance of the letter.

14. Kshetra (Ni 1804) is now shown to me. It is true to say that our bank does not have an external link on it. It is true to say that the said letter does not mention the account number and the name of the account holder for which account details are being sent. It is true to say that the said letter does not mention the transaction in respect of which the particulars are being sent in pursuance of the letter. The said letter registered post A.D. We did not give the receipt and delivery receipt to the police. It is not true that we had not sent any information as mentioned in the said letter and the said letter to the police and therefore the receipt and

We did not give the receipt to the police.

15. We had given a certified statement to the police as mentioned in the letter (No. 1799). I cannot say why it was not filed on record.

16. I have not brought any bank statements with me today. We had issued the proper certificate to the investigating officer under the Backers' Books Act as mentioned in the Act (Nos. 1803 and 1804). It is not true to say that no such certificate was issued by us and therefore it is not on record.

17. Dast (d.1805) now showed me. There is no outgoing number of our bank on it. It is true to say that the receipt of the said letter is not on actual record (N.1805). It is true to say that the said letter does not mention the account number and the name of the account holder for which account details are being sent. It is true to say that the said letter does not mention the transaction in respect of which the particulars are being sent in pursuance of the letter. Saying this It is not true that we had not given any document or details to the police as mentioned in Dast (1805).

18. It is true to say that I am unable to say what the actual dealings of the companies concerned have been without seeing the records. It is true to say that the said transaction did not take place during my tenure so I personally do not know anything about it.

**Cross-examination Mr. Chaubey lawyer accused no. For 7 and 8:-**

19. Subodh Bhandari in what position in the relevant company during the relevant period

I have no idea it was working. Also I don't know which person was working in which position in which other companies. Also in related companies I don't even know what their responsibilities were.

(Due to mid-day time, re-examination will be postponed till after mid-day.)

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

Date : 17.02.2020

**On cross-examination oath by accused no.5 and 6 Mr. Aggarwal Advocate:-**

20. We do not always provide access to the documents we receive from bank customers. This depends on the nature of the documents. It is true to say that the documents which come to us from outside, we record in the incoming register or note the same on the related documents. I am not able to tell you the date when Bill No. 1794/1, 1794/2, 1796/3, 1796/4, 1796/5, 1796/6 to 1796/8 were received in our bank. After obtaining the sample signature of the account holder from us, the bank official signs himself on the form. Dast (N. 1794/2, 1795/1, 1796/2) was now shown to me. I cannot tell you the date on which the samples were taken. It is true that the document (No.179442, 1795/1) is not signed by any officer of the bank which I am stating that the document seized from me. My signature was not taken on those documents at the time of seizure. It is not true that the documents which I am saying were seized from me were never given to our bank by the concerned customer companies and we have created those fake documents. It is not true to say that the person who shows signatures on the pattern of signatures has not actually signed them. It is not true to say that there was no correspondence between the Back and the investigating officer as mentioned in my evidence and we filed such false document.

has done It is not true to say that I am bearing false witness today.

**In cross-examination accused no. 1 by Mr. Ahuja's lawyer refused.**

**cross investigation Accused no. 2 on behalf of Shri. Ashok Bhangde Counsel: Denied.**

**In cross-examination accused no. 11 by Mr. Jaltare Advocate:- Denied.**

**Cross-examination is over. No re-examination.**

Read to witness and acknowledged to be correct.

(She.Ra.Totla)

Additional Chief Magistrate,

Nagpur

Date : 17.02.2020

#### Certificate

I affirm that the contents of this PDF Evidence are  
same word to word, as per original Evidence.

Name of Stenographer:- Ku. G.A. Joshi (Grade 11)

**Regular criminal case No. 147/2002**

**Government -vs Sunil Kedar and**

**others Mark number: 1812**

(Dated :- 24.02.2020)

**Statement of Witness No. 38 on behalf of Govt**

I solemnly declare that:-

my name :- Ketan Ramesh Mascaria

age :- 40 years

Business:- private job

will stay:- Ghatkopar, Mumbai.

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. I was born in 1992. Com passed. After that I joined Dynamic Investment Company. I worked in this company for 23 years. After that I joined Lloyd's Brokerage Company. After that the name of the company was changed to Euro Asian Securities Limited. After that the name of the company was again changed to Home Trade Limited. At that time the owner of the said company was Sanjay Agarwal.

2. I used to work in debt market securities department at Home Trade Limited. As instructed by Kanan Mewawala, Arvind Rai and Subodh Bhandari, I was tasked with keeping records of government securities transactions in the computer. Kanan Mewawala and Arvind Rai were working as our department managers. Subodh Bhandari was the director of the company. Also, if the government guarantee in physical form went from us or came to us, I used to record it in the register. After recording the purchase and sale of government securities in the computer, the contract note and bill for the said transaction is prepared

to be I used to take their print out and sign it and Kanan Mewawala, Arvind Rai also signed it,

3. The contract note (mark no. 1231) and the confirmation letter (mark no. 1232) were shown to me. I have my signature on it.

4. I don't know what was the deal of Home Trade Limited with Nagpur District Central Cooperative Bank regarding government guarantee. d. On 21.5.2002, the investigating officer called me to the office of Home Trade and seized the records of purchase and sale of government securities in the said office. 3 to 4 registers were seized from me from that office. Accordingly seizure panchnama was made and my signature was taken on it. The said confiscation panchnama has now been shown to me. He is the one. Its content is correct. This Panchnama is marked with K. 1813 is being given. The said seized registers were shown to me. My signature on the first page of each register regarding seizure. Articles F-1 to F-4 are being given to all the four registers. There is no record of government guarantee in physical form for Nagpur District Central Bank in the said register.

**In cross-examination accused no. 4 and 7 by Mr. Purohit Advocate:-**

5. Before it was renamed as Home Trade, my position was Settlement Assistant. The police had recorded my statement. I don't know where Home Trade owner Sanjay Aggarwal was at that time. I did not ask the police where the owners of the home trade were. I cannot tell you any reason why I did not ask the police.

6. I do not remember that the police confiscated my statement register

Whether it was taken before or after it was seized.

7. When I was working in the home trade, my first superiors were Arvind Rai and Kanan Mewawala. I cannot tell who was the superior of the two. Both of them were working as managers in the debt market department. I have no idea that both of them used to inform me to record 40 to 50 transactions daily. I have no idea that I have it during the day. It is true that both of them would verbally inform me about how much and with whom the transactions were made, but neither of them ever verbally informed me about whom, what and how much government securities they bought and sold. It is not true to say that therefore I do not know who should maintain the said register. It is true to say that none of the registers I mention bear the name and seal of Home Trade. It is true to say that the title of what these registers belong to • is not given.

8. When I was working at Home Trade Limited I cannot tell you the total number of computers in the department I was working in. The department I worked in had computers. The department I was working in was dealing with government securities. I do not remember whether my statement was taken by the police on the day the registers were seized or not. The police had not given me any summons in writing to record my statement.

9. I have no idea how many people were present in the office on the day I handed over the registers to the police. I don't know whether the director of our company was present in the office on that day or not.



I have not received any letter etc. in writing to remove the said register. I did not ask the officers who came to confiscate the registers about their identity cards. After signing my documents I was asked to leave. It is true to say that I do not know what action they took after signing my documents. I have knowledge of Gujarati and Hindi language. I can read and write Marathi language very little. I don't know whether the proceedings of confiscation of registers were conducted by the police in Marathi language or in Hindi language. It is true to say that the text of Panchnama (d.1813) was not read to me and I do not know it.

10. I don't know what time the guard opened the office on Panchnama day. Also I don't know what time the office closed that day. I don't know how many people came to work in the office that day.

11. Nagpur District, I don't know how the deal to buy government securities for central bank was done online. I do not know what transactions between Nagpur District Central Bank and Home Trade Limited and other companies regarding the purchase and sale of government securities took place. It is not true to say that the police had not sought and seized the alleged registers from me. Truth be told, I don't know what the police did with the register after I removed it. It is not true that I am lying that I had removed the said registers. It is not true to say that d. I did not go to the office of Home Trade Limited on 21.5.2002 and therefore no records were seized. I do not know that before 21.5.2002 the police had sealed the office of Home Trade Limited and put a seal on it. It is not true to say that I am bearing false witness and that I know nothing

Reverse investigation Accused c. 8 8 9 on behalf of Shri. Choubey Counsel:-

12. I don't remember since when I was working in the wholesale debt department. It is true to say that I was working in the wholesale debt department. I don't know when Home Trade Limited started the Government Guarantee business. In the year 1995, I was not working in the wholesale debt department. It is true to say that Kanan Mewawala and Arvind Rai used to see all the work in this department. About 4 to 5 people used to work in this department. Subodh Bhandari was not working in the wholesale debt department. I do not know that Subodh Bhandari is a Chartered Accountant. It is true to say that Subodh Bhandari was also employed in home trade. It is true to say that Subodh Bhandari did not sign such papers unless any employee of the Wholesale Debt Department counter signed any paper. It is true to say that Kanan Mewawala and Arvind Rai used to look after the back office operations. It is true to say that Jay Mehta and I used to do other work apart from the back office operations. It is true to say that it was my job to keep records of who the company bought which security for and to whom it was given possession of which security. It is true to say that government securities in physical form were sent to the concerned by post or handed over to the authorized person of the concerned company. It is true to say that it was my duty to take note of such physical government guarantee and I have taken such notes. I have given the police the records as requested by them. I do not know who was taking records of government securities transactions in my absence. I am not aware that sometimes after buying government securities for a customer, such securities are wikiped before they are given in physical form to the respective customer. I don't know whether the government guarantee transaction was done principal to principal between NDCC Bank and Home Trade. This is true

Subodh Bhandari did not sign such contract note unless the concerned employee of the department doing the work counter signed the contract note. It is true to say that in Dast (Nos. 1231 and 1232) first I counter signed and then Subodh Bhandari signed. It is true to say that No. 1231 has been prepared by me after looking at the transaction document related to the contract note. It is true to say that Contract Note No.1231 has been prepared by me after verification myself. It is not my recollection that Subodh Bhandari never gave me any instructions to computerize any transaction records. It is not true to say that I have not removed any registers to the police and therefore I know nothing about the said seizure..

**In cross-examination accused no. 1 by Mr. Ahuja's lawyer refused.**

**cross investigation Accused no. 2 on behalf of Shri. Ashok Bhangde Counsel: Denied.**

**Cross-examination by accused no.5 and 6 Mr. Aggarwal Advocate: Denied.**

**In cross-examination accused no. 11 by Mr. Jaltare Advocate:- Denied.**

**Cross-examination is over. No re-examination.**

Read to witness and acknowledged to be correct.

(She.Ra.Totla)

Date : 24.02.2020.

Additional Chief Judicial Magistrate,  
Nagpur

## Certificate

I affirm that the contents of this PDF Evidence are  
same word to word, as per original Evidence.

Name of Stenographer:- Ku. G.A. Joshi (Grade II)

**Regular criminal trial c. 147/2002**

**Govt -vs- Sunil Kedar and others**

**Mark number: 1816**

(Dated :- 25.02.2020)

**Statement of Witness No. 39 on behalf of Govt**

I solemnly declare that:-

My Name :- Yashwant Narayan kuta

age :- 66 years

Business :- retired

Residing:- at Arsoda, Taluka Armori, District Gadchiroli

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. I was working as Police Inspector in Police Station Ganeshpeth from July 2000 to June 2002. d. On 25.4.2002 the plaintiff Sunil Chhatrapal Kedar came to our police station. He gave a verbal complaint to the police station. I wrote it from my writer Constable Laxman Dhote. I have written the said complaint as per the instructions of the plaintiff Sunil Kedar. She read it to them. It is signed by him. The complaint has now been shown to me. It was written by my then writer Laxman Dhote and I recognize his handwriting. That's the complaint I was shown. (The Id. Counsel for accused No.4 & 7 has objected to exhibit the First Information on the ground that the person deposing before Court has not written the complaint. The complaint is not lodged by this witness and therefore, unless such person lodging report is examined, the same cannot be exhibited. Ld. Public Prosecutor has submitted that the complaint is recorded in the presence of this witness, he has identified the handwriting of his complaint and he has also read over the contents of the complaint to the person lodging

complaint. After hearing both the sides, it is apparent that the person who has lodged the report is accused No.1 in the present case. Under such circumstances, the officer who was in charge of the Police Station and in whose presence the complaint was lodged and who has identified the handwriting of the person writing the complaint is the competent witness to depose about the same. Hence, objection rejected. Accordingly, complaint is exhibited.) He is being given Nishani K.1817. The suit was filed by Sunil Kedar against Home Trade and 4 other companies for defrauding the Nagpur District Central Bank of Rs. 125.60 crores. The plaintiff stated that Home Trade and 4 other companies took money to buy government securities for the bank but instead of the original securities, they gave only photocopies to the bank. During the inspection of the bank, original guarantees were required but they were not provided by Home Trade and 4 other companies, it was stated by the plaintiff that they cheated the bank by taking the amount. Apart from Home Trade, the complaint was filed against Indramani Merchants, Century Dealers Services, Syndicate Management and Giltage Management. According to the said condition, the first information report was registered. He showed me now. It is signed by me and the plaintiff. Its content is correct. Mark him. 1818 is being given. The further investigation of this case by the Sub-Divisional Police Officer of the State Crime Investigation Department Shri. Porate was handed over as per orders of senior officers.

2. After that d. On 29.4.2002, Bhaurao Aswar, Special Auditor, Co- operative Society filed a complaint against Sunil Kedar, General Manager of District Central Bank Chaudhary, Director of Home Trade Limited, Director of Indrayani Merchants, Director of Syndicate Management Limited, Director of Sanctuary Dealers Services and Director of Giltage Management Limited. Along with the said plaintiff, he submitted a total of 13 attachment letters to the police station. The said plaint and attachment have now been shown to me. This is it. Mark K. 1139 to the said plaintiff and mark K. 1137, 1114, 1138, 1140, 1141/1 to 1141/7, 1142 to 1153

has been given. are presented. A note was taken. Along with the said document, the plaintiff has now shown me the first information report of the case C.101/2000 to our police station according to the police station. It is signed by the plaintiff and me. Its content is correct. He already had a sign. 1167 has been given. After registering the said case, further investigation was given to the State Crime Investigation Department.

**In cross-examination by accused no. 1 Mr. Ahuja's lawyer refused.**

**cross investigation Accused no. 2 on behalf of Shri. Ashok Bhangde Counsel: Denied.**

**In cross-examination accused no. 4 and 7 by Mr. Purohit lawyer and accused no. 5 and 6 Mr. Aggarwal Advocates collectively:-**

3. d. On 25.4.2002 I do not remember who else came along with Sunil Kedar to file a complaint. I cannot tell you exactly what time Sunil Kedar came to file the complaint. The plaintiff himself had come. It is safe to say that I did not take their separate identity to file a first-instance report as I already knew them. It is not true to say that each police station has a different team to investigate different categories of crime like financial crimes, physical crimes. It is not true to say that if there is a dispute for offenses like Sections 406, 420, 409, 468 and 470 of the Indian Penal Code, first we investigate and then file a case.

4. D.25.4.2002 and dt. I do not remember whether I myself asked the complainants on 29.4.2002 who are the directors of the accused companies and what are their names. It is not true to say that unless the name of the accused is mentioned in the complaint at the police station

Until then, a case cannot be registered as per the rules.

5. I d. 25.4.2002 and dt. Copy of station diary not brought to show attendance on duty on 29.4.2002. The FIR is recorded in the station diary. d. On 29.4.2002 a person named Bhaurao Aswar came to the police station to file a complaint, I am convinced from 1 documents with him that he is Bhaurao Aswar. I did not know Bhaurao Aswar before. d. I cannot tell you how many people came to file a complaint on 29.4.2002 and I do not remember what time they came to the police station to file a complaint. I don't remember how many pages of complaint they wrote. I do not now remember the contents of the addendum which was given with that plaint. I had read the contents of the said addendums at that time, I did not feel the need to verify the authenticity of those contents while filing the complaint. The addendum he gave was in English and Marathi, not in Madrasi or Tamil.

- Question :- Did you give the notice to the plaintiff that the plaintiff had given you a letter of attachment with the plaintiff?
- Ans :- I had given him the copy of FIR.

6. Dast (No.1137) showed me. It is not signed by me. A copy of the FIR (No.1167) was shown to me. It bears the signature of the plaintiff on the last page. Where the plaintiff's name is mentioned, sd/- is written thereon. I have not given a copy of the written complaint to the police station stamped by the police station to the plaintiff. In the written complaint given by him, the names of Sunil Kedar and Chowdhury were mentioned as directors of other companies. Takar (nih 1139) showed me. The FIR was registered as per the complaint which did not mention the accused as directors. No other inquiry was made regarding the companies mentioned in the plaint. I mentioned that it is not true to say



As done, no attachment was filed by the plaintiff with Kaifiyat. It is not true to say that the affidavit was not filed while filing the said plaint and therefore the names of the accused are not mentioned in the plaint. It is not true to say that if the alleged attachment letter (No. 1138) had not been given by the plaintiff, I would have accused the accused C. No case would have been registered against 4 to 7. I had not checked the Dast (No.1138) at the time of filing the complaint. I had only perused the documents. I don't remember now which document it was. The document he had given with Kaifiyati. Whether they were originals or photocopies I cannot tell today. I don't remember now which bank and which company the said document belonged to. It is true to say that d. Before 29.4.2002 I had registered a complaint on 25.4.2002. After the complaint came to me, I did not inquire whether any such crime actually took place under the jurisdiction of Ganeshpeth Police Station or not at the time of registering the complaint. If we come across a dispute where all the transactions take place in Mumbai, we file a zero number First Alert Report. It is not true to say that I registered the case only because of political pressure when it was mentioned that all the transactions in the Kaifiyati dated 25.4.2002 and 29.4.2002 were done in Mumbai and all the accompanying documents were from companies in Mumbai. It is not true to say that I registered a false case without observing both the complaints.

(The cross-examination by accused no.4 to 7 is over. As it is mid-day, the cross- examination by the earlier accused is adjourned till after mid-day.)

Read to witness and acknowledged to be correct.

(She.Ra.Totla)

Additional Chief Judicial Magistrate,

Dated 25,02.2020

Nagpur

**On cross-examination, the accused no. 8 and 9 by Mr. Chaubey Advocate:-**

7. I don't know where Laxman Dhote is now. I haven't met him in the last eight years since I retired. I did not make any inquiries about Trivedi's position or employment in Home Trade. I did not see any agreement regarding collateral investment. It is true to say that I have only registered a first-instance report in this case, I have not conducted any inquiry. I did not inquire whether the guarantee was given in digital form or in physical form. Also, I did not inquire about how many and which securities were bought. I have not inquired whether the complaint is true or false. It is not true to say that I registered a false case because the prosecutor had political connections. I don't know that Trivedi did not make any agreement etc. It is not true to say that I filed false cases without any verification of both the qualities.

**In cross-examination accused no. 11 by Mr. Jaltare Lawyer: Denied.**

**Cross-examination is over. No re-examination.**

\* Read and agree to be correct.

(She.Ra.Totla)

Additional Chief Magistrate,  
Nagpur

Date: 25.02.2020

**Certificate**

I affirm that the contents of this PDF Evidence are  
same word to word, as per original Evidence.

Name of Stenographer:- Ku. G.A. Joshi (Grade II)

(Date : 27.2.2020)

Deposition of witness No.40 for prosecution.

*(The witness has prayed to record her evidence in English language. Neither the prosecution nor the defence has any objection for the same. Hence, her evidence is being recorded in English language.)*

I do hereby on solemn affirmation state that :-

Name of witness :- Anita Mangesh Kenkare,  
Aged about :- 52 Yrs,  
Occupation :- Service  
Resident of :- Mahim, Mumbai.

Examination-in-chief by Spl.P.P. Smt.Jyoti Wajani with  
A.P.P. Smt.L.S.Gajbhiye.

1. At present, I am working as the Chief General Manager of SEBI. I am serving in SEBI since the year 1991. Our office received a letter dated 14.6.2002 from State C.I.D., Nagpur seeking registration details of the four companies narrated in the said letter. Said letter is now shown to me. It is the same. It is marked as Exh.1829. Accordingly, we had verified the record and data basis of our office and found that no one of those companies were registered either as a broker or sub-broker with SEBI. Accordingly, we forwarded the letter to State C.I.D., Nagpur. It is now shown to me. It is the same. Its contents are correct. The information was sought and provided in respect of 1) Giltage Management Services Limited, Bombay, 2) Syndicate Management Services, Ahmedabad, 3) Indramani Merchants Private Limited, Kolkata and 4) Century Dealers Private Limited, Kolkata. Said letter is marked as Exh.1830.

2. During the relevant period, I was acquainted with Mr. Parag Jain. He was working as Deputy General Manager with SEBI. I am acquainted with his

signature having worked together with him. Again our office received a letter dated 19.7.2002 addressed in my name from State C.I.D., Nagpur. They had sought information about the registration details of Home Trade Limited. Said letter is now shown to me. I can not confirm whether the letter shown to me is the same. In response to the said letter, Mr. Parag Jain has issued a letter to State C.I.D. It is now shown to me. It is the same. It bears signature of Mr. Parag Jain. I know his signature. It is marked as Exh.1831.

Cross-examination by Adv.Ahuja, for accused No.1:- Declined.

Cross-examination by Adv.Ashok Bhangde, for accused No.2:- Declined.

Cross-examination by Adv.C.H.Jaltare, for accused No.11:- Declined.

(Cross-examination deferred till after recess period on the oral submission of ld. counsels for all accused. However, both the sides are ready to record examination-in-chief of another witness Shivsingh Bighot before recess period.)

Before me.

(S.R.Totla)  
ACJM, Nagpur  
Dt/- 27.02.2020

After recess, cross-examination resumes on oath by Adv.Girish Purohit, for accused No.4 & 7:-

3. In the year 2002, Mr. Parag Jain was working with me. I used to report him. I do not recollect the names of other colleagues. We both had separate office cubicles. I do not recollect as to in whose name the letter (Exh.1829) and another letter alleged to have received from State C.I.D. were addressed. I did not bring with me the original record of our office to show that the alleged letters were received to us.

4. I have verified record from our office and also perused the copies of letters to our office before coming to the court today. I do not remember the

outward and inward number given by our office pertaining to said letters. There is no specific time limit for preserving the record available with our office. The record of our office is maintained by Market Intermediary Regulatory and Supervision Department. I have also gone through the concern computerized data maintained with our office. Apart from MIRS department and computerized data, I did not verify any other information from any other sub-section of our department.

5. I am not aware about the RBI guidelines in respect of any compulsion of registration of the companies with SEBI for dealing in the transaction of government securities. I did not make enquiry about the nature of business in which the concern companies were dealing at the relevant time. During my tenure, I did not come across any case of registration of NBFC with SEBI for trading on stock exchange. I can not answer whether out side of the stock exchange, these NBFCs who are having licence from the Reserve Bank of India can trade in government securities principle to principle.

6. I have an idea that non-banking financial companies have to obtain licence from RBI to do the business. However, for dealing with the government securities through stock exchange, it is must for them to register themselves with SEBI. I do not want to comment whether NBFCs are not the agents or brokers. I am not aware whether as per the guidelines of the Reserve Bank of India, the NBFCs are exempted from getting registered with SEBI for dealing in government securities on stock exchange. I am not aware that such non-banking financial companies are not required to register themselves with SEBI for dealing in the transactions of government securities.

7. Now the document purporting to be guidelines of Reserve Bank of

India issued for NBFCs is shown to the witness. The witness has stated that said document is not dated and she can not say anything about the same. She has clarified that there is no exemption to anyone including the NBFCs for trading on stock exchange without getting itself registered with SEBI.

8. I can not say about the banking policy namely, whether the banks would not provide loan to companies for dealing with government securities if they are not registered with SEBI. I am not aware that the NBFCs having license from RBI are exempted from registration with SEBI to deal in government securities.

**Cross-examination by Adv.Agrawal, for accused No.5 & 6:-**

9. I have not produced on record the copies of computer data or other record of our office about which I have stated in my examination-in-chief that I have verified the same before coming to the court. It is not true to say that our office is not having any such data or the record and therefore, I did not bring the same with me. It is not true to say that the letters referred in my examination-in-chief are false.

**Cross-examination by Adv.Choubey, for accused No.8 & 9:-**

10. I do not know whether principal to principal transaction of government securities out of stock exchange does not require any sort of authorization from the SEBI. It is not true to say that inspite of knowing the same I am not telling the truth.

11. I am not aware as to the present health conditions of Mr. Parag Jain. I do not know from whether Mr. Parag Jain had verified the information

mentioned in the letter (Exh.1831). I do not know whether Mr. Parag Jain is alive. There is separate inward register maintained with our office and the outward entries are maintained in computer. It is not true to say that, in the letter (Exh.1829) it is not specifically mentioned as to which information about the concern companies was required by the police. It is not true to say that our reply (Exh.1830) is not in consonance with the information sought for vide letter (Exh.1829).

12. There are various categories of registrations with SEBI, namely, Merchant Bankers, Bankers to the issue etcetra, other than the brokers and the sub-brokers. We have written in the letter (Exh.1830) about the information of registration of said companies as brokers and sub-brokers because the letter was received by our Secondary Market Department which deals in registration of brokers and sub-brokers.

13. Letter (Exh.1829) is now shown to me. It is addressed to Chairman of SEBI. It is true to say that there is nothing on letter to show that it was addressed to Secondary Market Department. It is true to say that as per the subject clause mentioned in the letter (Exh.1829), it pertains to registration of the companies. It is not true to say that I have exceeded my powers by providing the information vide letter (Exh.1830), which was not actually sought by the police. It is true to say that alongwith the letter, we did not provide any material or the copies to police from which the said information was gathered by our office. It is not true to say that I did not actually verify the record of our office while forwarding letter (Exh.1830) to the police. It is true to say that alongwith letter (Exh.1829) there is no document to disclose that said letter which was addressed to the Chairman of SEBI was to be replied by me.

14. I did not ask B.B.Porate about the discrepancy appearing in the letter (Exh.1829) about the date below his signature which is mentioned as 13.6 and one appearing on the head-note of the letter and mentioned as 14.6.2002. It is true to say that in my letter (Exh.1830) I have referred a letter (Exh.1829) as dated 14.6.2002. The letter (Exh.1831) by Parag Jain was not prepared under my instructions. Mr. Parag Jain was also working with me in Secondary Market Department. It is not true to say that the information provided by me vide letter (Exh.1830) and one provided by Parag Jain vide letter (Exh.1831) is pertaining to the same query by police.

15. It is not true to say that I did not make any detail investigation before forwarding letter (Exh.1829) to police, it was prepared mechanically and whatever information forwarded was not actually sought by investigation officer.

**Re-examination** : Nil.

**R.O.A.C.**

**Before me.**

(S.R.Totla)  
ACJM, Nagpur

Dt/- 27.02.2020

(S.R.Totla)  
Addl. Chief Judl. Magistrate, Nagpur

Certificate

I affirm that the contents of this PDF Evidence are same word to word, as per original Evidence.

Name of Stenographer :- Ku. G.A. Joshi (Grade II)



RCC 147-2002  
(P.W.No.40) dt.27.2.2020  
Digitally signed by  
Shekhar Ramnathji Totla  
Location: Nagpur  
Date: 2020.02.29 11:06:12  
+0530



(Date : 27.2.2020)

**Deposition of witness No. 41 for prosecution.**  
*(The witness has prayed to record his evidence in English language. Neither the prosecution nor the defence has any objection for the same. Hence, his evidence is being recorded in English language.)*

I do hereby on solemn affirmation state that :-

Name of witness :- Shivsingh Sandusingh Bighot  
Aged about :- 64 Yrs,  
Occupation :- Retired,  
Resident of :- Kalyan, Thane.

**Examination-in-chief by Spl.P.P. Smt.Jyoti Wajani with  
A.P.P. Smt.L.S.Gajbhive.**

1. I had joined Maharashtra State Cooperative Bank in the year 1990 as a Grade II Officer. In the year 2002, I was working on the post of Grade I Officer as I was promoted in the meantime. On 30.5.2002, the officer of State C.I.D., Nagpur visited our branch at Mumbai and requested us for some documents pertaining to the account of Home Trade Limited. Accordingly, being the custodian of documents, I had handed over the requisite documents to the officer of State C.I.D. Mr. Shankar Randhaye and Mr. K.V.Jadhav were the employees of our bank. They were present at the time of seizure of the documents from bank and they have signed the seizure memo accordingly as panch. The documents included Account Opening Form, copies of PAN Card, cheques, the resolution of the directors of the company etcetra. I do not exactly remember the number of documents seized from me. However, the cheques seized from the bank were about 35 in number and other five documents were also seized. The seizure memo was accordingly prepared. It is now shown to me. It bears my signature and that of the panchas. Its contents are correct. It is already marked as Exh.1370.

2. Similarly, all the documents seized from the bank bear my signature and signature of both the panchas. These documents are now shown to me. They are the same and they are already marked as Exh.1370/1 to 1370/40. Out of 35 cheques, 17 cheques bearing Exh.1370/8, 1370/9, 1370/15, 1370/16, 1370/18, 1370/20, 1370/21, 1370/22, 1370/23, 1370/24, 1370/26, 1370/25, 1370/27, 1370/10, 1370/13, 1370/11 & 1370/12 have been passed by me.

(Cross-examination is reserved till after recess.)

Before me.

(S.R.Totla)  
A.C.J.M., Nagpur  
Dt/- 27.02.2020

Cross-examination resumed on oath by Adv.Girish Purohit , for accused No.4 & 7:-

3. On 30.5.2002, the police came to our bank at about 10.30 a.m. and they left the bank at about 5.30 to 6 p.m. The police did not provide any written requisition personally to me for supply of documents. My senior officer did not give any order in writing to me for providing documents to police. It is not true to say that I was not having any details of the concern cheques. I had provided the details of extract of the said cheques to police. It is true to say that after opening an account, the documents like Account Opening Form are kept in separate file in separate section of the bank. It is true to say that there is a separate department for maintaining and keeping the cheques which are cleared by our bank. It is not true to say that all the documents which are alleged to have been seized were required to be seized separately from the separate sections of the bank with which those documents were lying. It is not true to say that the alleged witnesses Shankar Randhaye and Jadhav were not present on 30.5.2002. It is not true to say that both

these persons did not sign any paper in my presence. It is not true to say that police did not prepare any seizure memo in my presence. It is not true to say that, therefore, I do not know the contents of seizure memo. It is not true to say that I am deposing falsely.

**Cross-examination by Adv.Choubey, for accused No.8 & 9:-**

4. It is true to say that our bank i.e. Maharashtra State Cooperative Bank is in Mumbai. The amounts of the cheques which I have cleared was deposited in the account of NDCC bank maintained with our branch at Mumbai. It is true to say that from the account of NDCC bank maintained with our branch, the amount was not transferred to Nagpur. The cheques (Exh.1370/15, Exh.1370/16, 1370/18, 1370/20, 1370/21, 1370/22 & 1370/25 to 1370/27, Exh.1370/31, Exh.1370/32, 1370/35, 1370/9, 1370/10, 1370/11 & 1370/12) are shown to me. The amounts of said cheques were deposited from one account of Home Trade Limited to its another account and both these accounts were pertaining to the branches at Mumbai. It is true to say that all the transactions of encashment and issuance of these cheques have happened in Mumbai.

5. Shankar Randhaye and K.V.Jadhav both are alive. It is true to say that all the transactions pertaining to all the 35 cheques in respect of which I have deposed had happened in Mumbai. It is true to say that there is overwriting in the dates mentioned on the first page of Exh.1370 which is written firstly on the upper right side, secondly in clause No.3 under the head 'दाखल ता. वेळ' and lastly in clause No.6 titled as 'जप्त केल्याचे ता. वेळ'.

6. The seizure memo (Exh.1370) is now shown to me. It is true to say

that the page No.1, 2 & 3 of the same do not bear my signature. It is true to say, that at page No.4 of Exh.1370 i.e. at the bottom of the page, my name and date is not mentioned. However, date is mentioned below the acknowledgement of receipt of copy of seizure memo. I did not pass the entire 35 cheques. I have passed only 17 cheques. All the cheques and all the documents were personally collected by me from our office to supply to the police. I do not remember whether it was written in the seizure memo that I myself personally gathered all the documents from our office to provide the same to the police. It is not true to say that no such panchanama was drawn by police in my presence. It is true to say that it is not mentioned in the panchnama that the documents were personally collected by me from our office. It is not true to say that I am deposing falsely.

**Cross-examination by Adv.Ashok Bhangde, for accused No.2:- Declined.**

**Cross-examination by Adv.Ahuja, for accused No.1: Declined.**

**Cross-examination by Adv.Agrawal, for accused No.5 & 6:- Declined.**

**Cross-examination by Adv.C.H.Jaitare, for accused No.11:- Declined.**

**Re-examination : Nil.**

**R.O.A.C.**

**Before me.**

**(S.R.Totla)**

**ACJM, Nagpur**

**Dt/- 27.02.2020**

**(S.R.Totla)**

**Addl. Chief Judl. Magistrate, Nagpur**

**Certificate**

I affirm that the contents of this PDF Evidence are same word to word, as per original Evidence.

Name of Stenographer :- Ku. G.A. Joshi (Grade II)



RCC 147-2002 (P.W.No.41)  
dt.27.2.2020  
Digitally signed by Shekhar  
Ramnathji Totla  
Location: Nagpur  
Date: 2020.02.29 11:06:47  
+0530

**Regular criminal case No. 147/2002**

**Government -vs Sunil Kedar and**

**others Mark number: 1837**

(Date :- 28.2.2020)

**Statement of Witness No. 42 on behalf of the Government**

I solemnly declare that:-

My name :- Jaikumar Rasiklal Mehta

Age :- 56 years

Business :- job

will stay :- Vasai, Mumbai.

**On behalf of the prosecution Mrs. Jyoti Vajani and Mrs. L.S. Gajbhiye**

1. I joined Lloyds Brokerage Limited in April 1995. In October 1998, Sanjay Agarwal bought the said company from Lloyds Group. Subsequently, the name of the said company was changed to Euro Asian Securities Limited. Then in November 1999, the name of the company was changed again and the name of the company was changed to Home Trade Limited. The said company closed down in the year 2002, till that time I was working in the said company.

2. In April 1995, I was working in the National Stock Exchange Settlement Department of the said company. Then in March 1999 I was transferred to the debt department of the company. From then till the end I was working in the same department of the company. In the said department I was responsible for preparing contract note, passing general voucher entry of home trade and their associate companies etc. His associate companies were Wage India Limited, Tell Me.com, BuyEverything.com, Delhouse Securities Private Limited and Home Trade's associate company Hooghly Trading Specific Finance, Poddar Trading Company.

3. The transaction of buying and selling of securities was carried out by Ketan Seth, Kanan Mewawala, Subodh Bhandari, Sanjay Agarwal and N.S. Trivedi used to see this.

4. Kanan Mewawala and Ketan Seth used to give me information regarding securities transactions. Also sometimes Sanjay Aggarwal through Subodh Bhandari and Trivedi used to provide us the details regarding the said transaction. I used to prepare contract notes based on the details received. After preparing the said contract note, Kanan Mewawala, Ketan Maskaria or Arvind Rai would counter sign the said contract note and send it to the authorized signatories Sanjay Agarwal, Subodh, Bhandari and Nandkishore Trivedi. After signing the contract note, the said note used to come to Kanan Mewawala. Kanan Mewawala then proceeded to send the said contract note to the customer. The said contract note was sent to the customer by putting stamps etc. on the contract note.

5. NDCC Bank had initially bought securities worth around Rs 150 crore from Home Trade. The said transaction took place around the year 2001. Once the details of the said transaction were received by our department, the contract note would be prepared and after the contract note was prepared, I would forward it to Kanan Mewawala. I prepared about 6 to 7 contract notes. Also, most of the times Kanan Mewawala used to prepare the said contract note. I can identify them if the said contract note is shown to me. Also I can recognize Sanjay Aggarwal and Kanan Mewawala.

6. Now I was shown the checks (marks 1370/36, 1370/38, 1370/19 and 1370/39). (The Id. Counsels for accused No.4, 7, 8 & 9 have taken objection that the documents which are not prepared and signed by this witness including these cheques and some other contract notes can not

be shown to the witness. However, witness has stated that these documents are either prepared by him or by Kanan Mewawala and signed by the authorized signatory named in his examination-in-chief. He has also submitted that he can identify their signatures. Therefore, documents which are already exhibited and which bear the signatures which may be identified by this witness can be shown to him. Hence, objection is rejected.) The said checks (marks 1370/36, 1370/38, 1370/19 and 1370/39) were shown to me. It is signed by Sanjay Agarwal.

7. me now. The document was shown as follows.

- 1) Ex. 1661 to 1667 was now shown to me. It has counter signature of Kanan Mewawala and signature of Sanjay Aggarwal as authorized signatory.
- 2) Ex. 1273, 1274, 1276, 1277, 1278 and 1280 were now shown to me. The said contract note is in respect of government securities purchased by NDCC Bank from Home Trade. It is signed by Kanan Mewawala and Sanjay Agarwal.
- 3) Ex. 1275 and 1279 were now shown to me. The said contract note is regarding government securities sold by NDCC Bank. It is signed by Kanan Mewawala and Sanjay Agarwal.
- 4) Check Ex. 1370/6, 1370/17, 1370/7 and 1370/14 were now shown to me. It is signed by Nandkishore Trivedi.
- 5) Ex. 1717, 1718, 1719, 1721 were now shown to me. The said contract is about government securities sold by NDCC Bank on note. It has counter signature of Kanan Mewawala and signature of Nandkishore Trivedi as authorized signatory.
- 6) Ex. 1722, 1723 and 1724 were shown to me. Counter signature of Kanan Mewawala and Nandkishore Trivedi on the said confirmation letter Signed as Authorized Signatory

- 7) Ex. 1230 was shown to me. The said contract note is signed by Kanan Mewawala and Subodh Bhandari.
- 8) Ex. 1231 showed me this. The contract note is signed by Ketan Maskaria and Subodh Bhandari.
- 9) Ex. 1233 and 1234 were shown to me. The said contract note is signed by Kanan Mewawala and Subodh Bhandari.
- 10) Ex. 1232 showed me this. Ketan on the said confirmation letter Signed by Maskaria and Subodh Bhandari.
- 11) Ex. 1235 showed me this. The said adjustment letter is signed by Kanan Mewawala and Subodh Bhandari.
- 12) AD 1236 to 1239, 1241, 1265, 1268 to 1272 and 1155/2 to 1155/6 were now shown to me. The said contract note is signed by Kanan Mewawala and Subodh Bhandari.
- 13) Ex.1240, 1242, 1244, 1246, 1247, 1252, 1255, 1257, 1259, 1260, 1261, 1262, 1263, 1155/1 were shown to me. The said confirmation letter is signed by Kanan Mewawala and Subodh Bhandari.
- 14) AD 1264, 1266 and 1267 were now shown to me. The said contract The note bears the signature of Subodh Bhandari.
- 15) Check Ex. 1370/8, 1370/28, 1370/29, 1370/34, 1370/37, 1370/40, 1370/15, 1370/16, 1370/18, 1370/20 to 1370/27, 1370/30 to 1370/ 32, 1370/35, 1370/9, 1370/10, 1370/13, 1370/11 and 1370/12 were now shown to me. It is signed by Subodh Bhandari.

I have not seen delivery of guarantee to Nagpur District Central Bank.

**On the other hand, the accused no. 1 by Mr. Devendra Chavan Advocate: Denied.**



**Reverse investigation Accused no. 2 on behalf of Shri. Ashok Bhangde Counsel:- Denied.**

**In cross-examination accused no. 4 and 7 by Mr. Purohit Advocate:-**

8. I joined Lloyd Group in 1995 as an office assistant. In January 1996 I was promoted to the post of Officer Settlement. In October 1998, I was promoted to the post of Assistant Manager. I was in the same position till I was hired. When I started my job in 1995, my starting salary was Rs.5000/- per month. After the company was renamed Home Trade in the year 2001, Manja's salary was Rs. 25000/- per month. My education is B. com. has been up to Apart from that I have not acquired any other educational qualification.

9. I have not done any course on buying and selling government securities and keeping records of the said transactions. It is true to say that I did not have the academic qualification required by the Stock Exchange Rules for keeping records of securities transactions. It is true to say that I did not have the requisite academic qualification to prepare a contract note.

10. It is true to say that Home Trade Limited has a national and international presence Those who have qualified as well as those who have passed from IITs have been appointed as Chartered Accountants. It is true to say that Home Trade Limited was a professionally managed company. It is not true to say that these highly qualified home trade employees are the ones who prepare all the contract notes, confirmation letters and other documents of buying and selling government securities.

11. It is true to say that the drafts of the contract notes mentioned in my circular and the contracts mentioned therein were not prepared by me myself. It is true to say that I myself have not prepared any of the adjustment letters mentioned in my circular. It is not true that the contract notes shown to me, any confirmation letters and any documents were not signed by any authorized signatory before me.

12. Now, I am unable to tell you which of the contract notes, confirmation letters and other documents mentioned by me have been signed by the authorized signatory before me.

13. I don't know that when I was working in Home Trade Limited during the year 2000 to 2002, the turnover of the said company was around Rs.2000 crores. At Home Trade Limited there were about 5 to 6 transactions of assurance transactions per day. It is not necessary that there should be 150 transactions in a month. About 400 surety transactions were done in the said company during the year. Most of the transactions were with Giltage Management Limited. Also most of the transactions were done with many co-operative banks. It cannot be said to me that Giltage Management had a bigger business than Home Trade Limited. Giltage Management Services has its office at Vileparle Mumbai. It is true to say that the said company had 40 to 50 separate employees. It is true to say that Ketan Seth was the director of Giltage Management Company. I cannot say that Ketan Seth was Additional Director in Home Trade Limited.

14. Home Trade Limited had different directors at different times. It is true to say that Ketan Seth resigned from Home Trade Limited on 15.5.2001. It is true to say that I used to live in my neighborhood

Some of the contract notes mentioned are not signed by Ketan Seth on any of the contract notes. It is true to say that apart from all the cheques, adjustment letters and other signed documents mentioned in my vicinity, none of the documents bear the signature of Ketan Seth as a director of Home Trade Limited or for any other reason. (Due to mid- day time, re-examination will be postponed till after mid-day.)

(She.Ra.Totla)

Date : 28.02.2020

Additional Chief Judicial Magistrate,  
Nagpur

**Accused no continued on oath in cross-examination. 4 and 7 by Mr. Purohit Advocate:-**

15. It is true to say that none of the contract notes and adjustment letters which I have seen have been signed by me. It is true to say that the entire contract notes are nowhere signed by me. It is true to say that I do not have my signature on any of the contract notes filed in court as I was not involved in making the contract notes during the relevant period. It is true to say that no adjustment letter filed in the court is without my signature as no adjustment letter was made by me during the relevant period.

16. It is true to say that all these contract notes and confirmation letters were prepared in the Debt Department, it is true to say that the Government Guarantee documents in this case which I have referred to and which have been filed on record are all dated (debt) department does not necessarily require that the authorized signatory is only a director of the company. A person authorized to sign is an authorized signatory. It cannot be said to me that Ketan Seth was not an authorized signatory during the relevant period and therefore did not have signatures on any of the documents referred to earlier. It is true to say that d. 15.5.2001

I have not seen the signature of Ketan Seth in any transaction of purchase and sale of government securities prior to Roji. It is not true to say that during the period 1999-2000 and 2000-2001 all transactions of buying and selling securities were done by Subodh Bhandari, Kanan Mewawala, Sanjay Agarwal and N.S. Trivedi used to see this. It is not true to say that I lied that Ketan Seth, who was close to me, also used to look after the transactions of buying and selling government securities. It is not true to say that I lied that Ketan Seth used to provide us with details of the government securities transaction.

17. Kanan Mewawala was my first superior during the relevant period at Home Trade Limited. She was on the post of Deputy Manager. There was no employee of the company as Kanan Mewawala's superior. At this point of time I am not able to say whether any particulars of the contract note mentioned in my evidence and filed on record had been communicated to me orally by anyone earlier. It is true to say that I have not put down in writing the records of who gave me the verbal instructions to make the contract note. It is not true to say that no oral instructions were given during the preparation of the contract note at that time and therefore no written record was kept by me.

18. Home Trade Limited had its office at Mittal Court, Nariman Point. Also their second office was at Vashi Infotech Park, Thakkar Chambers. Giltage Management Services has its office at Vileparle. The office of Giltage Management Services was 20 km from Nariman Point. It is true to say that Giltage Management Services and Home Trade Limited had been trading for many years. It is not known to me that Home Trade Limited owed Giltage Management a guarantee of about Rs.16 crores during the year 2001-2002. I do not know that the said Rs. 16 crores

Giltage Management had filed a case with the arbitrator due to non-receipt of guarantee from Home Trade Limited. I am not aware that the arbitrator ruled in favor of Giltage Management Services in that case. This...I don't know that Home Trade Limited had given a check of Rs.16 crores to Giltage Management in lieu of the said security and a criminal case was also registered for dishonor of the said cheque.

19. It is true to say that the debt department used to maintain records of all court cases related to securities. It is not true to say that even though I know about this court case, I am lying.

20. I am not aware that Ketan Seth was not the director of Home Trade Limited at the time Home Trade Limited entered into the security transaction with NDCC Bank. I know that Sanjay Agarwal is the director of Home Trade at the time of the said transaction, I do not know the names of other directors. All I can say is that Home Trade Limited and NDCC Bank were involved in the purchase and sale of government securities, but I cannot tell you the details of the said transaction at this time. It is true to say that some of the contract notes and confirmation letters mentioned by me are counter signed by Kanan Mewawala and thus the name of the counter signatory is not mentioned along with the signature.

21. After the transaction of purchase and sale of government securities, a record of the same was made in the computer. I don't know whether the customers were given physical assurance after the said transaction or not. It is not true to say that a separate department of the company had the task of providing assurance in physical form to the customers. It is true to say that the said work was done by our debt department. Kanan Mewawala and Ketan Maskaria used to watch the said work. I didn't have that job.

22. At the time I left home trade limited company my salary was Rs.50,000/-. In Home Trade Limited, salary was not only given on the basis of educational qualification but experience and other factors were also considered. It is not true to say that those who are close to the owners of the company have higher salaries. It is true to say that Sanjay Aggarwal, the owner of the company used to run the entire company. It is not true to say that I was very close to Sanjay Agarwal. It is not true to say that even though I have no educational qualification and experience, my salary is Rs. 50000/- was made. It is not true to say that in the year 2002 the police were going to make me an accused too so I gave them all the false documents and provided false information to the police. It is not true to say that even today I am bearing false witness to save myself.

**Cross-examination by accused no.5 and 6 Mr. Aggarwal Advocate: Denied.**

**On the other hand, the accused no. 8 and 9 by Mr. Chaubey Advocate:-**

23. I cannot say now which of the contract notes I have mentioned in Sartapa earlier. It is not true to say that I had no work to prepare the contract note.

24. The police had recorded my statement. I told them then That I had the task of preparing the contract note. I cannot explain the reason why this matter was not mentioned in my statement.

25. My counter was not signing every paper I prepared. At the time of my statement I had told the police that I had the job of passing general vouchers. I used to do the JV entry in the beginning, then other employees would do the entry. Mukesh Somani's team used to make a JV entry in the finance department. According to my opinion, I will update the JV entry

was told Updating JV Entry and taking JV Entry is a single process. It is not true to say that updating JV entry and taking JV entry are two different processes but I am lying about that. It is not true to say that passing JV entry and updating JV entry are two different processes. It is not true to say that passing JV entry and updating JV entry are two different processes but I am lying about that.

26. Ketan Seth had not appointed me. I was not reporting to Ketan Seth. He was not my superior. It is not true to say that Ketan Seth was the only Surveyor of our Debt Department. It is true to say that no securities purchase and sale transactions were completed unless Ketan Seth's approval was obtained. It is true to say that Subodh Bhandari and Trivedi were not watching the said transaction. It is true to say that Subodh Bhandari and N.S. Both Trivedi were working in Home Trade Company.

27. I was unemployed for about 3 to 3 1/2 years after the closure of Home Trade Limited. Currently I am employed. Presently I am employed in Randstad India Private Limited on contract basis. It is not true to say that while working in the company I was considered very close to Ketan Seth. Now I am not employed by Ketan Seth in the company in which I am saying that I am currently working. I was not taking any notes of any instructions I received from any seniors. Whatever instructions came to me from my superiors came in verbal form. It is not true to say that Subodh Bhandari and Nandkishore Trivedi never instructed me about any contract note.

28. I have never worked in the business of buying and selling government securities. Who should give instructions to Kanan Mewawala and in what form contract note

I know how to prepare. Sanjay Aggarwal and Ketan Seth used to give her instructions. It is not necessary that the transactions of purchase and sale take place on a daily basis. It is true to say that all the transactions I have mentioned in my vicinity are principal to principal. I am not aware that no brokerage etc. has been given to anyone in any of these transactions.

29. I do not remember whether I told the police initially that the Nagpur District Central Bank had made a transaction to buy securities worth Rs.150 crores from Home Trade Limited or not. It is not true to say that Kanan Mewawala and Ketan Maskaria used to see to the delivery of whatever securities were bought, but I did not get along with Bhandari and Trivedi when I was working at Home Trade Limited. It is not true to say that these two never gave me oral instructions regarding any transaction and I have lied about it and I am giving false testimony.

30. Police recorded my statement 3 times. I have come to this court today for the first time. I came to court this morning. My statement was read after I came to the court. I was given a copy of the statement by the public prosecutor. I cannot say at the moment whether the statement recorded by the police was the same as the one I read before giving evidence when I came to court in the morning. I did not say anything to the public prosecutor about whether it was right or wrong.

31. Around the year 1999, after the name of the company was changed to Home Trade Limited, I was working in the Debt Market Department. This segment was called Wholesale Debt Market. The said company used to deal in government securities with about 25 banks.

32. Sanjay in the company at that time the name of the said company was changed to Home Trade Limited



Aggarwal, Ketan Seth and N.S. Trivedi was the director. I used to report to Kanan Mewawala, Sanjay Aggarwal, Ketan Seth, Trivedi. In the wholesale debt market department myself, Kanan Mewawala, Arvind Rai, Ketan Maskaria, Indranil Dey were working. The wholesale debt market segment consists of dealers, dealers are tasked with buying and selling securities. Indranil Dey, Arvind Rai were both dealers in our department. It is not true to say that Kanan Mewawala was also appointed as dealers. It is true to say that there is a back office department to see that the transactions of buying and selling securities go smoothly or not. In the back office department we were myself, Kanan Mewawala, Arvind Rai, Ketan Maskaria and Indranil Dey used to look after the Calcutta office. The work of the back office department is to prepare contract notes, correspond with banks and other customers regarding security transactions, record incoming and outgoing delivery of security and also keep track of transactions with customers, monitor SGF position, accept delivery of security to customers or give delivery of security to customers, etc. used to be

33. Director Sanjay Agarwal, Ketan Seth used to control the wholesale debt department at director level. Ketan Seth used to bring backers to our office to bring the said securities buying and selling business to the company. Also Sanjay Agarwal, Ketan Seth and N.S. Trivedi used to visit banks in Maharashtra and Gujarat. It is true to say that we were instructed by Kanan Mewawala and Arvind Rai to prepare this contract note. It is true to say that Kanan Mewawala and Arvind Rai used to initial the contract note after it was prepared as per his instructions. It is true to say that after raising their initial contract note in this way, the authorized signatory would sign it.

34. It is true to say that buying and selling securities in physical form

A register of them is kept. I myself have not given the said register to the police. I don't know why Nagpur District Central Cooperative Bank came to our company as a customer.

35. After entering the details related to the contract note in the computer, a print of the contract note is taken. I myself have not taken the prints of all the contract notes filed in the case. I cannot tell you how many of those contract note prints I took myself. The said contract notes were not seized by me.

36. Adjustment Letter No.1155/1 was shown to me. It is not computer generated. The said adjustment letter has been prepared on the basis of the contract note. The said adjustment letter is not system generated. It has been prepared and printed from the computer. But contract notes are system generated.

37. It is true to say that Subodh Bhandari was employed in our company. It is true to say that Subodh Bhandari used to work according to the orders of his superiors.

38. If the customer buys securities for himself or sells securities close to himself, it is called a principal-to-principal transaction. It is not true to say that Home Trade Limited was neither buyer nor seller in the transaction between Home Trade and NDCC Bank. It is true to say that since the transaction was on principal to principal basis, there was no brokerage involved. It is not true to say that I am giving false testimony at the behest of the police.

**In cross-examination accused no. 11 by Mr. Jaltare Advocate:- Denied**

**Cross-examination is over. No re-examination.**

Read to witness and acknowledged to be correct.

(She.Ra.Totla)

Additional Chief Magistrate,

Nagpur

Date : 28.02.2020

**Certificate**

I affirm that the contents of this PDF Evidence are  
same word to word, as per original Evidence.

Name of Stenographer:- Ku. G.A. Joshi (Grade II)

RCC 147-2002

(P.W.No.42) dt.28.2.2020

Digitally signed by

Shekhar Ramnathji Totla

Location: Nagpur

Date: 2020.02.29

17:31:57 +0530

R.C.C.No. 147/2002  
State Vs. Sunil Kedar & Ors  
Exh. No. 1851

(Date : 4.3.2020)

**Deposition of witness No. 43 for prosecution.**

*(The witness has prayed to record his evidence in English language. Neither the prosecution nor the defence has any objection for the same. Hence, his evidence is being recorded in English language.)*

I do hereby on solemn affirmation state that :-

Name of witness :- Narayan Nagesh Doley,  
Aged about :- 69 Yrs,  
Occupation :- Retired,  
Resident of :- A-2 404, Bhagyashri Society, Sinhgarh Road, Pune-30.

**Examination-in-chief by Spl.P.P. Smt.Jyoti Wajani with  
A.P.P. Smt.L.S.Gajbhije.**

1. I was attached to Janata Sahakari Bank since August 1981 till September 2002. I started my service from clerical cadre and retired from the post of Senior Officer.

2. At our Fort Branch, Mumbai following companies/ firms had their account :-

1. Giltage Management Services Limited,
2. Indramani Merchants Private Limited,
3. Poddar Trading Company,
4. Pacific Finance and
5. Hugli Trading and Investment

3. All the above companies were holding their accounts with us in the year 2002.

4. Our office issued a letter dated 29.4.2002 to Giltage Management Services Limited thereby confirming the transaction mentioned in the said letter. It is about the cheque drawn on Maharashtra State Cooperative Bank and initially credited to account of Giltage Management Services Limited. Thereafter the amount was transferred from the account of Giltage Management to the current account of Indramani Merchants Private Limited. Said letter is now shown to me. It is the same. Its contents are correct as per our record. It is marked as Exh.1852.

5. Our office issued a letter dated 3.5.2002 to Indramani Merchants Private Limited thereby confirming the transaction mentioned in the said letter. Photo copy of said letter is now shown to me. It is the same. Its contents are correct as per our record. Said letter is admitted on behalf of accused No.5 & 6. Hence, it is marked as Exh.1853.

6. Thereafter, our office issued three letters to Poddar Trading Company, Pacific Finance, Hugli Trading and Investment thereby confirming the transaction mentioned in the said letters. Said letters are now shown to me. They are the same. their contents are correct as per our record. They are admitted on behalf of accused No.5 & 6. They are respectively marked as Exh.1854 to 1856.

Cross-examination by Adv.Ahuja. for accused No.1:- Declined.

Cross-examination by Adv.Ashok Bhangde. for accused No.2:- Declined.

Cross-examination by Adv. Girish Purohit , for accused No.4 & 7:-

7. I do not know as to in what regard the amounts were transferred by the companies *interse* as appeared in the letters (Exh.1852 to 1856). It is true to say that it is not mentioned on these letters as to on what basis the concern transactions were confirmed by us through these letters. It is true to say that these are only the correspondence which we have forwarded to the concern parties.

8. Now a photocopy of another confirmation letter dated 2.5.2002 purported to be issued by Janata Sahakari Bank to the Syndicate Management Services Private Limited is shown to witness. The witness submits that it has been issued by their Bank. It bears my signature and seal of our bank. It is accordingly marked as Exh.1859.

9. The another document purported to be the statement of accounts is shown to the witness. I can not say whether said statement was issued by our Bank. I can not say at the moment that our bank used to issue such account statements. It is true to say that the documents Exh.1853 to 1856 were not demanded by police to us.

Que. What kind of confirmation certificates you used to issue?

Ans. The certificates are issued as regards the information sought for by the concern authorities.

10. If it is required by the concerns to file the documents in court and if they ask us for issuing certificate under the provisions of Bankers' Books Evidence Act, then the Bank will provide such certificate.

11. Documents (Exh.1803 & 1804) are now shown to me. These appears to be the correspondence made by our bank.

12. During the period 2001 – 2002, Giltage Management Services were having account at our Fort branch. I do not know as to when the said account was opened. I do not know whether Giltage Management Services were dealing in the sale-purchase of Government Securities. I do not recollect whether any Cash Credit Facility was made available to Giltage Management Services for business of sale-purchase of Government Securities. I do not recollect whether in the said period, Home Trade Limited had also having their account with us.

Cross-examination by Adv.Agrawal, for accused No.5 & 6:- Declined.

Cross-examination by Adv.Choubey, for accused No.8 & 9:- Declined.

Cross-examination by Adv.C.H.Jaltare, for accused No.11:- Declined.

Re-examination : Nil.

R.O.A.C.

Before me.

(S.R.Totla)  
ACJM, Nagpur  
Dt/- 04.03.2020

(S.R.Totla)  
Addl. Chief Judl. Magistrate, Nagpur

Certificate

I affirm that the contents of this PDF Evidence are same word to word, as per original Evidence.

Name of Stenographer :- Ku. G.A. Joshi (Grade II)

**Certificate**

I affirm that the contents of this PDF Evidence are  
same word to word, as per original Evidence.

Name of Stenographer :- Ku. G.A. Joshi (Grade II)



RCC 147-2002 (P.W.43)-  
E dt.4.3.2020  
Digitally signed by  
Shekhar Ramnathji Totla  
Location: Nagpur  
Date: 2020.03.06  
11:20:29 +0530



R.C.C.No. 147/2002  
State Vs. Sunil Kedar & Ors  
Exh.No. 3127

(Date : 19.07.2021)

Deposition of witness No. 52 for prosecution.  
*(The witness has prayed to record his evidence in English language. Neither the prosecution nor the defence has any objection for the same. Hence, his evidence is being recorded in English language.)*

I do hereby on solemn affirmation state that :-

Name of witness :- Ketan Rajnikant Choukasi  
Aged about :- 54 Yrs,  
Occupation :- Chartered Accountant  
Resident of :- Nana Chowk, Mumbai

Examination-in-chief by Spl.P.P. Mr.A.S.Qureshi with  
A.P.P. Mrs.L.S.Gajbhive.

1. Y.C.Dalal and Company is owned by Mr. Yadnesh Dalal. I was working with said company since 1999 to 2002. Thereafter, I was working as associate with said company. Our company received a letter from Investigation Officer of this case for preparing flow chart from the bank statements of Nagpur District Central Cooperative Bank. Said letter is now shown to me. It bears my signature. It is the same letter. It is marked as Exh.3128.

2. Copy of orders of appointment for this task of our company is now shown to me. It is issued by Additional Director General of State C.I.D, and Commissioner of Cooperative and Registrar. Being the xerox copies, they are temporarily marked as Article-A(3128) and Article-B(3128) respectively.

3. After receiving said letter, I have prepared the flow chart/ route map. It was submitted to the Investigation Agency through our covering letter. Said letter is now shown to me. It bears my signature. Its contents are correct. It is marked as Exh.3129.

4. The flow charge/ route map is now shown to me. It consists of 45 pages. (page No.487 to 531 of the chargesheet as marked by Orange Sketch-pen). The route map/ flow chart is prepared on the basis of bank statements provided to us. The flow chart shown to me is the same.

(Learned Counsel Mr.Purohit for accused No.4 to7 has objected to exhibit the said chart on the ground that it is not signed by anybody. He has further submitted that similar chart of other banks i.e. Wardha and Osmanabad Banks are signed. Ld. Spl.P.P. submitted that the report is submitted alongwith the covering letter. Every page of the chart is duly stamped. Hence, according to him, it is required to be marked.

After perusing the record, it appears that the chart in question was submitted to investigation agency alongwith the covering letter Exh.3129). The witness who has prepared the chart has duly identified it. Under such circumstances, mere non-signing of the chart can not be a sufficient ground to discard the entire report/ flow chart. Hence, objection stands rejected.)

It is marked as Exh.3130 (page No.1 to 45).

5. I have also submitted the flow chart of Wardha District Central Cooperative Bank and that of Osmanabad District Central Cooperative Bank alongwith the covering letter. Covering letter is now

shown to me. It bears my signature. It is the same. It is marked as Exh.3131. The flow chart is now shown to me. It consists of four pages i.e. (page No.533 to 536 of the chargesheet as marked by Orange Sketch-pon). The route map/ flow chart is prepared on the basis of bank statements provided to us. The flow chart shown to me is the same. It is marked as Exh.3132 (page No.1 to 4).

Cross-examination by Adv.Devendra Chavan, for accused No.1:-Declined.

Cross-examination by Adv.Ashok Bhangde, for accused No.2:- Declined.

Cross-examination by Adv.Girish Purohit for accused No.4 & 7 and Adv.Shri Agrawal , for accused No.5 & 6:-

6. It is true to say that Y.C.Dalal & Company is not in existence. It is true to say that in the year 1999-2000, 2000-2001 & 2001-2002, said Y.C.Dalal & Company was a proprietorship firm of Mr. Yadnesh Dalal. Today I have not brought with me any document to show that during the period 1999 to 2002, I was either employee or associate with said company. It is not true to say that I do not know the contents of letter (Exh.3128). It is true to say that letter (Exh.3128) was addressed to Y.C.Dalal and Company. It is true to say that as per letter (Exh.3128), Y.C.Dalal & Company was appointed as Special Auditor. It is true to say that we did not conduct any special audit of the alleged company as per said letter.

7. We were supplied with the bank statements of NDCC Bank. It is true to say that any such bank statements are not attached with

the alleged chart prepared by me. It is not true to say that no such bank statements were provided to us. It is true to say that on the basis of bank statements of NDCC Bank which were supplied to us, I have prepared the chart (Exh.3130). Before preparing the route maps/ flow charts, I did not issue any notice to any of the companies.

8. This flow chart is pertaining to the inflow and outflow of NDCC Bank. It is true to say that the route map (Exh.3130) does not bear signature of anyone on behalf of Y.C.Dalal & Company. At this moment, I can not recollect about the particulars of the entries mentioned in the route map.

9. Now the entry dated 7/1/2002 pertaining to Cheque No.666011 of the amount of Rs.11.22 Crore is shown to me. As per flow chart said amount was received by Giltage Management Service. Said amount of Rs.11.22 Crore was further received by Indramani Merchants vide Cheque No.961512 and the entry is dated 8/1/2002. Thereafter, said amount was further received by Hoogy Tradings, Poddar Tradings and Pacific Finance. Thereafter from these three companies, the amount was received by Home Trade Limited and thereafter it was transferred to NDCC on 9/1/2002. These entries at Exh.3130(36) are now marked as Exh.3133. I can not say that as per this transaction, NDCC Bank has earned Rs. 1 lakh. I can not say from these entries that Giltage Management Services did not misappropriate any amount.

10. Now the entry dated 7/1/2002 pertaining to Cheque No.666012 of the amount of Rs.16.57 Crore is shown to me. As per flow chart, said amount was received by Syndicate Management Services.

Thereafter, said amount was further received by Century Dealers, Poddar Tradings and Hoogly Tradings. Thereafter, from these three companies, the amount was received by Home Trade Limited and thereafter it was transferred to NDCC on 8/1/2002. These entries at Exh.3130(38) are now marked as Exh.3134. I can not say from these entries that Syndicate Management Services did not misappropriate any amount.

11. Alongwith route map (Exh.3130), we did not submit any audit report of any of the companies. It is true to say that alongwith route map (Exh.3130), I did not submit any separate investigation report as mentioned in the letter of investigation agency. It is true to say that alongwith route map, I did not issue any certificate to the effect that it was prepared by me. It is not true to say that I am deposing falsely.

12. Now the entry dated 9/1/2002 pertaining to Cheque No.666016 of the amount of Rs.11.69 Crore is shown to me. As per flow chart, said amount was received by Century Dealers. Said amount of Rs.11.69 Crore was further received by Hoogly Tradings, Poddar Tradings and Pacific Finance. Thereafter, from these three companies, the amount was received by Home Trade Limited and thereafter it was transferred to NDCC on 11/1/2002. These entries at Exh.3130(35) are now marked as Exh.3135.

13. Now Exh.1472/17 is now shown to me. In this account statement, the amount debited vide Cheque No.695164 is shown to be 104611400.

14. Now the statement Exh.1472 is shown to me. I can not say that it is the same account statement which was supplied to us for preparing flow charts. I can not produce the account statements which were provided to us by investigation agency for preparing charts.

15. I do not remember as to which other documents were provided to us besides the account statements of NDCC Bank. I have mentioned in the route chart (Exh.3130/35) that Century Dealers have received the amount to purchase MKVDC Bonds, f.v. Rs. 10 Crores. I have mentioned this on the basis of documents which were supplied to us. At this moment, I do not know as to which documents were supplied to us. It is true to say that today I can not exactly say as to on the basis of which documents I have mentioned said note in the route map (Exh.3130). It is not true to say that no such documents were never supplied to me and only on the say of investigation officer, I have made these remarks in the flow chart.

16. Now the entry dated 10/1/2002 pertaining to Cheque No.666017 of the amount of Rs.16.48 Crore is shown to me. As per flow chart, said amount was received by Indramani Merchants. Said amount of Rs.16.48 Crore was further received by Hoogly Tradings, Poddar Tradings and Pacific Finance. Thereafter, from these three companies, the amount was received by Home Trade Limited and thereafter it was transferred to NDCC Bank on 11/1/2002. These entries at Exh.3130(37) are now marked as Exh.3136.

17. I have mentioned in the route chart (Exh.3130/37) that Indramani Merchants have received the amount to purchase MKVDC Bonds,

face value- Rs. 15 Crores. I have mentioned this on the basis of documents which were supplied to us. At this moment, I do not know as to which documents were supplied to us. It is true to say that today I can not exactly say as to on the basis of which documents I have mentioned said note in the route map (Exh.3130). It is not true to say that no such documents were never supplied to me and only on the say of investigation officer, I have made these remarks in the flow chart.

Cross-examination by Adv.Choubey, for accused No.8 & 9:-

18. Yadnesh Dalal is alive. I do not know whether Mr. Yadnesh Dalal had deposed in similar case pending in Wardha Court. It is true to say that Mr. Y.C.Dalal is having very good health. It is true to say that this is the only case where I came to depose before the Court. I did not conduct the audit of NDCC Bank. We did not prepare these charts by visiting the concern banks. We have prepared these flow charts at our office. It is not true to say that only to please the investigation officer, we have prepared the false charts without knowing the facts of this case. It is not true to say that the alleged flow charts were not prepared by me.

Cross-examination by Adv.C.H.Jaltare, for accused No.11:- Declined.

Re-examination : Nil.

R.O.A.C.

Before me.

(S.R.Totla)  
ACJM, Nagpur  
Dt/- 19.07.2021

(S.R.Totla)  
Addl. Chief Judl. Magistrate, Nagpur

(Date :- 5.3.2020)

**STATEMENT OF WITNESS NUMBER 44 FOR GOVERNMENT**

I solemnly declare that:-

my name :- Yogeshkumar Ramshankar Bajpai

age :- 69 years

Business :- retired

will stay :- Hariom Nagar, 6/64 Kamdhenu Complex, Mulund East, Mumbai.

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. In May 2002, I was working as Deputy Superintendent of Police, Criminal Investigation Department, Mumbai. On 9.5.2002, our Superintendent Suresh Kakkar directed me by verbal order that the crime at Ganeshpeth Police Station, Nagpur. 101/2002, Bhdvi 406, 409, 468, 34 house of accused Nandkishore Trivedi, resident of Vileparle is to be searched. Accordingly, I, along with my colleagues, Deputy Superintendent of Police Londhe, women police personnel, constables of Vileparle Police Station reached the house of Nandkishore Trivedi at Vileparle. Two watchmen Mohammad Iqbal Babu Shaikh and Nirmal Prasad Radheshyam Ojha were present with us as referees. He was informed about the crime and requested to appear as a judge for the search of Nandkishore Trivedi's house. Accordingly, he appeared with us as a judge. His house was on the third floor of the building. When we knocked on the door of his flat KA-3, Kamlaben Shankarlal Trivedi, aged 65 years, opened the door. She told us that she is Nandkishore Trivedi's mother. Also said that Nandkishore Trivedi and his wife were not present at home. We told them that we



They want to search the house and if they want to search our body, they can.. They refused to search our body.

2. After that we started searching the house.

3. We found 145 US Dollars and Rs.6000/- in Indian currency in a bag during the search of his house.

4 A leather bag, used by Nandkishore Trivedi, was also found against the wall. When it was opened, it contained an album of identity cards of various companies used by Nandkishore Trivedi, 3 diagrams of the telephones used by him, a palmtop, 4 blank checks of ICICI Bank, passport of Nandkishore Trivedi, photo of him with his son Hrithik Roshan, tax papers of Home Trade Limited. , list of 100 major shareholders of Home Trade Company, copy of trial balance of Nandkishore Trivedi, IICI Bank's check of Rs.35,000/- issued by Nandkishore to Mukteshwar Devalaya and Vishwanath Mandir and purchase of sonography machine of Rs.6,63,000/- Check issued to Larsen & Toubro Company and other related documents, letter given by Nandkishore Trivedi for ration card and copy of ration card, two payment coupons of Standard Chartered Bank for Rs.11,350/- and Rs.61,996.17, dated 31. 12.2001 distribution of shareholding paper of Home Trade Limited, Nandkishore Trivedi's accrued expenses for the year 2000-2001, IDBI Bank's paper with balance of Rs. Dividend of Rs.1,38,000 was deposited in the account of Sahakari Bank Ltd. Pune and in the same account dt. Papers that the said company deposited Rs.1,37,500 on 9.10.2001 and Rs.2,50,000 to Meenakshi Trivedi's account on 9.10.2001. Letter dated 25.7.2001, Nandkishore

Receipt of deposit of Rs.60,000 by Trivedi in Bank of Baroda on 20.8.2001, from ICICI Bank on 17.8.2001 he received Rs. 60,000 withdrawal receipt, receipt of payment of Rs.50,000 by him in Bank of Baroda dated 25.6.1999, name of Meenakshi Trivedi of ICICI Bank in page C.1 to 7 of bill balance in his name, dated 3 .ICICI Bank's letter dated 1.2002 regarding the number of shares held by Meenakshi Trivedi in the name of which companies, dt. Copy of depository account statement of Standard Chartered Bank dated 5.10.2001 in the name of Nandkishore Trivedi and Sanjay Agnwal and Kdit card statement of Nandkishore Trivedi of the above bank dated 17.7.2002 and Kdit card statement of the said bank in the name of Nandkishore Trivedi dated 17.7.2002. 26.8.2001, statement of account of HDFC Bank in the name of Nandkishore Trivedi dt. from 1.7.2001 to 28.9.2001 and their names Statement of Account of the above bank dt.1.4.2001 to 30.6.2001 and their name Statement of Account dt. From 29.9.2001 to 31.12.2001, Smt. Depository Internet Scheme of ICICI Bank in the name of Minakshi Trivedi, Statement of Account dated 31.7.2001 Total 4 pages, Statement of Account of HDFC Bank in the name of Minakshi Trivedi dt. 29.9.2001 to 31.12. Depository Account Statement of Standard Chartered Bank upto 2001 dated Nandkishore Trivedi. From 16.9.2001 to 30.9.2001, one Maruti Car-800 with documents in the name of Meenakshi Trivedi.

5. A detailed Panchnama of the confiscated items was prepared as above. He read it to the umpires. That Panchnama was shown to me now. This is him. It is signed by me, the judges. Its content is correct. Nishani to Panchnama c. 1866 is being given. The copy of the said Panchnama has been taken to Kamaladevi Trivedi for her signature.

6. I was now shown the documents which I had seized. That's what they are. Said

The documents are signed by me and the judges. All the said documents are being given Articles 1866-A1 to 1866-A32 as follows.

7. According to the seizure panchnama, the seized Maruti 800 car was kept at Juhu Police Station. The letter in this regard was given to the Senior Police Inspector, Juhu. It is now shown to me. On this, Station Diary of Juhu Police Station dated 10.5.2002. 1/2002 has been recorded.. It is signed by me. The contents are correct. Mark him. 1867 is being given.

8. According to the said Panchnama, the seized documents were sent to the Deputy Superintendent of Police, State Crime Investigation Department, Nagpur. Sent as per letter dated 11.5.2002. The said letter was now shown to me. It is signed by me and its contents are correct. Mark him. 1868 is being given.

9. Also, a letter was given to the Branch Officer, HSBL, Fort Mumbai to freeze the accounts of Home Trade Limited and Discover Investment Limited. The office copy of the said letter was shown to me. It is my signature. Also the person concerned has signed that it has been received. Its content is correct. Mark him. 1869 is being given..

**Cross investigation Accused no . 8 and 9 on behalf of Shri. Choubey Counsel:-**

10. I was in police service from 1975 to 2009. Our Crime Investigation Department does not have a system of keeping Station Diary to record when going for investigation. If we take any police station officer or staff with us after we go for investigation, the concerned police station officer or staff should make a note of the same in the station diary of their police station. If we want to search a house, whose house is it?

I check that it is there, but I don't see the ownership documents of the related house. I do not know whether a note was made in the station diary of the concerned police station about taking the working officers and staff of Vileparle police station with me. It is not true to say that no house search was conducted as I mentioned. It is not true to say that I went to search the house of Nandkishore Trivedi along with the concerned officers and staff of Vileparle Police Station for the alleged search. It is not true to say that Mohammad Iqbal Babu Shaikh and Nirmal Prasad Radheshyam Ojha were not present at the place where any such person was concerned and therefore I had no occasion to call them as Panch. If something is seized from a person, we do not take the signature of the person concerned on the seizure panchnama stating that the subject material has been seized from him. It is not true to say that I prepared a false panchnama (d. 1866) without making any seizure. I cannot say what was the name of the flat system of the concerned flat. It is not true to say that I never went to the house of Nandkishore Trivedi and also made some No. It is not true to say that I have taken the false note of the station diary K. 1/2002 just to please the investigating officer, that I am giving false evidence.

**In cross-examination accused no. 1 by Mr. Devendra Chavan lawyer refused.**

**cross investigation Accused no. 2 on behalf of Shri. Ashok Bhangde Counsel: Denied.**

**In cross-examination accused no. 4 and 7 by Mr. Purohit Advocate:- Denied.**

**Cross-examination by accused no .5 and 6 Mr. Aggarwal Advocate: Denied.**

**cross-examination accused no. 11 by Mr. Jaltare Advocate:- Denied.**

**Cross-examination is over. No re-examination.**

Read to witness and acknowledged to be correct.

(She.Ra.Totla)

Dated 05.03.2020

Additional Chief Magistrate,  
Nagpur

**Certificate**

I affirm that the contents of this PDF Evidence are  
saine word to word, as per original Evidence.

Name of Stenographer:- Ku. G.A. Joshi (Grade II)

RCC 147-2002 (P.W.44)

dt.5.3.2020

Digitally signed by Shekhar

Ramnathji Totla

Location: Nagpur

Date: 2020.03.06 15:27:41

+0530

**Regular criminal trial c. 147/2002**

**Govt -vs- Sunil Kedar and others**

**Mark number: 1870**

(Date :- 5.3.2020)

**Statement of Witness No. 45 on behalf of the Government**

I solemnly declare that:-

my name :- Hemraj Bakaram Kukde

age :- 71 years

Business :- retired

will remain:- Chikna, Lakhandur, District Bhandara.

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1.. I was working as a Police Inspector in State Crime Investigation Department from 1999 to 2004. I have worked as assistant in the investigation of crime C.101/2002 at Ganeshpeth Police Station. I had recorded the statements of eight witnesses in this crime. I have recorded the statements of Smita Kumbhare, Santosh Chaure and six other witnesses. I recorded the statement of Vasant Rao Wandhe as per his instructions. The underlined parts 'A', 'B' and 'C' of his statement were now shown to me. I had recorded it as per his instructions. A sign of mercy to them. 1871 to 1873 is being given.

**Cross investigation Accused no. 1 on behalf of Shri. Devendra Chavan Advocate, for accused Cr Shri. Ashok Bhangde Advocate and accused no. 11 on behalf of Shri. Burning star lawyer Collectively:-**

2. It is not true to say that the statement of the witness Vasant Rao Bhaurao Vandhe My mind recorded it without recording it according to his instructions. This is true Not that the underlined parts 'A', 'B' and 'C' of his statement refer to that Nishani No. 1871 to 1873 is given, the text of which is by the said witness

I was never told to record his statement.

**Cross-examination European no. 4 and 7 by Mr. Purohit Vakil: Denied.**

**Cross-examination by accused no.5 and 6 Mr. Aggarwal Advocate:- Denied.**

**Cross investigation Accused no. 8 and 9 on behalf of Shri. Choubey Counsel: Refused.**

**Cross-examination is over. No re-examination.**

Read to witness and acknowledged to be correct.

(She.Ra.Totla)

Additional Chief Magistrate,

Nagpur

Date : 05.03.2020

#### Certificate

I affirm that the contents of this PDF Evidence are  
same word to word, as per original Evidence.

Name of Stenographer:- Ku. G.A. Joshi (Grade II)

**Regular criminal trial c. 147/2002**

**Govt -vs- Sunil Kedar and others**

**Mark number: 1877**

(Date :- 6.3.2020)

**STATEMENT OF WITNESS NUMBER 46 FOR GOVERNMENT**

I solemnly declare that:-

my name :- Babanrao Bhagwanji Porate

Age :- 66 years

Business :- retired

Residing :- Netajinagar, Bhandara Road, Nagpur.

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. I was working as Deputy Superintendent of Police in State Crime Investigation Department, Nagpur in May 2002. The then Superintendent of Police Phansalkar had directed me to go to Mumbai for investigation in Ganeshpeth Police Station in case C.101/2002 IPC Sections 406, 409 etc.

2. According to On 1.5.2002 went to the office of Home Trade Limited at Vashi, Navi Mumbai. The said office was closed and guards from Police Station Vashi, Navi Mumbai were present at the said office. We then called Aneev Ansari, Administrative Officer of Home Trade Limited to his office. After that I searched the said office in front of the two Panch Rajkumar Juneja and Ajay Dutta. At that time, Administrative Officer Aneev Ansari removed from the computer the printouts of documents related to the transfer of Rs.153 crores from NDCC Bank by Sanjay Agarwal of Home Trade Limited. From the search of the said office, the subject goods were seized as per Annex C.1 to 5. Panchnama of said seizure was done. he



I read the panchnama to the judges. He showed me. It is signed by me, two judges and the person from whom the material was seized. Its content is correct. Mark him. 1878 is being given.

3. The papers seized along with the said seizure panchnama were now shown to me. That's what they are. Articles 1878A-1 to 1878A-5 are being given to them.

4 d. On 3.5.2002, 5 registers were seized from Siddharth Singh, Senior Sub Auditor of Home Trade Limited. In this regard, a confiscation panchnama was filed before two panchayats. He showed me now. Its content is correct. Mark him. 1879 is being given.

5. The documents seized along with the said seizure panchnama were now shown to me. That's what they are. Articles 1879A-1 to 1879A-5 are being given to them.

6. d. On 3.5.2002, we got sealing materials from Vashi Police Station and sealed the said office. The letter was shown to me. It is my signature. Its content is correct. Mark him. 1880 is being given. Also an entry was made in the station diary about the sealing of the office. The said note has now been shown to me. It is my signature. Mark him. 1881 is being given.

7. Sanjay Agarwal's house was seized at Police Station Vashi, Navi Mumbai and some items were seized. I had given a letter to the Senior Police Inspector, Vashi regarding his detention. I have signed the office copy thereof shown to me. Its content is correct. Mark him. 1882 is being given.

8. d. On 7.5.2002 I seized the document from the office of Giltage Management Services Limited before the Panchayat. At that time, the said documents were seized from Shailesh Mehta, dealer of Giltage Management Services Limited. The said documents have been seized as per No. 1 to 27 of the Panchnama. Accordingly, a confiscation panchnama was prepared before the panchayat. He showed me now. It is signed by myself, the referees and the person from whom it was seized. The tax is correct. Mark him. 1883 is being given. text

9. The papers seized along with the said seizure panchnama were now shown to me. That's what they are. Articles 1883a-1 to 1883a-27 are being given to them.

10. d. On 9.5.2002 the office of Home Trade Office, Mittal Towers, Navi Mumbai was searched and the documents were seized before two judges. The said documents have been seized as per serial number 1 to 22 of Panchnama. Also there are prints of related documents taken from computer as per serial number 1 to 7. Accordingly, a confiscation panchnama was prepared before the panchayat. He now showed it to me, signed by me, the referees and the person from whom it was seized. Its content is correct. Mark him. 1884 is being given.

11: The papers seized along with the said Seizure Panchnama were now shown to me. Articles 1884A-1 to 1884A-10 are being given to them.

12. Panchnama Nishani c. All the documents mentioned in 1884 were handed over by me to Investigating Officer Bayle.

13. After that I had written to the concerned banks to freeze the bank accounts of the concerned companies. Along with that, bank statements were also asked for. All those letters are signed by me. Its content is correct. His







**In cross-examination accused no. 4 and 7 by Mr. Purohit Advocate, Accused no. 8 and 9 by Mr. Chaubey lawyer and accused no. 11 by Mr. Jaltare Lawyers Collectively -**

14. The investigation of the present crime was not with the then Superintendent of Police Phansalkar.. It is true to say that the investigation of the present crime was done by Deputy Superintendent of Police Shri Belle had. I am Mr. Belle had not given any written letter etc. to go to Mumbai for investigation. I do not recollect whether any of my superiors gave me any written order to go to Bombay to investigate the alleged offence. I myself had not sought such a written order from my superiors.

15. Our office does not have a system of keeping a station diary in our office to record if we go as an investigator in the precincts of another police station. It is true to say that the present case was registered in Ganeshpeth Police Station. I had not seen any order that the investigation of the said crime was transferred from Ganeshpeth Police Station to the State Crime Investigation Department.

16. The office of Home Trade Limited was on the 5th 1st floor of the building at Vashi. I knew Sanjay Aggarwal to be the director of Home Trade Limited. I have not made an independent inquiry as to who was the director of Home Trade Limited. I have not inquired about who are the employees working in the office of Home Trade Limited. I did not conduct an independent investigation into who was the director of Giltage Management. I did not inquire about who the employees are working in Giltage Management office. I myself inquired about the location of Giltage Management's office.

17. On the day I went to the office of Home Trade Limited, the director of the said company was not present in the office. I don't know if he was in police custody at that time or not. It is not true to say that the concerned office of home trade was already sealed in second offence.

18. It is not true to say that as mentioned I never went to the office of Home Trade Limited and did not make any inquiry because the said office was already sealed in other offences. It is not true to say that Panchnama (marked c. 1878) was forged by me. It is not true to say that the two persons Rajkumar Juneja and Ajay Dutta were not present as Panch on the said date and place as mentioned by me, I myself did not go there and did not do any such proceedings and Panchnama. It is not true to say that Aneev Ansari, the administrative officer of Gee Home Trade Ltd., was summoned. I had not recorded the statements of Rajkumar Juneja, Ajay Dutta and Aniv Ansari. It is not true to say that I did not have occasion to record any statement of any such named person as he was not present at the relevant place. It is not true to say that I have produced false Panchnama showing false seizure and never seized any deed as mentioned and written in the Panchnama.

19.. It is not true to say that d. As mentioned by me on 3.5.2002, I had never made any seizure and any Panchnama accordingly. It is not true to say that Panchnama (marked c. 1879) is a fake document. It is not true that the names of the arbitrators mentioned therein are false and no such person and I myself were ever present at the relevant place and time. It is not true to say that all the documents shown in the said seizure are false and I have never seized any such document. I in seizure Panchnama

The statement of the said referees as well as Siddharth Singh, the alleged officer of Home Trade Limited, was not recorded. It is not true to say that I have not had occasion to record any statement of any such named person as the Vikani was not present.

20. It is not true to say that the office of Home Trade Limited was already sealed. It is not true to say that because of this I did not have any occasion to write to Vashi Police Station and ask for any material to seal the office. It is not true to say that therefore any letter (d. 1880) and station diary entry (d. 1881) as I have mentioned are mere forgeries and as such there is no occasion for any correspondence or record to be realised. It is true to say that the letter (d. 1880) and the station diary entry (d. 1881) do not mention exactly what materials I asked for and what materials were supplied to me for sealing the office.

21. The Senior Police Inspector of Vanshi Police Station had given me a letter to take possession of the material seized from the house of Sanjay Agarwal. Pursuant to this letter, I gave a letter (dated 1882) to Senior Police Inspector Vashi. This is not to say that all these alleged correspondences are false and that no such incident took place.

22. d. I do not remember the names of the judges who were present at the office of Giltage Management Services on 7.5.2002: Of Giltage Management Services. I did not inquire as to who the owners or directors are. When I went to the said office, the director of the said company was not present. The office of the said company was closed when I went there. An employee of the company was present to open the said office.



23. I have not recorded the statement of Shailesh Mehta. Shailesh Mehta was the dealer. The said person was an employee of the company. I did not inquire about the exact work assigned to the said employee by the company. It is not true to say that Shailesh Mehta or any of the judges mentioned on the alleged panchnama were not present at the relevant place and time so I have not recorded the statement of any such person. It is not true to say that I myself, the alleged Panch or any person like Shailesh Mehta never went to the office of Giltage Management Services, did not take any action as mentioned and did not prepare any Panchnama. It is not true to say that the Panchnama (d.1883) is a purely false record as no document shown to be seized was seized and only false entries were made on the Seizure Panchnama.

24. d. On 9.5.2002 I went to the office of Home Trade Limited at Nariman Point. It is not true to say that when I went to the said office it was already sealed. It is not true to say that since the said office was already sealed, the electricity supply there had already been disconnected. It is not true to say that due to lack of power supply. Also since the office was already sealed, no action was taken on 9.5.2002 as mentioned by me. It is not true to say that also the Panch mentioned in the purported Panchnama was never there and therefore I have not recorded his statement. It is not true to say that I did not prepare any such Panchnama (d. 1884), nor seized any document. It is not enough to say that false documents have been mentioned in Panchnama showing false seizure. It is not true to say that since no such document was jappad, that document Shri. Handed over to Belle

The names of the actions have not been recorded in the Panchnama. It is not true to say that the said document also Shri. Belle had not been given, so no such delivery was given to Mr. Not given by Belle on Panchnama.

25. It is not true to say that there was never any such transaction or proceeding as mentioned by me (1885 to 1913) and only false documents have been filed in the case in this regard. It is not true to say that correspondence no. 1914 to 1920 was never done by me and such false documents have been prepared and placed in the case.

26. It is not true to say that I never went to Mumbai, I never took any assistance from Vashi Police Station, no seizures were made and which: No correspondence. It is not true to say that I created false documents and gave false testimony just to curry favor with my superiors.

27. It is not true that the outgoing number of all the correspondence we do through our office is given separately for each correspondence. We take all the correspondence delivered directly by our own hand as the reach of the concerned, so there is no external reference to it. Correspondence that we handle from our physical office is assigned a separate outgoing number for each correspondence. It is true to say that the outward register of such correspondence. kept in our office. It is true to say that the receipt number of letters coming into the office is kept. I have not brought with me today the record of the incoming and outgoing register of the correspondence which I mentioned in my evidence. No incoming and outgoing numbers have been given on the correspondence I have done. It is not true to say that I have created all the fake documents so they have not been audited and hence the relevant records.

I have not brought along.

**In cross-examination by accused no.1 Mr. Ahuja's lawyer refused.**

**Cross investigation Accused no. 2 on behalf of Shri. Ashok Bhangde Counsel: Refused.**

**Cross-examination by accused no .5 and 6 Mr. Aggarwal Advocate:- Denied.**

**Cross-examination is over. No re-examination.**

Witnessed and admitted to be correct.

(She.Ra.Totla)

Additional Chief Magistrate,

Nagpur

Date : 06.03.2020

#### Certificate

I affirm that the contents of this PDF Evidence are  
same word to word, as per original Evidence.

Name of Stenographer: Ku. G.A. Joshi (Grade II

**Regular criminal case No. 147/2002**

**Government -vs Sunil Kedar and**

**others Mark number: 1921**

(Dated :- 6.3.2020)

**Statement of Witness No. 47 on behalf of Govt**

I solemnly declare that:-

My Name :- Krishna Vithobaji Savade,

Age :- 73 years

Business :- retired

Residing :- Snehnagar, Wardha Road, Nagpur

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. I was working as Deputy Superintendent of Police in Gondia in the year 2002 in State Crime Investigation Department. In May 2002, investigating officer Shri. Belle told me about the crime at Ganeshpeth Police Station. 101/2002 was called as Asst.

2. During the said investigation, dt. On 19.9.2002 I went to the office of Home Trade Limited at Infotech Park, Vashi to seize the property of Home Trade Limited. I started the said seizure on 19.9.2002 and finished the said proceedings on 27.9.2002. The said proceedings were conducted before Home Trade Administrative Officer Santosh Gupta and two judges. d. 19.9. Details of material seized on each day of the proceedings, which began in 2002, were prepared on that day. Furniture and other materials were confiscated. Printers, CPUs, computers in the said office, accordingly, the details of the said confiscated items were recorded in the seizure sheet. A total of 422 items of material were seized during the said proceedings. To keep the said seized material sealed in the concerned office

came I have now been shown the confiscation order in this regard. On it dated 19.9.2002 to dt. The details of each day's proceedings dated 27.9.2002 are recorded.. Signed by myself, two referees Ajit Mishra and Tukaram Bilare and Santosh Gupta of Home Trade. Its content is correct. The said seizure sheet has a total of 36 pages. Mark him. 1922 is being given.

3. I had given a letter to police station Vashi for the appointment of patrolling and guards so that the said confiscated items would be kept safe. The said letter was shown to me. It is my signature. It has been reached at the Vashi Police Station. Mark him. 1923 is being given.

4 After that d. On 1.10.2002 I went to the office of Home Trade Limited at Mittal Court for confiscation proceedings. At that time Runar Roderick, Chandra Pratap Singh Manbodh were present as referees. I seized printers, CPUs, computers, furniture and other materials from the said office. In this proceeding, a total of 57 pieces of material were seized and a seizure sheet was prepared before the Panchayat. It is now shown to me. It is signed by me, two referees and Santosh Gupta. Its content is correct. Mark him. 1924 is being given.

5. Then d. On 2.10.2002 a letter was given to Police Station Cuff Parade for patrolling and guarding to keep the said material safe. It was shown to me. It is my signature. Mark him. 1925 is being given.

6. After that I d. On 4.10.2002, seizure of property was carried out at Home Trade office at Vashi Plaza and Seawood. At that time Ajit Mishra and Vilas Soni were present as judges. In this proceeding, a total of 9 items of material were seized and a seizure sheet was prepared before the Panchayat. It is now shown to me.

It is signed by me, two referees and Santosh Gupta. Its content is correct. Mark him. 1926 is being given.

7. Then d. On 4.10.2002 a letter was given to Police Station Vashi for patrolling and guarding to keep the said material safe. It was shown to me. It is my signature. Mark him. 1927 is being given.

8. Also I d. On 2.10.2002 seized the property at the office of Home Trade at Seawood Estate, NRI Complex Vashi. At that time, Anjit Mishra and Ganesh Koli were present as judges. In this proceeding, a total of 29 materials were seized and a seizure sheet was prepared before the Panchayat. It is now shown to me. It is signed by me, two referees and Santosh Gupta. Its content is correct. Mark him. 1928 is being given.

9. Then d. On 3.10.2002 a letter was given to Police Station Nerul for patrolling and guards to keep the said material safe. It was shown to me. It is my signature. Mark him. 1929 is being given...

10. Also I d. On 2.10.2002 seizure of the property was carried out in the office of Home Trade at Thakkar Towers, Vashi. At that time S. Iyer and Maniklal Ojha were present as judges. In this proceeding, a total of 17 materials were seized and a seizure sheet was prepared before the magistrate. It is now shown to me. It is signed by me, two referees and Santosh Gupta. Its content is correct, mark it as c. 1930 is being given. i

11. Then d. On 3.10.2002 a letter was given to Police Station Vashi for patrolling and guards to keep the said material safe. It was shown to me. It is my signature. Mark him. 1931 is being given.



**In cross-examination accused no. 4 and 7 by Mr. Purohit Advocate, Accused no. 8 and 9 by Mr. Chaubey lawyer and accused no. 11 by Mr. Jaltare Lawyers Collectively:-**

14. Investigation of Crime C.101/2002 Shri. Kishore Belle had. Belle was the only investigating officer at the time I was called as assistant. In order for the said investigator to go to Mumbai, Mr. Belle had not given any order in writing. I myself had not sought any written order from Belle to go to Bombay as an investigator. I did not seek permission in writing to go to Bombay as an investigator from Gondia.. I myself was the most senior officer in the office at Gondia. During the relevant period an office was newly approved at Gondia but the search for an office space was on. At that time, the office of the Criminal Investigation Department was located at Bhandara. There was no official superior to me in the office at Bhandara. My senior officer was in Nagpur office.. At that time Shri. Vivek Phansalkar was our superintendent at Nagpur.

15. Crime c. I was informed that 101/2002 was registered at Police Station Ganeshpeth, Nagpur. I myself had not inquired about what and who the first information report of this crime was about. Our office does not have a system of keeping a station diary to record the departure of investigators from Gondia to Mumbai. It is true to say that after going to a police station outside its jurisdiction for investigation, if the investigating officer of the concerned police station seeks help, the same is recorded in the concerned police station.

16. I was not shown the written order that the case registered at Ganeshpeth Police Station was transferred to the State Crime Investigation Department for investigation. Also a copy of such written order myself to my superiors Wasn't asked



17. d. On 19.9.2002 I did not go to the Police Station at Vashi, Mumbai to seek help etc. in the office of Home Trade Limited to carry out seizure proceedings. d. I am not able to say on what date before 19.9.2002 I was instructed to go to Mumbai for investigation. I do not remember on which date I went to Mumbai to conduct the said proceedings and on which date I returned to Nagpur after completing the proceedings there.

18. It is true to say that I d. On 19.9.2002, when I went to the office of Home Trade at Infotech Park, Vashi, the said office was already sealed by Vishrambagh Police Station, Pune. It is not true to say that as mentioned I never went to the office of Home Trade Limited and did not make any inquiry because the said office was already sealed in other offences. It is not true to say that Panchnama (marked c. 1922) was forged by me. It is not true to say that the two persons Ajit Mishra and Tukaram Bilare were not present as Panch on the said date and place as mentioned by me, I myself did not go there and did not do any such proceedings and Panchnama. It is not true that I am falsely stating that Santosh Gupta, Administrative Officer of Home Trade Limited was present there. I had not recorded the statements of Ajit Mishra, Tukaram Bilare and Santosh Gupta. It is not true to say that I did not have occasion to record any statement of any such named person as he was not present at the relevant place. It is not true to say that I have produced false Panchnama showing false seizure and never seized any material as mentioned and written in the Panchnama.

19. It is not true to say that d. 19.9.2002 to dt. During the period of 27.9.2002, I had never made any seizure and any Panchnama accordingly, as mentioned by me. It is not true to say that Panchnama (marked c. 1922) is a fake Dast. It is not true that the names of the arbitrators mentioned therein are false and no such person and I myself were ever present at the relevant place and time. It is not true to say that the text mentioned in the said Panchnama is false and no such seizure was made. I had not recorded the statement of the judges mentioned in the seizure panchnama as well as that of Santosh Gupta, the alleged officer of Home Trade Limited. It is not true to say that I did not have occasion to record any statement of any such named person as he was not present at the relevant place.

20. d. 19.9.2002 to dt. During the proceedings which took place during the period 27.2.2002, there was no electricity supply in the office of Home Trade Limited, during the said proceedings no other employee of Home Trade Limited was present except Santosh Gupta. It is not true to say that a person named Santosh Gupta d. It is true to say that she was never present in the said office during the period 199.2002 to 270.9.2002 that a security guard of Nisha Security Agency was deployed for surveillance on the earlier seals of the said office. I do not remember that the security guard's name was Ravindra Kumar Cholai. It is true to say that these people gave me written permission to conduct search and seizure in the said office was not

21 It is not true to say that no letter was issued to the Vashi Police Station to appoint a guard for the security of the alleged seized goods as mentioned by me. It is not true to say that I have forged the letter (d.1923). of said

I did not have any written permission to carry out the proceedings uninterruptedly for about 7 days. It is not true to say that I do not have any written permission as I have not done any such action for 7 days uninterruptedly. Rajesh Chandre never came before me for property valuation as Integrator Programmer by Paradise Company. It is true to say that the mention of the person Rajesh Chandra in Panchnama is wrong.

22. d. 27.9.2002 to dt. During the period 1.10.2002, I had inquired about the location of the offices of Home Trade Limited. Santosh Aggarwal was the head of the said company. Apart from that I am not aware of other related persons of this company. I tried to inquire about who are the officers and employees working in the said company but no one came forward.

23. It is true to say that d. On 1.10.2002 I went to the office of Home Trade Limited at Mittal Court, at that time the said office was sealed with CBI. I d. On 1.10.2002 summons was not issued to the Umpire for confiscation proceedings. It is not true to say that the electricity supply in this office of Home Trade was also disconnected earlier. It is not true to say that d. I did not take any such action on 1.10.2002 and I am falsely stating that total 57 nos. of CPU, computer, printers, furniture etc. materials were seized from there. It is not true to say that since I did not take any such action the alleged seized items were never brought before the court.

24. It is not true to say that d. As mentioned by me on 1.10.2002, I had never made any seizure and any Panchnama accordingly. It is not true to say that Panchnama (marked c. 1924) is a fake Dast. It is not true to say that the names of the umpires mentioned on it are false

None of the named persons and I myself were ever present at the relevant place and time. It is not true to say that the entire content mentioned in the said Panchnama is false and I have never made any such seizure. I had not recorded the statement of the judges mentioned in the seizure panchnama as well as that of Santosh Gupta, the alleged officer of Home Trade Limited. It is not true to say that I did not have occasion to record any statement of any such named person as he was not present at the relevant place.

25. It is not true that as I have mentioned no letter was issued to the Cuffe Parade Police Station to appoint a guard for the security of the alleged seized goods. It is not true to say that the letter (d. 1925) was forged by me.

26. It is true to say that d. On 4.10.2002 I went to the office of Home Trade Limited at Vashi Plaza and Seawood, at that time the said office was sealed by CBI. I d. On 4.10.2002 summons was not issued to the Umpire for confiscation proceedings. It is not true to say that d. I did not take any such action on 4.10.2002 and I am falsely stating that total 9 nos of materials like CPU, computer, printers, furniture etc. were seized from there. It is not true to say that since I did not take any such action the alleged seized items were never brought before the court.

27. It is not true to say that d. As mentioned by me on 4.10.2002, I had never made any seizure and any Panchnama accordingly. It is not true to say that Panchnama (marked c. 1926) is a fake document. It is not true that the names of the arbitrators mentioned therein are false and no such person and I myself were ever present at the relevant place and time. It is not true to say that any property shown in the said seizure m

was not seized. I had not recorded the statement of the Panchas mentioned in the seizure panchnama as well as Santosh Gupta, the alleged officer of Home Trade Limited. It is not true to say that I did not have occasion to record any statement of any such named person as he was not present at the relevant place.

28. It is not true that as I have mentioned no letter was given to the Vashi Police Station to appoint a guard for the security of the alleged seized material. It is not true to say that the letter (d.1927) was forged by me.

29. It is not true to say that d. On 2.10.2002 also at Seawood Estate, NRI Complex as mentioned by me no seizure and accordingly no Panchnama was ever done. It is not true to say that Panchnama (mark 1928) is a fake document. It is not true that the names of the arbitrators mentioned therein are false and no such person and I myself were ever present at the relevant place and time. It is not true to say that I had not seized any property shown in the said seizure. I had not recorded the statement of the Panchas mentioned in the seizure panchnama as well as Santosh Gupta, the alleged officer of Home Trade Limited. It is not true to say that I did not have occasion to record any statement of any such named person as he was not present at the relevant place.

30. It is not true that as I have mentioned no letter was issued to Nerul Police Station for appointment of guards for the security of the alleged seized material. It is not true to say that the letter (d. 1929) was forged by me.

31. It is not true to say that, as I mentioned d. On 2.10.2002, Thakkar Towers, any seizure and any Panchnama pursuant thereto I shall never

had not done It is not true to say that the Panchnama (marked c. 1930) is a fake Dast. It is not true that the names of the arbitrators mentioned therein are false and no such person and I myself were ever present at the relevant place and time. It is not true to say that I had not seized any property shown in the said seizure. I had not recorded the statement of the judges mentioned in the seizure panchnama as well as that of Santosh Gupta, the alleged officer of Home Trade Limited. It is not true to say that I did not have occasion to record any statement of any such named person as he was not present at the relevant place. It is not true to say that when I went to the said office, it was already sealed for investigation of another crime and electricity supply was cut. The director of Home Trade Limited and the employees related to Home Trade were not present in the said office.

32. It is not true that, as I have mentioned, no letter was given to the Vashi Police Station to appoint a guard for the security of the alleged seized material. It is not true to say that the letter (d. 1931) was forged by me.

33: It is not true to say that, as I have mentioned d. I had never made any seizure at Nariman Point on 21.5.2002 and any Panchnama in connection therewith. It is not true to say that the Panchnama (marked c. 1813) is a fake Dast. It is true to say that the said office was sealed with CBI even before I visited it. It is true to say that the names of the judges are not written on the first page of the said Panchnama. It is true to say that the name of the said person is not mentioned under the purported signature of the person from whom the seizure was made on the back page of the Panchnama. It is true to say that on that page of the panchnama where the signatures of the panchas are, the names of the panchas are not mentioned under the signatures. It is true to say that which signature is on this page of Panchnama

We cannot tell who it belongs to until we see another signature of the person concerned. It is not true to say that since the said office already has the seal of CBI, no seizure action was taken as mentioned by me. It is not true to say that the persons whose names have been mentioned by me in the Panchnama were never present at the respective place and time and therefore I have not recorded their statements. It is not true to say that no such persons were present there so I have not mentioned their names in my vicinity. It is not true to say that I did not take any action which I said I did.

34. It is not true to say that, as I mentioned, Mr. I never had any correspondence between 1932 and 1938.

35. It is not true to say that the outgoing number of all the correspondence we do through our office is given separately for each correspondence. We personally hand signed the correspondence as the delivery of the concerned, so it does not have an outgoing number. Correspondence that we handle from our physical office is assigned a separate outgoing number for each correspondence. It is true to say that an outgoing register of such correspondence is maintained in our office. It is true to say that an incoming register of letters is kept in the office. I have not brought with me today the record of the incoming and outgoing register of the correspondence which I mentioned in my evidence. No incoming and outgoing numbers have been given on the correspondence I have made. Hi, it is not true to say that I have prepared all fake documents so they have not been checked in and out and therefore I have not brought the records with me.

36. It is not true to say that I never went to Bombay, made no seizures and did no correspondence. It is not true to say that I created false documents and gave false testimony just to curry favor with my superiors.

**In cross-examination accused no. 1 by Mr. Ahuja's lawyer refused.**

**Cross investigation Accused no. 2 on behalf of Shri. Ashok Bhangde Counsel: Denied.**

**Cross-examination by accused no.5 and 6 Mr. Aggarwal Advocate: Denied.**

**Cross-examination is over. No re-examination.**

**Read to witness and acknowledged to be correct.**

(She.Ra.Totla)

Additional Chief Magistrate,

Nagpur

Dated 06.03.2020

#### Certificate

I affirm that the contents of this PDF Evidence are  
same word to word, as per original Evidence.

Name of Stenographer:- Ku. G.A. Joshi (Grade II)



**Regular criminal case No. 147/2002**

**Government -vs Sunil Kedar and**

**others Mark number: 1955**

(Dated :- 16.3.2020)

**Statement of Witness No. 48 on behalf of Govt**

I solemnly declare that:-

my name : Vinod Goonderao Deshmukh

age:- 69 years

Business :- retired

will stay :- Pune

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. I joined Reserve Bank of India in the year 1972. Then in 1983, NABARD was separated and I was appointed in NABARD. I was working in NABARD from 1983 till my retirement in 2009. The Maharashtra Divisional Office of NABARD is located in Pune. The Chief General Manager of NABARD is the most senior officer of NABARD.

2. NABARD was created to promote rural development, agricultural development and other matters related to rural development. After the creation of NABARD, the monitoring reports of District Central Banks and Rural Banks were submitted by the Reserve Bank to NABARD. According to section 35 (6) (1) (b) of the Banking Regulation Act, NABARD has the authority to conduct statutory audit of district central banks.

3. Regarding inspection of District Central Banks by NABARD every year The annual program is decided and divided into four quarterly sessions

is done Thus after deciding the program of inspection of the banks, the concerned officers are appointed for the inspection of those banks in accordance with the said program and keeping in mind the availability of officers. That

4. In the year 1999, NABARD started monitoring banks on a quarterly basis. According to Myself and my colleague Laxmidhar Das were given the responsibility of monitoring Nagpur District Central Cooperative Bank from 1.4.1999 to 31.3.2001 by our office. According to 4.2.2002 to dt. We inspected Nagpur District Central Bank during the period 26.2.2002. Reserve Bank of India and NABARD have prescribed guidelines for the said monitoring. According to these guidelines, we have to monitor the bank keeping in mind the various provisions of the rules like Capital Adequacy, Asset Quality, Management, Earning Analysis, Liquidity etc. We have made the said observation in accordance with the provisions of Section 35 (6) (1) of the Banking Regulation Act, 1949 as applicable to Co-operative Societies.

5. The investment portfolio of the bank falls under the asset quality of the bank in our view. For this observation we observe the last three years balance sheet of the bank. Our observation found that the investment portfolio of Nagpur District Central Bank is significantly increased as per balance sheet. On further inspection we find that the bank dt. During the period from 5.2.2001 to 28.3.2001 many transactions of purchase and sale of physical securities have been done. Our observation also found that dt. About Rs.124.76 Crores of physical securities outstanding with the Bank as on reference date of observation 31.3.2001. During the said inspection we have examined the bank's account books, holding certificates,

Documents such as adjustment letters, office notes etc. inspected. During the inspection we also found that there were many irregularities and violations of the relevant legal provisions while conducting the said transaction as well as the provisions of the circular issued by the Reserve Bank of India dated 4.9.1992 in this regard. So we asked the bank to submit the government securities they bought to us for inspection. At that time we were shown only photocopies of government securities by the bank and that too was in the name of Home Trade Limited and not in the name of Bace. Therefore, when we inquired further, it was found that dt. Until 31.3.2001, the Bank was dealing in Government securities only through Home Trade, but subsequently, the Bank dealt in Government securities through 4 more companies namely Giltage, Indramani, Syndicate and Century. came to our attention. d. As on 26.2.2002, the outstanding of the said government securities with the bank was about Rs.149.83 crores.

6. We went through the contract notes of Home Trade Limited, at that time it was noticed that Home Trade Limited was not mentioned as broker in the said contract notes but it was mentioned as seller. Also there was no mention of brokerage in the said contract notes. The bank must have a specific policy for making such investments and such policy must be approved by the board of directors of the bank. But, in our inspection of Nagpur District Central Bank, we have not come to notice that the bank has formulated any specific policy or plan for such investment and has taken the approval of the Board of Directors. Therefore, the instructions of the Reserve Bank of India regarding such investments have not been followed by the bank.

7. Also, the bank has reviewed the investment portfolio on March 31 and March 30. September Thus half-yearly review is required twice a year and its report is required to be sent to NABARD and RBI. Government securities taken by the bank must be classified into three categories: held for trading, due for maturity and available for sale. The said government securities purchase transaction is dt. 5.3.2001 to 28.3.2001 and our observation dt. Expired on 26.2.2002. But, our observation d. Till the end of 26.2.2002 Government securities purchased by the bank were not available in this bank.

8. d. On the last day of inspection on 26.2.2002, we presented the salient points that came out during the inspection before the meeting of the Board of Directors. After the meeting we were told by the bank that they will bring the said government guarantee to us in person. After that, our office also sent a letter to the bank in this regard. Our General Manager at that time was Balan. I recognize his signature. (Letter purported to be sent to NDCC from NABARD with the signature of Mr. Balan is shown to witness. Ld. Counsel for accused persons have objected to mark the letter on the ground that the communication is not personally made by this witness and that the concerned officer who has made said communication is available and there is no reference of such letter in the statement of this witness u/s 161 of Cr.P.C. whereas Ld.P.P that this witness has conducted the inspection of the Bank and has deposed about all the facts related to the inspection carried out by NABARD and the communications made thereafter from their office. After hearing both the sides, this court is of the view that to alleged communication , the witness who has made the communication may be examined but it is not necessary that such officer alone is to be examined to

prove the communication. Another officer of the same office who is acquainted with the facts and who has identified the signatures of the officers then working in his office can be examined to prove such communications. Hence, objection is rejected.)

9. Mr. The letter given by Balan was shown to me. On that Mr. Balan's signature and I recognize it. Mark him. 1956 is being given.

10. With reference to investment by RBI dt. The directions given on 4.9.1992 were shown to me. That's what they are. They have already been given (No. 1581/4 to 1581/11). Also the directions issued by RBI from time to time in this regard have now been shown to me. That's what they are. They have already been issued respectively (No. 1581/1 to 1581/23).

11. We then submitted our inspection report to Deputy General Manager, General Manager and Chief General Manager of NABARD.

12. d. On 24.4.2002 we sent the said report to Nagpur District Central Bank, Reserve Bank of India and Registrar, Co-operative Societies and Maharashtra State Co-operative Bank as per rules.

13. A bank must have a board approved broker on its panel. Such a panel was not of Nagpur District Central Co-operative Bank. It appears that he initially dealt with only one broker, Home Trade Limited, and then involved 4 other companies in just one day's trading. I was shown all the contract notes, note sheets and adjustment letters which I observed during my investigation. They are the same. They have already (signs c. 1201, 1202, 1197, 1199, 1200, 1203, 1204, 1205,

1206), contract notes (Ex. 1719 to 1724), confirmation letters and other documents (Ex. 1159, 1231, 1230, 1232, 1233, 1234, 1663, 1666, 1667, 1164, 1163, 1165, 1166 , 1161, 1157) is given. I don't remember about other documents as it has been many years.

(Suratpass complete.)

(According to the above order in Application No.1954, the cross- examination is being reserved to be conducted on 26.03.2020 through video conferencing.)

(She.Ra.Totla)  
Additional Chief Magistrate,  
Nagpur

Dated 16.03.2020

Date :-08.07.2021

**The witness is personally present in court.**

**On behalf of accused no.1, the cross-examination  
continues on oath. Devendra Chavan :-**

14. It is true to say that I am giving my testimony on the basis of our inspection of Nagpur District Central Bank for the period of financial years 1999-2000 and 2000-2001. I do not remember that even before 1999-2000 Nagpur District Central Bank was investing in Pratibhuti. It is true to say that if the bank started buying collateral from before 1999-2000 then it was noted in my observation report. would have I don't remember that observation from 1999-2000. In the report, I, the bank has mentioned the securities taken earlier or not. It is true to say that on 1.4.1999 when the bank invested in the collateral If any irregularity was done I mentioned it in the observation report

would have It is true to say that in the monitoring report I submitted for the period 1999-2000, I did not mention any irregularities by the bank. I do not recall that as I did not find any irregularity in the said government securities transactions, I did not record any such observation in the monitoring report for the year 1999-2000.

15. Before observing the period from 1999 to 2000, Bace was observed for the years 1997-1998 and 1998-1999. I had requested the documents related to the said inspection from the bank at the time of my inspection. I don't remember if I read the Bacay inspection reports done by our office during the two year period from 1997 to 1999. I am not aware that in the monitoring report for two years from 1997 to 1999, there was no observation of any irregularity in securities investment by the bank.

16.. It is true to say that after the observation of the two years 1999 to 2001, the Board of Directors of BAKE was held on 26.2.2002. The minutes of the said meeting (N.D. 1312) are above. It is true to say that in this meeting myself and my colleague Shri. Both of us were present as slaves. It is true to say that d. By the time this meeting was held on 26.2.2002, my observation report had not been written.

17. It is true to say that after preparing the draft report of the inspection done by me I submitted it to my superiors and our superior Sh. Balan gave a letter dated 8.4.2002 (D.1956) to the bank and related errors.

Directed the bank to satisfy. It is true to say that in the said letter it is not mentioned that the Bank has violated the circular of Reserve Bank of India, 1992 while investing the securities. It is true to say that in the letter (No.1956) it is not mentioned that the bank needs to form a panel of brokerage firms/ individuals for securities transactions and obtain the approval of the board of directors for the said panel and that no such panel has been formed by the Nagpur District Central Bank.

18. It is true to say that the letter (d.1956) does not state that. As per the guidelines of the Reserve Bank of India, the bank does not have the authority to purchase principal to principal securities and despite this, the bank has transacted securities in violation of this guideline.

19. It is not true to say that nothing was mentioned in my draft inspection report regarding the alleged guidelines of the Reserve Bank and its violation as mentioned above and therefore our superior Sh. Balan has not made any such mention in the letter sent to the bank (dated 1956).

20. I am not aware whether our office entered into any other correspondence with Nagpur District Central Bank except the letter (No. 1956) regarding the two year period 1999 to 2001 by NABARD.

21. \* We have provided the bank with a copy of the minutes of the meeting held by the board of directors of the bank on 26.2.2002. We conducted the said meeting. The copy of the minutes shown to me (No.1312) is not the same. I do not remember whether the copy of the minutes prepared by the said bank (No.1312) was sent by the bank to our office or not. of the bank



I do not know whether the copy of the minutes of the meeting dated 26.2.2002 prepared by us has been filed on the record of the case or not. It is not true to say that d. In the meeting dated 26.2.2002, no objection was taken by us except 'original security is not with the bank'. It is true to say that our observation found that the amount paid for the purchase of securities was paid in accordance with the backing rules.

22. I do not recall that the Nagpur District Central Bank had sent a letter to our office requesting to provide a financial analyst as the securities business was very risky. I don't remember why cooperative development fund has been created by NABARD for cooperative banks. I don't remember that Nagpur • Shikhar Bank Maharashtra State Cooperative Bank of District Central Bank also sent a letter to NABARD requesting to provide Financial Analyst to Nagpur District Central Bank and pay the salary of this post from Cooperative Development Fund. had done The witness himself states that in questioning the relation in which There is a separate department of NABARD regarding Ala.

23. It is not known to me that in April 2001 NABARD Mumbai Headquarters Shri.SC. Srivastava was the Deputy General Manager. I am not aware that the request made by the Nagpur District Central Bank to NABARD to provide Financial Analyst was made by the then Deputy General Manager Shri.S.C. Srivastava rejected it in April 2001.

**In cross-examination accused no. 11 by Mr. Jaitare Lawyer:-**

24. It is not true to say that whatever observations we report

I said prepared, we prepared all those reports due to political pressure and we mentioned what we were asked to mention in that report due to political pressure without presenting the actual situation in that report.

**Reverse investigation Accused no. 2 on behalf of Shri. Ashok Bhangde Counsel  
Co-accused a By 7 Mr. Purohit Advocate :-**

25. I have not read the first news report on this matter. I cannot tell you exactly how long the investigating officer questioned us during the investigation of the crime. I do not remember that when the investigating officer came to our Pune office for inquiry, he brought with him all the documents related to the case or not. I do not remember whether I relied on the documents available in our office or not at the time when my statement was recorded by the Investigating Officer. It is true to say that both I and Laxmidhar Das were present at our office in Pune on the day when the investigating officer came to our office in Pune for enquiry. At that time I was superior to Laxmidhar Das. I do not remember whether during the inquiry at Pune the investigating officer asked us for the documents in pursuance of our correspondence with the concerned bank or not.

26. Before I testified in court, the investigating officer read my recorded statement. The word 'statutory audit' is nowhere mentioned in my statement recorded by the investigating officer.

27. I have read the Banking Regulation Act, 1949. But I do not remember whether I read the Maharashtra Co-operative Societies Act, 1960 or not. It is not possible for me to say which provisions in both these Acts These are similar in nature

28. I was mandated by our Chief General Manager, NABARD at Pune for two years of monitoring from 1999 to 2001. I cannot say what date the said order was. I had not given a copy of this order to the investigating officer.

29. 124.76 crores and 149.83 crores have been mentioned by me during my evidence as irregularities in the bank. I mentioned these amounts in my police statement. My statement recorded by the police was now shown to me. It is true to say that both the figures of said amount are not mentioned in this statement.

30. I have stated in the evidence given in the court that, 'As on the reference date of observation which is 31.3.2001, physical securities amounting to Rs.124.76 crores are outstanding with the bank. I also stated in my evidence that during the said inspection we inspected the bank's documents like account books, holding certificates, adjustment letters, office notes etc.' I do not remember whether I told the above matter to the Investigating Officer when I recorded my statement or not. Now show me my statement. It has not been mentioned by the investigating officer.

31. Also, in my evidence in court, I have mentioned that, (Paragraph C.5), 'Dt. Till 31.3.2001 the Bank was dealing in Government Securities only through the company Home Trade but during the subsequent period it came to our notice that the Bank was dealing in Government Securities through 4 more companies namely Giltage, Indramani, Syndicate and Century. d. 26.2.

In 2002, the outstanding of the said government securities with the bank was about Rs.149.83 crores.' I told this matter to the investigating officer when my statement was recorded. My statement recorded by the investigating officer was now shown to me. The said matters are not mentioned therein.

32. Also in my evidence in court I have mentioned that (paragraph c. 6), 'We looked at the contract notes of Home Trade Limited, at that time it was noticed that Home Trade Limited was not shown as broker in the said contract notes but as seller. had come Also there was no mention of brokerage in the said contract notes. The bank must have a specific policy for making such investments and such policy must be approved by the board of directors of the bank. However, during our inspection of Nagpur District Central Bank, we did not come to notice that the bank has formulated any specific policy or plan for such investment after obtaining the approval of the Board of Directors. Therefore, the instructions of the Reserve Bank of India regarding such investment have not been followed by the bank. I was now shown the statement recorded by the police. The above text is not mentioned in my statement taken by the police.

33. Also, in my evidence in court, I have mentioned that (Paragraph C.7), 'Also, the bank must review the investment portfolio twice a year on 31st March and 30th September and send the report to NABARD and RBI. The government securities taken by the bank should be classified in three ways namely held for trading, due for maturity and available for sale.' I was now shown the statement recorded by the police. The above text was taken from me by the police Not mentioned in statement

34. Also in my evidence in court I mentioned that (paragraph c.13), 'The board of directors must have a broker on the panel of the bank. Such a panel was not of Nagpur District Central Co-operative Bank. It appears that he initially dealt with only one broker, Home Trade Limited, and then involved 4 other companies in just one day's trading. I was shown all the contract notes, note sheets and adjustment letters which I had observed during my investigation.' I was now shown the statement recorded by the police. The above text is not mentioned in my statement taken by the police.

35. I cannot give any reason as to why all the above matters were not mentioned in my statement recorded by the police. I do not remember whether I mentioned all these matters to the Investigating Officer when I gave my statement or not. It is true to say that this is the first time that I am stating the above mentioned matters while testifying in court. mine

36. It is true to say that every district has the post of District Development Officer of NABARD. It is not true to say that at the time we inspected the Zilla Bank Shri. Laxmidhar Das was working as District Development Manager, NABARD in Nagpur. I do not remember who was working on this post in Nagpur at that time. At the time when we came to Nagpur to inspect BAKE, we did not call the District Development Manager of NABARD at Nagpur. It is true to say that the powers vested in the District Development Manager are prescribed as per the rules framed by NABARD. I don't know that, district colleague

The District Development Manager of NABARD is invited to the meeting of the directors of the bank. It is true to say that District Bank Review Committee has District Development Manager of NABARD as a member. It cannot be said to me that the District Development Manager of NABARD can raise objections if any irregularity is found in the Quarterly Review Committee of the District Bank. I am not aware whether the District Development Manager of NABARD at Nagpur had any correspondence from our office regarding any irregularity from Nagpur District Central Cooperative Bank.

37. Yes, it is true that NABARD has Cooperative Development Fund. It cannot be said to me that the said fund is utilized for the purpose of providing legal aid and other assistance to the concerned co-operative banks. At that time in NABARD Smt. S.S. Mathure and Shri.R.M. I remember Kulkarni was working. But at that time in NABARD Shri.V. R. Sapre and Shri.SC. I am not aware of Srivastava working.

38. At the time we observed Nagpur District Bank, there was a single person working both the positions of General Manager and Chief Executive Officer. I don't remember anything about Bylaws of Sadar Nagpur District Central Bank. I don't remember how much spending authority the General Manager and CEO had at that time. Also, I don't remember how many rupees the General Manager and CEO were authorized to invest at that time. Nagpur then General Manager, Nagpur District Central Bank d. NABARD on 18.11.1999 Mrs. S.S. I do not know about sending the letter to Madhure. I am not aware that Maharashtra State Cooperative Bank, Mumbai also dt. 18.1.

On 2000 Smt. S.S. A letter was sent to Madhure requesting the Nagpur District Central Bank to provide suitable persons for the post of Financial Analyst and Assistant. It is not known to me that Maharashtra State Co- operative Bank, Mumbai again dt. A letter dated 9.2.2000 was sent to the Deputy General Manager, NABARD, Pune requesting Nagpur District Central Bank to provide suitable persons for the post of Financial Analyst and Assistant. Pursuant to this letter dated 22.2.2000 NABARD's R. M. I am not aware of any letter sent by Kulkarni to the Managing Director, Maharashtra State Cooperative Bank, Mumbai. Also NABARD Assistant General Manager G.R. I have no information about the letter given by Sapre to the Nagpur District Central Bank dated 6.3.2000. In this connection R.M. I do not know anything about the letter again dated 25.3.2000 by Kulkarni to Zilla Sahakari Bank, Nagpur. It is not known to me that after this again the Chief Officer of Maharashtra State Cooperative Bank, I.B. I am not aware of any letter sent by SAIL to our Pune office on 22.4.2000 in this regard. I am not aware whether this entire correspondence and related documents are available in Pune office of NABARD or not.

39. In paragraph C.5 of my examination I have stated that 'as per the balance sheet the investment portfolio of Nagpur District Central Bank is significantly increased.' I do not remember whether I told the said matter to the investigating officer when he recorded my reply.

40. It is not true to say that as I have mentioned we never visited the District Central Co-operative Bank at Nagpur for inspection and we did not prepare any inspection report. It is not true to say that whatever I testified in this connection is false. It is not true to say that

During the purported inspection, no irregularity was found in the securities investment of Nagpur District Central Bank and I am giving false testimony in that regard. It is not true to say that today I am giving false testimony in court.

**As above, the complete cross-examination conducted by the accused no .2 was accepted by the accused no .4 to 7 and the further cross-examination by the accused no .4 to 7 was conducted by Mr. Priest Advocate**

41. During my tenure I supervised many banks. In the monitoring of every bank, some errors are found. If any errors are found in the bank's operations, the Reserve Bank of India takes action, NABARD does not take action. When the police recorded my statement, they did not ask for any documents from me.

42. Between the years 1999 to 2001, the policy of the District Central Co-operative Bank for securities transactions was changed by the RBI. was prescribed by circular. It is true to say that during the observation we did not call the concerned brokerage firms and inquire with them about the related transactions. It is not true to say that during our observation it was observed that all transactions of Nagpur District Central Co-operative Bank of Government Securities were done from Mumbai through Maharashtra State Co-operative Bank. It is true to say that the checks for the transaction in question were drawn from Maharashtra State Co-operative Bank, Mumbai. I am not aware that the relevant documents like contract notes, adjustment letters and confirmation notes etc. were prepared at Mumbai. It is not true to say that no contract notes, adjustment letters and confirmation notes etc. were produced before me during my observation. It is not true to say that the draft inspection report prepared by us was never approved by our superiors. It is not true to say that in our draft observation report



As no irregularity was found by the bank it was not sanctioned by our superior officers and hence no such report was filed on the record of the case.

**Reverse investigation Accused no. 8 and 9 on behalf of Shri. Choubey**

Lawyer:- rejected.

**Cross-examination is over. No re-examination.**

Read to witness and acknowledged to be correct.

(She.Ra.Totla)

Additional Chief Magistrate,  
Nagpur

Date : 08.07.2021

#### Certificate

I affirm that the contents of this PDF Evidence are  
same word to word, as per original Evidence.

Name of Stenographer:- Ku. G.A. Joshi (Grade II)

61

R.C.C.No. 147/2002  
St Vs. Sunil Kedar & Ors  
Exh. No. 1962

(Date : 17.03.2020)

**Deposition of witness No.49 for prosecution.**

*(The witness has prayed to record his evidence in English language. Neither the prosecution nor the defence has any objection for the same. Hence, his evidence is being recorded in English language.)*

I do hereby on solemn affirmation state that :-

Name of witness :- Sreekantappa Ramakantha  
Aged about :- 60 Yrs,  
Occupation :- Retired,  
Resident of :- House No.1309, Kuchappa Peth, Dodballapur –  
56120 Bangalore Rural.

**Examination-in-chief by Spl.P.P. Smt.Jyoti Wajani with  
A.P.P. Smt.L.S.Gajbhiye..**

1. During the period 2001 to 2003, I was working as Registrar of Companies at Pune. Initially, there was only office at Mumbai for registration of companies in Maharashtra. Subsequently, Registrar Office, Pune came in existence for 9 districts. However, later on Nashik district was re-transferred to ROC, Mumbai. This position pertains to the period of the year 2001 to 2003.

2. If the company wants to change its name, it has to approach the concern Registrar Office of Companies. With reference to the letter our office received from State C.I.D. Nagpur, an information was sought about the change in name of the company Home Trade Limited. Accordingly, I have forwarded the requisite information to State C.I.D. office vide my letter

dated 20.9.2002. Alongwith said letter, I have forwarded the certified copy of Change of Name and Annual Reports for the year 2000 – 2001 of Home Trade Limited.

3. The covering letter is now shown to me. It is the same. It bears my signature. Its contents are correct. It is marked as Exh.1963. Now the change of name is shown to me. It is the same. It is already marked as Exh.1784. The certified copy of Annual Report is shown to me. It is the same. It bears seal of our office and my signature. It is marked as Exh.1964. By way of said Change of Name, the name of company Uro Asian Securities Limited was changed to Home Trade Limited.

**Cross-examination by Adv.Choubey, for accused No.8 & 9:-**

4. I don't know whether the letter or its copy which our office had received from State C.I.D., Nagpur is filed on record or not. I am not aware about the name of person in whose favour Exh.1784 was issued. I say that it was issued in the name of Deputy Superintendent, State C.I.D., Nagpur. I don't know the name of person who has applied to our office for registration pertaining to the change in name of the company. I have not seen the original of the document (Exh.1784). It is true to say that our Pune office is having independent jurisdiction. I don't remember at this moment whether I have perused the original Annual Report (Exh.1964) submitted with our Pune office. As I have issued the certified copies, I had seen the original balance-sheet which was available at our office. I have provided the information signed by me in the capacity (Post) which I had held during the relevant period at Pune office. It is not true to say that I was not attached to Pune office in the year 2002. I was not knowing the investigation officer Mr. Bele. It is not true to say that I had issued false documents without verifying

the office record and only to please the investigation officer Mr. Bele.

**Cross-examination by Adv.Girish Purohit, (in addition to cross-examination conducted on behalf of accused No.8 & 9) for accused No.4 & 7:-**

5. I have not supplied any separate copy of balance sheet to the investigation officer. The names of the persons who were directors at the relevant time are mentioned in the documents forwarded to the investigation officer. Names are mentioned in document (Exh.1964). It is true to say that there is a list of Board of Directors given at page No.2 in the document (Exh.1964). I do not remember whether the Home Trade Limited is listed with any Stock Exchange. It is true to say that this Annual Report pertains to the year 2000- 2001. It is true to say that in document (Exh.1964), the name of Mr. Ketan Seth is not mentioned in any capacity. It can not be said that since 15.5.2001, Ketan Seth was no more the director of Home Trade Limited, though it is mentioned at page No.5 of the document (Exh.1964) that he had resigned from his post.

6. It is true to say that our office maintains record pertaining to the documents referred above. It is true to say that if any director of the company resigns from his post then his application is forwarded to our office. I say that it is for the company to file Form No.32 with our office pertaining to such resignation. It is true to say that after filing such Form No.32, the company informs about the resignation of concern director in Annual Report submitted to our office. It is true to say that in document (Exh.1964) under the caption 'Corporate Governors' Report' under the head 'Present Board of Directors' name of Ketan Seth is not mentioned.

7. It is true to say that at the relevant time i.e. in May 2005, our office at Pune used to accept Form No.32. The copy Form No.32 is now shown to me is not legible. I can not affirm whether such form was submitted to our office.

8. The company Home Trade Limited was within the jurisdiction of our Pune office. In the month of May, 2001, I was the head of our Pune office. Our office was maintaining all the documents which the company submitted to our office. Whatever documents filed by Home Trade Limited in the year 2001 would have been maintained in the record of our office, provided they are not destroyed as per the Rules for destruction of documents after certain period. Today I did not bring any original document maintained by our office. R.O.C. Pune might produce the requisite documents, if needed. Today I am not in service and I have been retired by superannuation on 31<sup>st</sup> July, 2019. Before coming to Court today, I did not visit my office at Pune to verify the documents filed on record. I did not verify from my office whether the documents pertaining to Home Trade Limited are still maintained or destroyed by our Pune office.

Que.- Whether you have obtained any written authority from your office to depose today in the official capacity?

Ans.- I have informed our office that I had received the witness summons of this Court and that I was attending the Court in response to said witness summons.

9. It is not true to say that I did not inform my office about my attendance as witness in official capacity and therefore, I am not having any written authority issued by our office. I do not remember whether in the year 2001, my statement was recorded by investigation officer. It is not true

to say that I did not supply any information and documents to the investigation officer. It is not true to say, that therefore, the alleged Form No.32 was not supplied to the investigation officer. It is not true to say that knowingly and with deliberate intent, I am stating that the copy of Form No.32 is not legible. It is not true to say that said document is completely legible except the seal of office.

9. It is not true to say that without any authority, today I am deposing before the Court.

Cross-examination by Adv. Devendra Chavan, for accused No.1 and Adv. Ashok Bhangde, for accused No.2:- Declined.

Cross-examination by Adv.Agrawal, for accused No.5 & 6:- Declined.

Cross-examination by Adv.C.H.Jaltare, for accused No.11:- Declined.

Re-examination : Nil.

R.O.A.C.

(S.R.Totla)  
ACJM, Nagpur  
Dt/-17.03.2020

Before me.

(S.R.Totla)  
Addl. Chief Judl. Magistrate, Nagpur

**Certificate**

I affirm that the contents of this PDF Evidence are same word to word, as per original Evidence.

Name of Stenographer :- Ku. G.A. Joshi (Grade II)



RCC 147-2002 (P.W.49-E)  
dt.17.3.2020  
Digitally signed by  
Shekhar Ramnathji Totla  
Location: Nagpur  
Date: 2020.03.18 15:56:10  
+0530

Ni. Fr. Case c. 147/2002  
No. 2072.... to be continued.

Regular criminal trial c. 147/2002  
Govt -vs- Sunil Kedar and others  
Symbol number: 2072

(Date :- 20.02.2021)

**Statement of Witness No. 50 by Government**

I solemnly declare that:-

my name :- Anil Shankar Pant

age :- 75 years

Business :- retired

will stay :- Aakar Nagar, Nagpur.

**On behalf of the prosecution, Mrs. Jyoti Vajani along with Mrs. L.S. Gajbhiye**

1. In the year 2002 I was working as Divisional Co- Registrar Co-operative Society, Nagpur. My duties included supervising and controlling the work and staff of the office of the Deputy Registrar of Co- operative Societies in Nagpur Division. It was also my duty to decide appeals and revisions on the orders of the concerned office and to control other office functions.

2. The Commissioner, Co-operative Societies, Pune has ordered me to inquire into the transaction of purchase and sale of Government Bonds made by the Co-operative Banks of Nagpur and Wardha districts and to take further action in this regard as it has been an illegal transaction. The letter regarding that is on record and it was shown to me. This is it. He was already marked. 1137 has been given.



3. After that, going to Nagpur District Central Co-operative Bank, I inquired with the then General Manager Chaudhary about the government bond purchase transaction there. Based on the information received from them, I ordered the then Special Auditor, Co-operative Societies/Banks to inquire into the government bond purchase transaction of the said bank. At that time Mr. Asdar was the Special Auditor. He showed me the letter I had given in this regard. It is already marked. It is on 1114. It is my signature. Its content is correct.

4 After that Mr. Aswar inquired about the purchase of government bonds of Nagpur District Central Co-operative Bank and submitted the report to me. The said report has been submitted in the case and it has been shown to me now. This is him. On that Mr. Signed by Aswar. He already had a sign. 1138 has been given.

5. In my inquiry with the bank itself, I found that Nagpur District Central Co-operative Bank had invested through Home Trade Limited and its subsidiary companies for purchase of government bonds, but the original documents regarding the said investment were not with the bank.

6. Mr. After receiving Aswar's report, I sent a show- cause notice to the bank under section 78 of the Co-operative Act. Also, to file a first information report against him, Mr. Aswar was ordered.

7. Also, I am responsible for the malpractices in the bank

An inquiry under Section 88 of the Co-operative Act was ordered to determine. In that, I ordered the then District Special Auditor to conduct the said inquiry.

8. Then I was called by the Crime Branch, Nagpur to investigate the matter.

9. After that, the government established a district monitoring and review committee. Officials of Reserve Bank of India, officials of NABARD, departmental officers of State Cooperative Bank, officials of concerned banks were included in this committee. I was the chairman of this committee. District Co-operative Banks and NABARD have entered into an MoU and different targets have been given to Co- operative Banks for recovery and others. Our committee was constituted to review the achievement of said target. The meeting of said committee used to be quarterly. The Crime Branch had asked me for information about the number of meetings held by the said committee during the year 2001-2002 and what decisions were taken in them. Accordingly, I submitted written information to them. The said written information has been filed on record. She showed me. This is it. It is signed by me and its contents are correct. Mark him. 2073 is being given.

Reverse investigation Accused c. 2 on behalf of Shri. Bhangde Lawyer :-

10. I d. From 7.7.2001 to October 2002, he was working as Divisional Joint Registrar, Co-operative Society in Nagpur. At that time there was no one working as Legal Adviser in Maharashtra State Cooperative Back, Divisional Office, Nagpur.

11. When first informed report to Ganeshpeth Police Station

I don't remember the date it was registered. Probably recorded in May period. June 2002 Mr. Aswar had the authority to command. I am Mr. Aswar was given a written order to file a complaint. Mr. Aswar was junior to me. Aswar had given a written complaint to the police station. He had brought me the draft of the written complaint that Aswar had given to the police station. I do not know that at that time Adv. Mr. Bansod and Adv. Mr. Gadkari was appointed on the panel. Aswar did not come back to me with the copy of the complaint after filing the complaint. I visited Crime Branch, Nagpur only once during my tenure.

12. The Crime Branch had informed me in writing to attend the inquiry. In his letter he had informed me the date of appearance of the inquiry officer. While I was working, the letter issued by the Crime Branch, Nagpur to me to attend the inquiry was available in our office. I had sent a written reply to their letter, according to the said letter I had previously appeared in the office for enquiry. At that time, during the investigation, he had asked for information about the review committee of which I was the chairman and asked him to give it in written form. Accordingly, I have given them that much information in written form.

13. I am not sure how long my interrogation took place at the Goonhe branch but it must have been around one to one and a half hours. During my interrogation, I was interrogated by only one officer of the crime branch, whose name I do not remember. I do not know whether there were any files or documents in connection with the matter on the table of the Inquiry Officer at the time of inquiry. The Co-operative Societies Act, 1960 was not shown during the enquiry. The investigating officer told me during my interrogation

I do not remember whether the inquiry officer recorded a written note that some inquiry was conducted or not. During the said investigation I was told by the investigating officer Mr. Neither the complaint filed by Aswar nor the statement of Aswar recorded by the police was shown. My written statement was not recorded by the inquiry officer in the said inquiry. Also the inquiry officer did not ask for any documents in writing to me.

14. It is true to say that I had authority to visit the District Central Bank during office hours and make enquiries, observations etc. According to the letter dated 20.4.2002 from Cooperative Commissioner, Pune, I went to Nagpur District Central Bank for enquiry, and I prepared a letter as per my enquiry, and gave it to Aswar. During my interrogation, the investigating officer of the Crime Branch did not show me the letter I had given to Aswar. The said letter was shown to me today while conducting my final examination. The said letter no. 1114 was not sent by me to NABARD, RBI or Maharashtra State Co- operative Bank, Mumbai. While preparing the said letter I did not have to refer to the documents. Between the letter No. 1137 that I received from Pune and the letter No. 1114 that I gave to Answar, I had about 4 to 5 days of time available.

15. It is not necessary that the letter No. 1114 I addressed to Aswar was to be kept strictly confidential. It is true to say that letter No. 1114 was typed by my office staff after having read it properly and signed it with full responsibility. Letter No. 1114 is now shown to me. It is true to say that the said letter is marked 'Confidential'. My education is B.Sc. LL.B. It is like that. I have full knowledge and control over commercial transactions, audit reports, quarterly reports, annual reports

Can't say.

16. I do not remember whether letter No. 1137 from the Cooperative Commissioner, Pune came to me by post, fax, mail or any other means. It is true to say that the Co-operative Commissioner, Pune was my senior officer. About 20 employees/officers were working in my office during the relevant period. It is true to say that letter no. 1137 was an important and confidential letter.

17. A register was kept for incoming and outgoing correspondence from our office as well as from other to the office. The said letter No. 1137 was not seized from me by the inquiry officers.

18. It is true to say that a separate register was kept to record the office correspondence coming in my personal name. At the time when I was called for inquiry at Goonhe branch, I did not take any office correspondence and other documents file related to Nagpur District Central Co-operative Bank with me for inquiry.

19. d. I myself from 20.4.2002 to 24.4.2002 Nagpur District Central Cooperative Bank was visited. During this period when I When I visited Nagpur District Central Co-operative Bank, I was told by the bank Any receipt or photocopy of the bond purchase transaction from the bank was not Copy of letter No. 1114 in the office of Cooperative Commissioner, Pune I don't remember if it was sent or not. It is true to say that the letter I have not accused any person in the text of No. 1114. letter Of the statistics which are mentioned in No. 1114. I have not personally verified the actual documents in this regard.

20. When I went to Nagpur District Central Co-operative Bank for enquiry, accused K.2 Ashok Chaudhary informed me in writing about the related transaction. The written document giving the said information has not been shown to me in court today. Accused K.2 at that time did not show me the documents of Nagpur District Central Bank's correspondence with NABARD.

21. It is true to say that the General Manager of a District Central Co-operative Bank has authority to correspond with NABARD, Reserve Bank as well as our office. It is true to say that NABARD has powers to monitor the transactions of District Central Bank with NABARD. Also, the Reserve Bank has the power to check the financial transactions of the cooperative banks. It is true to say that our office controls the District Central Cooperative Banks in Nagpur Division. Our office has not appointed financial analyst and guide in the said district central bank. I can't say with certainty that NABARD and Reserve Bank of India have the post of 'Economic Analyst and Guide'. I don't know whether Nagpur District Central Cooperative Bank, Maharashtra State Cooperative Bank, Mumbai has authority to call for the post of Financial Analyst..

22. I have not seen the documents regarding the correspondence between Nagpur District Central Co-operative Bank to NABARD and RBI during the period 2000 to 2002. It cannot be said to me that NABARD has powers to monitor and control all the financial transactions of District Central Banks.

23. I NAGPUR DISTRICT CENTRAL BANK CO-OPERATION ACT

**No. Fr. Case c. 147/2002**

**No. 2072.... Continued.**

The document regarding issuance of show cause notice under section 78 of 1960 has not been shown to me in court today. I have been in court about 10 times before testifying. It is not true to say that during my visit to the court I verified which documents were filed in the record of the case. It is true to say that whatever information I have given in court today, I am giving it for the first time in court today.

**In cross-examination accused no. 1 by Shri.D.V. Chavan Vakil Sir:** Application No. According to the above order 2074 cross-examination dt. Being placed on 24.2.2021.

Read to witness and acknowledged to be correct.

(Sr. Totla)

Additional Chief Magistrate,

Nagpur

Date : 20.02.2020

(Date :- 24.02.2021)

**Cross-examination of witness no .50 Anil Shankar Pant continues on oath - Accused no.1 Senior Advocate Shri. Subodh Dharmadhikari with Advocate Shri. Devendra Chavan :-**

24. When I inquired at Nagpur District Central Cooperative Bank When I went, accused K.2 Choudhary told me that the bank did home trade Ltd. and any investment made through its associate companies They do not have the copies of the related documents. I am Ashok Chaudhary He gave information about the investments made through SGL account no Government guarantee through broker to Nagpur District Central Cooperative Bank I did not inquire whether it was allowed to buy or not. I Didn't inquire about it because I didn't know anything about it. This is me

It was learned that the investment documents of which the bank did not have were made through Home Trade Limited, a private broker. It is true to say that I was ordered by superior officers to inquire into this very investment.

25. During this investigation, as the bank did not have the documents of the investment made through Home Trade Limited, a private party, the said transaction was illegal and I went to investigate it. It is true to say that the order which came to me for inquiry nowhere stated that the Bank cannot make such investment through private brokers and therefore the transaction of the Bank with Home Trade Limited is illegal. It is true to say that I have not inquired with the Reserve Bank of India or the Maharashtra State Cooperative Bank regarding this...

26. I am not aware that NABARD has from time to time instructed the co-operative banks to invest by purchasing bonds and also informed them from time to time that such investment is beneficial to the co-operative banks.

27. Mr. I had carefully read the inquiry report (No.1138) sent to me by Aswar. It is true to say that there was nothing mentioned in this report that the bank did not pay the investment amount to Home Trade Limited and made fraudulent transactions. It is not mentioned in the said inquiry report that Nagpur District Central Bank paid the transaction amount in cash form with Home Trade Limited. It is true to say that if in the said transaction Nagpur District Central Bank had shown that the amount was paid in cash to Home Trade Limited by withdrawing the amount from their account, the said transaction would have been illegal. It is true to say that if thus



Had the transaction been in cash, Mr. Aswar would surely have noted it in his inquiry report. I myself did not inform Home Trade Limited to give the original document of bond purchase and sale transaction by correspondence. Also, I had not directly corresponded with Home Trade Limited regarding the said transaction.

28. Sadar of the District Monitoring Review Committee of which I am the Chairman There was no connection with the securities purchase transaction. It is true to say that as I was then working in the post of Divisional Joint Registrar, Co-operative Societies, Nagpur, I had administrative supervision over Nagpur District Central Co-operative Bank.

- Question :- Can you tell us any reason why you have not entered into any correspondence with Home Trade Limited despite being aware of the transaction of about 150 crore rupees done by the bank with Home Trade Limited and Home Trade Limited not giving the original documents to the bank?
  
- Ans :- I had no connection with Home Trade Limited.

29. I have seen the bylaws of the bank. It is true to say that as per the said Bylaws the Board of Directors had the right to buy shares and securities. It is true to say that as per Article 29 of the said Bylaws the Board of Directors can delegate its powers to the Chairman, General Manager, Manager and other officers of the Bank. It is not known to me whether the Board of Directors of the Bank had conferred these powers of the Bank vide resolution dated 19.1.1999 (No.1184) on the Chairman, Vice-Chairman, General Manager, Chief Accountant and Chief Officer (Administration).

30. The securities which were invested in the bank

As the original security is not with the bank, I am Mr. Aswar was directed to file a first report. There was no reason other than to issue such instructions.

31. It is true to say that the board of directors of the bank does not run the day-to-day affairs of the bank, the officers of the bank have the authority to run it.

32. I am now shown the Bank's Bylaws (No.1450). It is true to say that as per these bylaws there is no provision that the day-to- day affairs of the bank should be looked after by the chairman of the bank. It is not known to me that the proposal (proposal) for every transaction of purchase of securities through Home Trade Limited was prepared by the Chief Executive Officer and sent to the Chairman for approval. I am not aware that a contract note was prepared for each transaction of security purchase. It is true to say that if the government guarantee is not received after the investment, then the general manager and chief executive officer of the bank must inform the board of directors and chairman of the bank in writing. I have not come across any letter giving such information in this case by the General Manager or Chief Executive Officer to the Board of Directors or the Chairman of the Bank.

**In cross-examination accused no. 4 and 7 by Mr. Purohit Advocate:-**

33. The report (Ex.1138) is now shown to me. The said report Mr. Aswar had shown me. Mr. Apart from the report prepared by Aswar, I myself have not prepared any other report. It is true to say that after reading the said report carefully, Shri. To Aswar

Directed to file first information report immediately. Mr. I had not taken any written order from my superiors to file a First Intelligence Report before giving the said direction to Aswar. Mr. The report submitted by Aswar was also not sent to the office of Cooperative Commissioner and Registrar at Pune.

34. In the report given by Aswar, the companies with which the bank had transacted. The complete details of that transaction were mentioned. Aswar has taken the money deposited in the bank in that report. The report contains information about the transactions of five companies. I am not aware that all these five companies are accused in the present case. It is true to say that the entries of purchase and sale transactions taken by Aswar at pages C.5 and 6 of his report are correct. As the notes taken by Aswar were correct, I did not make any inquiry myself after that. It is true to say that I myself have not made any inquiries with all these five companies. It is not true to say that the said report does not mention any malpractice by these five companies. At the end of the said report, it is mentioned that there has been malpractice in the said transaction. It is true to say that the text of the said report is handwritten saying 'This is a financial misappropriation'. I don't know whether the text is written in black ink or not. The said report is signed by Aswar.

- Question :- Is it signed by Aswar in blue ink?
  
- Answer:- It is as it is.

35. It is true to say that wherever corrections are made in the report (Ex. 1138), they are done in blue ink.

has come

- Question:- The report does not mention that all the five companies mentioned in this report have committed any malpractice?
- Answer:- It is stated that 'This is a financial misappropriation' and the said text is about both banks and companies.

36. In the said report, it has not been mentioned that the Bank has suffered losses due to the transactions done by Bakeni with these companies. Also, the report does not mention that these companies cheated the bank regarding the government guarantee. Mr. I don't remember whether I ordered Aswar in writing or verbally to lodge an FIR. It is not true to say that only Cooperative Commissioner and Registrar, Pune has the authority to order filing of FIR. It is not true to say that in the absence of a reply to the notice under Section 78 of the Co-operative Act, I could not have taken any action. If there is no response, unilateral orders can be made. It is not true to say that under Section 78 I can only order an inquiry but I have no power to order the filing of the first report. The power to order lodging of FIR is contained in Section 81 (5) (b) of the Co-operation Act, 1960. It is not true to say that I am falsely claiming to have such rights. It is not true to say that just because of the letter from the superiors, I am Mr. Aswar was made to file a false first information report.

**Cross-examination by accused no .5 and 6 Mr. Aggarwal Advocate:-**

37. It has come to my attention from the report of the auditors that the bank had given money to the companies of accused no.5 and 6 to purchase government securities. Apart from the said auditor's report

I had no other documents to verify this. It is not true to say that on the basis of false and forged documents Shri. Aswar created a false report.

**Reverse investigation Accused no. 8 and 9 on behalf of Shri. Choubey Counsel:-**

38. Cross-examination denied.

**In cross-examination accused no. 11 by Mr. Jaltare Lawyer:-**

39. I have a deep study in this matter. It is true to say that all banks and co-operative banks also make various investments to increase their own income. It is true to say that in case of profit in such investment transaction, the profit amount is deposited in the bank account and in case of loss, the amount is deposited in the debit account of the bank. It is true to say that all the shareholders elect their board of directors to decide the policy of the bank on behalf of the bank and the elected board of directors takes further decisions as per their discretion. It is true to say that the Board of Directors does not have the power to decide the policy of the bank, but the employees of the bank. It is true to say that whatever orders come from the board of directors, the employees have to follow them.

40. It is true to say that I have asked Shri. Bagde was appointed as authorized officer. The said inquiry is being conducted to determine responsibility for the alleged malpractices in the bank. Now I was shown the photocopy of the letter with the counsel that the authorized officer Bagde had sought an explanation from the accused K.11 Peshkar. It has been sent by Bagde to Peshkar. Accused K. 11 replied to the said notice on 9.

8.2002 it appears from the photocopy shown to me by the counsel for the accused. I do not understand that in the said investigation Shri. Peshkar was informed by the bank to appear as a witness. I don't know what Ashtwal was given by the authorized officer Bagde in this inquiry because I was transferred after that. It is not true to say that I took wrong action against all the accused in this case without proper consideration of the documents and all aspects. It is true to say that if there is any problem in a transaction and it is brought to the notice of the Board of Directors by the employees, then the Board of Directors must consider it.

**Cross-examination is over. No re-examination.**

Read to witness and acknowledged to be correct.

(She.Ra.Totla)

Additional Chief Magistrate,  
Nagpur

Date : 24.02.2029

**Certificate**

I affirm that the contents of this PDF Evidence are  
same word to word, as per original Evidence.

Name of Stenographer:- Ku. G.A. Joshi (Grade II)

(64)

R.C.C.No. 147/2002  
State Vs. Sunil Kedar & Ors  
Exh. No. 2097

(Date : 05.03.2021)

**Deposition of witness No.51 for prosecution.**

*(The witness has prayed to record his evidence in English language. Neither the prosecution nor the defence has any objection for the same. Hence, his evidence is being recorded in English language with the consent of all.)*

I do hereby on solemn affirmation state that :-

Name of witness :- Dr. Golak Chandra Nath,  
Aged about :- 60 Yrs,  
Occupation :- Service,  
Resident of :- Dadar West, Mumbai.

**Examination-in-chief by Spl.P.P. Smt.Jyoti Wajani with  
A.P.P. Smt.L.S.Gajbhaye.**

1. I was working as a Manager Incharge of Wholesale Debt Market (WDM) segment at National Stock Exchange during the period 1995 to 2005. Being Manager Incharge of WDM, my duty was to see the activities of trading by registered brokers in government securities and by electronic mode of transactions. Brokers used to place their trades in respect of listed government bonds and as such, the said securities were traded on our platform.

2. The broker willing to trade on our platform was required to get registration by fulfilling all the formalities and by submitting a prescribed form to our exchange. Such forms, in turn, were placed before

WDM department. After scrutiny of these forms and after fulfilling all the conditions including requisite security deposit amount of Rs.10,000,000/- (Rs. One Crore only), the licence were issued for trading. Only the brokers which were registered as such were allowed for trading on our platform. My duty was to issue such membership for trading and to monitor day-to-day trading done on our platform. It also included verifying the actual trades and generate liability reports. Generally we call them Obligation Reports.

3. Our department received a letter dt. 19.6.2002 from State C.I.D., Nagpur. By way of said letter, we were asked for information regarding certain transactions pertaining to government securities by the companies listed in that letter. These companies were Indramani, Home Trade, Giltage Management, Century Dealers and Syndicate Management. By way of said letter, we were asked to verify the trades mentioned in that letter. However, we found that none of the five companies mentioned therein were registered with us. As such, they were not permitted to trade on our platform. Out of them, Home Trade Limited has made an application to us for registration. However, said brokerage firm did not comply the requisite conditions for trading on our platform. Therefore, said company was not allowed to make any trade on our platform.

4. The letter dt. 19.6.2002 received by us from State CID, Nagpur and the letter issued by us dt. 8.7.2002 to State CID, Nagpur in response to their letter, are now shown to me. They are the same. They are respectively marked as Exh.2098 & 2099 respectively.

Cross-examination by Adv.Girish Purohit, for accused No.4 & 7:-

5. My educational qualification is Ph.D. (Commerce). I



acquired my Ph.D. degree in the year 2004. In 2002, my educational qualification was post graduation (Masters Degree) in Economics. At the time of joining, I was looking after the affairs of NSE, Calcutta branch. Thereafter, I was transferred to Membership Department of NSE and during the relevant period, I was working in WDM department. I was working in WDM department for the period 2002 to 2005. WDM department was a separate department of NSE dealing in wholesale debt market only.

Que.- Your WDM department was not having any concern with the allotment of membership for trading on your platform?

Ans.- There was a centralized process. The forms for membership were firstly proceeded to Membership Department. After scrutiny by membership department about fulfillment of all requisite conditions, the eligible forms were sent to our WDM department for allotment of member code.

6. There are different segments of NSE for trading. The member of any other trading segment of NSE may not be the member of WDM segment of NSE. There can not be a member of National Stock Exchange. There can be either member of equity segment or WDM segment. I do not know about the trades which are done out of WDM platform. It is true to say that I don't know about the trades done on other segments of NSE apart from WDM segment. In response to letter by State CID, I have only verified the record of WDM segment and I did not verify the record of any other segment of NSE.

7. I have received only the witness summons. It is not true to say that alongwith witness summons I have received the copies of letters (Exh.2098 & 2099). It is true to say that before entering the witness box

today, I have gone through these letters. These letters were shown to me by Spl. P.P. It is true to say that letter (Exh.2098) does not bear any endorsement of our office pertaining to its receipt by us. Letter (Exh.2098) is now shown to me. It is true to say that I can not exactly say that it was the same letter received to our office from State CID, Nagpur. I can not say that the letter which is referred in our letter (Exh.2099) is not the same letter which is exhibited as Exh.2098.

8. Today I did not bring with me the official record pertaining to the communications referred to in my examination-in-chief.

Que.- Whether the information mentioned in letter (Exh.2099) pertaining to Home Trade Limited was sought by State CID from your office?

Ans.- Whatever information pertaining to Home Trade Limited was available with us, we have forwarded the same to State CID.

9. It is true to say that I have only prepared the letter (Exh.2099) and signed it. I now say that I have signed the letter after personally verifying the record. Prior to that, the various officials working in our department collected the information and prepared the report. It was then put up before me. Thereafter, I had again verified the same and signed it. At the relevant time, approximately 8 to 10 officials were working in WDM department. I have not annexed alongwith the letter, the notes of verification of record done by the staff of my department. I did not verify whether these companies were members of WDM department. I did not verify from Membership Department about the membership of these companies pertaining to other segments of NSE. I have not issued any letter

to the other segments of NSE thereby asking the information of these companies.

10. I do not exactly recollect whether letter (Exh.2099) was delivered to State CID, Nagpur by me personally or by any other mode of communication. Said letter (Exh.2099) is now shown to me. It is true to say that it does not bear outward number of our department. Our department not necessarily used to give a outward number for outgoing communication. The outgoing communications were sent to dispatch section of NSE and after giving a reference number, they used to forward the said communication at prescribed destination.

11. It is true to say that Security Exchange Board of India is the apex authority of NSE. Academically I have an idea about NBFCs. NBFCs are required to be registered with RBI. It is true to say that RBI can grant them Certificate of Registration and such information is available on online portal of RBI. I did not verify whether any of these companies were registered with RBI as NBFC. I do not know whether the companies which are registered as NBFC can trade in government securities out of WDM platform. I have no idea whether the NBFC having licence from RBI need not require registration with NSE or SEBI for trading in government securities.

12. The trades which are settled outside NSE are off market trade. I do not know what is principle to principle trade. It is true to say that RBI formulates policies for trading government securities. I have not verified with RBI whether the company Home Trade Limited and other four companies mentioned in the letter were authorized by RBI to deal in

government securities. It is mentioned in my letter (Exh.2099) that, 'Home Trade Limited has not been enabled for carrying out transaction on WDM segment'. It means that said company did not fulfil the requisite conditions for trading on our platform. Home Trade Limited was not fulfilled member but it was the partial member of WDM segment. I did not verify what was the prior name of the company Home Trade Limited. Home Trade Limited was not enabled for trading on our platform.

13. I do not know when SGL facility was introduced by RBI in India. I do not know whether it was introduced in the year 2002. It is ~~true to say that prior to the introduction of SGL account facility, the~~ government securities were traded in physical form. I do not have an idea that, through SGL account, the interstate trades of government securities were facilitated by RBI.

14. There is a Dispute Resolution Mechanism in NSE for resolution of disputes between members interse and the members and the exchange. If there is dispute arising out of the contracts traded in NSE then such disputes are firstly referred to the arbitrators only. I did not come across the contract notes pertaining to the companies mentioned in the above letters. It is true to say that any holding certificates or the contract notes pertaining to these companies were not forwarded to me by State CID. Except the information about trading on WDM platform, I did not send any other information about any other trade done by these companies in any other segment of NSE. I do not know whether these companies were authorized to deal with government securities out of WDM platform. Therefore, I have only forwarded the information of transactions pertaining to WDM platform. It is true to say that by way of letter (Exh.2098), I was

only asked to state whether any of those companies have WDM licence.

Que.- Whether you have answered in your reply (Exh.2099) about the query as to the WDM licence of these companies?

Ans.- If those companies are not members, there is no question of any licence.

It is true to say that there is no mention in my letter about the term 'licence'.

15. It is true to say that apart from this letter, I did not forward any other data of our official record to show that these companies were not members on WDM platform. It is true to say that today I did not bring with me any official record. It is true to say that I was not having any personal knowledge about these companies at the relevant time when the information was sought from our office. As there was no information of these companies with our office, I did not supply any other document of official record with our letter. I did not seek any clarification about the status of these companies from RBI & SEBI. As these companies were not members on WDM platform, I did not seek any clarification about these companies from RBI & SEBI. Apart from my letter (Exh.2099), I did not file any document on record to show that these companies were not authorized to trade on WDM platform and were not the members of WDM department.

(Cross-examination completed on behalf of accused Nos.4 and 7.)

(Due to recess period, cross-examination on behalf of other accused to resume after recess period.)

R.O.A.C.

(S.R.Totla)  
ACJM, Nagpur

Before me.

(S.R.Totla)  
Addl. Chief Judl. Magistrate, Nagpur  
Dt/- 05.03.2021

**Cross-examination resumed on oath.**  
**Cross-examination by Adv.Choubey, for accused No.8 & 9:-**

16. I do not know Mr. Sikkha Taneja, who was the then Asst. Manager of SEBI. I do not know N.S. Trivedi and Subodh Bhandari. I do not know what was their status in the company. It is not true to say that I know everything about them but I am deposing false.

(In addition, it is submitted on behalf of accused No.8 and 9 that they have adopted the entire cross-examination conducted on behalf of accused No.4 and 7.)

**Cross-examination by Adv.Agrawal, for accused No.5 & 6:-**

17. Entire cross-examination conducted on behalf of accused No. 4 and 7 is adopted vide pursis (Exh.3000).

**Cross-examination by Adv. Nishchay Jadhav holding for Adv.Devendra Chavan, for accused No.1:-**

18. Declined.

**Cross-examination by Adv.Ashok Bhangde, for accused No.2:-**

19. Declined.

**Cross-examination by Adv.C.H.Jaitare, for accused No.11:-**

20. Declined.

**Re-examination : Nil.**

R.O.A.C.

(S.R.Totla)  
ACJM, Nagpur

Before me.

(S.R.Totla)  
Addl. Chief Judl. Magistrate, Nagpur  
Dt/- 05.03.2021

Certificate

I affirm that the contents of this PDF Evidence are  
same word to word, as per original Evidence.

Name of Stenographer :- Ku. G.A. Joshi (Grade II)



RCC No.147-  
2002(P.W.No.51)  
dt.5.3.2021  
Digitally signed by  
Shokhar Ramnathji  
Tatin  
Location: Nagpur  
Date: 2021.03.05  
16:16:04 +0530

(Date : 19.07.2021)

Deposition of witness No. 52 for prosecution.  
(The witness has prayed to record his evidence in English language. Neither the prosecution nor the defence has any objection for the same. Hence, his evidence is being recorded in English language.)

I do hereby on solemn affirmation state that :-

Name of witness	:-	Ketan Rajnikant Choukasi
Aged about	:-	54 Yrs,
Occupation	:-	Chartered Accountant
Resident of	:-	Nana Chowk, Mumbai

Examination-in-chief by Spl.P.P. Mr.A.S.Oureshi with  
A.P.P. Mrs.L.S.Gaibhiya.

1. Y.C.Dalal and Company is owned by Mr. Yadnesh Dalal. I was working with said company since 1999 to 2002. Thereafter, I was working as associate with said company. Our company received a letter from Investigation Officer of this case for preparing flow chart from the bank statements of Nagpur District Central Cooperative Bank. Said letter is now shown to me. It bears my signature. It is the same letter. It is marked as Exh.3128.
  
2. Copy of orders of appointment for this task of our company is now shown to me. It is issued by Additional Director General of State C.I.D. and Commissioner of Cooperative and Registrar. Being the xerox copies, they are temporarily marked as Article-A(3128) and Article-B(3128) respectively.



3. After receiving said letter, I have prepared the flow chart/ route map. It was submitted to the Investigation Agency through our covering letter. Said letter is now shown to me. It bears my signature. Its contents are correct. It is marked as Exh.3129.

4. The flow charge/ route map is now shown to me. It consists of 45 pages. (page No.487 to 531 of the chargesheet as marked by Orange Sketch-pen). The route map/ flow chart is prepared on the basis of bank statements provided to us. The flow chart shown to me is the same.

(Learned Counsel Mr.Purohit for accused No.4 to7 has objected to exhibit the said chart on the ground that it is not signed by anybody. He has further submitted that similar chart of other banks i.e. Wardha and Osmanabad Banks are signed. Ld. Spl.P.P. submitted that the report is submitted alongwith the covering letter. Every page of the chart is duly stamped. Hence, according to him, it is required to be marked.

After perusing the record, it appears that the chart in question was submitted to investigation agency alongwith the covering letter Exh.3129). The witness who has prepared the chart has duly identified it. Under such circumstances, mere non-signing of the chart can not be a sufficient ground to discard the entire report/ flow chart. Hence, objection stands rejected.)

It is marked as Exh.3130 (page No.1 to 45).

5. I have also submitted the flow chart of Wardha District Central Cooperative Bank and that of Osmanabad District Central Cooperative Bank alongwith the covering letter. Covering letter is now

3  
shown to me. It bears my signature. It is the same. It is marked as Exh.3131. The flow chart is now shown to me. It consists of four pages i.e. (page No.533 to 536 of the chargesheet as marked by Orange Sketch-pen). The route map/ flow chart is prepared on the basis of bank statements provided to us. The flow chart shown to me is the same. It is marked as Exh.3132 (page No.1 to 4).

Cross-examination by Adv.Devendra Chavan, for accused No.1:- Declined.

Cross-examination by Adv.Ashok Bhangde, for accused No.2:- Declined.

Cross-examination by Adv.Girish Porohit for accused No.4 & 7 and Adv.Shri Agrawal, for accused No.5 & 6:-

6. It is true to say that Y.C.Dalal & Company is not in existence. It is true to say that in the year 1999-2000, 2000-2001 & 2001-2002, said Y.C.Dalal & Company was a proprietorship firm of Mr. Yadnesh Dalal. Today I have not brought with me any document to show that during the period 1999 to 2002, I was either employee or associate with said company. It is not true to say that I do not know the contents of letter (Exh.3128). It is true to say that letter (Exh.3128) was addressed to Y.C.Dalal and Company. It is true to say that as per letter (Exh.3128), Y.C.Dalal & Company was appointed as Special Auditor. It is true to say that we did not conduct any special audit of the alleged company as per said letter.

7. We were supplied with the bank statements of NDCC Bank. It is true to say that any such bank statements are not attached with

the alleged chart prepared by me. It is not true to say that no such bank statements were provided to us. It is true to say that on the basis of bank statements of NDCC Bank which were supplied to us, I have prepared the chart (Exh.3130). Before preparing the route maps/ flow charts, I did not issue any notice to any of the companies.

8. This flow chart is pertaining to the inflow and outflow of NDCC Bank. It is true to say that the route map (Exh.3130) does not bear signature of anyone on behalf of Y.C.Dalal & Company. At this moment, I can not recollect about the particulars of the entries mentioned in the route map.

9. Now the entry dated 7/1/2002 pertaining to Cheque No.666011 of the amount of Rs.11.22 Crore is shown to me. As per flow chart, said amount was received by Giltage Management Service. Said amount of Rs.11.22 Crore was further received by Indramani Merchants vide Cheque No.961512 and the entry is dated 8/1/2002. Thereafter, said amount was further received by Hoogly Tradings, Poddar Tradings and Pacific Finance. Thereafter, from these three companies, the amount was received by Home Trade Limited and thereafter it was transferred to NDCC on 9/1/2002. These entries at Exh.3130(36) are now marked as Exh.3133. I can not say that as per this transaction, NDCC Bank has earned Rs.1 lakh. I can not say from these entries that Giltage Management Services did not misappropriate any amount.

10. Now the entry dated 7/1/2002 pertaining to Cheque No.666012 of the amount of Rs.16.57 Crore is shown to me. As per flow chart, said amount was received by Syndicate Management Services.

Thereafter, said amount was further received by Century Dealers, Poddar Tradings and Hoogly Tradings. Thereafter, from these three companies, the amount was received by Home Trade Limited and thereafter it was transferred to NDCC on 8/1/2002. These entries at Exh.3130(38) are now marked as Exh.3134. I can not say from these entries that Syndicate Management Services did not misappropriate any amount.

11. Alongwith route map (Exh.3130), we did not submit any audit report of any of the companies. It is true to say that alongwith route map (Exh.3130), I did not submit any separate investigation report as mentioned in the letter of investigation agency. It is true to say that alongwith route map, I did not issue any certificate to the effect that it was prepared by me. It is not true to say that I am deposing falsely.

12. Now the entry dated 9/1/2002 pertaining to Cheque No.666016 of the amount of Rs.11.69 Crore is shown to me. As per flow chart, said amount was received by Century Dealers. Said amount of Rs.11.69 Crore was further received by Hoogly Tradings, Poddar Tradings and Pacific Finance. Thereafter, from these three companies, the amount was received by Home Trade Limited and thereafter it was transferred to NDCC on 11/1/2002. These entries at Exh.3130(35) are now marked as Exh.3135.

13. Now Exh.1472/17 is now shown to me. In this account statement, the amount debited vide Cheque No.695164 is shown to be 104611400.

14. Now the statement Exh.1472 is shown to me. I can not say that it is the same account statement which was supplied to us for preparing flow charts. I can not produce the account statements which were provided to us by investigation agency for preparing charts.

15. I do not remember as to which other documents were provided to us besides the account statements of NDCC Bank. I have mentioned in the route chart (Exh.3130/35) that Century Dealers have received the amount to purchase MKVDC Bonds, f.v. Rs. 10 Crores. I have mentioned this on the basis of documents which were supplied to us. At this moment, I do not know as to which documents were supplied to us. It is true to say that today I can not exactly say as to on the basis of which documents I have mentioned said note in the route map (Exh.3130). It is not true to say that no such documents were never supplied to me and only on the say of investigation officer, I have made these remarks in the flow chart.

16. Now the entry dated 10/1/2002 pertaining to Cheque No.666017 of the amount of Rs.16.48 Crore is shown to me. As per flow chart, said amount was received by Indramani Merchants. Said amount of Rs.16.48 Crore was further received by Hoogly Tradings, Poddar Tradings and Pacific Finance. Thereafter, from these three companies, the amount was received by Home Trade Limited and thereafter it was transferred to NDCC Bank on 11/1/2002. These entries at Exh.3130(37) are now marked as Exh.3136.

17. I have mentioned in the route chart (Exh.3130/37) that Indramani Merchants have received the amount to purchase MKVDC Bonds,

face value- Rs. 15 Crores. I have mentioned this on the basis of documents which were supplied to us. At this moment, I do not know as to which documents were supplied to us. It is true to say that today I can not exactly say as to on the basis of which documents I have mentioned said note in the route map (Exh.3130). It is not true to say that no such documents were never supplied to me and only on the say of investigation officer, I have made these remarks in the flow chart.

Cross-examination by Adv.Choubey. for accused No.8 & 9:-

18. Yadnesh Dalal is alive. I do not know whether Mr. Yadnesh Dalal had deposed in similar case pending in Wardha Court. It is true to say that Mr. Y.G.Dalal is having very good health. It is true to say that this is the only case where I came to depose before the Court. I did not conduct the audit of NDCC Bank. We did not prepare these charts by visiting the concern banks. We have prepared these flow charts at our office. It is not true to say that only to please the investigation officer, we have prepared the false charts without knowing the facts of this case. It is not true to say that the alleged flow charts were not prepared by me.

Cross-examination by Adv.C.H.Jaitare. for accused No.11:- Declined.

Re-examination : Nil.

R.O.A.C.

(S.R.Totia)  
ACJM, Nagpur  
Dt/- 19.07.2021

Before me.

(S.R.Totia)  
Addl. Chief Judl. Magistrate, Nagpur

**N.Fau. Case c. 147/2002**

**Sir. -vs- Sunil Kedar and others**

**(Mark number: 3151)**

**Prof. Case c. 147/2002**

**Govt -vs- Sunil Kedar and others**

**Symbol number: 3151**

(Dated :- 04.08.2021)

**Statement of Witness No. 53 on behalf of Govt**

Also declares on oath that:-

My Name :- Kishore Balaji Belle,

Age :- 66 years

Occupation :- Retired,

Residing :- Presently Nagpur.

**On behalf of the prosecution, Assistant Public Prosecutor Smt. L.S. Gajbhiye**

1. From 1999 to 2003 I was working as Deputy Superintendent of Police in State Crime Investigation Department, Nagpur.

2. On 29.04.2002, I was assigned by the Superintendent of Police of our department to investigate the crime of sale and purchase of government securities in Nagpur District Central Cooperative Bank. A total of two cases were registered in this regard at Ganeshpeth Police Station, Nagpur.

2A. Among them, crime c. 97/02, section 420, 406, 34, objection under Shri. Sunil Kedar, Chairman, Nagpur District Central Co-operative Bank had filed against the directors of Home Trade Limited, Giltage Management Services Limited, Century Dealers, Indramani Merchants and Syndicate Management Services. The said complaint was about fraud of Rs.125.60 crores. It was mentioned in the document that the said companies had given the guarantee to the bank up to two months before the complaint was filed but the subsequent

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The security in the transaction was not given to the bank and the bank was cheated. The said dispute and the first news report recorded on it were shown to me. That's it. They already have no mercy. 1817 and Ni. 1818 is given..

3. In this case Mr. Bhaurao Aswar, Class-1 Auditor Dt. A complaint was lodged with the police station on 29.4.2002. From that Crime C.101/02, Sections 406, 409, 468, 34 B.D.V. was recorded. The said dispute is 1. Sunil Kedar, President, Nagpur District Central Cooperative Bank, 2. Ashok Chaudhary, General Manager, Nagpur District Central Co-operative Bank and the remaining five companies were given. The said complaint was about the misappropriation of an amount of Rs.153.04 crores. I was shown the complaint given by Bhaurao Aswar and the first news report based on it. That's what they are. They have already respectively 1139 and 1167 have been given.

4. In view of the seriousness of the said crime, the Superintendent of Police had formed a SIT (Special Investigation Team). Deputy Superintendent of Police Shri. Krishna Sawde, Deputy Superintendent of Police Mr. Baban Porate, Inspector of Police Mr. Hemraj Kukde, Police Inspector Mr. Deepak Deshpande and other employees were appointed.

5. The said crime was investigated. At that time, I had two complaints, the first news report and Mr. Aswar included with his complaint a report of his inspection of the bank. The said inspection report was shown to me. He is the one. He has already 1138 has been given. He had also attached photocopies of bank note sheets along with it. Along with this, Aswar also attached photocopies of the contract notes sent by the companies accused of the guarantee transaction.



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I got them. Copies of said documents were shown to me. These are the same. They have already respectively 1140 to 1153 is given.

6. The next day after the investigation of the crime came to me, I went to the headquarters of the Nagpur District Central Co-operative Bank in Nagpur. At that time the bank manager Mr. I asked Gode to produce the documents regarding this assurance transaction. Mr. Gode produced before me a file of documents relating to the transactions of the Nagpur District Central Co-operative Bank with Home Trade Limited and four other accused companies regarding the purchase and sale of government securities. I have seized the said file as per seizure warrant. In the said file, mainly the original note- sheets prepared by Nagpur District Central Co-operative Bank in this regard. was included.

7. The first note sheet is dated It was dated 2.2.2001. The Chief Accountant of the said Notesheet Bank Shri. It was written by Peshkar. It was proposed to purchase government securities in physical form. The said proposal was approved by General Manager Ashok Chaudhary and approved by President Sunil Kedar. The said note sheet was shown to me. She is the one. He has already 1196 has been given.

8. As above, there were other note sheets in the said file. They showed me. They are the same. They have already 1197 to 1229, also 1160, 1162 and 1158, 1156, 1292, 1293, 1154, 1294, 1295 are given.

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9. Mr. The file provided by Gode also contained contract notes, holding certificates and adjustment letters sent by the accused companies to the bank. These documents were signed by accused Sanjay Agarwal, Subodh Bhandari and Nandkishore Trivedi on behalf of Home Trade Limited. Also, on behalf of Indramani Merchants, the accused Shriprakash Poddar had signed the contract note. The contract notes were signed by Mahendra Aggarwal on behalf of Century Dealers. The contract notes of Giltage Management Services were signed by accused Ketan Seth. The contract notes were signed by accused Amit Verma on behalf of Syndicate Management Services Limited. The said document was now shown to me. That's what they are. He has already been punished. 1159, 1230 to 1272, 1155/1 to 1155/6 are given.

10. Also Mr. I was now shown the adjustment letters on file which I received from Gode. That's what they are. They have already been given AD 1661 to 1667 respectively. Also the contract notes contained in it were now shown to me. That's what they are. He has already been given No. 1273 to 1280. Also the confirmation letters contained in it were now shown to me. That's what they are. He has already been granted Anukme No. 1157, 1161, 1963 to 1166. Also more contract notes with it were now shown to me. They are the same. They already had 1717 to 1721 respectively. has been given.

11. Mr. I was now shown the holding certificates on file received from Gode. That's what they are. They have already 1722 to 1724 is given.

12. Mr. contained in the file received from Gode

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The certified copies of the check were now shown to me: they are the same. He has already been given No. 1281 to 1291. The said checks were issued by the accused companies (except Home Trade Limited and Syndicate Management Services) to Nagpur District Central Co-operative Bank for refund. The total value of these checks was Rs.125.29 crores.

13. Mr. I was now shown the seizure sheet regarding the above documents seized by Gode before the Panchayat. It has my and two referees' signatures. Also, Mr. Gode also signed. Its content is correct. He has already 1195 has been given.

14. After that I was the manager of the bank Mr. Gode was asked to produce any further documents in this connection. According to Mr. Gode handed over two files of documents to me the next day. One of them is an officer in the file bank Shri. I had confiscated it from Wakhre. The said files included correspondence between the Nagpur District Central Bank and the accused companies regarding the transaction. Thus Mr. The file seized from Wakhre included a total of 13 documents. The said document was now shown to me. That's what they are. He has already been given No. 1306 to 1310. Those documents included some photocopies. They have been given Article A Two and E-1 to E-3. I have now been shown the seizure certificate in this regard. It was produced before the Panchayat. I, two judges and Mr. Signed by Madhukar Vakhre. Its content is correct. He has already been given N.1305.

15. Also Mr. In the second file given to me by Gode, Nagpur District Central Bank, Euro Discover India Ltd

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to the company Rs. 40,00,00,000/- (Rupees Forty Crores) was shown to have been invested in shares. The directors of this company were Sanjay Agarwal, Ketan Seth and Nandkishore Trivedi. According to the document in the said file, this transaction dt. It was seen that it happened in two days 14.9.2000 and 15.9.2000. In this case accused K.1 Sunil Kedar had passed a circulating resolution regarding the said transaction with the signatures of seven directors. In the said transaction, the accused Sanjay Agarwal, Ketan Seth and Nandkishore Trivedi gave the following dated checks to the bank. According to this transaction, Nagpur District Central Cooperative Bank paid Home Trade Limited Rs. 800/- (Rupees Eight Hundred) each thus a total of 5,00,000 (Five Lakh) shares were purchased. It was decided that the said shares would be bought back by Home Trade Limited after a period of one year at the rate of Rs.960/- (Rupees Nine Hundred Sixty) each. It was decided to keep 13,50,000 shares of Wage India Limited with the bank as collateral security for the said transaction. Also in this context Sanjay Agarwal Rs. 40,00,00,000/- (Rupees Forty Crores) one check and each Rs. 4,00,00,000/- (Rs. Four Crores) two checks were given to the bank. The said check was dated one year before the date of transaction. Also, Sanjay Aggarwal, Ketan Seth and Nandkishore Trivedi each had to give a personal guarantee of Rs.16,00,00,000/- (Rupees Sixteen Crores) for this transaction. In connection with the said transaction, Mr. The document received from Gode was now shown to me. That's what they are. They have already 1376 to 1379 is given. Now I was shown other documents in it. That's what they are. They have already been given No. 1456 to 1465. Also the checks in it are now shown to me. That's what they are. They have already been given Nos. 1453 to 1455, 1466 and 1467. I have also received the letter given by the Chartered Accountant to the bank in this case. It was shown to me. He has already been given Nih 1469..

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16. I have seized all the documents as above before the Pancha through seizure warrant. The said seizure note was now shown to me. I, two judges and Mr. Signed by Gode. Its content is correct. 1375 has already been given to him.

17. Also d. On 2.5.2002 I wrote to NABARD asking for a copy of the inspection report of the Nagpur District Central Bank which they had inspected. Accordingly, on the same day, NABARD officer Shri. Anil Pant had given me a copy of his bank inspection report along with his letter. The said document was inadvertently omitted to be filed with the charge sheet. After that, an application was made to take the said document on record No. 1819. But Hon. The court dismissed the application.

18. After that the accused Sanjay Agarwal surrendered before the court. He was handed over to our investigators. During the investigation, I took the accused Sanjay Agarwal and went to Mumbai as an investigator. As indicated by him, I went to the office of Home Trade Limited in the building at Infotech Tower, Vashi Railway Station Premises, Mumbai. At that time I called some employees of Home Trade Limited. With the help of said employees, print outs of data related to financial transactions were taken from the computer in the office of Home Trade Limited. At that time I seized around 71 files from this office. The said proceedings were initiated on 15.5.2002. During these proceedings, the file of transaction done by Home Trade Limited with Nagpur District Central Co-operative Bank was also found. I also confiscated it before Pancha. In this file I have accused K. 2 Two letters addressed to Home Trade Limited by Ashok Chaudhary were found. I seized that too. In those letters it was mentioned that the accused Ashok Chaudhary was a home trade

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It is stated that a total of 31 securities (15 securities through one letter and 16 securities through another letter) are being sent to Ltd. Through these letters an attempt was made to make it appear that the accused no. 2 through NDCC returning 31 physical securities in physical form to Back Home Trade Limited. Both the said letters were now shown to me. These are the ones. They have already been given No. 1303 and 1304. The said letter was issued to falsely show and mislead that securities in physical form had been received by the bank as no securities in physical form were supplied to the bank and hence there was no question of return by the bank. In fact, Home Trade Limited did not buy any such securities for the bank.

19. Also, Home Trade Limited had downloaded the financial transactions in connection with this case from the computer and took prints of the same. Accordingly the whole of the above proceedings was panchnama on the spot before the Panchayat. Now he showed it to me. It is signed by me, two judges and accused no.3 Sanjay Agarwal. Its content is correct. He has already been given N.1361. The said seized documents have already been given Article AA-1 to Article AA-71.

20. Thereafter, on 17.5.2002, along with the accused Sanjay Agarwal, I went to the second office of Home Trade Limited, Thakkar Towers, Vashi, Mumbai. In the said office also in connection with the case, the documents available there and the data in the computer were downloaded and printed out. The file of Memorandum of Articles found there was seized as evidence. The said seized documents have now been shown to me. They are the same. They have already been given Article..... BB-1 to BB-23. Also the confiscation panchnama about it now

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showed me It is signed by me, two judges and the accused Sanjay Agarwal. Its content is correct. He has already been given N.1362.

21. On 28.5.2002 I wrote to Maharashtra State Co-operative Bank, Fort Mumbai and asked them to submit the details of the transactions of Home Trade Limited with Nagpur District Central Co-operative Bank. According to Maharashtra State Cooperative Bank vide letter dated 30.5.2002 by its officer Smt. Usha Rao gave me the relevant information along with the documents. confiscated. Accordingly, the document submitted by him was the application form given by Home Trade Limited for opening an account in the Maharashtra State Co-operative Bank as per the seizure panchnama. Accordingly, the accused Sanjay Agarwal, Ketan Seth, Subodh Bhandari and Nandkishore Trivedi were the authorized signatories and their photographs were also attached with the said application. The said application form has now been shown to me. That's it. He has already been given No. 1370/1. Accused C.2 Ashok Chaudhary is the referrer to the bank (introducer) to open the account for them. According to the said application, the account of Home Trade Limited dt. has been opened on 7.3.2002. Also, in the said account No. 17031, the checks made through checks for Home Trade Limited, the accused Sanjay Agarwal, N.S. It is supported by Trivedi and Subodh Bhandari. A total of 35 checks were seized by me from Maharashtra State Co-operative Bank, Fort Mumbai. The said check was now shown to me. That's what they are. They have already been given No. 1370/6 to 1370/39. Other documents seized in the proceedings were filed in the case. Nos. 1370/2 to 1370/5 have already been issued. to him

22. I seized all the above documents before the Pancha.

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The confiscation order was now shown to me. It is signed by me, two referees. Also, the bank officer Shri. Bighot is also signed. Its content is correct. He has already 1370 has been given. On all the documents which I have seized from the bank, myself, the Panchas and the bank officials Shri. Signed by Bighot.

23. Also from Maharashtra State Co-operative Bank I asked for information regarding account of Nagpur District Central Co-operative Bank. Accordingly Mrs. Usha Rao, Officer of Maharashtra State Co-operative Bank, provided me with some documents. It contained eight copies of fax messages sent by the Nagpur District Central Bank to transfer funds from his account. All these amounts were transferred to Home Trade Limited. Accordingly, an amount of about Rs.185,00,00,000/- (Rupees One Hundred and Fifty Crores) was transferred to Home Trade Limited from the account of Nagpur District Central Cooperative Bank.

**(Postponed till after midday due to midday time.)**

(She.Ra.Totla)

Additional Chief Magistrate,  
Nagpur

Date : 04.08.2021

**Next, on behalf of the prosecution, Assistant Public Prosecutor Smt. L.S. Gajbhiye On oath by :-**

24. I contacted Maharashtra State Co-operative Bank on 28th to get the transaction information from the account of Nagpur District Central Co-operative Bank. The letter was given on 5.2002. Its content is correct. It is now shown to me. It is my signature. He has already been given AD 1529.



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Accordingly, Maharashtra State Co-operative Bank provided me with the necessary documents along with the letter. Mumbai d. I am now shown the letter received from him dated 30.5.2002. That's it. He has already been given N.1530. Along with that I was given certified copies of four cheques. All the said four checks were issued by Nagpur District Central Cooperative Bank. Through these cheques, Nagpur District Central Cooperative Bank paid the amount to Indramani Merchants, Century Dealers, Giltage Management and Syndicate Management. The certified copies of all the said four checks were shown to me. They have already been given 1531 and 1532 respectively.

25. • Also Nagpur District Central Co-operative Bank had sent eight faxes to Maharashtra State Co-operative Bank to transfer the amount from their account. Certified copies of the said fax message were received by me from the Maharashtra State Co-operative Bank. They were now shown to me. These copies are the same. They have already been given AD 1533 to 1541 respectively.

26. Also, I received the account statement of Nagpur District Central Cooperative Bank account C.101/5751 from Maharashtra State Cooperative Bank. The said account statement has now been shown to me. He is the one. Page No. 2 and subsequent pages of the said account have already been given No. 1472/1 to 1472/19. It seems that unintentionally the first page of the said account has not been numbered. He is now marked with K. 1472/1A is being issued.

27. Also I have 'Account C' of Home Trade Limited in Maharashtra State Co-operative Bank. 17031 bank statement received from Maharashtra State Co-operative Bank. The said account statement has now been shown to me. He is the one. Said

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The account holder has already been given No. 1472/20 to 1472/24.

28. Accused Ketan Seth had surrendered before the Economic Offenses Court (E.O.W.) in Mumbai. We took him into our custody and came to the office of Giltage Management Services in Vileparle area in Mumbai on 22.6.2002. His office was searched before the magistrate and some files and documents were seized. This document revealed that the amount paid by the Nagpur District Central Co-operative Bank to Giltage Management Company for the purchase of government securities was diverted by the company to Poddar Trading Company, Hooghly Trading Ad Investment Company and Pacific Finance Company on the same day.. Poddar Trading Company, All the three companies Hooghly Trading and Investment Company and Pacific Finance Company were subordinated subsidiaries of Home Trade Limited. All these three companies transferred the amount received from Giltage Management Company to Home Trade Limited on the same day. The said amount was sent back to Nagpur District Central Cooperative Bank from Home Trade Limited Company on the next day.

29. Also, in the documents seized from the office of Giltage Management Services, accused K.3, director of Home Trade Limited. A letter written by Sanjay Aggarwal to Giltage Management Services was found. The letter states that Giltage Management Services has paid Nagpur District Central Co-operative Bank Rs. 10,60,00,000 (Rupees Ten Crore Sixty Lakhs) face value of the Government Guarantee, the outstanding amount shall be paid to the Nagpur District Central Co-operative Bank and the said amount shall be returned to Home Trade Limited Giltage Management Services. The face value of the said government bond is Rs. 10,60,00,000/- (Rupees Ten Crore Sixty Lakhs) and the market value is Rs. 11,22,00,000/- (Rupees eleven crore twenty two lakhs). Home Trade

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Ltd. now showed me the said letter. That's it. He has already been given No.1756.

30. I was now shown the documents seized from the office of said Giltage Management Services. Each of those documents is signed by myself, both the referees and the accused Ketan Seth. The said documents have already been given No. 1755, 1756, 1852 to 1856 respectively.

31. I seized the said document before the panchayat and prepared its panchnama. Panchnama is now shown to me. This is him. It is signed by me, two judges and the accused Ketan Seth. Its content is correct. He is being given ID 3152.

32. Also, along with these documents, I have now shown the files which I seized before the Panch from Giltage Management office. These are the same. I have mentioned them in Panchnama. Articles 3152A to 3152G are being given to the said seized files.

33. After that accused in this case K.11 Suresh Peshkar. Documents related to correspondence with NABARD, Pune office regarding Government guarantee of Nagpur District Central Co-operative Bank dated 18.6.2002. The said document was given to me by Shri. Accused K. 11 along with Gode's letter brought it to the office of State Crime Investigation Department. The said document was shown to me now. In that Mr. Gode's letter to me is the same. No. 3153 is being given to him. In the documents accompanying this letter, accused K. 2 Includes two letters written by Ashok Chaudhary to NABARD. Both these letters have now been shown to me. They are the same. No. 3154 respectively to those letters

**(Mark Number : 3151)**

**3155 is being awarded.**

34. In letter No.3155 accused K.2 has informed NABARD that on 26.4.2002 he will appear in the office of NABARD with all necessary information. But d. As per letter No.3154 dated 22.4.2002 accused K.2 Ashok Chaudhary informed NABARD that he could not attend the office of NABARD on • 26.4.2002.

35. In the file received from Sadar Nagpur District Central Co-operative Bank, NABARD officer Shri. A letter written by Balan to Nagpur District Central Co-operative Bank is also enclosed. The said letter dated 8.4.2002 was now shown to me. That's it. He has already 1956 has been given. Through this letter Mr. Balan had listed the Nagpur District Central Co-operative Bank that he had asked to make up for the lapses of non-physical possession of the original government securities. But the compliance report was not submitted. Therefore, photocopy of physical form of government guarantee dt. It was directed to submit to NABARD by 15.4.2002.

36. As above received from Nagpur District Central Co-operative Bank Shri. I seized Gode's letter and accompanying documents before the panchayat and filed a panchnama. The said Panchnama was now shown to me. On it, myself, two judges and the accused K. 11 Signed by Suresh Peshkar. Its content is correct. 1383 has already been given to him.

37. After that I went to Ahmedabad to investigate the syndicate Visited the office of Management Services Private Limited Company. At that time

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None of the board of directors of the said company was present. But his employee Suresh Parmar was present. While searching the said office, Sitapati Verma, father of accused Amit Verma appeared there. During the said search I seized seven CDs, two floppies and two letters. One of the said two letters is written by accused K.3 Sanjay Aggarwal to Syndicate Management Limited. It is informed therein that in lieu of government security of face value of Rs.15,00,00,000-/ (Rupees Fifteen Crores) payable to Nagpur District Central Co-operative Bank, he shall return the amount to Nagpur District Central Co- operative Bank and the said amount to Home Trade Limited will be returned to Syndicate Management Limited by Among them, the second seized letter was written by accused K.2 Ashok Chaudhary to Syndicate Management Limited. Through this letter it was stated that the original government certificates were not sent to Nagpur District Central Co-operative Bank and therefore they should be sent. Both the said letters were now shown to me. That's what they are. He has already been given No. 1349 and 1348 respectively. Both these letters are signed by myself, two judges and Sitapati Verma, father of accused Amit Verma.

38. Also seized CDs and floppies were shown to me. They are the same. They were given Article 1758A to 1758G

39. I then went to Calcutta during the investigation. I checked the address available for Century Dealers and Indramani Merchants Pvt Ltd in Calcutta. During the said investigation it was found that no companies existed in this name at the given addresses.

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40. Thereafter I seized from the house of accused Mahendra Aggarwal at Calcutta the documents bearing natural signatures of accused Mahendra from his wife. Among these documents was the Class II progress book of the school of the accused's son. It was signed by accused Mahendra. I seized the said document before the Pancha. That document was now shown to me. He is the one. It is already at 1668 AD. I was now shown the confiscation sheet which I had prepared before the Panchayat. It is signed by me, two judges and wife of accused Mahendra Agarwal. Its content is correct. He is 3156 is being given.

41. Thereafter, progress book and rent control form challan K.11 with natural signature of accused Shri Prakash Poddar were seized at Calcutta before Panchayat. Out of which the progress book was now shown to me. This is it. It is signed by the accused Shriprakash Poddar. I seized the said document from Meena Poddar, wife of accused Sriprakash. 1669 has already been given to the said progress supplement. I was now shown the confiscation sheet which I had prepared before the Panchayat. It is signed by me, two judges and Meena, wife of the accused Shri Prakash Poddar. Its content is correct. No. 3157 is being given to him.

42. After that d. On 29.7.2002, Nagpur District Central Co-operative Bank brought the attendance register of its Board of Directors and other meetings to our office at Nagpur. Accused K.1 Sunil Kedar and accused K. 2 Ashok Chowdhury has natural help. I seized the said register in front of the Pancha and prepared the seizure slip. The said seizure sheet was shown to me. It is signed by me, two judges and the concerned bank employee Nathu Awari who brought the said register to our office. Its content is correct. The said confiscation order has already been filed.

**No. Fr. Case c. 147/2002**

**Sir. -vs- Sunil Kedar and others**

**(sign number 3151)**

1296 and register no. 1297 has been given.

**(Adjournment till 5.8.2021 due to expiry of court time.)**

**(She.Ra.Totla)**

**Date : 04.08.2021**

**Additional Chief Judicial Magistrate,  
Nagpur**

**(Date : 05.08.2021)**

**Witness no.53 Kishore Belle was next examined by Assistant Public Prosecutor Smt. L. for the prosecution. S. Continued on oath by Gajbhiye:-**

43. On 21.9.2002 I went to the Investigating Officer Janata Sahakari Bank, Fort Mumbai. By writing to them, I asked them to give me the documents which Home Trade Limited, Indramani Merchants Limited, Giltage Management Services Limited, Syndicate Management Services Limited and Century Dealers Limited had given to me while opening their accounts with them. The said letter was shown to me now. This is it. It is my signature. Its content is correct. He has already been marked. 1797 has been given.

44.Pursuant to the said letter, dated 21.9 from Janata Sahakari Bank. Account No. 2869 of Syndicate Management Services dated 2002 I was given the opening application form and other accompanying documents. The said account d. It was opened on 3.1.2002. Accused Amit Verma on the application form Photographs of his co-director Hiren Amin were also placed. The said document I before Panchayat Back Manager Shri. Seized from Deshpande. Accordingly Panchnama was made before Panch. He showed me now. Mine on that Signed by himself, two judges and bank manager Someshwar Deshpande. of which The text is correct. 1800 has already been given to him. Panchnama

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I was shown the application form for opening the impounded account as per No.1800. That's it. He has already 1687 has been given.

45. d. On 27.9.2002 I received from Janata Sahakari Bank the documents relating to the accounts of Indramani Merchants Limited and Century Dealers Limited. I seized the said document from Someshwar Deshpande, the manager of the bank, in front of the judges. The said seizure note was now shown to me. It is signed by myself, two referees and bank manager Deshpande. Its content is correct. 1479 has already been given to him. Along with this panchanama, I was shown the seized application form of Indramani Merchants Limited and the accompanying documents. They are the same. According to these documents Subodh Bhandari, director of Indramani Merchants Limited, Shriprakash Poddar and Meena Poddar, wife of Shriprakash Poddar, all three were authorized signatories in relation to the said account. In the said document, the application form of Indramani Merchants Limited has already been submitted to No. 1688 has been given and other documents along with it have already been issued to Mr. 1689 to 1691, 1794/1 and 1794/2 and 1795/1 and 1795/2 are issued. Along with that I was shown the seized documents Article CC1 and CCR. That's what they are.

46. According to the documents of Century Dealers, their application form has a photograph of director Mahendra Agarwal. Also, Mahendra Agarwal is the only authorized signatory to operate the said account. The said application form has now been shown to me. That's it. He has already 1796/1 has been issued. Also the sample signature form shown to me is the same. He has already been given No. 1796/2. Also the resolution of the said company was shown to me now. That's what they are. They have already been given No. 1796/3 and 1796/4. Also other documents were shown to me now. That's what they are. them



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No. 1796/5 to 1796/9 has already been issued.

47. Also, regarding the companies Home Trade Limited and Giltage Management Services, a letter from Janata Sahakari Bank informed that the documents of these two companies have already been seized by the CBI. The said letter was now shown to me. That's it. He has already 1801 has been given. Along with that, he gave us a copy of the letter with which he had given the documents to the CBI. She showed me now. She is the same. 1802 has already been given to him. Also, according to the said letter, we were informed that apart from these two companies, CBI has already seized the documents of Dalhousie Securities Limited, Hooghly Trading Limited, Pacific Finance Limited, Poddar Trading Company, Ketan Seth & Company, Lloyd Brokerage Private Limited.

48. Nagpur District Central Co-operative Bank has given Euro Discover Limited Rs. 40,00,00,000/- (Rs. Forty Crores) was given a loan, during investigation, the manager of Nagpur District Central Co- operative Bank told me that the said loan was Rs.10,00,00,000/- (Rs. Ten Crores) each. one; Such a total d. were paid through four checks dated 15.9.2000, and the said checks were taken by accused K.1 Sunil Kedar. and accordingly the letter of this information was sent to Nagpur District Central Co-operative Bank Manager Mr. Gode had given it to me. Along with this letter he also provided a photocopy of his office note. The said letter and the accompanying office note were now shown to me. She is the one. No. 1473 has already been given to the letter in it. I was shown the \* office note sent to me along with it. She is the one. It is being marked as K. 1473/A.

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49. Checks issued by Home Trade Limited and other companies to Nagpur District Central Co-operative Bank. They are on record as per 1281 to 1291. I inquired with the manager of the bank about what happened to those cheques. All the said checks were presented by Nagpur District Central Cooperative Bank for encashment. However, during the investigation, the manager informed me that all their checks returned dishonored due to insufficient funds. He also informed that 10 cases have been filed by the bank under section 138 of the Public Records Act for dishonoring of all these cheques. He prepared all the above information in written form and gave me a chart. In that regard, the back manager, auditor Mr. The letter given to Aswar has been filed in the case. A copy was sent to me. The said letter was now shown to me. That's it. He has already been given N.1474. I was now shown the chart received by the bank along with the said letter. He is the one. 1475 was already given to him has come

50. I was also informed about the loan given by the bank to other banks. According to the said account Nagpur District Central Co-operative Bank Rs. 30,00,00,000/- (Rupees thirty crores) loan dated 31.1. 2002 given to Osmanabad District Central Bank. The said amount was given by Osmanabad District Central Bank to Home Trade Limited on the same day for the purchase of digital securities and the said amount was returned by Home Trade Limited to Nagpur District Central Cooperative Bank on the next day. A criminal case is pending in the Osmanabad court in connection with this transaction. Accused K.1 Sunil Kedar in this case is also an accused in that case. The details received by us from Nagpur District Central Co-operative Bank regarding loans given to other banks have been filed in the case. He showed me now. That's him