CC No. 40449/16
FIR No. 280/02
PS CP
State vs Sanjay Hari Om Agarwal & Ors

13.02.2018

PW-8
Statement of Sh Ketan Ramesh Mashkaria s/o Sh Ramesh Mashkaria r/o 191/5313, Geetanjali A Wing, Opp Kanta Aptt. Pant Nagar, Ghatkopar East, Mumbai
On S.A

At present I am working at a call centre. In the year 1995 I was working as Associate in the company namely M/s Llyod Brokerage Ltd. and was getting a salary of Rs.3500/- pm. at that time. My job responsibility were to look after the equity share transactions on daily basis and to physically checking of shares and sending the shares to the clearing house and to the respective parties/clients.

In the year 1998 the above said company was purchased by Sanjay Aggarwal via purchasing equity stake of Llyod Brokerage Ltd and thereafter changed its name as Euro Asian Security Ltd and thereafter again changed its name to Home Trade Ltd.

My role was shifted to Wholesale Debt Market (WDM). Apart from me, there were other two dealers working in the said department namely Arvind Rai and Kanan Mewawala. At the relevant time, Subodh Bhandari was looking after the work of Finance Department as an Head.

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In this department I used to prepare contract notes/bills, maintain the register related to securities received and sent to the client. As per the instructions from Arvind Rai, Kanan Mewawala, Sanjay Aggarwal, Ketan Seth, N.S. Trivedi and Subodh Bhandari. These instructions were communicated to me verbally and I used to follow the said instructions accordingly.

Mr Arvind Rai was a dealer. Ms Kanan was also a dealer and was looking after the work of preparing bills, making entries in the system, related to security matters. I do not remember who used to look after the work related to banks for physical and SGL delivery of security.

Sanjay Chowksi was also working in the said company and look after the work of HR department. On the asking of Sanjay Aggarwal, Ketan Seth, N.S. Trivedi and Subodh Bhandari I used to prepare outstanding report client wise and submit the same or provide the same to them from time to time so that they were able to know the delivery position of the client.

Sanjay Aggarwal was the Chairman and CEO of the company. N.S. Trivedi was the Company Secretary of Home Tread Co Ltd. Mr. Shrikant Nath Sharma was also looking after the matter of Company Secretary related to Home Trade Ltd. Mr. Subodh Bhandari look after the work of finance and account related work of the said company i.e. Home Trade Ltd. All the above said four persons namely Sanjay Aggarwal, Ketan Seth, N.S. Trivedi and Subodh Bhandari were the authorized

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signatory of Home Trade Ltd. and related companies.

Mr. Ketan Seth resigned in the year 2001 as Director of Home Trade Ltd. After resignation Mr. Ketan Seth some times used to come to the o/o Home Trade Ltd. and I do not know as to what he used to do in the said company on his aforesaid visits after the resignation.

I do not remember as of now as to what was the dealing between Bajaj Capital Ltd. and Home Trade Ltd. due to passage of time.

Ld APP for State seeks permission to cross examine the witness as he is unable to tell the complete facts as he is resiling from his previous statement u/s 161 Cr.PC on the aspect of role of Ketan Seth and dealing with Bajaj Capital Ltd.. Head Allowed.

XXXX by Ld APP for State.

It is correct that during the visit of Ketan Seth in the Home Trade Ltd. he used to look after the work of the compay as usual. Vol. However, I cannot say as to what work he look after. It is correct that I have stated in my statement u/s 161 Cr.PC that Home Trade Ltd. was dealing with Bajaj Capital Ltd. several time.

Witness correctly identified accused Subodh Bhandari who is present in the Court today. The witness states that he can identify all the accused persons if shown to him. The identity of the other accused persons are not disputed by their counsels.

XXXX by Sh Santosh Chauriha Ld Counsel for accused Sanjay Aggarwal, Nand Kishore Trivdi and Subodh Bhandari.

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I am B.Com (Pass) since 1992. I have general knowledge of finance and accounting as I am B.Com pass. Ms. Kanan Mewawala was dealer, who used to deal with the clients and pass instructions to me. Arvind Rai was also doing the same job being a dealer. It is correct that Arvind Rai & Ms. Kanan Mewawala used to talk with the client and accordingly gave instruction to me to prepare the bills and contact notes. I used to make contact notes either in Form A or Form B as per the instructions of the dealer.

I do not know about Form A or Form B. But the contract note were prepared for principal to principal and for brokerage.

At this stage witness is shown a document Mark P-2 which is Form B and the witness states that principal and interest amount is mentioned in the form B but no brokerage details are given in the said form.

I cannot tell the exact number of security delivered to the client by me but it is more than 100. If the delivery register is shown to me I can tell the number of security delivered to the client as per the said register only. Vol as there are many number of delivery registers maintained by the company during the course of business.

At this stage, witness is shown a document dated 13.3.2002 from the judicial record which is now **Ex.PW8/D1.**

It is correct that this document Ex.PW8/D1 bears my signature at point A. It is correct that delivery has been made to Bajaj Capital vide

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this document Ex.PW8/D1.

At this stage witness is shown the document Mark P-7, Mark P-8, Mark P-9, Mark P-10, Mark P14, Mark P-15 & Mark P-16.

Mark P-7, P-9 and P-14 and P16 are the bills and rests are contract notes. It is correct that in none of the contract notes, the word brokerage is written and all the contracts notes are principal to principal.

I left the company in 2002. Other employees namely Sanjay Chowksi, Jai Mehta and Kanan Mewawala and many other employees left the company as the company was closed. We did not get the salary of last two months.

It is wrong to suggest that since I did not receive the salary of last two months from the company, I gave wrong statement to the police.

I used to do work on the instructions of Kananan Mewawala and Arvind Rai as they were my immediate boss. I not remember the number of employees in the company. I work on the instructions of Kananan Mewawala and Arvind Rai and sometimes on the instructions of Directors.

I donot remember how many registers I have maintained during the relevant time. I do not remember whether it was 1,2,3,4,5 or more. It is correct that registers were more than one in number.

XXX by Sh. Anish Kumar Maggo Ld Counsel for accused Ketan Seth.

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My information about this case is based on my personal knowledge as well as on documentary knowledge. I do not remember the month or date of resignation of Ketan Seth. Ketan Seth used to look after the government security also. I do not remember how many times Ketan Seth gave me instruction about government securities. I do not know who used to look after the government securities prior to Ketan Seth. Vol. As I was dealing with equity share transaction prior to 1998.

I do not remember whether Ketan Seth gave me instruction qua Government Securities for Bajaj capital. I know that Ketan Seth has his own company namely Giltedge Management Service Ltd. I do not know whether Giltedge Management Service Ltd. had ordered any government securities from Home Trade.

I do not remember whether there is any entries qua the purchase or order of any government by the Giltedge Management Service Ltd. is stated in the register maintained by me in Home Trade Ltd. I do not know whether any arbitration case was filed by Giltedge Management Service Ltd. against Home Trade.

I do not know that Ketan Seth sometime used to come in the company for the purpose of the arbitration which was filed by Giltedge Management Service Ltd. I do not remember whether Ketan Seth gave any instruction after his resignation in Home Trade qua the government securities for the Bajaj Capital.

It is correct that I have taken the name of Ketan Seth in my statements in a general way.

It is wrong to suggest that I am deposing falsely.

RO&AC

[Samar Vishal]
ACMM-II/PHC/ND
13.02.2018

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Applied on 04/01/24
Granted on
Ready on 30/01/2024
Delivery on

True Copy

30/1/24
Judicial Clerk,
Addl. Chief Metropolitan Magistrate's
47th Court, Esplanade Mumbai.

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