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480/PW/2023

STATE VS SANJAY HARIOM
FIR No. 280/02
PS Connaught Place (Crime Branch)

CHARGE

I, **Gaurav Rao, Additional Chief Metropolitan Magistrate- II, Patiala House Courts, New Delhi** do hereby charge you accused Nand Kishore Trivedi S/o Sh. Shankar Lal Trivedi as under :

That you entered into a criminal conspiracy along with co-accused Sanjay Hari Om Aggarwal, Subhodh Bhandari, Ketan Seth and M/s Home Trade Ltd. in the month of January, February 2002, the object of which was to cheat the complainant M/s Bajaj Capital Ltd. by inducing them to part with of Rs. 1,42,65,096/- by dishonestly inducing them by promising to supply them government securities and bonds of face value of Rs. 1,30,00,000/-. In furtherance of this conspiracy you obtained the said amount by promising to supply them the said securities and bonds but neither the said securities and bonds were supplied nor the amount was returned. Accordingly, you committed offence punishable under Sec. 120-B of IPC r/w Sec. 420 IPC in the alternative offence under Sec. 120-B of IPC r/w Sec. 409 of IPC which is within my cognizance.

Secondly, during the said period, time and place, you in conspiracy with your above mentioned co-accused dishonestly induced the complainant to part with the above said amount for the above said purpose and obtained a sum of Rs. 1,42,65,096/- and caused wrongful loss to the complainant and wrongful gain to your self and accordingly you committed offence punishable under Sec. 420 of IPC r/w Sec. 120-B of IPC which is within my cognizance.

In the alternative, you in conspiracy with above mentioned accused persons were entrusted with an amount of Rs. 1,42,65,096/- through three cheques as mentioned in Para (1) of the complaint which is **Mark A** for the purpose of supplying them government securities and bonds of the face value of Rs. 1,30,00,000/- which amount was entrusted to you as a broker/agent of the complainant and you criminally misappropriated the same dishonestly and

CHIEF METROPOLITAN MAGISTRATE ESPLANADE, MUMBAI

Trivedi

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fraudulently and converted the said amount to your own use along with your co-accused and accordingly committed offence punishable under Sec. 409 IPC r/w Sec. 120-B of IPC which is within my cognizance.

And I hereby direct you that you be tried for the said offences by this court.

(Gaurav Rao)
ACMM-II/PHC/ND/31.10.2014

Charge is read over and explained to accused in vernacular and he was questioned as under :

Q : Do you understand the charge framed against you?
A; Yes
Q : Do you plead guilty or claim trial?
A: I plead not guilty and claimed trial.

RO&AC

31/10/2014

(Gaurav Rao)
ACMM-II/PHC/ND/31.10.2014

ADDL. CHIEF METROPOLITAN MAGISTRATE
ESPLANADE, MUMBAI

135-A

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STATE VS SANJAY HARIOM
FIR No. 280/02
PS Connaught Place (Crime Branch)

CHARGE

I, **Gaurav Rao, Additional Chief Metropolitan Magistrate- II, Patiala House Courts, New Delhi** do hereby charge you accused Ketan Seth S/o Sh. Kanti Lal Keshav Lal as under :

That you entered into a criminal conspiracy along with co-accused Sanjay Hari Om Aggarwal, Subhodh Bhandari, Nand Kishore Trivedi and M/s Home Trade Ltd. in the month of January, February 2002, the object of which was to cheat the complainant M/s Bajaj Capital Ltd. by inducing them to part with of Rs. 1,42,65,096/- by dishonestly inducing them by promising to supply them government securities and bonds of face value of Rs. 1,30,00,000/-. In furtherance of this conspiracy you obtained the said amount by promising to supply them the said securities and bonds but neither the said securities and bonds were supplied nor the amount was returned. Accordingly, you committed offence punishable under Sec. 120-B of IPC r/w Sec. 420 IPC in the alternative offence under Sec. 120-B of IPC r/w Sec. 409 of IPC which is within my cognizance.

Secondly, during the said period, time and place, you in conspiracy with your above mentioned co-accused dishonestly induced the complainant to part with the above said amount for the above said purpose and obtained a sum of Rs. 1,42,65,096/- and caused wrongful loss to the complainant and wrongful gain to your self and accordingly you committed offence punishable under Sec. 420 of IPC r/w Sec. 120-B of IPC which is within my cognizance.

In the alternative, you in conspiracy with above mentioned accused persons were entrusted with an amount of Rs. 1,42,65,096/- through three cheques as mentioned in Para 11 of the complaint which is **Mark A** for the purpose of supplying them government securities and bonds of the face value of Rs. 1,30,00,000/- which amount was entrusted to you as a broker/agent of the complainant and you criminally misappropriated the same dishonestly and

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ADDL. CHIEF METROPOLITAN MAGISTRATE, ESPLANADE, MUMBAI

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fraudulently and converted the said amount to your own use along with your co-accused and accordingly committed offence punishable under Sec. 409 IPC r/w Sec. 120-B of IPC which is within my cognizance.

And I hereby direct you that you be tried for the said offences by this court.

(Gaurav Rao)
ACMM-II/PHC/ND/31.10.2014

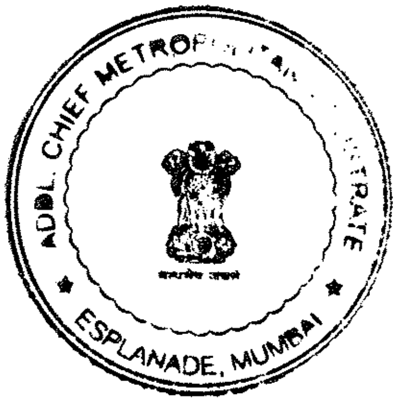
Charge is read over and explained to accused in vernacular and he was questioned as under :

Q : Do you understand the charge framed against you?
A; Yes
Q : Do you plead guilty or claim trial?
A: I plead not guilty and claimed trial.

RO&AC

31/10/14

(Gaurav Rao)
ACMM-II/PHC/ND/31.10.2014



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STATE VS SANJAY HARIOM
FIR No. 280/02
PS Connaught Place (Crime Branch)

CHARGE

I, **Gaurav Rao, Additional Chief Metropolitan Magistrate- II, Patiala House Courts, New Delhi** do hereby charge you accused Sanjay Hari Om Aggarwal S/o Sh. Hari Ram Aggarwal as under :

That you entered into a criminal conspiracy along with co-accused Subhodh Bhandari, Ketan Seth, Nand Kishore Trivedi and M/s Home Trade Ltd. in the month of January, February 2002, the object of which was to cheat the complainant M/s Bajaj Capital Ltd. by inducing them to part with of Rs. 1,42,65,096/- by dishonestly inducing them by promising to supply them government securities and bonds of face value of Rs. 1,30,00,000/-. In furtherance of this conspiracy you obtained the said amount by promising to supply them the said securities and bonds but neither the said securities and bonds were supplied nor the amount was returned. Accordingly, you committed offence punishable under Sec. 120-B of IPC r/w Sec. 420 IPC in the alternative offence under Sec. 120-B of IPC r/w Sec. 409 of IPC which is within my cognizance.

Secondly, during the said period, time and place, you in conspiracy with your above mentioned co-accused dishonestly induced the complainant to part with the above said amount for the above said purpose and obtained a sum of Rs. 1,42,65,096/- and caused wrongful loss to the complainant and wrongful gain to your self and accordingly you committed offence punishable under Sec. 420 of IPC r/w Sec. 120-B of IPC which is within my cognizance.

In the alternative, you in conspiracy with above mentioned accused persons were entrusted with an amount of Rs. 1,42,65,096/- through three cheques as mentioned in Para 1 of the complaint which is **Mark A** for the purpose of supplying them government securities and bonds of the face value of Rs. 1,30,00,000/- which amount was entrusted to you as a broker/agent of the complainant and you criminally misappropriated the same dishonestly and

ESPLANADE, MUMBAI

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fraudulently and converted the said amount to your own use along with your co-accused and accordingly committed offence punishable under Sec. 409 IPC r/w Sec. 120-B of IPC which is within my cognizance.

And I hereby direct you that you be tried for the said offences by this court.

(Gaurav Rao)
ACMM-II/PHC/ND/31.10.2014

Charge is read over and explained to accused in vernacular and he was questioned as under :

Q : Do you understand the charge framed against you?
A; Yes
Q : Do you plead guilty or claim trial?
A: I plead not guilty and claimed trial.

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31/10/14

(Gaurav Rao)
ACMM-II/PHC/ND/31.10.2014

ADDL. CHIEF METROPOLITAN MAGISTRATE ESPLANADE, MUMBAI

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STATE VS SANJAY HARIOM
FIR No. 280/02
PS Connaught Place (Crime Branch)

CHARGE

I, **Gaurav Rao, Additional Chief Metropolitan Magistrate- II, Patiala House Courts, New Delhi** do hereby charge you accused M/s Home Trade Ltd. (being represented by you accused Sanjay Hari Om Aggarwal as under :

That you entered into a criminal conspiracy along with co-accused Sanjay Hari Om Aggarwal, Subhodh Bhandari, Nand Kishore Trivedi and Ketan Seth. in the month of January, February 2002, the object of which was to cheat the complainant M/s Bajaj Capital Ltd. by inducing them to part with of Rs. 1,42 65,096/- by dishonestly inducing them by promising to supply them government securities and bonds of face value of Rs. 1,30,00,000/-. In furtherance of this conspiracy you obtained the said amount by promising to supply them the said securities and bonds but neither the said securities and bonds were supplied nor the amount was returned. Accordingly, you committed offence punishable under Sec. 120-B of IPC r/w Sec. 420 IPC in the alternative offence under Sec. 120-B of IPC r/w Sec. 409 of IPC which is within my cognizance.

Secondly, during the said period, time and place, you in conspiracy with your above mentioned co-accused dishonestly induced the complainant to part with the above said amount for the above said purpose and obtained a sum of Rs. 1,42,65,096/- and caused wrongful loss to the complainant and wrongful gain to your self and accordingly you committed offence punishable under Sec. 420 of IPC r/w Sec. 120-B of IPC which is within my cognizance.

In the alternative, you in conspiracy with above mentioned accused persons were entrusted with an amount of Rs. 1,42,65,096/- through three cheques as mentioned in Para 11 of the complaint which is **Mark A** for the purpose of supplying them government securities and bonds of the face value of Rs. 1,30,00,000/- which amount was entrusted to you as a broker/agent of the complainant and you criminally misappropriated the same dishonestly and

ADDL. CHIEF METROPOLITAN MAGISTRATE ESPLANADE, MUMBAI

S. M.

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fraudulently and converted the said amount to your own use along with your co-accused and accordingly committed offence punishable under Sec. 409 IPC r/w Sec. 120-B of IPC which is within my cognizance.

And I hereby direct you that you be tried for the said offences by this court.

(Gaurav Rao)
ACMM-II/PHC/ND/31.10.2014

Charge is read over and explained to accused in vernacular and he was questioned as under :

Q : Do you understand the charge framed against you?
A; Yes
Q : Do you plead guilty or claim trial?
A: I plead not guilty and claimed trial.

RO&AC

(Gaurav Rao)
ACMM-II/PHC/ND/31.10.2014

S. [illegible]
31/10/14

ADDL. CHIEF METROPOLITAN MAGISTRATE
ESPLANADE, MUMBAI

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

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

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State Vs. Sanjay Hari Om Aggarwal
FIR No. 280/02
PS Connaught Place
.08.2015

PW1 **Sh. Triveni Singh S/o Late Sh. Babban Singh, Office address: Bajaj House, 97, Nehru Place, New Delhi-19, Office address, R/o 149-B, Pocket A, Dilshad Garden, Delhi-95.**

On SA

I reside at the above mentioned address and work as Senior Executive, Legal Cell/Administration in Bajaj Capital Limited (complainant company) Delhi since, August, 1987. Our company Bajaj Capital Limited works as a investment advisory to the clients. There was an inquiry from three different clients for purchase of various government securities and bonds. The total face value of the bonds and security was about 1 Crore 30 lacs. Thereafter, our company approached the M/s Home Trade Limited (accused company) on behalf of the clients. Accused company is a registered company and approved by SEBI. On our approach the accused company replied with a written confirmation letter and contract deal. Thereafter, accused company sent our company a bill of Rs. 1,42,65,096/-. This amount include principal premium and interest. Thereafter, our company entrusted the above said amount through cheques in the name of accused company. The money was deposited in three different account of the accused company at Citi Bank, Nehru Place, Citi Bank, Nehru Place, UTI Bank, Barakhamba Road. The details of the accounts are exhibited as **Ex. PW1/A** bearing my signature at point A. We entrusted this amounts on the assurance of accused company that they will deliver the bonds and government securities within the time frame i.e 2-3 weeks. The discharge of this contract by the accused company can be only by way of actually delivering the bonds and securities to our company.

Though we have deposited the above mentioned amount in the accused company but they did not deliver the government bonds and securities as per the contract, though we requested them many times. The accused company also did not returned our money and thus have caused wrongful loss to us. There were three deals entered by us with the accused company on 18.01.2002, 01.02.2002 and 21.02.2002. there were various information in the newspaper regarding the accused company and its Directors, employees that they have committed cases of cheating and fraud against their clients. Thus, we approached the police with our complaint running into 04 pages which is Ex. PW1/B bearing my signature at point A for registration of FIR. The Bajaj Capital Limited (complainant company) has authorized me to do all the legal activities in this case by a letter dated 29.04.2002 which is **Ex. PW1/C** bearing the signature of Mr. Raman Bawa, Company Secretary. The complaint company also provided the addresses

ADDL. CHIEF METROPOLITAN MAGISTRATE ESPLANADE, MUMBAI

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of the accused company at various places in India and names and addresses of various employees running into 06 pages which is Ex. PW1/D bearing my signature at point A. We also supplied the photocopies of all deals contract, contract note, confirmation letter ... bills.

The photocopy of deal note dated 01.02.2002 from complaint company to accused company is marked as **P-1**. The photocopy of bill dated 01.02.2002 from accused company to complaint company is marked as **P-2**. Photocopy of deposit slip regarding cheque no. 212486 is marked as **P-3**. Photocopy of cheque bearing no. 212486 for a sum of Rs. 1,12,5171/- favouring accused company issued by the complainant company is marked as **P-4**. Photocopy of deal note regarding deal number MMTSM-187 dated 21.02.2002 from complainant company to accused company is marked as **P-5**. Photocopy of deal note dated 21.02.2002 regarding deal number MMTSM-188 from complaint company to accused company is marked as **P-6**. Photocopy of bill dated 21.02.2002 from accused company to complainant company is marked as **P-7**. Photocopy of contract note dated 21.02.2002 is marked as **P-8**. Photocopy of bill dated 21.02.2002 from accused company to complainant company is marked as **P-9**. Photocopy of contract note number 2002-2,001,/00016, 171 dated 21.02.2002 is marked as **P-10**. Photocopy of deposit slip regarding cheque no. 228006 is marked as **P-11**. Photocopy of deal note dated 18.01.2002 from complaint company to accused company is marked as **P-12**. Photocopy of deal note dated 18.01.2002 regarding deal number MMTSM-183-B from complaint company to accused company is marked as **P-13**. Photocopy of bill dated 18.01.2002 from accused company to complainant company is marked as P-14. Photocopy of contract dated 18.01.2002 is marked as **P-15**. Photocopy of bill EURO/PUNE/15,673 dated 18.01.2002 from accused company to complainant company is marked as **P-16**. Photocopy of cheque no. 324692 dated 21.01.2002 favouring accused company issued by complaint company is marked as **P-17**. All the marked documents bear the seal of the company and my signature. The original confirmation certificate dated 02.05.2002 issued by Canara Bank, Connaught Circus, New Delhi to complainant company regarding confirmation of encashment of cheque is **Ex. PW1/E.** The original confirmation certificate dated 01.05.2002 issued by Citi Bank, Connaught Circus, New Delhi to complainant company regarding confirmation of encashment of cheque is **Ex. PW1/F.** The original of document mark **P-1 to P-17** were later on seized by the IO.

Further examination in chief is deferred at the request of Ld. APP for the State who has requested the presence of IO.

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ADDL. CHIEF METROPOLITAN MAGISTRATE ESPLANADE, MUMBAI

(GAURAV RAO)
ACMM-II/PHC/ND/03.08.2015

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