

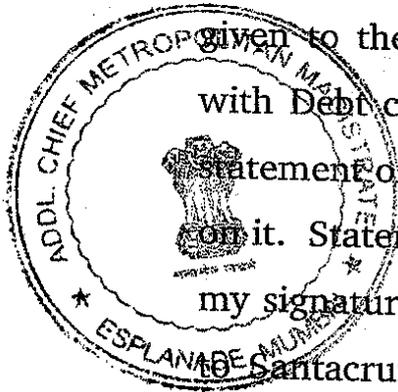
P.W. No.14 on S.A. :

State V/s. Ketan Sheth and others.

Name : Vilas Ramchandra Shinde.
Age : 67 years.
Occupation : Retired as ACP
Residing at : Satara.

Examination-in-chief by Ld. A.P.P Smt. P. S. Patil for the State :-

1. In the year 2004, I was attached with EOW Mumbai as PI. Breach Candy Hospital Employees Provident Fund Trust had filed application to EOW, Mumbai alleging that Giltedge Management Services cheated it by not supplying Government Securities. Accordingly I called Shahrukh Viviana to EOW and recorded his statement on 05.08.2004. In his statement he told that their Trust has parted with amount of Rs.99,89,995/- by three cheques. Of that amount Debt Certificates of Rs.23,31,000/- were given to their Trust. But the GMSL has not supplied their Trust with Debt certificates of worth Rs. 76,58,955/-. Then I recorded statement of Shahrukh Viviana as per his say. He put his signature on it. Statement (Exh-127) now shown to me is the same. It bears my signature and its contents are correct. Then I took said report to Santacruz Police Station. PSO of PS Santacruz Police Station registered Crime No. 298/2004 for the offences punishable under Sections 409, 34 of Indian Penal Code. FIR (Exh-128) now shown to me is the same. It was signed by Gaikwad before me. Thereafter said crime was made over to PI Loke for further investigation. As per document Ketan Sheth was one of the director.



C.C. No. 200/PW/2005

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Exh.126

In view of application (Exh-129), Cross-examination for accused No.1 deferred till next date.

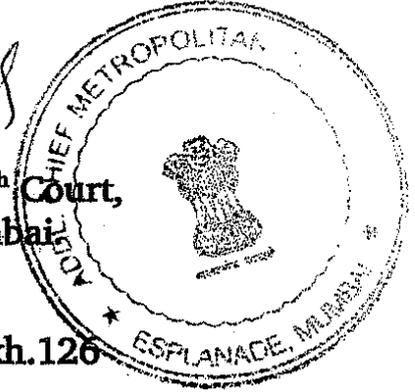
R. O. & A. C.

Shinde

(S.P. Shinde)

Addl. C. M. M., 47th Court,
Esplanade, Mumbai

Date : 12.06.2024



C.C. No. 200/PW/2005

Exh.126

Cross-examination on oath by Advocate Poonam Ankeshwari for accused No.1.

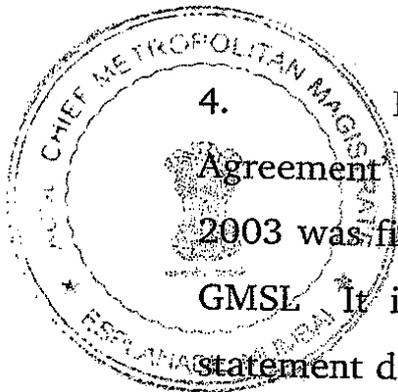
2. I had conducted preliminary inquiry in the present matter on the basis of application. I had conducted preliminary inquiry prior to 8 days of lodging First Information Report. That application is not filed in Court alongwith chargesheet. I can't assign any reason as to why said application is not filed alongwith chargesheet. I do not know where that application is. Inward-Outward register is maintained by police. Entry of each of the application is being taken in Inward Outward Register. Matter is around 20 years old so its record might not be available with police. Said application was received by EOW from Breach Candy Hospital Trust.

Shinde
20.6.24

3. Application given by Gagraj and Company regarding non-delivery of Government Securities was in the custody of EOW on 05.08.2004. It is not true to say that as per said application no offence was disclosed, so said application was not filed in Court alongwith chargesheet. I have recorded statement of Shahrukh Vivayana on two times. One statement is dated 05.08.2004 and another statement is dated 19.07.2004. First information was received on 19.07.2004.

Question: If the information at the police station was received on 19.07.2004 then why in Form 1A of the FIR it is mentioned that information is received on 05.08.2004.

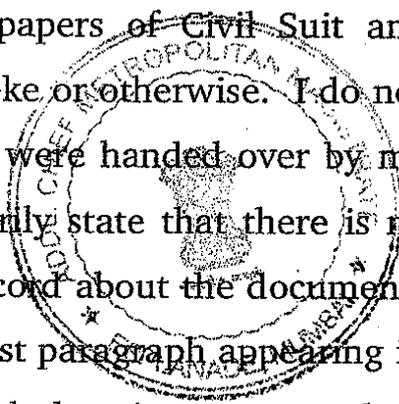
Answer: FIR came to be registered on the basis of statement dated 05.08.2004. hence, it is mentioned in Form 1A of FIR that information is received on 05.08.2004.



4. In statement dated 19.07.2004 term 'Breach of Agreement' is used. As per that statement Civil Suit No. 4087 of 2003 was filed before Hon'ble High Court by complainant against GMSL. It is not true to say that no offence was disclosed in statement dated 19.07.2004 so I got manipulated statement dated 05.08.2004 and registered FIR. There is no reference as to breach of agreement and civil suit in statement dated 05.08.2004. I have not seized agreement dated 01.02.2002 entered into between complainant and accused. I do not recollect whether I had called for papers of Civil Suit No. 4087 of 2003 and agreement dated 01.02.2002. I have not filed chargesheet so I do not know

Aravind
20.6.04

whether papers of Civil Suit No. 4087 of 2003 and agreement dated 01.02.2022 are part of chargesheet or otherwise. I do not recollect whether I had handed over papers of Civil Suit and Agreement to Investigating officer Mr. Loke or otherwise. I do not have any record as to which documents were handed over by me to Mr. Loke for investigation. I voluntarily state that there is no such method in existence to maintain record about the documents handed over to Investigating officer. Last paragraph appearing in statement dated 05.08.2004 does not find place in statement dated 19.04.2004. It is not true to say that during inquiry it revealed to me that dispute is of civil nature so I prepared manipulated FIR on 05.08.2004.



Cross examination by for Mr. Deepak Mane for accused No.2 :-

5. Declined.

Cross examination by accused No.3 in person:-

6. - Declined.

Cross examination by Adv. Nitish Wani for accused No.4 :-

7. Declined.

Re-examination- Nil.

R. O. & A. C.

(Handwritten signature)

(S.P. Shinde)
Addl. C. M. M., 47th Court,
Esplanade, Mumbai.

Date : 20.06.2024

True Copy
(Handwritten signature)
Judicial Clerk,
Additional Chief Judicial Magistrate's
47th Court, Esplanade, Mumbai.