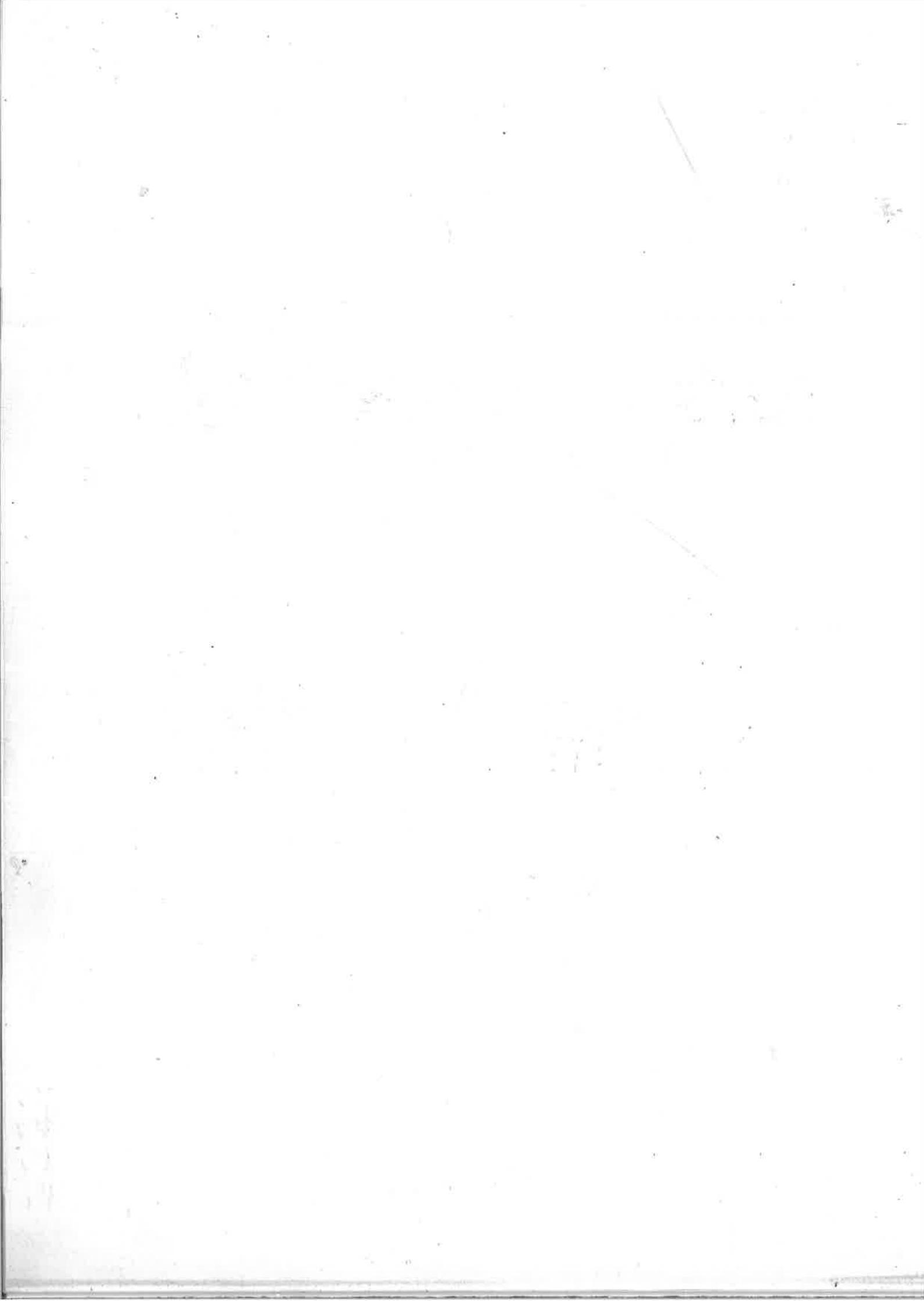


# Spiral Binding 1 (of 2)

CC No. 100521/2003

FIR No. 274/2002

Pages 1 to 316



9th Addl. Senior Civil Judge & A.C.J.M., At-Surat, Gujarat.

CC-100521/2003

FIR NO-274/2002

IPC SECTION-406, 420, 409, 465, 467, 468, 471, 114

KETAN KANTILAL SETH :-

...Petitioner(s)/Appellant

VERSUS

THE STATE OF GUJARAT :-

...Respondent(s)

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DATE:-07/10/2022  
SURAT

1209

*7/10/22*  
Prepared By  
Assit.

*[Signature]*  
Checked By  
Bench Clerk

*[Signature]*  
9th Addl. Sr. Civil judge  
& ACJM, Surat



① ②

ORDER BELOW EXH-1 IN C.C.No. 390/PW/2023

Prosecution is directed to supply of copy of chargesheet in Court language for Court record and accused, as it is in Gujarati and Gujarati is not Court language. Prosecution to comply by next date as matter is time bound by order of Hon'ble Supreme Court.

Date : 31.07.2023

L. S. Shinde  
(S. P. Shinde)  
Addl. Chief Metropolitan Magistrate,  
47<sup>th</sup> Court, Esplanade, Mumbai

Noted  
GJP  
31/7/23

True Copy

L. S. Shinde  
Judicial Clerk,  
Addl. Chief Judicial Magistrate,  
37<sup>th</sup> Court, Esplanade, Mumbai.



Application on 10/03/2023-  
Ready on 17/04/2023-  
Charges pay on 17/04/2023-  
Delivered on 17/04/2023-  
free of cost

(30)

IN THE COURT OF ADDL. CHIEF JUDICIAL MAGISTRATE'S  
47<sup>th</sup> COURT, ESPLANADE, MUMBAI.  
C.C. No. 390/PW/2023.

ORDER BELOW EXH. 1

The matter is transferred from the Hon'ble. District Court Surat Court in view of order passed by Hon'ble Supreme Court in Criminal Transfer Petition No. 333-348/2021 and Hon'ble High Court has directed to keep the matter day to day by way of letter dated - 06.02.2025 by Hon'ble Registrar (Judicial II) Hon'ble Shri S. R. Agarwal, therefore considering the direction to record the evidence of witnesses after framing charge it is necessary that the email address and mobile number And each and every Police station and nearest court to the witness residence is necessary. Hence prosecution is directed to file the same.

This matter is for framing charge.

*Rajendra Thakur*

(Smt.R.B. Thakur)

Addl. Chief Judicial Magistrate  
47<sup>th</sup> Court, Esplanade, Mumbai

Date: 21.02.2025

True Copy

*[Signature]*  
Judicial Clerk,  
Addl. Chief Judicial Magistrate,  
37<sup>th</sup> Court, Esplanade, Mumbai.



31

No. Estt. 16/448/2025.  
 Chief Judicial Magistrate's  
 Office, Esplanade, Mumbai.  
 Date :- 27.02.2025

**OFFICE ORDER**

Ref.:- Letter No. RJ/Jud.-11/77/2025 dtd. 24.02.2025 of  
 the Hon'ble High Court, Bombay.

On administrative grounds, powers vested under Section 13 (2)  
 of Bharatiya Nagrik Suraksha Sanhita, 2023 and in view of the above  
 reference, it is hereby ordered that, the below criminal cases are withdrawn  
 from the file of Addl. Chief Judicial Magistrate, 47<sup>th</sup> Court, Esplanade,  
 Mumbai and transferred to the file of respective Courts mentioned in  
 following table, for disposal in accordance with law, with immediate effect.

Sr. No.	Cases withdrawn from the file of	Cases transferred to the file of	Court Case Numbers
		Addl. Chief Judicial Magistrate, 19 <sup>th</sup> Court, Esplanade, Mumbai.	1. 255/PW/23 2. 256/PW/23 3. 266/PW/23 4. 318/PW/23 5. 480/PW/23
1.	Addl. Chief Judicial Magistrate, 47 <sup>th</sup> Court, Esplanade, Mumbai.	Addl. Chief Judicial Magistrate, 03 <sup>rd</sup> Court, Esplanade, Mumbai.	1. 391/PW/23 2. 392/PW/23 3. 393/PW/23 4. 394/PW/23 5. 395/PW/23 6. 398/PW/23 7. 399/PW/23
		Addl. Chief Judicial Magistrate, 37 <sup>th</sup> Court, Esplanade, Mumbai.	1. 361/PW/23 2. 387/PW/23 3. 388/PW/23 4. 389/PW/23 5. 390/PW/23 6. 396/PW/23

*order  
concerned  
to comply.  
Retcha. 9th  
28/2/25  
to 42/07/25*

32  
G.

..2..

It is requested to conduct the trial of the above said cases on day to day basis and dispose those cases at the earliest.

*M. R. A. Shaikh*  
(M. R. A. Shaikh) 27/1/05  
Chief Judicial Magistrate,  
Esplanade, Mumbai.

C. C. To.:-

1. Addl. Chief Judicial Magistrate, 03<sup>rd</sup> Court, Esplanade, Mumbai.
2. Addl. Chief Judicial Magistrate, 19<sup>th</sup> Court, Esplanade, Mumbai.
3. Addl. Chief Judicial Magistrate, 37<sup>th</sup> Court, Esplanade, Mumbai.
4. Addl. Chief Judicial Magistrate, 47<sup>th</sup> Court, Esplanade, Mumbai.
5. Registrar, Esplanade, Mumbai.
6. Office Superintendent/Head Clerk.
7. Statement Section.
8. Confidential Section.
9. Office Order File
10. Transfer of Cases File.





**ROZNAMA**

**Varachha I-274/02**

**DCB Varachha/Rander I-CR No.**

**Criminal Case No. 168/03**

**Complainant: The State of Gujarat**

**Vs.**

**Accused: Ketan Kantilal**

**Offence: IPC Section 406, 420, 409, 465,467, 469, 471, 114.**

06/01/2003 Examined the chargesheet and admitted on the register.

Muddamal Receipt.

Accused has been released on bail.

Case is scheduled on 10/01/2003.

Sd/- Illegible

Chief Judicial Magistrate, Surat. (01/04/03)

10/01/2003 The accused is not present.

The APP is present.

The matter is adjourned on 25/01/2003

Sd/- Illegible

Chief Judicial Magistrate, Surat.

25/01/2003 The matter is presented.

The accused is not present.

The matter is adjourned on 04/02/2003

Sd/- Illegible

Chief Judicial Magistrate, Surat.

04/02/2003 The matter is presented.

The accused is not present.

The matter is adjourned for the production of the accused on 18/02/2003.

Sd/- Illegible

Chief Judicial Magistrate, Surat.

18/02/2003 The matter is presented.

The accused is present.

(Unreadable). Scheduled on 22/03/2003

Sd/- Illegible

Chief Judicial Magistrate, Surat.

22/03/2003 The accused is present.

(Unreadable)

The matter is adjourned for framing charges.

The matter is next scheduled on 05/04/2003.

Sd/- Illegible

Chief Judicial Magistrate, Surat.

05/04/2003 The matter is presented.

The accused be provided with the police case papers.

The matter is adjourned on 19/04/2003

19/04/2003 The matter is presented.

The accused and his advocate present. PP is present. As the application of time submitted by the accused, it is granted.

The matter is adjourned for framing charges on 03/04/2003

Sd/- illegible

Chief Judicial Magistrate, Surat city

03/05/2003 The matter is presented.

The accused (Unreadable).

The matter is adjourned on 17/05/03

Sd/- Illegible

Chief Judicial Magistrate, Surat.

17/05/2003 The matter is presented.

The accused has not been produced in the custody.

The matter is adjourned for framing the charges on 28/05/03.

Sd/- Illegible

Chief Judicial Magistrate, Surat.

28/05/2003 The matter is presented. The accused has not been presented in the custody.

The matter is adjourned for framing charges on 10/06/2003.

Sd/- Illegible

Chief Judicial Magistrate, Surat.

10/06/2003 The matter is presented. The accused has been produced in the custody.

As the presiding officer is on leave, the matter

Adjourned for framing the charges on 24/06/2003.

Sd/- Illegible

Chief Judicial Magistrate, Surat.

24/06/2003 The matter is presented. The accused has been produced in the custody.

The advocate for the accused is present. As the bail application filed by the accused in Hon'ble High court is pending, the application of time for

framing the charge is granted. Therefore, the matter is adjourned for framing the charge. The next date is 08/07/2003

Sd/- Illegible

Chief Judicial Magistrate, Surat.

Case no. 168/03

08/07/2003: The matter is presented.

The accused has not been produced in the custody.

The matter is adjourned on 22/07/2003 for framing charges.

Sd/- Illegible

Chief Judicial Magistrate, Surat.

22/07/2003: The matter is presented.

The accused is present from the custody. The advocate for the accused is present.

5. The application of the accused regarding the insufficient police papers.

6. the letter of the accused seeking (unreadable). Issue notice to the IO, and the matter is adjourned for the hearing of Exh-5.

Next date : 05/08/2003

Sd/- Illegible

Chief Judicial Magistrate, Surat.

05/08/2003: The matter is presented. The accused has been produced in the custody. The matter is adjourned for the hearing of the Exh-5. The next date is 19/08/2003.

Sd/-Illegible

Chief Judicial Magistrate, Surat.

19/08/2003: The matter is presented. The accused has not been produced in the custody. The matter is adjourned for framing charges. The next date is 02/09/2003.

Sd/- Illegible

Chief Judicial Magistrate, Surat.

02/09/2003: The matter is presented. The accused has not been produced in the custody. The matter is adjourned for framing charges. The next date is 16/09/2003.

Sd/- Illegible

Chief Judicial Magistrate, Surat.

16/09/2003: The matter is presented. The accused has been presented in the custody from central Tihar Jail, Delhi.

7. The advocate for the accused (unreadable). The application of the charge frame, adjourned, the next date is 30/09/2003.

Sd/- Illegible

Chief Judicial Magistrate, Surat.

Case No. 168/03

30/09/2003: The matter is presented. The accused has not been produced in the custody. The matter is adjourned for framing charges. The next date is 14/10/03.

Sd/- Illegible

Chief Judicial Magistrate, Surat.

14/10/2003: The matter is presented. The accused has been produced in the custody. The matter is adjourned for framing charges. The next date is 24/10/2003.

Sd/- Illegible

Chief Judicial Magistrate, Surat.

24/10/2003: The matter is presented. The Hon'ble Court is on leave. The accused has not been produced in the Custody. The matter is adjourned for framing charges. The next date is 07/11/2003.

Sd/- Illegible

Registrar,

Chief Judicial Magistrate court, Surat.

07/11/2003: The matter is presented. The accused is presented in the custody. The matter is adjourned for framing charges. The next date is 21/11/2003.

Sd/- Illegible

Chief Judicial Magistrate, Surat.

21/11/2003: The matter is presented. The accused has not been presented in the custody. The matter is adjourned for framing charges. The next date is 05/12/2003.

Sd/- Illegible

Chief Judicial Magistrate, Surat.

05/12/2003: The matter is presented. The accused has been presented in the custody. The advocate for the accused is present. The time application of the advocate for the accused not to frame the charge presented. The application of the advocate for the accused further witnesses at Exh-9 will be heard and for that the matter is adjourned. The next date is 19/12/2003.

Sd/- Illegible

Chief Judicial Magistrate, Surat.

19/12/2003: The matter is presented. The accused is presented in the custody.

10. The time application of the advocate for the accused requesting not to frame the charge. The matter is adjourned for hearing Exh-9. The next date is 02/01/2004.

Sd/- Illegible

Chief Judicial Magistrate, Surat.

02/01/2004 The matter is presented. The accused is presented in the custody. The advocate for the accused is present.

11. The time application of the advocate for the accused. The matter is adjourned for hearing Exh-9. The next date is 16/01/2004.

Sd/- Illegible

Chief Judicial Magistrate, Surat.

16/01/2004: The matter is presented. The accused is not presented in the custody. The advocate for the accused is present. The matter is adjourned for the hearing of Exh-9. The next date is 29/01/2004.

Sd/- Illegible

Chief Judicial Magistrate, Surat.

29/01/2004: The matter is presented. The accused is present in the custody. The advocate for the accused is present.

12. The time application of the advocate for the accused. The matter is adjourned for framing the charges. The next date is 11/02/2004.

Sd/- Illegible

Chief Judicial Magistrate, Surat.

11/02/2004: The matter is presented. The accused has not been produced from the jail custody. The matter is adjourned for framing charges. The next date is 24/02/2004.

Sd/- Illegible

Chief Judicial Magistrate, Surat.

24/02/2004: The matter is presented. The accused has been produced today from the jail custody. The matter is adjourned for framing charges. The next date is 01/03/2004.

Sd/- Illegible

Chief Judicial Magistrate, Surat.

01/03/2004: The matter is presented. Hon'ble Court is on leave. The accused has not been presented in the custody. The matter is adjourned for framing charges. The next date is 15/03/2004.

Sd/- Illegible

Chief Judicial Magistrate, Surat.

15/03/2004: The matter is presented. The accused has not been presented from the jail custody. The matter is adjourned for framing charges. The next date is 29/03/2004.

Sd/- Illegible

Chief Judicial Magistrate, Surat.

29/03/2004: The matter is presented. The accused has been produced from the jail custody. The matter is adjourned for framing charges. The next date is 12/04/2004.

Sd/- Illegible

Chief Judicial Magistrate, Surat.

- 12/04/2004: The matter is presented. The accused has been produced from the jail custody. The matter is adjourned for framing charges. The next date is 26/04/2004.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat.
- 26/04/2004: The matter is presented. The accused has been produced from the jail custody. The matter is adjourned for framing charges. The next date is 07/05/2004.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat.
- 07/05/2004: The matter is presented. The accused has been produced from the jail custody. As Hon'ble court is engaged in the work of new Court building, the matter is adjourned for framing charges. The next date is 21/05/2004.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat.
- 21/05/2004: The matter is presented. Hon'ble court is on leave. The matter is adjourned for framing charges. The next date is 04/06/2004.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat.
- 04/06/2004: The presiding officer is on leave. The matter presented. The accused is presented from the custody. The matter is adjourned for framing charges. The next date is 18/06/2004.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat City.

18/06/2004: The matter presented. The accused present from jail custody. The matter is adjourned for framing charges. The next date is 1/7/04.

Sd/- Illegible

Chief Judicial Magistrate, Surat City.

01/07/2004: The matter presented. The accused is present from jail custody. The matter is adjourned form hearing Exh-9 and framing charges. The next date is 14/07/2004.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

14/07/2004: The matter is presented. The accused has not been produced from the jail custody. The matter is adjourned for hearing Exh-9. The next date is 28/07/2004.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

28/07/2004: The matter is presented. The accused is not present from jail custody. His advocate is not present. The APP is present. The matter is adjourned for framing charges. The next date is 11/08/2004.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

11/08/2004: The matter is presented. The accused has been produced from jail custody. The advocate of the accused is not present. The APP is present. The matter is adjourned for hearing Exh-9 and framing charges. The next date is 25/08/2004.

Sd/- Illegible

Chief Judicial Magistrate, Surat.

25/08/2004: The matter is presented. The accused presented from jail custody. The APP is present. The advocate for the accused is not present. As Hon'ble

Court is engaged in taking evidences in another case, the matter is adjourned for framing charges. The next date is 06/09/2004.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

06/09/2004: The matter is presented. The accused has been produced from the jail custody. The Advocate madam is (unreadable). The matter is adjourned for framing charges. The next date is 20/09/2004.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

20/09/2004: The matter is presented. The advocate (unreadable). The accused is present from the jail custody. The matter is adjourned for framing charges. The next date is 04/10/2004.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

04/10/2004: The matter is presented. The accused not presented from jail custody. The advocate for the accused is present. The PP is present. The matter is adjourned for framing charges. The next date is 18/10/2004.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

18/10/2004: The matter presented. The accused has not been presented from jail custody. The matter is adjourned for framing charges. The next date is 1/11/2004.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

- 01/11/2004: The matter presented. The accused has been produced from the jail custody. The matter is adjourned for framing charges. The next date is 09/11/2004.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat city.
- 09/11/2004: The matter is presented. The accused and advocate present. PP is present. The matter is adjourned for framing charges. The next date is 23/11/2004.  
Sd/- Illegible  
Chief Judicial Magistrate.
- 23/11/2004: The matter presented. The Hon'ble Court is on leave. The accused not presented from jail custody. The advocate for accused not present. The matter adjourned for framing charges. The next date is 07/12/2004.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat city.
- 07/12/2004: The matter presented. The Presiding Officer is on leave. The accused not presented from jail custody. The matter is adjourned for framing charge on 21/12/2004.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat city.
- 21/12/2004: The matter is presented. The matter is adjourned for framing charges. The next date is 01/01/2005.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat city.
- 01/01/2005: the accused not presented from jail custody. The matter is adjourned for framing charges. The next date is 15/01/2005.

Sd/- Illegible

Chief Judicial Magistrate, Surat City.

15/01/2005: The matter presented. The accused presented from jail custody. The advocate present. The PP is present. The matter is adjourned for framing charges. The next date is 28/01/2005.

Sd/- Illegible

Chief judicial Magistrate, Surat city.

28/01/2005: The matter presented. The accused presented from jail custody. The advocate is present. The Pp is present. The matter is adjourned for framing charges. The next date is 10/02/2005.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

10/02/2005: The matter presented. The accused produced from jail custody. The advocate present. PP present. The matter is adjourned for framing charges. Next date: 24/02/2005

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

24/02/2005: The matter presented. The accused produced from Surat Jail custody. As Hon'ble Court is engaged in the work of Court Shifting, the matter is adjourned for farming charges. The next date 10/03/2005.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

10/03/2005: The matter is presented. The accused produced from jail custody. The advocate is present. The APP is present.

13. Application of the advocate for the accused seeking the copy of the document of the chargesheet. The matter is adjourned for hearing of Exh-13. Next date: 17/03/2005.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

17/03/2005: The matter presented. The accused produced from jail custody. The APP is present. The matter is adjourned for hearing Exh-9, 13. The next date: 31/03/2005.

Sd/- Illegible

Chief Judicial Magistrate, Surat.

31/03/2005: The matter presented. The accused not produced from jail custody. The advocate present. The APP present. The matter is adjourned for hearing of Exh-9, 13. The next date 13/04/2005.

Sd/- Illegible

Chief Judicial Magistrate, Surat.

13/04/2005: The matter presented. The accused not produced from jail custody. The advocate present. The APP is present.

14. Time application of the APP. The matter adjourned for hearing of Exh. 9, 13. The next date 26/04/2005.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

26/04/2005: The matter presented. The accused has not been produced from jail custody. The advocate not present. The APP not present. The matter adjourned for hearing of Exh. 9, 13. The next date: 11/05/2005.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

- 11/05/2005: The Matter presented. The accused produced from jail custody. The advocate is present. The APP present. Hon'ble Court is engaged in another work having the charge of another court, therefore, the matter is adjourned for hearing Exh-9 and 13. Next Date: 08/06/2005.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat city.
- 08/06/2005: The matter presented. The accused produced from jail custody. The Advocate and the APP present. The matter adjourned for hearing Exh-9, and 13. Notice be issued to the PI, Varachha police station. The next date: 22/06/05.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat city.
- 22/06/2005: The matter presented. The accused produced from jail custody. The advocate present. The APP present. As Hon'ble court is engaged in the proceedings of another case, the matter is adjourned for the hearing of Exh-9 and 13. The next date: 02/07/2005.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat city.
- 02/07/2005: The matter is presented. The Accused produced from jail custody. His advocate is present.  
15. The time application of the advocate for the accused. The matter is adjourned for hearing of Exh. 9 and 13. The next date 15/07/2005.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat city.

15/07/2005: The matter presented. The accused not produced from jail custody. His advocate present. The APP is present. The matter is adjourned for the hearing of Exh. 9 and 13. The next date: 29/07/2005.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

29/07/2005: The matter is presented. The accused not produced from jail custody. The Advocate union is on strike. The APP is present. The matter is adjourned for hearing of Exh-9 and 13. The next date: 11/08/2005.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

11/08/2005: The matter is presented. The accused produced from jail custody. His Advocate is present. The APP is present.

16. The Time application of the advocate for accused. The matter is adjourned for the hearing of Exh-9 and 13. The next date: 24/08/2005.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

24/08/2005: The matter presented. The accused produced from jail custody. The advocate of accused is present. The APP is present. Exh-9 heard and order passed. The matter is adjourned for hearing Exh-13. Next Date: 03/09/2005:

Sd/- Illegible

Chief Judicial Magistrate, Surat.

03/09/2005: The matter presented. The accused produced from custody. The APP is present. The advocate for the accused not present. The matter is adjourned for hearing of Ehx-13. The next date: 16/09/2005.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

16/09/2005: The matter presented. The accused not produced from jail custody. His advocate is present. The APP is present. The matter is adjourned for hearing Exh-13. The next date: 30/09/2005.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

30/09/2005: The matter presented. The accused produced from jail custody. His advocate present.

17. The Tiem application of the advocate for the accused. The matter is adjourned for framing charges. The next date: 10/10/2005.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

10/10/2005: The matter presented. The accused produced from jail custody. His advocate is present. The APP is present. The matter is adjourned for hearing Exh-13. The next date: 21/10/2005.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

21/10/2005: The matter presented. The accused produced from jail custody. His Advocate is present. The APP is present. The matter adjourned for hearing Exh-13. Next date: 27/10/2005.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

27/10/2005: The matter presented. The accused and his advocate present. The PP is present. As the Court time is over, the matter is adjourned for hearing Exh-13. The next date: 10/11/2005.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

10/11/2005: The matter presented. The accused not produced from jail custody. The accused's advocate present. The PP is present. The matter adjourned for hearing Exh-13. Next date: 18/11/2005.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

18/11/2005: The matter presented. The accused not produced from jail custody.

18. The time application of the advocate for the accused, granted. The matter adjourned for framing charges and hearing Exh-13. Next date: 1/12/2005.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

01/12/2005: The matter presented. The accused not produced from jail custody. The matter adjourned for framing charge and hearing Exh-13. Next date: 13/12/2005.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

16/02/2005: The matter presented. The accused not produced from jail custody. The advocate and the PP present. The matter adjourned for hearing Exh-13. Next date: 18/02/2005.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

- 18/02/2005: The matter presented. Hon'ble Court is on leave. The accused produced from jail custody. The matter adjourned for hearing Exh-13. The next date: 02/03/2006.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat city.
- 02/03/2006: The matter presented.  
19. The advocate for accused submitted time application, granted. Next date: 29/03/2006.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat city.
- 29/03/2006: The matter presented. The accused and advocate present. The PP present. The time application of the accused. The matter adjourned for hearing Exh-13. Next date: 12/04/2006.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat city.
- 13/12/2005: The matter presented. The accused not produced from jail custody. The accused's advocate and the PP present. The matter adjourned form hearing Exh-13. Next date: 27/12/05.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat city.
- 27/12/05: The matter presented. The accused not produced from jail custody. The accused's advocate and the PP present. The matter adjourned form hearing Exh-13. Next date: 10/01/2006.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat city.

10/01/2006: The matter presented. The accused not produced from jail custody. The accused's advocate and the PP present. The matter is adjourned for hearing Exh-13. Next Date: 24/01/2006.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

24/01/2006: The matter presented. The accused produced from jail custody. His advocate not present. The matter adjourned for hearing Exh-13. Next Date: 06/02/2006.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

12/04/2006: The matter presented. The accused produced from jail. His advocate present. The APP is present.

20. The time application of the advocate for the accused.

The matter adjourned for hearing Exh-13. Next date: 25/04/2006.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

25/04/2006: The matter presented. The Hon'ble court is on leave. Accused present from jail. The PP is present. Matter adjourned for hearing Exh-13. Next date: 09/05/2006.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

09/05/2006: The matter presented. The accused produced from jail. The APP is on leave.

21. Time application of the advocate for accused.

Therefore, the matter adjourned for hearing Exh-13. Next date: 23/05/2006.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

23/05/2006: The matter presented. Accused produced from jail. His advocate present. PP is present.

22. Time application of the adv. for the accused. Matter adjourned for hearing Exh-13. Next date: 29/05/2006.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

29/05/2006: The matter presented. Accused and his advocate present. The PP is present.

23. The application seeking not to frame charge. The matter adjourned for charge frame and hearing Exh-13. Next date: 12/06/06.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

12/06/06: The matter presented. The accused has been produced in Gandevi court today, therefore, he has not been produced in this Court. The matter adjourned for framing charges against the accused. The next date: 16/06/2006.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

16/06/2006: The matter presented. The accused and his advocate present. The Pp is present. The matter adjourned for framing charges. Next date: 23/06/06.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

23/06/2006: The matter presented. The accused produced from jail custody. His advocate present. The PP is present. The matter adjourned for hearing Exh-13 and framing charges. Next date: 30/06/2006.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

30/06/2006: The matter presented. The accused produced from the jail. The advocate for the accused and the PP are present.

22. The time application of the accused submitted, granted.

Next date: 13/07/2006.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

13/07/2006: The matter presented. The accused produced from jail. The advocate for the accused is present. The APP is present. The matter is adjourned for hearing of Exh-13. Next date: 27/07/2006

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

27/07/06: The matter presented. The accused produced from jail. The advocate for the accused and the PP are present.

23. The time application of the accused granted. The matter adjourned for hearing of Exh-13. The next date: 10/08/2006.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

10/08/2006: The matter presented. As there was flood in Tapi River in the city, the matter is adjourned for hearing Exh-13. Next date: 24/08/2006.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

24/08/2006: The matter is presented. Due to the flood like situation in the city, the matter is adjourned for hearing Exh-13. Next date: 04/09/2006.

04/09/2006: The matter presented. The accused and his advocate are present. The PP is present.

24. The time application of the accused granted. The matter adjourned for hearing of Exh-13. Next date: 16/09/06.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

16/09/2006: The matter presented. The accused's advocate is present. The PP is present.

25. The application of the accused seeking exemption granted. The matter is adjourned for hearing Exh-13. Next date: 30/09/2006.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

Case No. 168/03

30/09/2006: The matter is presented. The accused and his advocate are present. The PP is present.

26. As the time application of the accused received, it is granted and the matter is adjourned for the hearing of Exh-13. Next date: 13/10/2006.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

- 13/10/2006: The matter is presented. The accused and his advocate are present. The PP is present. The matter is adjourned for hearing of Exh. 13. The next date: 27/10/2006.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat city.
- 27/10/2006: The matter is presented. The accused and his advocate present. The PP is present. The matter is adjourned for hearing Exh. 13. Next date: 09/11/2006.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat city.
- 09/11/2006: The matter is presented. The accused and his advocate are present. The PP is present. The matter is adjourned for hearing Exh. 13. Next date: 23/11/06.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat city.
- 23/11/2006: The matter is presented. The accused and his advocate and the PP are present. The matter is adjourned for the hearing of Exh-13. The next date: 22/12/06.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat city.
- 22/12/2006: The matter is presented. The Hon'ble Court is on leave. The accused, his advocate and the PP are present. The matter is adjourned for the hearing of Exh-13 and charge framing. Next date: 05/01/2007.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat city.

- 05/01/2007: The matter is presented. The accused's advocate is present. The PP is present.  
27. The Time Application of the accused submitted, granted.  
The matter is adjourned for hearing of Exh-13 and framing charges.  
Next date: 14/03/2007.
- 14/03/2007: The matter is presented. The accused and his advocate are present. The PP is present.  
28. The Time application of the accused submitted, granted.  
The matter is adjourned for the hearing of Exh-13. Next date: 14/05/2007.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat city.
- 14/05/2007: The matter is presented. The Presiding Officer is on leave. The matter is adjourned for hearing of Exh-13. Next date: 16/07/2007.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat city.
- 16/07/2007: The matter presented. The accused and his advocate present. The PP is also present. The exemption application of the accused submitted, granted. The matter is adjourned for the hearing of Exh-13. The next date is 09/08/2007.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat city.
- 09/08/2007: The matter is presented. The accused and his advocate are present. The PP is present.  
29. The exception application of the accused granted. The matter is adjourned for hearing Exh-13. Next date: 14/09/2007.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

14/09/2007: The matter is presented. The accused and his advocate are present. The PP is present. The matter is adjourned for hearing of Exh-13. Next date: 07/12/2007.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

07/12/2007: The matter is presented. The accused and his advocate are present. The PP is also present. The matter is adjourned for hearing of Exh-13. Next date: 17/01/2008.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

17/01/2008: The matter presented. The accused and his advocate are present. The APP is present.

30. The discharge application under CrPC 231. The matter is adjourned for the hearing of Exh-13 and 30. Next date: 21/01/2008.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

21/01/2008: The matter presented. The accused and his advocate are present. The PP is present.

31. as the (unreadable) application was submitted, it was granted. The matter is adjourned for the hearing of Exh-13 and 30. Next date: 01/02/2008.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

01/02/2008: The matter presented. The accused and his advocate present. The PP is present.

32. As the time application of the accused was submitted, granted. The matter is adjourned for the hearing of Exh-13 and 30. The next date: 18/02/2008.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

18/02/2008: The matter is presented. The accused and the advocate are present. The PP is present. The matter is adjourned for the hearing of Exh-13, 30. The next date: 03/03/2008.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

03/03/2008: The matter is presented. The accused and his advocate are present. The PP is present.

33. The Exception application of the accused granted. The matter is adjourned for the hearing of Exh-13, and 30. The next date: 2/4/08.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

02/04/2008: The matter is presented. The Advocates union (unreadable), the matter is adjourned for the hearing of Exh-13 and 30. Next date: 27/05/2008.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

27/05/2008: The matter is presented. The accused and his advocate are present. The PP is present. The matter is adjourned for hearing of Exh. 13, 30. Next date: 25/06/2008.

25/06/2008: The matter is presented. The accused and the advocate are present. The PP is also present.

34. The time application of the accused is granted.

The matter is adjourned for the hearing of Exh-13, 30. The next date: 11/08/08.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

11/08/2008: The matter is presented. The accused and his advocate are present.

The PP is present. The matter is adjourned for the hearing of Exh-13 and 30. Next date: 04/10/2008.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

04/10/2008: The matter is presented. The accused and the advocate are present. The PP is also present.

35. The Exemption application of the accused granted.

36. (unreadable). The matter is adjourned for the hearing of Exh-13 and 30. Next date: 04/11/2008.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

04/11/2008: The matter is presented. The accused and the advocate are present. The PP is present.

37. The exception application granted.

The matter is adjourned for hearing Exh-13 and 30. Next date: 03/01/2009.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

03/01/2009: The matter is presented. The Accused's advocate is present. The PP is present.

38. The (unreadable) application of (unreadable) granted. The matter is adjourned for the hearing of Exh. 13 and 30. The next date: 20/02/2009.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

Case No. 168/03

CC No. 100521/03

20/02/2009: The matter presented. (unreadable) the matter is adjourned for hearing Exh-13 and 30. The next date: 21/03/2009.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

21/03/2009: The matter is presented. The APP is present. The accused is not present. The advocate of accused is present.

39. The exemption application of the accused.

40. The Time application for the (unreadable) granted. The matter is adjourned for the hearing of the application. Next date: 27/04/2009.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

27/04/2009: The public holiday of Parshuram Jayanti declared, therefore, the matter is adjourned. Next date: 06/08/2009.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

- 06/08/2009: The matter is presented. The accused and his advocate are present. The PP is present. The time application of the accused granted. The matter is adjourned for the hearing of discharge application. The next date: 04/08/2009.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat city.
- 04/08/2009: The matter is presented. The APP is present. The accused is not present. His advocate is present.  
41. The exemption application for the accused.  
42. The time application of the APP.  
The matter is adjourned for the hearing of the discharge application.  
Next date: 18/08/2009.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat city.
- 18/08/2009: The matter is adjourned. The APP is present. The accused is not present. His advocate is present.  
43. The exemption application of the accused.  
44. The time application of the APP.  
The matter is adjourned for the hearing of the discharge application.  
The next date: 01/09/2009.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat city.
- 01/09/2009: the matter is presented. The accused, his advocate, and the PP present.  
The matter is adjourned for the hearing of the discharge application.  
The next date: 15/09/2009.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat city.

15/09/2009: The matter is presented. The APP is present. The accused is not present. His advocate is present.

45. The exemption application for the accused.

46. The Time application for the APP.

The matter is adjourned for the hearing of the discharge application.

Next date: 29/09/2009.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

29/09/2009: The matter is presented. The APP is present. The accused is present. His advocate is also present.

47. Oral arguments for the (unreadable) taken on record.

The matter is adjourned for the hearing of the discharge application.

Next date: 13/10/2009.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

13/10/2009: The matter is presented. The APP is present. The accused is not present. His advocate is present.

48. The exemption application of the accused.

The matter is adjourned for the hearing of the discharge application.

Next date: 15/10/2009.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

15/10/2009: The matter is presented. The APP is present. The Accused is not present. His advocate is present.

49. The Exemption application for the accused.

The matter is adjourned for the hearing of discharge application.

Next date: 29/11/2009.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

29/10/2009: The matter is presented. The APP is present. The Accused is not present. His advocate is present.

50. Exemption application for the accused.

The matter is adjourned for the hearing of the discharge application.

Next date: 12/11/2009.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

12/11/2009: The matter is presented. The accused is not present. The advocate for the accused is present. The App is not present.

51. The exemption application for the accused.

The matter is adjourned for the hearing. Next date: 23/11/2009.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

23/11/2009: The matter is presented. The accused and his advocate are present. The PP is present.

52. Exemption application of the accused, granted.

The matter is adjourned for the hearing of the discharge application.

The next date: 05/12/2009.

Sd/- Illegible

Chief Judicial Magistrate, Surat city.

- 05/12/2009: No matter. The matter is adjourned for the hearing of discharge application. Next date: 19/12/2009.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat city.
- 19/12/2009: The matter is presented. The accused is not present. The advocate is present. The APP is present.  
54. Exemption application for the accused.  
Issue summons to the accused, and his advocate.  
The matter is adjourned for the hearing of Exh-30. Next date: 24/12/2009.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat city.
- 24/12/2009: The matter is presented. The accused is not present. His advocate is present. As Hon'ble court is on leave, the matter is adjourned for the hearing of Exh-30. Next date: 05/01/2010.  
Sd/- Illegible  
Chief Judicial Magistrate, Surat.
- 05/01/2010: The matter is presented. The accused is present. His advocate is also present. (Unreadable). The matter is adjourned for the hearing of discharge application. Next date: 25/02/2010.
- 25/02/2010: The matter is presented. The Accused is present. His advocate is present. (Unreadable one sentence).  
The matter is adjourned for the hearing of the discharge application.  
Next date: 25/03/2010.

Sd/- Illegible  
Chief Judicial Magistrate, Surat city.

26/03/2010: Vide Order No. 28/10, the matter is transferred to 8<sup>th</sup> CJ (SD) and Judicial Magistrate, First class, Surat.

Sd/- Illegible  
Chief Judicial Magistrate, Surat city.

By virtue of the order no. 22/11 dated 04/01/2012 of the office of Hon'ble District Court, the case is transferred from the 10<sup>th</sup> (SD) Court to 16<sup>th</sup> (SD) Court.

Sd/- Illegible  
10<sup>th</sup> Addl. Senior Civil Judge and  
Addl. Chief Judicial Magistrate, Surat.

100521/03

12/05/2016: The case has been transferred to this court as per the Office order of Hon'ble District Court. (Unreadable one sentence).

The matter is presented. The APP is present.

The accused is absent.

Issue warrant to the surety of the accused.

The matter is adjourned for the summons to be served. Next date:  
12/05/2016.

Sd/- Illegible  
4<sup>th</sup> Addl. Civil Judge and Judicial Magistrate, First Class, Surat.

12/05/2016: The matter is presented. The APP is present. The Accused is absent. Issue the warrant to the surety of the accused. The matter is adjourned for the warrant to be served. The next date: 27/07/2016.

Sd/- Illegible

4<sup>th</sup> Addl. Civil Judge and Judicial Magistrate First class, Surat.

27/07/2016: The matter is presented. The APP is present. The accused is absent. Issue warrant to the surety of the accused. (Unreadable 2 words). The matter is adjourned for the serving of the warrant. Next date: 26/10/2016.

Sd/- Illegible

4<sup>th</sup> Addl. Civil Judge and Judi. Magi, First Class, Surat.

**As per the Office Order No..... of Hon'ble District Court, the said matter has been transferred to this Court. It has been received without examining or checking. Date: 26/10/16.**

#### ROZNAMA

CC No. 100521/03

14/12/17: Issue NBW to the accused in this matter. The matter is adjourned on 20/01/2018.

Sd/- Illegible

9<sup>th</sup> (unreadable) and Addl. (unreadable), Surat.

20/01/2018: The matter is presented today. The APP is present. The accused is present.

39. The warrant for the accused (unreadable). The matter is adjourned for the hearing of discharge application. Next date: 17/02/2018.

Sd/- Illegible

8<sup>th</sup> (Unreadable) and Addl. Chief Judi Magi., Surat.

As per Office Order No. 1241/2017 dated 31/07/2017 of Hon'ble District Court, Surat, the said matter is transferred to the court of Hon'ble 9<sup>th</sup> Addl. Senior Civil Judge and ACJM, Surat Shri P. I. Prajapati Sir.

Sd/- Illegible

Superintendent

16<sup>th</sup> Addl. Senior Civil Court, Surat.

As per Office Order No. 1541/2017 dated 31/07/2017 of Hon'ble District Court, Surat, the said matter is received from the Court of Hon'ble 16<sup>th</sup> Addl. Senior Civil Judge and ACJM, Surat Shri S. K. Gadhvi sir of Surat.

Sd/- Illegible

9<sup>th</sup> Addl. Senior Civil Judge, Surat.

29/09/2017: The matter is presented. As the advocate of the accused is absent, the matter is adjourned for the NBW against the accused. Next date: 14/12/2017.

Sd/- Illegible

03/10/2018: The matter is presented. (unreadable). The matter is adjourned for the hearing of Exh-30. Next date: 17/10/2018.

Sd/- Illegible  
(Unreadable).

28/05/2018: The matter presented. The complainant is not present. The advocate is not present. The accused is absent.

43. Examination report, granted.

44. Time application of the complainant. The matter is adjourned for the arguments of Exh. 30. Next date: 13/06/2018.

Sd/- Illegible  
16<sup>th</sup> (Unreadable) and ACJM, Surat. )

13/06/2018: The matter presented. The complainant is not present. The advocate is not present. The accused is absent.

45. Examination Report.

46. Time application of the complainant.

The matter is adjourned for the arguments of Exh-30. Next date: 25/07/2018.

Sd/- Illegible  
16<sup>th</sup> (Unreadable) and ACJM, Surat.

25/07/2018: The matter is presented.

47. The accused is absent. Exemption application.

48. V. P. and Time application for the complainant.

49. Time application.

The matter is adjourned for the hearing of Exh-30.

Next date: 05/09/2018.

05/09/2018: The complainant is not present. His advocate not present.

50. Exam Report for the accused.

51. Time application for the complainant.

The matter is adjourned for the hearing of Exh-30. Next Date:  
03/10/2018.

Sd/- Illegible

16<sup>th</sup> (unreadable) Civil Judge and ACJM, Surat.

03/10/2018: The matter is presented. (unreadable) The matter is adjourned for the hearing of Exh-30. Next date: 17/10/2018.

17/02/2018: The matter presented today. The APP is present. The accused is not present.

40. The Exemption Application for the accused, granted.

41. The discharge application for the accused.

42. The evidence list for the accused admitted.

The matter is adjourned for the hearing of Exh-41.

Next date: 28/02/2018

Sd/- Illegible

8<sup>th</sup> (unreadable) and Chief Judi, Magi, Surat.

28/02/2018: Hon'ble Court (Unreadable). 12/04/2018.

As Hon'ble court got vacated, the matter is adjourned. Next dt.

28/05/18.

Sd/- Illegible

28/05/2018: (Arguments of Exh-30).

43.

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CC No. 100521/03

??/10/2018:

52. The exemption application of the accused.

53. The time application for the (unreadable).

The matter is adjourned for the order in Exh-30.

Next date: 17/10/2018.

Sd/- Illegible

16<sup>th</sup> Addl. Civil Judge & (Unreadable), Surat.

17/10/2018: 54. Time application

55. (Unreadable) application for the accused.

Adjourned for the (unreadable) of Exh-30.

Next date: 14/11/2018.

14/11/2018: 56. Exam report

57. Time application of the complainant, granted.

Adjourned for the hearing of Exh-30.

Next date: 19/12/2018.

16<sup>th</sup> (Unreadable) Civil Judge and ACJM, Surat.

19/12/2018: The matter is adjourned for the hearing of Exh-30.

Next date: 23/01/2019.

Sd/- Illegible

16<sup>th</sup> Addl. Civil Judge & ACJM, Surat.

Next date: 23/01/2019

23/01/2019: The matter is adjourned for the hearing of Exh-30. Next date: 20/02/2019.

Sd/- Illegible

16<sup>th</sup> (unreadable).

20/02/2019: The matter is presented.

The matter is adjourned for the hearing of Exh-30.

Next date: 13/03/2019.

13/03/2019: The matter is adjourned for the hearing of Exh-30.

Next date: 27/03/2019

27/03/2019: (Unreadable) Adjourned for the hearing of Exh-30.

Next date: 24/04/2019.

Sd/- Illegible

18<sup>th</sup> (unreadable) Judge and (unreadable).

24/04/2019: The (unreadable). The matter is adjourned for the hearing of Exh-30.

(Hon'ble Court is on leave). Next date: 22/05/2019.

22/05/2019: The matter is adjourned for the hearing of Exh-30.

**Hon'ble 17<sup>th</sup> Addl. C. C. Judge and ACJM, Surat of Surat**

**CC No. 100521/03**

As per the Office Order No. 824/19 of Hon'ble District Court, the matter is transferred to the Court of Hon'ble 24<sup>th</sup> Addl. C. C. Civil Judge and ACJM, Surat.

17<sup>th</sup> SD, Surat.

As per the Office Order No. 824/19 of Hon'ble District Court, the said matter received by way of transfer from the court of Hon'ble 16<sup>th</sup> Addl. C. C. Judge and ACJM, Surat of Surat.

24<sup>th</sup> SD, Surat.

19/06/2019: The matter presented. Accused is not present. The matter is adjourned in the interest of justice for the issuance of summons.

Next Date: 22/08/2019.

Sd/- Illegible

24<sup>th</sup> Add. Sr. Civil Judge, & ACJM, Surat. 18/10/2019

17/10/2019: As the PP of Hon'ble court is on leave, the matter is adjourned in the interest of justice. Next date: 25/11/2019.

Sd/- Illegible

**Criminal Case No. 100521/2003**

As per the Office Order No. 1672/2019 of Hon'ble District Court, Surat, dated: 07/11/2019 of Hon'ble District Court, Surat, the said matter is transferred to the court of Hon'ble 15<sup>th</sup> Addl. Senior Civil Judge and ACJM Surat.

Sd/- Illegible

I/c 24<sup>th</sup> Addl. Senior Civil Judge and  
ACJM, Surat.

As per the Office Order no. 1672/2019 dated 07/11/2019 of Hon'ble District Court, Surat, the said matter has been received by way of transfer from the Court of Hon'ble 24<sup>th</sup> Addl. Senior Civil Judge and ACJM, Surat.

Sd/- Illegible

15<sup>th</sup> Addl. Senior Civil Judge  
And ACJM, Surat.

25/11/19

(Unreadable).

Hearing of Exh-30. Next Date: 07/01/2019.

07/01/2000

The accused is not present.

The complainant is not present. The advocate is not present.

The accused is absent.

The application of issuing summons for the complainant presented and granted.

Once the Pro. Fee is paid, the summons be issued to the accused, and the matter is adjourned. Next date: 24/02/2020

Sd/- Illegible

15<sup>th</sup> Addl. Senior Civil Judge and ACJM, Surat.

CC No. 100521/2003

The matter presented. The APP is present. The Accused is absent.  
Notice and warrant be issued to the accused/surety.

Issue NBW against the accused.

Next hearing date: 05/07/2021

Sd/- Illegible

Addl. Civil Judge and Judi. Magi. FC., Surat.

NBW against the accused

27/09/2021

Sd/- Illegible

(Unreadable)

NBW against the accused.

29/11/2021

Sd/- Illegible

(unreadable)

28/2          11/4          10/01/2022.

Matter presented. APP is present. Accused absent. Issue NCW to accused.

04/07/2022

Sd/- Illegible

(Unreadable) and Judi. Magi, F. C., Surat.

The matter presented. The APP is present. The accused is absent. Matter is adjourned for the issuing NBW against the accused.

19/08/22

Sd/- Illegible

Addl. Civil Judge and Judi. Magi F.C., Surat.

The matter presented. The APP present.

Matter is adjourned for the NBW against the accused.

07/11/2022

Sd/- Illegible

Addl. Civil Judge and Judi. Magi. First Class, Surat.

Sr. No. 7

14.11.2022

SC Transfer

Petition No.

333-348/21

District Court

Surat CC No.

521/03

CORAM-HIS HONOUR THE SESSIONS JUDGE,  
SHRI A. SUBRAMANIAM (C. R. NO. 19)

Accused No. 1 and 3 present.

Accused No. 2, 4 and 5 absent.

Adv. Poonam Ankaleshwaria for accused No. 1 and 3 is present.

Adv. Gunjan M. for complainant / intervenor is present.

Adv. Ms. Gunjan for complainant submitted that the application for modification is preferred before the Hon'ble Supreme Court. The record of four proceeding is not yet received. The office to verify and Registrar Sessions to issue reminder. The aspect of allocation of the matters will be considered on the next date.

Adjourned on 03.12.2022 for Appearance and Orders.

Sd/- Illegible  
Sessions Judge,  
Gr. Mumbai.

## Chargesheet

Police Station: Varachha Police Station      District: Surat City  
Chargesheet No. 4/2003 Date: 04/01/2003

Name, address and occupation of the complainant or informant: Naineshbai Arvindbhai Chitaniya, FIR No. I-274/02 Date: 06/08/2002, Res. 27/C, Samrat Apartment, 5<sup>th</sup> Floor, Soni Faliyu, Surat and Surat Nagarik Sahkari Bank Ltd., Surat.

Name and address of accused person sent up for trial In custody or on bail	Name and address of accused person not sent up for trial, whether arrested or not arrested including absconders (show absconders in red ink)	Property (including weapons) found with particulars of where, by whom found and whether forwarded to magistrate	Name and address of the witnesses	Charge or information name of offence and circumstance connected with it, in concise detail and under what section of law charged
1	2	3	4	5
(1). Accused Ketan Kantilal Seth, resident of 193, Lalit Kutir Co-operative Housing Society, Gulmohar Cross Road, J.V.P.D. Scheme, Andheri West, Mumbai 49 was arrested at 20:00 o'clock on 11/10/2002 and his police custody remand was obtained from the Court for 10 days and has been then sent to the Court Custody in stipulated time.	1. Nand Kishor Shankar Lal Trivedi, aged 45, resident of Dev Bhuvan, Second Floor, Room No. 32, Gajdar Street, Chira Bazaar, Mumbai-2 2. Sanjay Hiram Agrawal, aged 35, resident of Juhu Shalimar, C.H.S. Limited, Seventh Floor, Gulmohar Cross Road No. 10, Mumbai 3. Subodh Bhandari, aged 46, resident of 704/B, Govind Complex, Sector 14, Vashi, Navi Mumbai-400705 4. Hiten Bhupendra Shah, resident of 102, Gandhi Niwas, Ashok Nagar Road, Vakola, Shantakunj, Mumbai-400055	Varachha PS Muddamal Receipt No. 71/02 Date: 12/10/2002  3201704060 3201704200 3201704090 3201804650 3201804680 3201804790 3200501140	<b>1.. Complainant:</b> Naineshkumar Arvindbhai Chintaniya, resident of 27/A, Samrat Apartment, Fifth Floor, Soni Faliya, Surat, and Surat. Nagarik Sahakari Bank Limited, near Gitanjali Cinema, Varachha, Surat. <b>2. Panch:</b> Kantibhai Naranbhai Patel, resident of 66-A, Rambag Society, Ashwini Kumar Road, Varachha, Surat. <b>3. Panch:</b> Amrutbhai Mahashankar Rawal, resident of 135-D, Vitthalnagar Society, Hirabag, Varachha, Surat. <b>4. Mr. Meher Kekabhai Vaidh,</b> resident of Shirdi Tala, Blocks Shahpor, Surat, and Surat Nagarik Sahakari Bank Ltd., behind Gitanjali Cinema, Varachha, Surat. <b>5. Mr. Chandrakant Chunilal Shah,</b> resident of 10/623, Hawadiya Chakla, Ambaji Road, Surat, and as above.	Under Indian Penal Code (IPC) Sections 406, 420, 409, 465, 467, 468, 471, and 114, in that from 06/12/2001 to 06/08/2002, the accused in this case, with the intent to defraud from the outset, misrepresented to the Surat Nagarik Sahakari Bank Limited, located behind Gitanjali Cinema, Varachha Road, Surat, that they were authorized to deal in government securities through SEBI, despite not having such authorization.

	<p>5. Mr. Hiren Gada, resident of Mumbai</p> <p>6. Mr. Shashank Gopal Ranade, aged 40, resident of 3/1, Radhakrishna Niwas, Ground Floor, Dagadiwadi, S.K. Bole Road, Dadar (C.N.J.), Mumbai-400028</p> <p>7. Vijay Himatlal Modi, aged 46, resident of A/203, Asmita Co-operative Housing Society Ltd., Kusupa Road, Borivali (East), Mumbai-400066</p> <p>8. Mr. Salil Dinakar Gandhi, aged 43, resident of 11/13, Gold Coin Co-operative Housing Society Ltd., Tardeo, Mumbai-400034</p> <p>9. Alan James Macmillan, aged 41, resident of 785 Tareto Street, Montanyu, C.A. 94041, U.S.A.</p> <p>10. Rasal Bankekam Weagar, resident of Timber Hall Terraj, Sayan Geld, A.M.E. 1940, U.S.A.</p> <p>11. Mr. Mike alias Manoj Ambelal Shah, aged 58, resident of Belaro Road, R.M. Extension, Bangalore-5060080</p> <p>12. Mr. Dhananjay Agrawal, resident of Mumbai</p>		<p>6. Mr. Bansilal Mohanlal Kudnawala, resident of 6-A, Adarsh Society, Athwa Lines, Surat, and as above.</p> <p>7. Mr. Mahendrabhai Nathubhai Katargamwala, resident of Shwetakui, opposite Priya Hotel, Varachha Road, Surat, and as above.</p> <p>8. Mr. Sureshchandra Parshotambhai Patel, resident of 1, Santokba Society, behind Railway Police Lines, Surat, and as above.</p> <p>9. Mr. Jayantilal Chhotalal Jariwala, resident of 6/1649, Gundo Sheri, Lal Darwaja, Surat.</p> <p>10. Mr. Jayantilal Ranchhodas Gandhi, resident of 8/3/4, Shri Anand Society, Anand Mahal Road, Adajan, Surat. and as above.</p> <p>11. Mr. Amrutlal Ramsingbhai Contractor, resident of 7/3977, Satimata ni Sheri, Rumnathpura, Surat, and as above.</p> <p>12. Police Sub-Inspector G.J. Chavda, Varachha Police Station, Surat.</p> <p>13. Investigating Officer, Police Inspector G.K. Chaudhary, Vejalpur Police Station, Ahmedabad.</p> <p>14. Investigating Officer, Police Inspector S.M. Gohil, Varachha Police Station, Surat.</p>	<p>They provided a forged SEBI certificate and conducted transactions with the complainant bank. They neither possessed government securities nor had contracts with others to purchase such securities, yet they provided false contracts and other documents, knowing them to be fraudulent. Thus, all the aforementioned accused, in collusion and with mutual assistance, made false representations and promises to the complainant bank from the outset, acting with malicious intent and deceit, fraudulently and dishonestly misappropriating a substantial amount of Rs. 16,09,60,500/-, committing cheating and criminal breach of trust. They forged valuable documents, contracts, and SEBI certificates, knowingly using these false documents as genuine to</p>
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	<p>13. Mrs. Shilpa Hiten Shah, resident of 102, Gandhi Niwas, Ashok Nagar Road, Vakola, Shantacruz, Mumbai-400055</p> <p>14. Mrs. Jagruti Ketan Seth, resident of 193, Lalit Kutir (C.H.S.), Third Floor, Gulmohar Cross Road No. 9 (J.V.P.D.), Mumbai-400049</p> <p>15. Miss Kanan Vasantbhai Mewawala, aged 28, resident of Jayant Mahal, Fifth Floor, opposite Wankhede Stadium, Marine Drive, Mumbai</p> <p>16. Mr. Ketan R. Mashkariya, aged 35, resident of Mumbai</p> <p>17. Mr. Niraj A. Surati, resident of Suryo Flats, First Floor, Surya Shopping Complex, Bharuch</p> <p>18. Mrs. Kruti Niraj Surati, resident of Suryo Flats, First Floor, Surya Shopping Complex, Bharuch</p>			<p>perpetrate the fraud and commit the offense.</p>
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**Note:-**

- (1). The FIR has already been sent to your Hon'ble Court at the appropriate time.
- (2). The Face Identification sheet of the accused is attached herewith.
- (3). The muddamal receipt is attached herewith.

- (4). The photos of the accused have been taken.
- (5). The arrangement for the prosecution has been made.
- (6). The copies to be provided to the accused are attached herewith.
- (7). If further witnesses are required, they will be produced during the trial of the case.
- (8). It is requested to issue summons to the witnesses to remain present during the stipulated date in the court.

Dispatched with compliments to:

Hon'ble Chief Judicial Magistrate, Chief Court, Surat city, Surat.

Date: 04/01/2003 Time: 19:00 hrs.

Sd/- Illegible

(S. M. Gohil)

Police Inspector

Varachha Road Police Station, Surat.

(Signature of IO)

This case is transferred to the Hon'ble Principal Judge, Bombay City Civil and Sessions Court, Vide Hon'ble Supreme Court of India order dated 09/09/2022.



KANTILAL

### Certificate

This is to certify that the accused Ketan Kantilal Sheth, Res. 193, Lalit Kutir, 3<sup>rd</sup> Floor, Gulmahor Cross road, Road No. 9 (JVPD), Mumbai, has been arrested in connection with Varachha Police Station I-CR No. 274/2002 IPC Section 406, 409, 465, 467, 468, 471, 114, 120(B), and this is the Certificate issued in this regard.

Sd/- Illegible  
Police Inspector  
Varachha Road Police station, Surat.

## Register of the persons arrested in the area of the Station Officer of Varachha Police Station

1. CR No. I-274/2002
2. Name of the arrested person: Ketan Kantilal Sheth
3. Res. 193, Lalit Kutir, 3<sup>rd</sup> Floor, Gulmahor Cross road, Road No. 9 (JVPD), Mumbai.
4. Caste and Occupation: Vaishnav Vaniya, Share Broker
5. Sections: IPC Section-406, 420, 409, 465, 467, 468, 471, 114.
6. Aged 40, solidly built, wheatish, old marks on the right ankle and the sign of stiches of the operation of kidney, Height 5.8
7. Offence proved or acquainted:
8. Name and address of the relative of the arrested person who has been informed: Chandrakant Anantrai Parekh, Res. Puna, the maternal uncle of the accused.
9. Type of information given, time and date and the Entry no made in the Station Diary in this regard:
10. Remarks: arrested at 20:00 hrs. on 11/10/2002.

Sd/- Illegible

Police Inspector

Varachha Police Station, Surat.

**Arrest Memo**

Varachha I-274/2002 IPC Section-406, 420, 409, 465, 467, 468, 471, 114.

Ketan Kantilal Sheth, Res. 193, Lalit Kutir Co. O. H. Society, Gulmahor Cross road no. 9, Andheri West, Mumbai-49.

Date: 11/10/2002 Time: 20:00

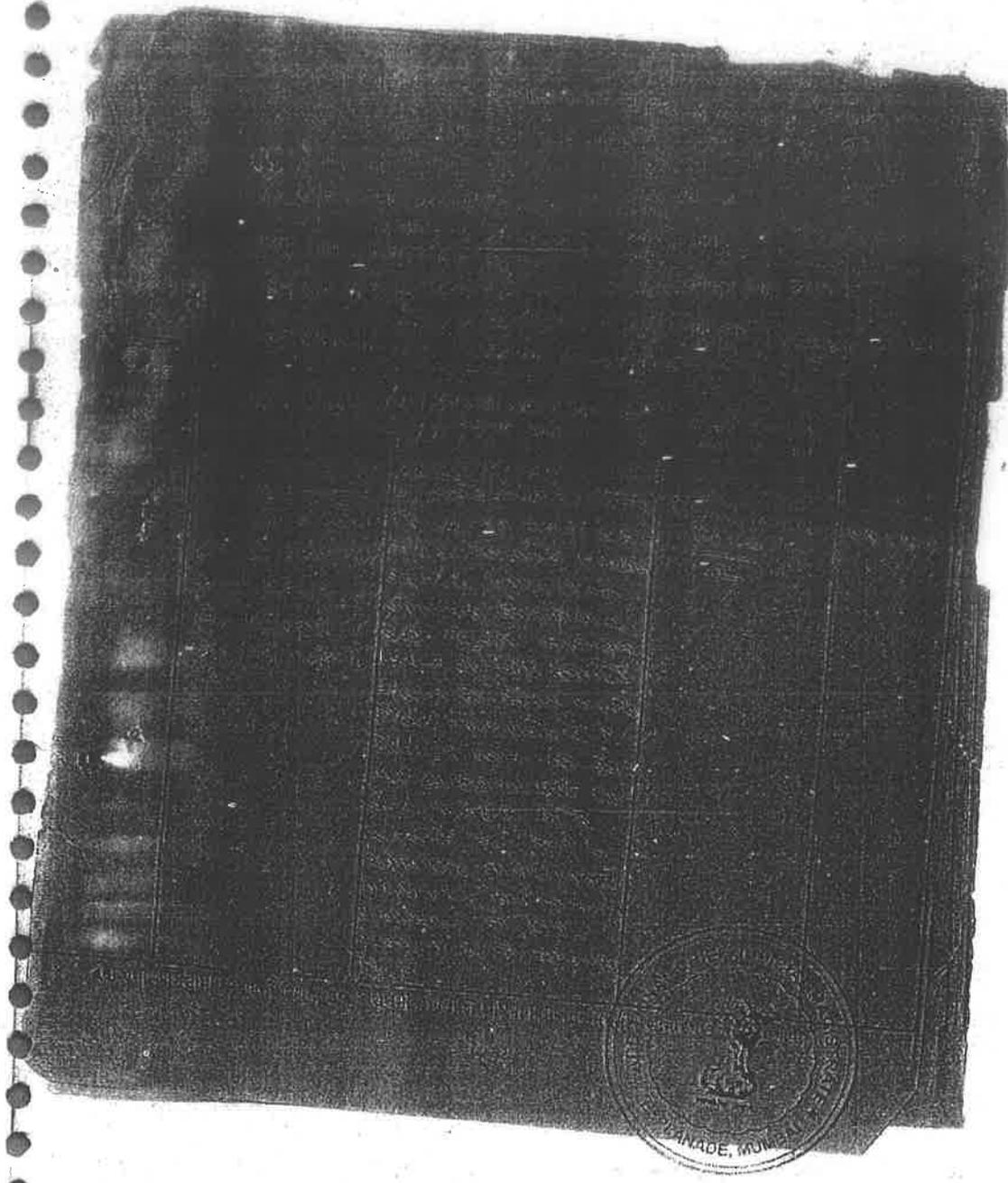
Chandrakant Anantraï Parekh has been informed.

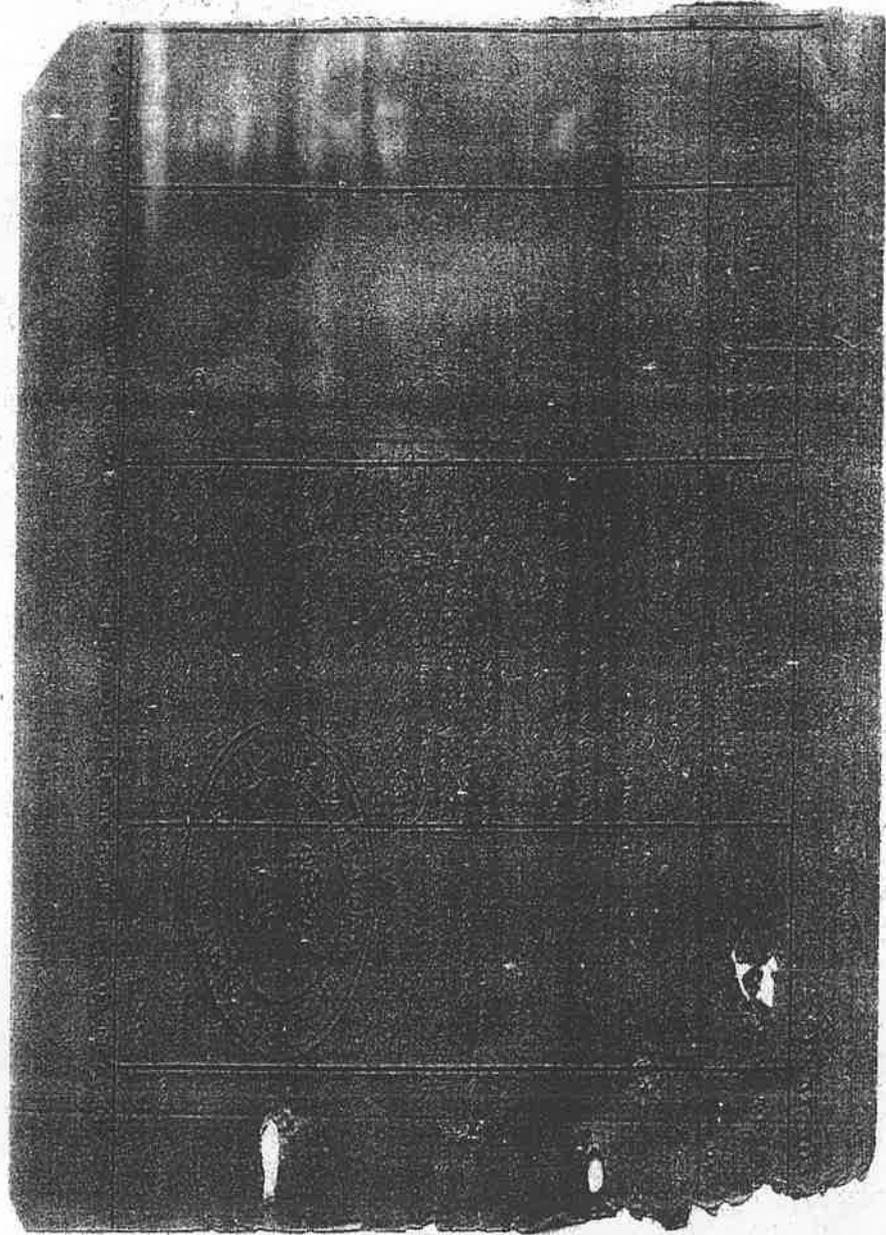
You, Chandrakant Anantraï Parekh, are hereby informed that your nephew Ketan (sister's son) has been arrested at 20:00 o'clock on 11/10/2002 in connection with the offence registered with Varachha Police Station vide CR No. I-274/2002 under IPC Section-406, 409, 420, 465, 467 at Varachha and at present he has been kept in the lock-up of Varachha Police Station.

Signature of the arrested person: Sd/- Illegible

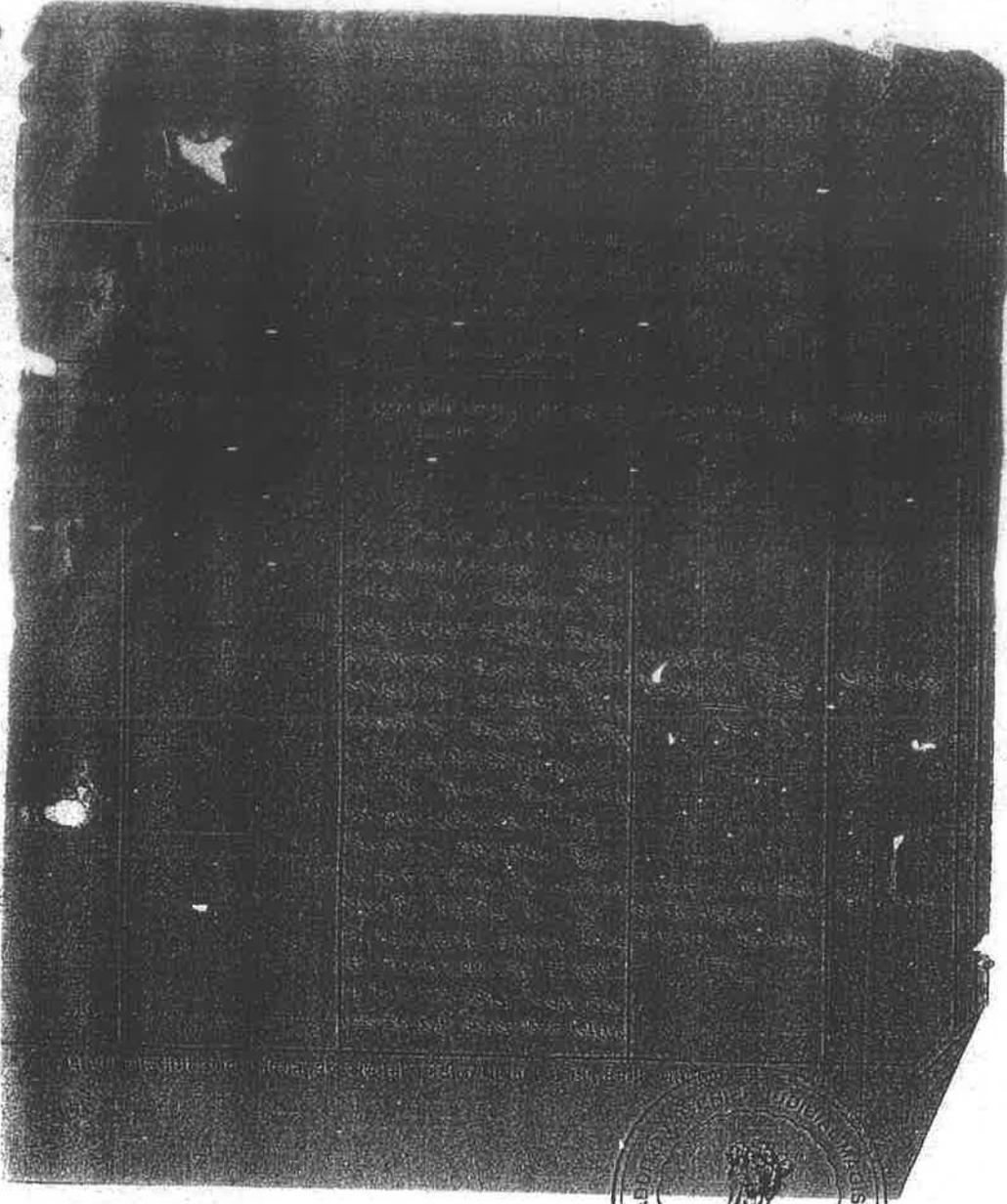
Signature of the Arresting Officer: Sd/- Illegible

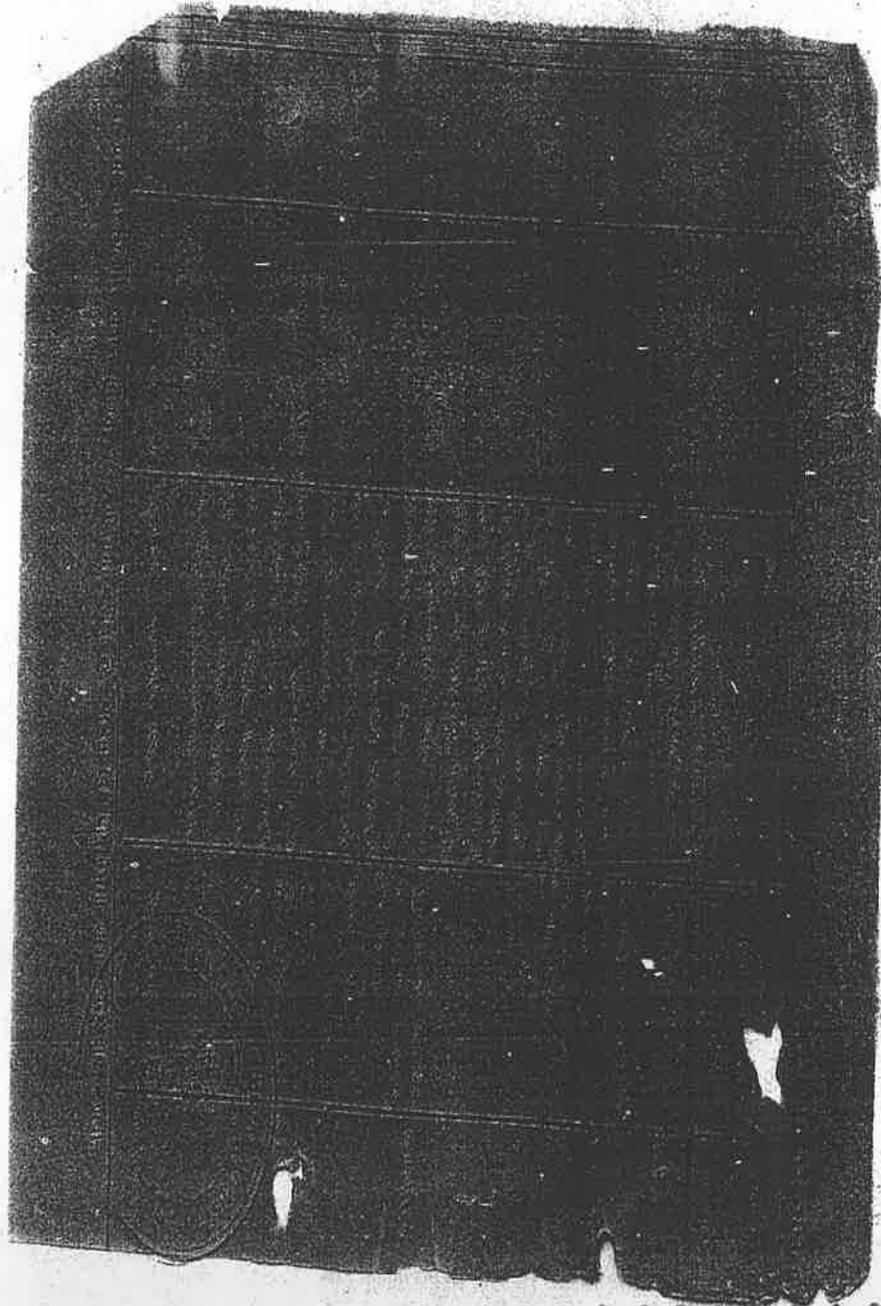
Name and Rank: Police Inspector, Varachha Police Station, Surat.

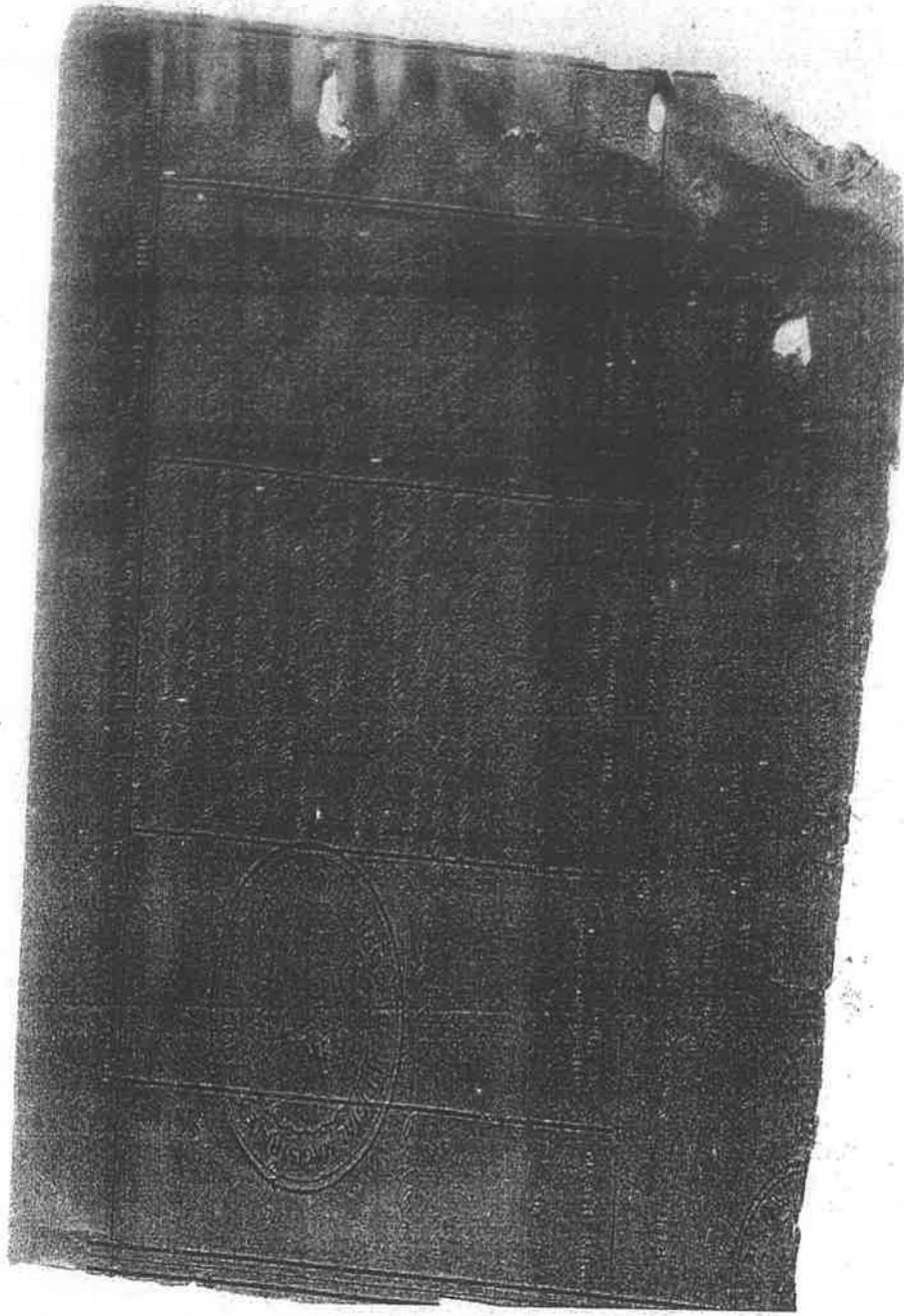


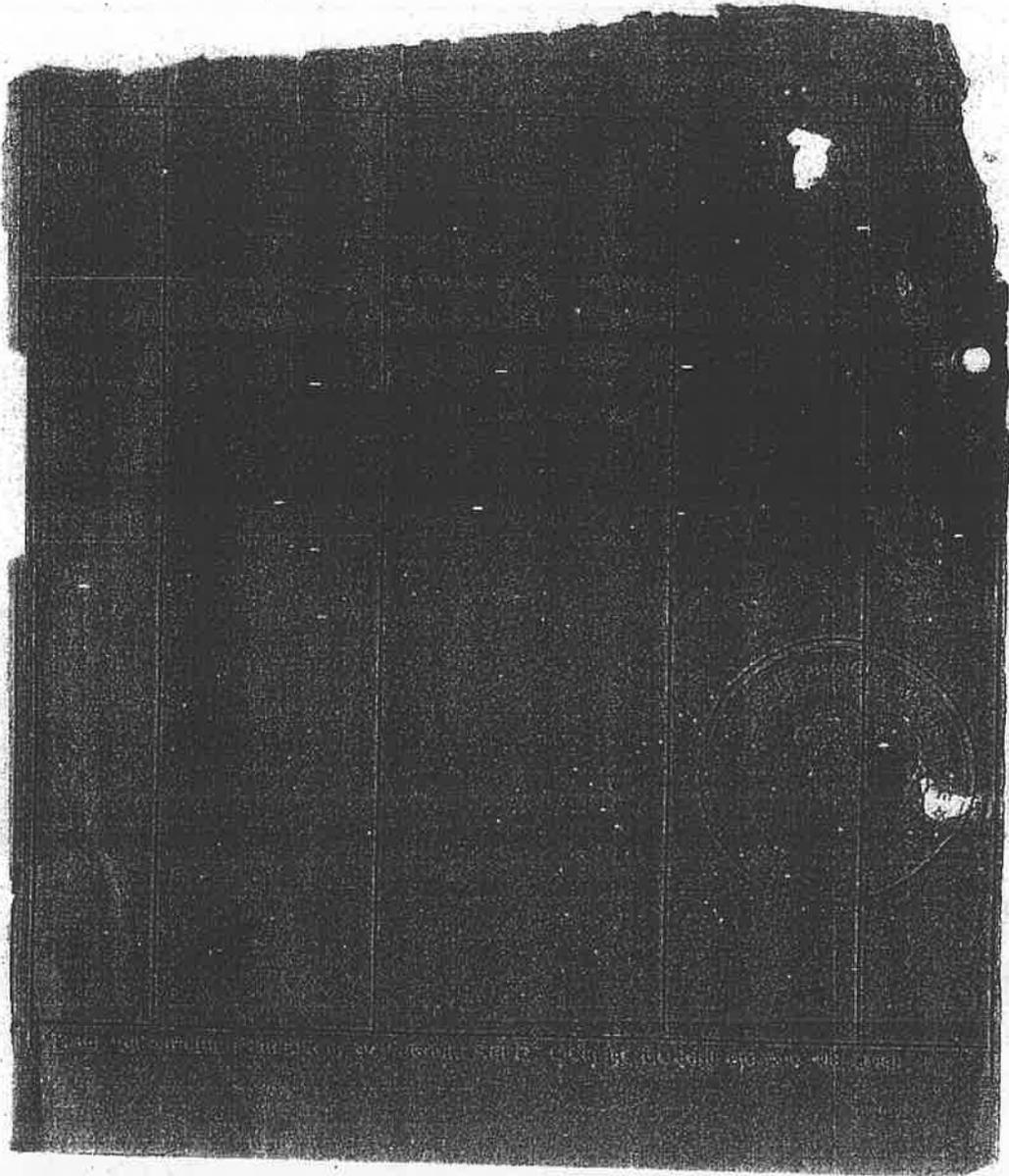


①









**Advocate Letter**

Ketan P. Reshamwala & Associates  
102, First Floor, Shri Surat Kshatriya  
Panch Bhavan, Khanda Kuva,  
Begampura, Surat  
Phone: (Office) 2428451, (Residence)  
2424562, 2320563

To,

In the Court of Hon'ble Chief Judicial Magistrate, Surat

Criminal Case No.: 168/2003

Complainant: State

Accused: Ketanbhai Kantilal Sheth

I, Ketanbhai Kantilal Sheth, residing in Mumbai, hereby appoint the following advocates to represent me in the aforementioned case bearing the above-mentioned number before this Hon'ble Court:

I authorize Advocate Shri Ketan P. Reshamwala, Shri Vipul J. Vaivala, Shri Jignesh K. Patel, Shri Yogesh N. Patel, Shri Sanjay V. Dhariya, and Shri [name not specified] to act on my behalf in all matters related to this case. They are empowered to:

Conduct the entire proceedings of the case.

Settle, compromise, or withdraw the case.

Receive or submit documents on my behalf.

Obtain copies of court orders or judgments.

Sign on my behalf as necessary for the case.

Transfer the case to another advocate, if required, to continue the proceedings.

All actions taken by the aforementioned advocates on my behalf shall be binding and acceptable to me.

Furthermore, in the event of my failure to appear regularly in court, the above-named advocates shall have the right and authority to withdraw from the case without any notice and without any responsibility, at their discretion.

In witness whereof, I have affixed my signature on this day, the 3rd of May, 2003.

Signature

(Signature/- Illegible)

Accused

Accepted

(Signature/- Illegible)

Advocate for the Accused

**Date: 16/08/2003**

**Exh. No.: 4**

**Humble Application on Behalf of the Accused:**

In the above-referenced case, I, the accused, respectfully submit that I have filed a bail application before the Hon'ble Gujarat High Court for release on bail, which is currently pending hearing. Additionally, the chargesheet in this case has not yet been submitted. Considering all these circumstances, I humbly request, in the interest of justice, that an extension be granted for framing the charges in this case.

Place: Surat

Date: 24/06/2003

Signed/- Illegible  
Advocate for the Accused

**In the Court of Hon'ble Chief Judicial Magistrate, Surat**  
**Criminal Case No.: 168/2003**

Complainant: State

Versus

Accused: Ketanbhai Kantilal Sheth

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit the following:

Today is the scheduled date for the proceedings in this case. The case is currently at the stage of framing charges. I have been provided with a copy of the chargesheet in this matter. However, the chargesheet is incomplete and insufficient, which prevents me from effectively preparing my defense. Under these circumstances, I humbly request that, before framing charges against me, a complete and proper chargesheet be provided to me. Despite the existence of numerous pieces of evidence relevant to my defense and regular transactions, these have not been included in the chargesheet.

Place: Surat

Date: 22/07/2003

Signed/- Illegible

Signature of the Accused

Sd/- Illegible

Advocate for the accused.

Notice be issued to the IO. 22/7

Sd/- Illegible

**(Advocate Letter)**

**In poor and torn condition.**

**Therefore, not translated.**

**In the Court of Hon'ble Chief Judicial Magistrate, , Surat**  
**Criminal Case No.: 168/2003**  
**Exhibit No.: 7**

Complainant: State

Versus

Accused: Ketanbhai Kantilal Sheth

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit the following:

Today is the scheduled date for the proceedings in this case. In this matter, I was arrested, and a chargesheet was filed against me in this Hon'ble Court. Subsequently, other accused persons were arrested, and a supplementary chargesheet concerning these other accused was filed in this Hon'ble Court. However, the other accused persons are not present in court today. Therefore, in the interest of justice, I humbly request that a single adjournment be granted today to allow the charges against me to be recorded alongside those of the other accused.

Place: Surat

Date: 16/09/2003

Signed/- Illegible

Advocate for the Accused

Signed/- Illegible

Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate, Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 8**

**Complainant: State**

**Versus**

**Accused: Ketanbhai Kantilal Sheth**

**Humble Application on Behalf of the Accused:**

In the above-referenced case, I, the accused, respectfully submit the following:

Today is the scheduled date for the proceedings in this case. My bail application is currently pending before the Hon'ble Supreme Court. Additionally, today, I have submitted an application to this Hon'ble Court for amalgamation (to conduct the case jointly). Under these circumstances, I humbly request, in the interest of justice, that the framing of charges be deferred today and that appropriate orders be passed.

**Place: Surat**

**Signed/- Illegible**

**Advocate for the Accused**

**Signed/- Illegible**

**Chief Judicial Magistrate, Surat**

**In the Court of Hon'ble Chief Judicial Magistrate, Surat****Criminal Case No.: 168/2003****Exhibit No.: 9****Complainant: State**

Versus

**Accused: Ketanbhai Kantilal Sheth**

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit the following:

In this case, apart from me, other accused persons have been arrested by the Varachha Police under Varachha Police Station I-Crime Register No. 274/02. In this matter, I was arrested, and a chargesheet was filed against me under Criminal Case No. 168/03. Additionally, another accused, Sanjay Hariram Agrawal, was arrested, and a chargesheet was filed under Criminal Case No. 1626/03. Similarly, another accused, Ketanbhai Rameshbhai Maskariya, was arrested, and a chargesheet was filed under Criminal Case No. 4002/03. In this case, all accused persons were arrested under the same Crime Register Number. Therefore, the merits and demerits of this case are identical for all accused. Under these circumstances, taking the evidence of all accused together would serve the purpose of justice. In view of these circumstances, I humbly request that appropriate orders be passed, in the interest of justice, to take the evidence of all accused in the other cases together.

Furthermore, if copies of Criminal Case Nos. 1626/03 and 4002/03 are provided to me, the accused Ketanbhai Kantilal Sheth, I would be able to prepare my defense appropriately under all these circumstances.

Therefore, considering all the aforementioned circumstances, I humbly request, in the interest of justice, that appropriate orders be passed to take the evidence of all accused cases together and to provide me, the accused, with copies of Criminal Case Nos. 1626/03 and 4002/03.

**Place: Surat**

**Date: 05/12/2003**

**Signed/- Illegible**

**Advocate for the Accused**

**Signed/- Illegible**

**Chief Judicial Magistrate, Surat**

**Order Below Application Exhibit No. 9 in Criminal Case No. 168/2003**

The application marked as Exhibit No. 9 was taken up for reading, and arguments were heard from the learned advocate for the accused, Shri Reshamwala, as well as from the learned Additional Public Prosecutor, Shri Vyas.

In this case, the chargesheet documents were provided to the accused on 12/04/2003 under Section 207 of the Criminal Procedure Code (Cr.P.C.), and the learned advocate for the accused has stated that these documents bear the accused's signature. The present application under Exhibit No. 9 seeks copies of the police case documents for Criminal Case Nos. 1626/03 and 4002/03, claiming they are relevant to the accused.

Section 207 of the Cr.P.C. is very clear that the accused must be provided with copies of the chargesheet filed against them and any documents relied upon for the prosecution of the case, as necessary. Such copies have already been provided to the accused, and they bear his signature. However, if the accused's name were included in the supplementary chargesheets for the aforementioned cases, copies would have been provided to him. Since his name is not included in those supplementary chargesheets, there is no basis to provide him with copies of those documents. Furthermore, there is no provision in the Criminal Procedure Code that mandates providing such copies to the accused in these circumstances.

Therefore, this application is rejected.

This order is pronounced today, on the 24th of August, 2005.

Signed/- Illegible

(R.P. Mehta)

Chief Judicial Magistrate, Surat.

**In the Court of Hon'ble Chief Judicial Magistrate, Surat**

Criminal Case No.: 168/2003

Exhibit No.: 10

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

**Humble Application on Behalf of the Accused:**

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for the proceedings in this case. The case is currently at the stage of framing charges. However, as the bail application of another co-accused in this case is pending before the Hon'ble Sessions Court, I humbly request, in the interest of justice, that charges not be framed today.

Surat

Date: 19/12/2003

Signed/- Illegible

Advocate for the Accused

Signed/- Illegible

Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate, Surat****Criminal Case No.: 168/2003****Exhibit No.: 11**

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

**Humble Application on Behalf of the Accused:**

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for the proceedings in this case. The case is currently at the stage of framing charges for all accused along with their chargesheets, to be done together. In this matter, the bail application of another co-accused, Nand Kishor Trivedi, is pending before the Hon'ble Sessions Court, and its hearing is still due. Additionally, it is alleged that a supplementary chargesheet for the co-accused Nand Kishor Trivedi will be presented in this Hon'ble Court in the near future. Therefore, I humbly request, in the interest of justice, that charges not be framed for the accused at present and that an extension be granted for the hearing of the application under Exhibit No. 9.

Surat

Date: 02/01/2004

Signed/- Illegible

Advocate for the Accused

Signed/- Illegible

Chief Judicial Magistrate, Surat

## ORDER

The application was taken up for reading. The learned advocate for the accused was heard. The learned Additional Public Prosecutor was heard. Their submissions were taken into consideration. In this case, whether a chargesheet has been filed against the arrested accused is not the current issue. At this stage, since an extension is sought for the hearing of the application to conduct the cases together, an extension is granted in the interest of justice.

Date: 02/01/04

Signed/- Illegible  
Chief Judicial Magistrate,  
Surat.

**In the Court of Hon'ble Chief Judicial Magistrate, Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 12**

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for the proceedings in this case. In this matter, a supplementary chargesheet concerning another accused has been presented. An application for amalgamation has been filed to frame charges for all accused together along with all supplementary chargesheets, and this application is currently pending before this Hon'ble Court. Additionally, as another co-accused is involved, I humbly request, in the interest of justice, that charges not be framed against me today.

Surat

Date: 29/01/2002

Signed/- Illegible

(Ketan P. Reshamwala)

(Vipul J. Vaivala)

Advocates for the Accused

Signed/- Illegible

Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate, Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 13**

Complainant: State

Versus

Accused: Ketanbhai Kantilal Sheth

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit that I have been arrested in this matter, and a chargesheet has been filed against me in this Hon'ble Court. As per Section 207 of the Criminal Procedure Code, the prosecution is required to provide the accused with copies of all documents on which it relies. However, the chargesheet provided to me does not include the following documents, and I humbly request that copies of these documents be provided to me:

- (1) A copy of the contract note submitted by the complainant.
- (2) Copies of the documents seized by the police from the accused.

Surat

Date: 10/03/2005

Signed/- Illegible

(Ketan P. Reshamwala)

Advocate for the Accused

Order: Fix for hearing

Signed/- Illegible

Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate, Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 14**

Complainant: Shri Government

Versus

Accused: Ketan Kantilal Sheth

Subject: Request for Extension

I, the accused, respectfully submit a humble application that, in this case, investigations regarding other accused persons are ongoing, and the case is outside Surat. In the interest of justice, I humbly request that an extension be granted.

Surat

Date: 13/04/05

Signed/- Illegible

Last date granted.

Sd/- Illegible

13/04/2005

**In the Court of Hon'ble Chief Judicial Magistrate, Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 15**

Complainant: State

Versus

Accused: Ketan Sheth

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for proceedings in this Hon'ble Court. The case is currently at the stage of hearing applications under Exhibit Nos. 9 and 13. However, due to unavoidable circumstances, the hearing of the applications under Exhibit Nos. 9 and 13 cannot take place today. Therefore, I humbly request, in the interest of justice, that an extension be granted for the hearing of these applications and that appropriate orders be passed.

Surat

Date: 02/07/05

Signed/- Illegible

Advocate for the Accused

Granted

Signed/- Illegible

Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate, , Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 16**

Complainant: State

Versus

Accused: Ketan Sheth

Humble Application on Behalf of Accused No. 1:

In the above-referenced case, I, the accused no. 1, respectfully submit that today the case is at the stage of hearing arguments for a discharge application. However, my advocate, Shri [name not specified], is engaged in the Hon'ble Sessions Court, due to which he is unable to appear before Your Hon'ble Court to conduct the hearing of the said application.

Therefore, considering the aforementioned facts, I humbly request that a single extension be granted for today.

Signed/- Illegible

(Shri Mukundray K. Nayak)

(Shri Sanjay M. Desai)

(Shri Manish M. Desai)

(Shrimati Geeta S. Desai)

Advocates for the Accused

Surat, Date: 11/08/2005

Signed/- Illegible

Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate, , Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 17**

Complainant: State

Versus

Accused: Ketanbhai Sheth

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for the proceedings in this case. The case is listed on the board today for framing of charges. However, as the study of certain essential documents remains pending in this matter, I humbly request that an extension be granted for framing the charges.

Date: 30/09/2005

Signed/- Illegible

Advocate for the Accused

Granted for the hearing.

Signed/- Illegible

Chief Judicial Magistrate, Surat

30/09/2005.

**In the Court of Hon'ble Chief Judicial Magistrate, Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 18**

Complainant: State

Versus

Accused: Ketanbhai Kantilal

**Humble Application on Behalf of the Accused:**

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for the proceedings in this case. I am unable to proceed with the hearing for framing of charges today. Therefore, I humbly request that an extension be granted in this matter.

Surat

Date: 18/11/2005

Signed/- Illegible

(Ketan P. Reshamwala)

(Vipul J. Vaivala)

Advocates for the Accused

Accused not presented today from jail custody, so no question of charge-frame.

Recorded

Signed/- Illegible

Chief Judicial Magistrate, Surat

Date: 18/11/2005

**In the Court of Hon'ble Chief Judicial Magistrate, Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 19**

Complainant: State

Versus

Accused: Ketanbhai Kantilal Sheth

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for the proceedings in this case. In this matter, apart from me, other accused persons have also been arrested, and chargesheets have been filed. Therefore, I humbly request that charges be framed for all accused together in this case, and that an extension be granted instead of framing charges at this time.

Surat

Date: 16/11/2005

Signed/- Illegible

(Ketan P. Reshamwala)

(Vipul J. Vaivala)

Advocates for the Accused

Order:

The extension is granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate O, Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 20**

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

**Humble Application on Behalf of the Accused:**

In the above-referenced case, I, the accused, respectfully submit that a supplementary chargesheet has also been filed against other accused in this matter, and the subject matter of the offense is the same. Some of the other accused have not yet been produced before this Hon'ble Court. Under these circumstances, framing charges together for all accused would serve the purpose of justice. Therefore, considering the aforementioned circumstances, I humbly request that appropriate orders be passed in the interest of justice.

Surat

Date: 12/04/2006

Signed/- Illegible  
(Ketan P. Reshamwala)  
(Vipul J. Vaivala)  
Advocates for the Accused

Order:

The application is granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate, Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 21**

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for the proceedings in this case. In this matter, other accused persons have also been arrested, and the chargesheet has not yet been presented in this Hon'ble Court. Therefore, I humbly request, in the interest of justice, that charges be framed for all accused together.

Surat

Date: 09/05/06

Signed/- Illegible

(Ketan P. Reshamwala)

Advocate for the Accused

Order:

The extension is granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate (Chief Court), Surat****Criminal Case No.: 168/2003****Exhibit No.: 22**

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

**Humble Application on Bchalf of the Accused:**

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for the proceedings in this case. The case is currently at the stage of framing charges. In this criminal matter, a supplementary chargesheet has also been filed, and charge framing is still pending in related cases. Additionally, other accused persons in this case have not yet been produced before this Hon'ble Court. Framing charges for all accused together would serve the purpose of justice. Therefore, considering the aforementioned circumstances, I humbly request, in the interest of justice, that an extension be granted today.

Surat

Date: 23/05/2006

Signed/- Illegible  
(Ketan P. Reshamwala)  
(Vipul J. Vaivala)  
Advocates for the Accused

Order:

The extension is granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate, Chief Court, Surat**  
**Criminal Case No.: 168/2003**  
**Exhibit No.: 22**

Complainant: State

Versus

Accused: Ketan K. Sheth

Humble Application on Behalf of the Complainant:

In the above-referenced case, I, on behalf of the complainant, respectfully submit that today is the scheduled date for the proceedings in this case. In this matter, summonses are being served on other accused persons. Additionally, supplementary chargesheets have been filed in this case. In the interest of justice, I humbly request that appropriate orders be passed to frame charges for this accused together with all other accused.

Surat

Date: 30/06/2006

Signed/- Illegible  
Advocate for the Accused  
(Ketan P. Reshamwala)

Order:

The extension is granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate, Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 23**

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for the proceedings in this case. The case is listed on the board. In this matter, a supplementary chargesheet has been filed, and the subject matter therein is the same. Framing charges together for all accused would serve the purpose of justice. Additionally, as the study of essential case-related documents is pending, I humbly request, in the interest of justice, that an extension be granted.

Date: 27/07/06

Signed/- Illegible

Advocate for the Accused

Order:

The extension is granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate , Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 24**

Complainant: State

Versus

Accused: Ketan Kantilal

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit that I am engaged in personal matters in another Hon'ble Court today and am unable to appear in person. Therefore, I humbly request, in the interest of justice, that I be exempted from attendance for today and that appropriate orders be passed.

Surat

Date: 04/09/2006

Signed/- Illegible

(Ketan P. Reshamwala)

(Vipul J. Vaivala)

Advocates for the Accused

Order:

Due to the current situation of flooding in the city, the accused is exempted, and an extension is granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate, Chief Court, Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 25**

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

**Humble Application on Behalf of the Complainant:**

In the above-referenced case, I, on behalf of the complainant, respectfully submit that today is the scheduled date for the proceedings in this case. The accused is ill and under medical treatment, and is therefore unable to appear in person today. I humbly request, in the interest of justice, that the accused be exempted from attendance today and that an extension be granted. We will submit a medical certificate at the next scheduled hearing.

Surat

Date: 16/09/06

Signed/- Illegible  
Advocate for the Accused

Order:

The accused is exempted, and an extension is granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate , Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 26**

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit that I am required to attend the Valsad Court and Valsad Police Station today for another matter. Therefore, I humbly request that I be granted permission to fulfill this attendance obligation for today.

Surat

Date: 30/09/2006

Signed/- Illegible

(Ketan P. Reshamwala)

Advocate for the Accused

Order:

The application is granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate , Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 27**

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for the proceedings in this case. Due to unavoidable circumstances, I am unable to appear in person before Your Hon'ble Court today. I humbly request, in the interest of justice, that I be exempted from attendance today and that an extension be granted.

Surat

Date: 05/01/2007

Signed/- Illegible  
(Ketan P. Reshamwala)  
(Vipul J. Vaivala)  
Advocates for the Accused

Order:

The accused is exempted, and an extension is granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate , Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 27**

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for the proceedings in this case. Due to unavoidable circumstances, I am unable to appear in person before Your Hon'ble Court today. I humbly request, in the interest of justice, that I be exempted from attendance today and that an extension be granted.

Surat

Date: 05/01/2007

Signed/- Illegible

(Ketan P. Reshamwala)

(Vipul J. Vaivala)

Advocates for the Accused

Order:

The accused is exempted, and an extension is granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate , Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 28**

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

**Humble Application on Behalf of the Accused:**

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for the proceedings in this case. The case is currently at the stage of charge framing. However, due to a scheduled court appearance in Mumbai today, I am unable to appear in person before Your Hon'ble Court. Therefore, I humbly request, in the interest of justice, that I be granted an exemption from attendance today and that an extension be provided.

Surat

Date: 14/03/2007

Signed/- Illegible

(Ketan P. Reshamwala)

(Vipul J. Vaivala)

Advocates for the Accused

Order:

The extension is granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate , Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 29**

Complainant: State

Versus

Accused: Ketan K. Sheth

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for the proceedings in this case. The case is currently at the stage of hearing the application for framing charges. However, I am engaged in court matters in Delhi and am unable to appear in person before Your Hon'ble Court due to these circumstances. Therefore, I humbly request that I be exempted from attendance in this matter.

Surat

Date: 16/07/2007

Signed/- Illegible  
(Ketan P. Reshamwala)  
(Vipul J. Vaivala)  
Advocates for the Accused

Order:

The accused's request for exemption from attendance for today is granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat.

**In the Court of Hon'ble Chief Judicial Magistrate, Surat**

**Varachha Police Station I-CR No. 274/2002**

Exhibit No.: 30

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

Application: Regarding discharge under Section 239 of the Criminal Procedure Code

Humble prayer on Behalf of the Accused:

- (1) I, the accused, respectfully submit that a case was registered against me at Varachha Police Station under Varachha Police Station First Crime Register No. 274/2002, under Sections 406, 420, 465, 467, 468, 471, 409, and 114 of the Indian Penal Code. The investigating officer arrested me on 11/10/2002 and thereafter produced me before this Hon'ble Court, obtaining a 10-day police remand. Subsequently, I was again produced before this Hon'ble Court, and the investigating officer filed a chargesheet against me under Criminal Case No. 168/2003 in this Hon'ble Court. I am currently out on bail.
- (2) In this case, upon examining all the documents of the chargesheet filed by the investigating officer against me in this Hon'ble Court, no offense is prima facie established against me. I have filed the present application to be discharged.
- (3) In this case, the complaint was filed at Varachha Police Station by Shri Naineshbhai Arvindbhai, an officer of The Surat Nagrik Sahkari Bank Ltd.  
Part-I (of I-II) CC-100521/2003 IPC Sec. 406, 420, 409, 465, 468, 471, 114 FIR No. 274/2002  
9<sup>th</sup> Addl. Senior Civil Judge & ACJM, Surat, Gujarat, Ketan Kantilal Seth Vs. State of Gujarat

According to the facts of the complaint and the alleged accusations in the chargesheet, all accused, with the intent to deceive from the outset, despite not being authorized to conduct government securities transactions through SEBI, used a forged SEBI certificate, engaged in buying and selling government securities with the complainant bank, provided contracts and other documents for purchasing securities, committed fraud amounting to a total of Rs. 16,09,60,500, misappropriated the amount, created false and valuable documents such as contracts, and used these documents as genuine despite knowing they were forged, thereby committing deceit.

- (4) Upon examining the complaint and the chargesheet documents, the complainant has filed the present complaint against a total of 20 accused, with Home Trade Company Ltd. listed as Accused No. 1, and I am listed as Accused No. 3 in the complaint. Upon examining the complaint, the chargesheet, all documents submitted with the chargesheet, and the witness statements, there is no fact indicating that I gave any assurance or confidence to the complainant bank or any of its officers, or that the complainant bank paid any amount to me based on such assurance.
- (5) Upon examining all the chargesheet documents, it is undisputed that I was only associated with Home Trade Ltd. as an Additional Director. The investigating officer has included all documents and evidence in the chargesheet proving that I was an Additional Director. This clearly shows that I was not a person responsible for the day-to-day business transactions of Home Trade Ltd. I legally resigned from Home Trade Ltd. on 15/05/2001, and my resignation was approved in a meeting of the Board of Directors of Home Trade Ltd. I also informed the Registrar of Companies (ROC) about this matter, and it was recorded in the ROC's register. Therefore, I am not responsible for any transactions of Home Trade Ltd. after 15/05/2001, and all these documents have been included in the chargesheet. Considering this

prima facie, there is no evidence to frame charges against me, and discharging me would serve the purpose of justice.

- (6) Upon examining all chargesheet documents and witness statements in this case, all transactions that took place between the complainant bank and the company prior to 15/05/2001 were fully completed, and all agreements were fulfilled. Upon examining all chargesheet documents and witness statements, the dispute pertains to transactions between the complainant bank and Home Trade Ltd. after I resigned on 15/05/2001. Since I did not hold any position in Home Trade Ltd. after my resignation, I cannot be held responsible for any disputes arising thereafter. No such fact is established from any witness statements, and I humbly request to be discharged. I have included a certified xerox copy of ROC Form No. 32 and a copy of the search report taken by Dhokiya & Associates on 30/09/2002 at the ROC, attached separately with this application.
- (7) Upon examining all chargesheet documents and witness statements, all transactions that took place between the complainant bank and the company were conducted in accordance with the rules and regulations of the Reserve Bank of India (RBI). According to RBI rules and guidelines, it is mandatory for any cooperative bank to invest in securities, and before making such investments, the bank's chairman and responsible directors must obtain quotations from all brokers, pass a resolution in a general meeting of the Board of Directors, and then proceed with the investment. The fact stated in the chargesheet that investments were made at my direction is contrary to documentary evidence and cannot be accepted under RBI rules and regulations. The fact that responsible officers of a cooperative bank would invest based on an individual's instructions is not prima facie credible.

- (8) It is clear from the complaint and chargesheet documents that complaints were filed by the RBI against all directors and officers of the complainant bank for actions contrary to the bank's policies and regulations, and in defense, the directors and the present complainant filed the current complaint against me.
- (9) I am owed approximately Rs. 29 crore by Home Trade Ltd., and cheques were issued in my favor by the company's responsible directors. I have filed a complaint against Home Trade Ltd. in Mumbai under Sections 138 and 141 of the Negotiable Instruments Act, which is currently pending. This also clearly indicates that I have no transactions with the complainant company; rather, I am owed a substantial amount by Home Trade Ltd. Therefore, the fact that I conducted any transactions with the complainant on behalf of Home Trade Ltd. cannot be accepted.
- (10) Regarding the amounts owed to me by Home Trade Ltd., I filed a legal complaint with the Pune Stock Exchange, and the arbitrators issued an award, a copy of which is included with the documentary evidence submitted separately. This also clearly shows that I am owed money by Home Trade Ltd. and am not a responsible person in the company. Considering all the above facts, it is clear that I am owed money by Home Trade Ltd., and the fact that I obtained any benefit or financial gain through Home Trade Ltd. cannot be accepted. Upon examining all chargesheet documents and submitted documentary evidence, no fact is established that I obtained any financial benefit. Therefore, since there is insufficient prima facie evidence to frame charges against me, I humbly request to be discharged.
- (11) After my arrest, a 10-day police remand was obtained, and during this period, the investigating officer searched my office, residence, and all other premises but did not find or seize any incriminating documents from me. This also clearly indicates that I was falsely implicated in this offense. In a case where

an offense is registered based on documentary evidence and a chargesheet is filed, and no evidence linking me is available in the chargesheet, I humbly request to be discharged.

- (12) Regarding the securities, the complainant bank was issued cheques by Accused No. 1, Home Trade Ltd., through its responsible directors for payment, and these cheques, which do not bear my signature, were presented by the complainant bank and returned dishonored. The complainant bank filed a complaint under Section 138 of the Negotiable Instruments Act, which is pending in this Hon'ble Court. Thus, two complaints exist regarding related facts, and under the principle of res judicata, the present complaint cannot be sustained. I humbly request to be discharged.
- (13) Upon examining the facts of the chargesheet filed by the investigating officer and the submitted documentary evidence and witness statements, the alleged incident pertains to events after 15/05/2001. Since I legally resigned from Home Trade Ltd. on 15/05/2001, I cannot be held responsible for transactions after that date. I did not hold any position in Home Trade Ltd. after 15/05/2001 and cannot be held accountable for its business transactions. Considering this fact, I humbly request to be discharged.
- (14) I, Ketan Sheth, have been engaged in the business of buying and selling securities under the names Ketan Sheth & Company and Giltedge Management Services since 1997 and have been granted a legal license by the RBI for this purpose. Between 01/04/2001 and 31/08/2002, my company conducted business transactions worth approximately Rs. 65 crore with the complainant bank, and my company owes no amount to the complainant bank. The investigating officer seized all documents related to the business transactions of my companies, Ketan Sheth & Company and Gilt-edge Management Ltd., but these documents were not included in the chargesheet.

Considering this, there is no prima facie evidence to frame charges against me, and I humbly request to be discharged.

- (15) Regarding the contract notes and cheques given to the complainant bank, I have no knowledge, and I did not sign any contract notes or cheques, nor does the complainant have any such case. Upon examining all chargesheet documents, the primary dispute relates to transactions dated 31/10/2001. Since I resigned on 15/05/2001, I have no knowledge of these contract notes or cheques and cannot be held guilty for them. Under these circumstances, I humbly request to be discharged.
- (16) Upon examining the statements of witnesses Chandrakant Chunilal Shah, Bansilal Mohanlal Fudnawala, Sureshchandra Parsottambhai Patel, Mahendrabhai Nathubhai Katargamwala, Jayantibhai Chhotalal Jariwala, Jayantibhai Ranchhodbhai Gandhi, and Amrutlal Ramsinhbhai Contractor, it is clear from their statements that the disputed securities were to be returned by Accused Nandkishor Trivedi within four to six weeks, based on the trust and assurances he provided.
- (17) All decisions of Home Trade Ltd. were made by Sanjay Agrawal, Nandkishor Trivedi, and Subodh Dayalchand Bhandari, who were informed and responsible directors for the company's day-to-day business transactions. Accused Subodh Dayalchand Bhandari was an authorized signatory of Home Trade Ltd., and Nandkishor Trivedi was the Finance Director.
- (18) Upon examining all chargesheet documents, the dispute concerns securities, and it is evident from the chargesheet documents that a meeting took place between the accused and the bank's directors on 21/02/2002 regarding the disputed securities. However, the submitted documentary evidence indicates that I held a meeting with the complainant company on 19/02/2002 regarding

the purchase of securities, which also clearly proves that I played no part in the alleged offense, and my arrest was wrongful. Therefore, discharging me would serve the purpose of justice.

- (19) Upon examining all the facts of the complaint and the witness statements submitted with the chargesheet, there was a business relationship between the complainant bank and Home Trade Ltd. for the purchase of government securities, and all government securities were delivered to the complainant bank. Thus, it is clear from the complaint's facts that the complainant has raised a false dispute by filing the present complaint.
- (20) According to RBI regulations, government regulations, and prevailing banking rules and regulations, if a bank is to make an investment, it must adopt the quotation system, and investments are made after passing appropriate resolutions. The fact that I gave any assurance or confidence to the complainant bank's officers, based on which they made investments, is not prima facie credible.
- (21) In this case, an offense under IPC Section 406 has been registered against me, and upon examining the provisions of IPC Section 406, it pertains to criminal breach of trust. I was an Additional Director in Home Trade Ltd. for a limited period, and during my directorship, the complainant bank profited from its business transactions with Home Trade Ltd. I have no knowledge of the business transactions alleged in the complaint, and IPC Section 406 cannot be applied against me prima facie.
- (22) In this case, an offense under IPC Section 409 has been registered against me, and upon examining the provisions of IPC Section 409, it pertains to criminal breach of trust by a public servant, banker, agent, or broker. However, I am

neither a public servant, banker, nor agent. Therefore, IPC Section 409 cannot be applied against me prima facie.

- (23) In this case, an offense under IPC Section 420 has been registered against me, and upon examining the provisions of IPC Section 420, it pertains to criminal breach of trust and cheating to unlawfully obtain property or valuable items. Therefore, IPC Section 420 cannot be applied against me prima facie.
- (24) In this case, offenses under IPC Sections 465, 467, 468, and 471 have been registered against me, and upon examining the provisions of these sections, they pertain to forgery, forging valuable securities, and using forged documents. Upon examining all chargesheet documents, there is no fact in the complaint or chargesheet indicating that I created or used any forged documents. Therefore, these sections do not apply to me prima facie, and I request to be discharged.
- (25) In this case, an offense under IPC Section 120(B) has been registered against me, and upon examining the provisions of IPC Section 120(B), it pertains to criminal conspiracy. Upon examining all the facts of the complaint and chargesheet, no details are provided regarding where and when a meeting took place, which accused were present, or what their intent was regarding a criminal conspiracy. Therefore, IPC Section 120(B) cannot be applied against me prima facie.
- (26) Upon examining all the above facts, there is insufficient evidence in the chargesheet to frame charges against me, and I humbly request that an order be passed to discharge me.
- (27) I, the accused, will submit additional points at the time of the hearing if necessary.

Surat

Date: 17/01/2008

Signed/- Illegible  
(Ketan P. Reshamwala)  
Advocate for the Accused

ORDER:

Adjourned for hearing.

Sd/- Illegible

Chief Judicial Magistrate, Surat.

Date: 17/01/2008.

**In the Court of Hon'ble Chief Judicial Magistrate , Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 31**

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for the proceedings in this case. Due to unavoidable circumstances, I am unable to appear in person before Your Hon'ble Court today. Therefore, I humbly request that I be exempted from attendance for today.

There is no dispute regarding the identity of the accused.

Surat

Date: 21/01/2008

Signed/- Illegible  
(Ketan P. Reshamwala)  
(Vipul J. Vaivala)  
Advocates for the Accused

Order:

The accused's request for exemption from attendance for today is granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate, Chief Court, Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 32**

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for the proceedings in this case. Due to unavoidable circumstances, I am unable to appear in person before Your Hon'ble Court today. I humbly request that I be exempted from attendance for today.

There is no dispute regarding the identity of the accused.

Surat

Date: 01/02/08

Signed/- Illegible

(Ketan P. Reshamwala)

Advocate for the Accused

Order:

The accused's request for exemption from attendance for today is granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate, Chief Court, Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 33**

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for the proceedings in this case. Due to unavoidable circumstances, I am unable to appear in person before Your Hon'ble Court today. I humbly request that I be exempted from attendance for today.

There is no dispute regarding the identity of the accused.

Surat

Date: 03/03/08

Signed/- Illegible

(Ketan P. Reshamwala)

(Vipul J. Vaivala)

Advocates for the Accused

Order:

The accused's request for exemption from attendance for today is granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate, Chief Court, Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 34**

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

**Humble Application on Behalf of the Accused:**

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for the proceedings in this case. The case is currently at the stage of hearing discharge applications filed by other accused persons. However, I am engaged in important business matters in Mumbai and am unable to appear in person before this Hon'ble Court due to these circumstances. Therefore, I humbly request that I be granted an exemption from attendance for today.

Surat

Date: 25/06/2008

Signed/- Illegible  
(Ketan P. Reshamwala)  
(Vipul J. Vaivala)  
Advocates for the Accused

Order:

The application is granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate, Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 35**

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for the proceedings in this case. Due to unavoidable circumstances, I am unable to appear in person before Your Hon'ble Court today. I humbly request that I be exempted from attendance for today.

Surat

Date: 04/10/2008

Signed/- Illegible

(Ketan P. Reshamwala)

Advocate for the Accused

Order:

Exemption for today is granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

**Advocate Letter**

Rajendra K. Bhajiwala

B.H.C., LL.B., Advocate

Office: 202, Naysar Building, Second  
Floor, Opposite Parsi Library,  
Rustampura, Surat.

Phone (Office): 8355357

Exhibit No.: 36

In the Court of Hon'ble Chief Judicial Magistrate, Chief Court, Surat

Criminal Case No.: 168/2003

Complainant: State

Versus

Accused: Ketanbhai Kantilal Sheth

I, the undersigned Naineshbhai Arvindbhai Chitaniya, residing at Surat, officer of Surat Nagrik Sahkari Bank Ltd., Varachha Road, Surat, the original complainant in the above-referenced case, hereby appoint the following advocates to represent me in the aforementioned case bearing the above number before this Hon'ble Court:

I authorize Advocate Shri R.K. Bhajiwala and Shri Jatin J. Gandhi to act on my behalf as my advocates, to conduct all proceedings in the case, to refer the matter to arbitration, to settle or compromise, to withdraw the case, to submit or receive documents on my behalf, to obtain copies of court orders or judgments, to sign on my behalf as necessary for all such matters, and, if required for convenience or due to

being engaged elsewhere, to transfer the case to another advocate to continue the proceedings. All actions and proceedings undertaken by them as my advocates shall be acceptable, binding, and obligatory upon me.

I declare that:

- (1) I have not engaged any other advocate prior to appointing Shri R.K. Bhajiwala, and if any advocate was previously engaged, they have been discharged.
- (2) I will not engage any other advocate without the written consent of Shri R.K. Bhajiwala.
- (3) If I engage another advocate without their consent, Shri R.K. Bhajiwala shall not be bound to appear on my behalf in the case.
- (4) I will remain present at every hearing to provide instructions, and it shall be my responsibility to obtain the dates of hearings.
- (5) If I fail to appear on hearing dates or fail to provide instructions, I shall be responsible for any consequences arising therefrom.

In case of such failure on my part, my advocate, Shri R.K. Bhajiwala, shall be entitled, at their discretion, to withdraw from the case without notice and without any responsibility.

Signed

(Signature/- Illegible)

Accepted

(Signature/- Illegible)

Advocate for the Complainant

Surat

Date: 04/10/2008

**In the Court of Hon'ble Chief Judicial Magistrate, Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 37**

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

**Humble Application on Behalf of the Accused:**

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for the proceedings in this case. Due to unavoidable circumstances, I am unable to appear in person before Your Hon'ble Court today. I humbly request that I be exempted from attendance for today.

There is no dispute regarding the identity of the accused.

Surat

Date: 04/11/08

Signed/- Illegible

(Ketan P. Reshamwala)

Advocate for the Accused

Order:

Exemption for today is granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate, Chief Court, Surat**  
**Criminal Case No.: 168/2003**  
**Exhibit No.: 38**

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for the proceedings in this case. Due to unavoidable circumstances, I am unable to appear in person before Your Hon'ble Court today. I humbly request that I be exempted from attendance for today.

Surat

Date: 03/02/09

Signed/- Illegible

(Ketan P. Reshamwala)

(Vipul J. Vaivala)

Advocates for the Accused

Order:

Exemption for today is granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

**The Hon'ble Additional Chief Judicial Magistrate, Surat**

**Criminal Case No.: 100521/2003**

**Exhibit No.: 39**

Complainant: State

Versus

Accused: Ketan Sheth

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for the proceedings in this Hon'ble Court. I am present before this Hon'ble Court today. Due to a misunderstanding regarding the date, I was unable to appear before this Hon'ble Court on the previous hearing date, and an order was issued by this Hon'ble Court to issue a warrant against me. As I am present before this Hon'ble Court today, I humbly request, in the interest of justice, that the warrant issued against me be cancelled.

Surat

Date: 20/01/2018

Signed/- Illegible

(Ketan P. Reshamwala)

(Vipul J. Vaivala)

Advocates for the Accused

ORDER:

The reply of the accused is not sufficient. But the accused will pay Rs. 350/-, and the warrant is cancelled.

Sd/- Illegible

20/01/2009

8<sup>th</sup> Addl. Sr. Civil Judge & ACJM, Surat.

Cash Amount Received of Fine / Penalty for Rs. 350/- by Receipt no. 17055.

Date: 20/01/2018.

Nazir

Chief Court,

Surat.

**In the Court of Hon'ble Chief Judicial Magistrate, Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 39**

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for the proceedings in this case. Due to unavoidable circumstances, I am unable to appear in person before Your Hon'ble Court today. I humbly request that I be exempted from attendance for today.

Surat

Date: 21/03/2009

Signed/- Illegible

(Ketan P. Reshamwala)

Advocate for the Accused

Order:

The application is granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

**The Hon'ble Additional Chief Judicial Magistrate, Surat**

**Criminal Case No.: 100521/2003**

**Exhibit No.: 40**

Complainant: State

Versus

Accused: Ketanbhai Sheth

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit that due to unavoidable circumstances, I am unable to appear before Your Hon'ble Court today. For this reason, I humbly request that I be exempted from attendance in this matter.

Surat

Date: 20/01/2018

Signed/- Illegible

(Ketan P. Reshamwala)

(Vipul J. Vaivala)

Advocates for the Accused

**In the Court of Hon'ble Chief Judicial Magistrate, Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 40**

**Complainant/Appellant: State Government**

**Versus**

**Accused/Respondent: Ketan Kantilal Sheth**

**Humble Application on Behalf of the Original Complainant:**

In the above-referenced case, I, on behalf of the original complainant, respectfully submit that today is the scheduled date for the proceedings in Your Hon'ble Court. The written reply to the accused's discharge application has not yet been prepared. Therefore, I humbly request, in the interest of justice, that an extension be granted in this matter.

Surat

Date: 21/03/2009

Signed/- Illegible

(K.J. Gandhi)

Advocate for the Complainant

Order:

The application is granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

IN THE COURT OF 8<sup>th</sup> ADDL. SR.CIVIL AND ACJM JUDGE,  
SURAT AT SURAT

Varachha Police Station I Cr.No. 274 OF 2002  
Criminal Case no.100521 of 2003

Complainant : The State of Gujarat

Versus

Accused : Ketan Kantilal Sheth

WRITTEN SUBMISSIONS ON BEHALF OF THE ACCUSED/APPLICANT

THE APPLICANT MOST RESPECTFULLY SHEWETH:

1. The applicant has filed an application U/s 239 of Code of Criminal Procedure Code to discharge from the FIR and Chargesheet.
2. The brief fact of this case is that the original complainant Mr. Nainesh Arvindbhai Chitaniya, the authorized officer of The Surat Nagrik Sahakari Bank, filed a complaint in Varachha Police Station against the APPLICANT and other accused. The complaint was filed against 20 accused in total, wherein Hometrade Company limited is made as accused no.1 (also hereinafter referred to as "Company") and the APPLICANT herein is made as accused no.2 in the complaint. According to the alleged offence in the complaint, all the accused were having the ulterior motive to cheat the complainant as none of the accused were authorized to make any kind of business transactions of Govt. securities in SEBI, still the accused made false certificate of SEBI and wrongly entered into contract with the complainant bank. As alleged by the Complainant, the accused knowingly used these forged, bogus documents and certificates as genuine, and dealt with purchase and sale of the Govt. securities with the Complainant bank and dishonestly received amount of Rs.16,09,60,500/-. Criminal



*for  
with  
25/07/2018*

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case no.274 of 2002 was registered against the APPLICANT under section 406,420,409,465,467,468,471,114 of Indian penal Code. On the basis of the complaint the Police officers of Varachha Police Station arrested the APPLICANT on 02/07/2003. The police investigated the case and in the result of investigation the police filed a charge-sheet with afore-stated sections against the APPLICANTS before the Hon'ble Chief Judicial Magistrate, Surat, wherefrom the APPLICANT is on bail. There are no such documents or evidences placed on record before the Hon'ble Chief Judicial Magistrate as afore-stated in the Chargesheet to constitute offence under sections 406,420,409,465,467,468,471,114 of IPC against the APPLICANT, in view of the aforesaid shortcomings the APPLICANT filed a discharge application under section 239 of Cr.P.C.

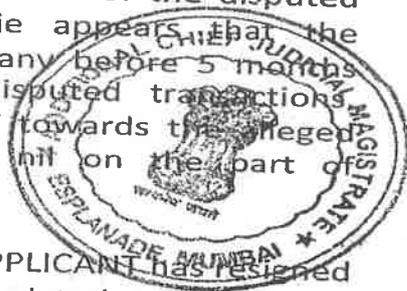
3. That the APPLICANT hereby reiterates the fact that if the Charge sheet as well as other documentary evidence placed on record, by the police officer of Varachha Police station, are taken into consideration, there are no such documents or evidences placed on record before the Hon'ble Chief Judicial Magistrate as afore-stated in the Charge sheet to constitute offence under sections 420,465,467,468,471,114 of IPC against the APPLICANT. Prima-facie, the present case is of total absence of requisite evidences in support of the averments made by the Complainant against the APPLICANT in the complaint as well as Charge sheet. There did not exist even a single document or evidence to substantiate the allegations made in the FIR or Charge-sheet against the APPLICANT.

4. That it is pertinent to note that the APPLICANT was an additional director of the Hometrade company limited and had resigned from the said post on dated 15/05/2001. The said resignation was accepted by the Board of director and the resolution passed by the Board of directors is been annexed herewith no. 1. The APPLICANT completed all the legal procedure and formalities of ROC also. Further the APPLICANT filed form 32 and submitted it to the ROC and the same I hereby annexed as 2. Legally the APPLICANT ceased to be a Director of the company from 15/05/2001, therefore, he was not responsible in any manner for what

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had happened in the company after he had resigned as a Director of the company. As once a director resigns from his post and all statutory compliances are done in respect to the resignation with the concerned authorities, the liability of the resigned director towards the company comes to an end.

5. That it is pertinent to note that the applicant was the Director of the company w.e.f. 15/01/2001 by his resignation, which fact was also recorded in the Statutory Form 32 filed before the Registrar of Companies. The complaint itself expressly stated that all the transactions which took place in between the hometrade company ltd and complainant bank before dated 15.05.2001 was cleared on time and complainant bank has received their Govt. securities too. The complaint itself expressly states that the offence had taken place only thereafter and in fact the FIR, supported by charge sheet with evidence, expressly stated that the occurrence of offence was between 06.08.2001 and 06.12.2001. At that stage, the APPLICANT had admittedly ceased to be a Director of the company and was not even connected with the company in any manner at the time when the alleged offence was committed and cannot be prosecuted in respect of such acts of the company. . If Hon'ble court consider the time duration of the disputed business transactions, it prima-facie appears that the APPLICANT resigned from the company before 5 months from the occurrence of alleged disputed transactions. Therefore the liability of APPLICANT towards the alleged disputed business transactions are nil on the part of APPLICANT.



6. That it is pertinent to note that The APPLICANT has resigned from his post of additional director on dated 15.05.2001, in the support of the said fact the APPLICANT herewith attached **Form 32 as annexure 2**. Even more the APPLICANT has taken private search report from the Dholakia and associates on 30/09/2002 regarding the position of the directors of the company from the incorporation of the said company. Wherein Dholakia and associates submitted the report that the APPLICANT has resigned from his post of additional director on dated 15/05/2001. The copy of search report herewith attached as **annexure 3**. It is pertinent to note that legally any kind of case whether civil

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or criminal nature, can be filed only against the company, presiding directors, authorized and responsible person who are in charge for the conduct of the said company at the time of commission of the offences. The resigned directors cannot be held responsible for the company's act merely because a person holds earlier a particular post in a corporate body and mere such alleged contention in the complaint would not be sufficient to implicate the resigned Director in an alleged crime under the Indian Penal Code. It is settled proposition of law that in respect of offence punishable under the Indian Penal Code, the prosecution is to show a prima facie case specifically participation of a particular accused person in the alleged offence. It must be evident prima facie that the accused was in-charge of and responsible to the company for running of its day to day affairs.

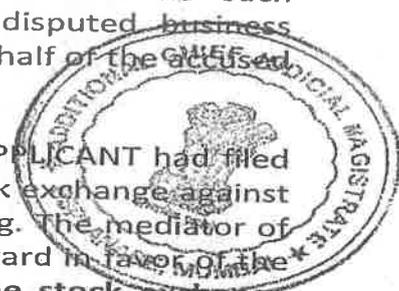
7. Further, all the transactions made in between the complainant bank and accused no.1 Hometrade company ltd. has taken place by following rules and regulations made by RBI. It is mandatory for all co-operative banks to invest into the Govt. securities as per the rules and regulations of the RBI and guidelines declared by the RBI. To invest in to the Govt. securities, chair-man and Directors of the co-operative bank has to call for the quotation from authorized brokers and has to call board meeting and pass the board resolution for the purchase or sale transaction. Only after completion of these procedures and after necessary resolutions for approval of such transaction being passed by board of directors, any of the co-operative bank becomes legally eligible to purchase Govt. securities. Therefore, the complainant bank purchased Govt. securities on believing upon the words of the APPLICANT, is not acceptable by prudent mind of anyone. All the directors of complainant bank are well experienced and followed guidelines of RBI while purchasing Govt. securities from the accused as per the complaint and evidence annexed with the charge sheet. **The accused no.1 hometrade company ltd. is authorized company to deal with Govt. securities and the certificate by RBI is annexed herewith no. 4.**
8. That the RBI had filed a complaint against the complainant bank and all directors of complainant bank as well as chartered accountant and other officers of the bank for

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breach of rules and regulations and guidelines of RBI and siphoning the funds of the bank, the same case is pending before the hon'ble chief judicial magistrate at Surat. Prima-facie it appears the mala fide intention of complainant, that in order to take shelter of law in the case filed by RBI and create some false evidence the complainant filed criminal complaint against the said accused to escape from their liability.

9. It is also pertinent to note that the APPLICANT and his own companies have legal outstanding of Rs.29 crores from the accused no.1 Hometrade company ltd., for which director of accused no.1 Hometrade company ltd. issued cheques in favor of the APPLICANT and the same was dishonored. The APPLICANT filed a criminal case under section 138 and 141 of negotiable instrument act against the accused no.1 company, all directors and all authorized person of accused no.1 of Hometrade company ltd. at Mumbai court, which is still pending. The APPLICANT is having legal outstanding from the accused no.1. Therefore it is very much obvious and clear that the APPLICANT was not in collusion with the accused no.1 or with any of other accused. By considering the above mentioned circumstances, there is no such possibility that APPLICANT made any disputed business transaction with complainant bank on behalf of the accused no.1 even before or after his resignation.

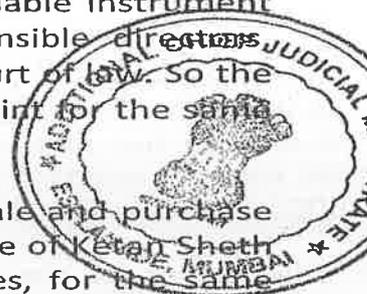
10. It is also pertinent to note that the APPLICANT had filed arbitration petition before the Pune stock exchange against the accused no.1 for his legal outstanding. The mediator of Pune stock exchange pronounced the award in favor of the APPLICANT. **The copy of award by Pune stock exchange herewith annexed no. 5.** It is clearly shows that the APPLICANT is having huge amount of legal outstanding from the accused no.1. Hence, the APPLICANT is not authorized or responsible person of the accused no.1 company, even the APPLICANT has no awareness regarding the commission of said alleged offence as he resigned from the post of additional director during the commission of the said alleged offence. Moreover, after considering the evidence annexed with the charge sheet, the APPLICANT has not gain any profit from the said disputed transactions. After considering the materials placed on record with the charge



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sheet, prima-facie case even does not build up to frame any charge also against the APPLICANT.

11. That the APPLICANT was arrested by the investigation officers and granted remand of 10 days from the competent court. During the remand duration, investigation officers searched and investigated at home and office of the APPLICANT, but they did not find or recovered anything offensive or forged documents. The above mentioned circumstances clearly shows that there is not enough evidence against the APPLICANT which is important to frame charge against the APPLICANT, though the investigation officer negligently invoked the APPLICANT as an accused and filed charge sheet.
12. It is pertinent to note that the cheques issued by the accused no.1 Hometrade company ltd. in against of the securities in favor of complainant bank, has not been signed by the APPLICANT even the APPLICANT is unaware for this deal. The cheques deposited through the complainant bank to recover their money, has been issued by the accused no.1 and the complainant bank has already filled a complaint under section 138 of the negotiable instrument act against the accused no.1 and responsible directors which is pending before the competent court of law. So the complainant has filed two different complaint for the same matter.
13. The APPLICANT is running business of sale and purchase of Govt. securities since 1993 with the name of Ketan Sheth and Co. and Gilteage management services, for the same the APPLICANT is having license from the Reserve Bank of India. The above mentioned firm of APPLICANT has done business with complainant bank worth Rs. 65 crores approx., and all transaction's payments are cleared and undisputed. The above mentioned firm of the APPLICANT and the complainant bank is having no due left to be paid. All the relevant documents have been recovered by the investigation officers. But in collusion with the complainant bank, investigation officer has not placed those important documentary evidences found in favor of the APPLICANT with the charge sheet on record. The bona fide act of the APPLICANT clearly shown from the statements kept with charge sheet.



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14. That the Complainant is having main issue with the contract note in the said complaint. The contract note submitted after whole investigation is of during dated 06.08.2001 to 06.12.2001. now the question is who signed these contract notes? the investigation officer has not bothered to investigate. The APPLICANT has never signed the said disputed contract notes nor he issued those contract notes, As the APPLICANT had resigned from post of additional director from the accused company on dated 15.05.2001, practically and legally the APPLICANT is liable nor responsible for the offence committed after his resignation.
15. It is pertinent to note that the charges framed against the APPLICANT in the charge sheet under various sections of IPC. That the investigation officer has filed a charge sheet against the APPLICANT for the offence under section 406 of IPC. The provision mentioned under section 406 of IPC is about the criminal breach of trust. The APPLICANT was additional director for very short span of duration. All the business transaction placed in between complainant bank and accused no.1 hometrade company ltd was fully completed without even a single dispute when the APPLICANT was addl. Director of accused company. Further if we go through the documents placed on record with the charge sheet, the complainant bank has no disputes for the said transactions during the tenure of the APPLICANT as an additional director of the company, even the complainant bank gain profit from the said business transactions. Therefore the APPLICANT cannot be prima-facie involved for the offence U/S 406 of IPC. Therefore the said section 406 is not applicable upon the APPLICANT.
16. Furthermore, the investigation officer has filled a charge sheet against the APPLICANT for the offence U/S 409 of IPC and the provision contend criminal breach of trust by public servant, or by banker, merchant or agent. The APPLICANT was not public servant, nor banker, nor merchant, nor agent at the time of alleged offence committed. Therefore the said section 409 is not applicable upon the APPLICANT.
17. Furthermore, the investigation officer has filed a charge sheet against the APPLICANT for the offence U/S 420 of IPC and the provision contend cheating and dishonestly

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inducing delivery of property from any person. The complainant bank made all the transaction by following RBI rules and regulation. The complainant bank had verified all the documents before initiating the disputed business transaction. Therefore it cannot be accepted by any prudent mind that the complainant bank can be induced by mere words of the APPLICANT. The most important already explained by the APPLICANT that at the time of said disputed transaction the APPLICANT had already resigned from his post of additional director before long span of time. Therefore the said section 420 is not applicable upon the APPLICANT.

18. Furthermore, the investigation officer has filled charge sheet against the APPLICANT for the offence U/s 465, 467, 468, 471 of IPC and the provision contend forgery of valuable securities, court or public registers with intent to cheat any one and to use the forged documents as genuine. If this Hon'ble Court go through the evidences placed on record with charge sheet, prima-facie the APPLICANT has not made single forged document nor used any forged document as genuine. Also there is no question of forging of documents as during the disputed business transaction period the APPLICANT was no more holding the position of additional director nor was responsible for any such conduct of the Company after resignation. Therefore the said section 465, 467, 468, 471 are not applicable upon the APPLICANT.

19. Lastly the investigation officer has filled a charge sheet against the APPLICANT for the offence U/s 114 of IPC and the provision contents presence during commission of offence. The APPLICANT was not part of the accused company while the said offence was committed as he had already resigned from the said post of additional director. After considering the statements, evidences placed on record with charge sheet, where, how and when all the accused planned the said conspiracy is not came out yet. The complainant bank intentionally involved the APPLICANT with false allegations only because the APPLICANT was ex-addl. director of accused company and the complainant bank wants to take shelter of law in its other case which is filed by RBI against them. Therefore the said section 114 of IPC is not applicable upon the APPLICANT.

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20. The APPLICANT herein humbly prays to this hon'ble court that taking into consideration the totality of the facts and circumstances, in the present case prosecution has not been able to make out a prima facie case or any material on record to connect the APPLICANT with the alleged offences under the Indian Penal Code in the complaint and charge sheet, therefore all the proceedings against the applicant in Cr. no.274 of 2002 registered at Varachha Police Station need to be discharged.

Surat

Date : 15/02/2018  
17/02/2018.

Advocate for APPLICANT

Present by  
me.  
P. R. Shekani  
Adv.

For hearing

8/5/18  
17/2/18



In the Court of Hon'ble Chief Judicial Magistrate, Surat

Criminal Case No.: 168/2003

73/04

Exhibit No.: 42

Complainant: Shri Government

Versus

Accused: Ketan Kantilal Sheth

Humble Application on Behalf of the Government:

In the above-referenced case, I, on behalf of the government, respectfully submit that today's proceedings are scheduled for the hearing of the accused's discharge application. However, the study of the chargesheet documents on behalf of the government remains pending, and therefore, it is not possible to proceed with the hearing today. In the interest of justice, I humbly request that an extension be granted for the hearing.

Surat

Date: 04/08/09

Signed/- Illegible

On Behalf of the Government

Order:

Granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

IN THE COURT OF 9th ADDL. SR.CIVIL AND ACJM JUDGE,  
SURAT AT SURAT

Varachha Police Station I Cr.No. 274 OF 2002  
Criminal Case no.100521 of 2003

Complainant : The State of Gujarat

Versus

Accused : Ketan Kantilal Sheth

The Documents annexed vide list as below in support of written submissions;

Serial no.	Descriptions
1	Board resolution
2	Form - 32
3	Search report by Dholakia & Associates {Company Secretaries}
4	Letter from RBI and SEBI certificate in favor of Accused no.1
5	RBI certificates
6	Application and award copy of Pune Stock Exchange Ltd.

Surat

Date: 15/02/2018  
17/02/2018.

Advocate for APPLICANT



Received  
8/5/18

TRUE COPY

7  
215

CERTIFIED TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF THE COMPANY HELD AT TOWER 3, 5<sup>TH</sup> FLOOR, INTERNATIONAL INFOTECH PARK, VASHI, NAVI MUMBAI - 400 703 ON MAY 15, 2001.

"RESOLVED THAT the resignation of Shri Ketan Sheth from the Board be accepted with immediate effect and that the Board of Directors places on record its sincere appreciation for the valuable services rendered by him to the Board and to the Company as a Director of the Company.

RESOLVED FURTHER THAT a copy of the aforesaid resolution be sent to Shri Ketan Sheth."

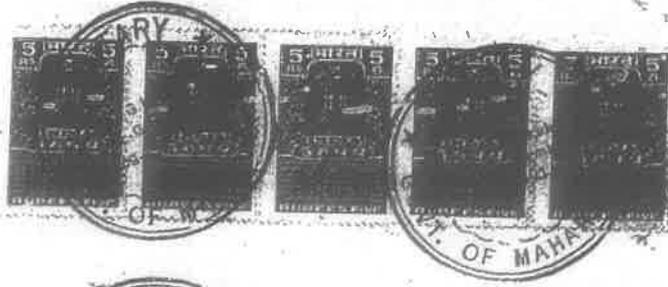
For Home Trade Limited

*[Signature]*  
Director



home trade ltd.  
Tower 3, 5th Floor,  
Vashi Rly. Station Complex,  
Navi Mumbai - 400 703,  
Tel: (91-22) 781 2441-44  
Fax: (91-22) 781 2548





NOTED & REGISTERED  
Sr. No. 1197/5 / 2002  
Dated 10/7/02

TRUE COPY  
ATTESTED BY ME

G. H. SHUKLA  
NOTARY GR. MUMBAI,  
10 JUL 2002

VERIFIED BY

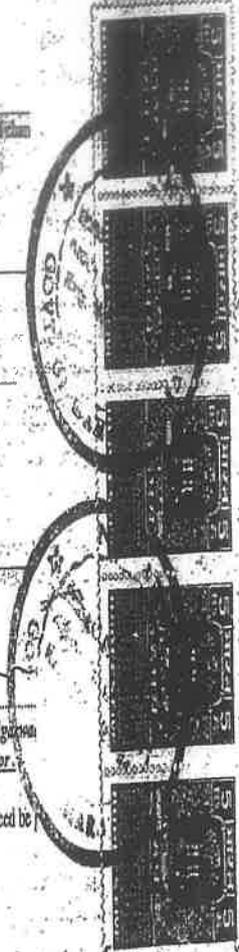
*Bimal*

B. M. AGARWAL  
B. Com., LL.B.,  
Advocate High Court,  
Esplanade Court,  
Bombay 400 001,





TRUE COPY  
TESTED BY ME  
A. H. SHUKLA  
4 JUN 2002



B. [Redacted]					
C. [Redacted]					
1	2	3	4	5	6

Dated the 11<sup>th</sup> day of June, 2001.

Signature  
(Staying Agent)  
Designation: Director

Notes: (1) For the purposes of this form, particulars of a person appointed as manager within the meaning of section 2(24) of the Companies Act, 1956 need be  
(2) A note of change as also the cause of change e.g. by death, resignation, removal, disqualification, etc. should be stated in column 6.

(3)  
249

**REPORT OF THE SEARCH TAKEN AT THE OFFICE OF THE REGISTRAR OF COMPANIES, MAHARASHTRA AT PUNE ON 30<sup>th</sup> SEPTEMBER, 2002.**

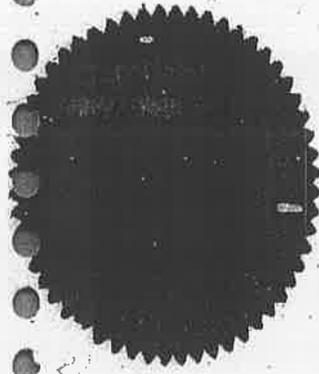
On the basis of the documents available to us at the time of inspection we furnish the information as under:

- 4. Name of the Company : HOME TRADE LIMITED.
- 5. Registration No. : 25- 14018 of 1993.
- 6. Date of Incorporation. : 27<sup>th</sup> May, 1993.
- 7. Registered Office : 124 A, Sohrab Hall  
21, Sasoon Road,  
Pune - 411 001.  
(As per Annual Return dated 29.09.01)

DEPARTMENT OF COMPANY AFFAIRS  
ROC CASH COUNTER RECEIPT  
OFFICE OF THE REGISTRAR OF COMPANIES  
MAHARASHTRA, PUNE

REC. NO. : 95972 REG. NO. : 25-14018 (Change)

TYPE OF DOCUMENT	MODE OF PAYMENT	DATE OF DOCUMENT	AMOUNT RS.
INSPECTION	CASH		50
TOTAL			
N: NORMAL FEE		A: ADDITIONAL FEE	
COMPUTER SUPPORT BY INDUSTRY DIVISION N.I.C.			



B. V. DHOLAKIA  
A.L.L.B., C.A., F.C.S.

263

**DHOLAKIA  
& ASSOCIATES**  
COMPANY SECRETARIES

**SEARCH REPORT**

**REPORT OF THE SEARCH TAKEN AT THE OFFICE OF THE REGISTRAR  
OF COMPANIES, MAHARASHTRA AT PUNE ON 30<sup>th</sup> SEPTEMBER, 2002.**

On the basis of the documents available to us at the time of  
inspection we furnish the information as under:

1. Name of the Company : HOME TRADE LIMITED.
2. Registration No. : 25- 14018 of 1993.
3. Date of Incorporation : 27<sup>th</sup> May, 1993.
4. Registered Office :  
124 A, Sohrab Hall  
21, Saseon Road,  
Pune - 411 001.  
(As per Annual Return dated 29.09.01)

5. **Details of Authorised Share capital**  
(As per Annual Return dated 29.09.01)

Sr. No.	No. of Shares of Rs. 2/- Each	Description of Shares	Amount
1	150000000	Equity	30,00,00,000

**Details of Paid-up Share Capital**  
(As per Annual Return dated 29.09.01)

Sr. No.	No of Equity OF Rs.2/- Each.	Description of Shares	Amount
1	119805000	Equity	23,96,10,000



Kantilal &amp; Associates

continue sheet...

-2-

**7. Details of Directors**  
(As per Annual Return dated 29.09.01)

Sr.No	Name & Address	Date of Appointment	Date Of Resignation
	Mr. Ketan Seth Lalit kutir, off North South Road, No-4, JVPD, Mumbai - 400049.	19.01.00	15.05.01
	Mr. Sanjay Agarwal Juhu Shallmar C.H.S, Gulmahor Road No 10, Juhu, Mumbai - 400040.	26.07.94	-----
3	Mr. NanadKishore Trivedi "Fushpam". 3 <sup>rd</sup> Floor, Flat No 3A, 6 Khandubhal Desai Road, Vife Parle (W), Mumbai - 400 056.	19.01.00	-----
4	Mr. Manoj Shah (Mike) 3 Bellary Road RMV EXTN., Banglore, Karnataka- 560080.	01.01.00	-----
5	Mr. Dhanjay Agarwal C/o 143- A Mittal Court, Nariman Point. Mumbai - 400 021.	14.01.99	-----
6	Mr. Alan Mcmillan 785 Castro Street, Mountain View, CA USA- 94091.	17.02.00	-----
7	Mr. Russel Boekanhroeger Timber Hill Etrace 2, Lynnfield MA 01940 USA	17.02.00	-----
8	Mr. Vijaykumar Modi A/203, Bollvalli Amlta CHS Ltd, Kulupwadi Road, Borivalli (E), Mumbai - 400 066.	15.05.01	-----
	Mr. Salil Gandhi	15.05.01	-----



Dholakia & Associates

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continue sheet...

	A-II/13, Gold Cohn CHS, Tardeo, Mumbai - 400 066.		
10	Mr. Shashank Raniade 3/1, Radhakrishnanivas, Grd. Floor, Dagadiwadi, S.k. Bole Road, Dadar(w), Mumbai- 400 028.	15.05.01	



Place : Mumbai.  
Date : 30<sup>th</sup> September, 2002.

For Dholakia & Associates,  
(Company Secretaries)  
*[Signature]*  
Dholakia  
Proprietor

*[Signature]*  
MUTAVALLI GULAM MOHIUDDIN  
B.Com., L.L.B.  
ADVOCATE HIGH COURT,  
Bombay Municipal Colony, Block No. 4, Flat No. 1009,  
Marve Road (West), MUMBAI-400 095.



TRUE COPY  
ATTESTED BY ME  
*[Signature]*  
G. H. SHUKLA  
NOTARY GR. MUMBAI

11 NOV 2002



बैंक दिवसी में जो कार्यालय का सम्बन्ध करता है।

} "रिजर्विस्ट"  
 } मुंबई  
 } "RESERVIST"  
 } MUMBAI.  
 TELEX | TIBI 011 2155  
 | CURRENCY 011 2310  
 TELEPHONE : 266 0500

भारतीय रिजर्व बैंक

पोस्ट बॉक्स नं. 901,  
मुंबई - 400 001.

RESERVE BANK OF INDIA  
POST BOX NO. 901.  
MUMBAI - 400 001.

130/19.01.02/18-4, /2002-03  
7 October 2002

PUBLIC DEBT OFFICE

Shri K.B. Belc  
Deputy Superintendent of Police  
State CID (Crime)  
Nagpur.

Dear Sir:

Investigation of Cr. No.101/02 U/S.  
306,409,468,34, IPC of Ganeshpejh  
Police Station, Nagpur, (Home Trade  
Co. Ltd. fraud cases)

Please refer to your letter No.CID/Crime/NAG/100111/02 dated 21<sup>st</sup> September 2002 on the above subject. We confirm that M/s. Home Trade Ltd. is registered in our books for their dealing in Government Securities vide registration No.6-1/82. We forward herewith statements showing the transactions undertaken by them in Government Securities (Stock Certificates) during the period April 1997 to September 2002 as per their present holding in Government Securities (Stock Certificates) as per our records. While we presume that the information will be sufficient for purpose of your investigation, we shall be happy to provide any additional information/clarification if required.

Yours faithfully

*(Signature)*

(S. K. Mishra)  
Assistant General Manager







भारतीय रिज़र्व बैंक

गैर-बैंकिंग पर्यवेक्षण विभाग

मुंबई क्षेत्रीय कार्यालय

RESERVE BANK OF INDIA  
DEPARTMENT OF NON-BANKING SUPERVISION  
MUMBAI REGIONAL OFFICE

Non-Deposit



Taking Company

पंजीकरण प्रमाण पत्र

**CERTIFICATE OF REGISTRATION**

संख्या

No.

13.00694

भारतीय रिज़र्व बैंक अधिनियम, 1934 की धारा 45 आई ए के द्वारा भारतीय रिज़र्व बैंक को प्रदत्त शक्तियों का प्रयोग करते हुए

गिल्टेज्ड मैनेजमेंट सर्विसेस लि. को

गैर-बैंकिंग विधीय संस्था का कारोबार ~~मान्य~~ करने / करते रहने के लिए दूसरी तरफ दी गयी शर्तों पर यह

पंजीकरण प्रमाण पत्र

जारी किया गया।

In exercise of the powers conferred on the Reserve Bank of India by Section 45 IA of the Reserve Bank of India Act, 1934

**GILTEDGE MANAGEMENT SERVICES LTD.**

is hereby granted

**Certificate of Registration**

to ~~carry on the business~~ carry on the business of non-banking financial institution subject to the conditions given on the reverse.

वर्ष एक हजार नौ सौ अठानवे के अप्रैल महीने के बीसवे दिन आज मुंबई में मेरे हस्ताक्षर के अधीन जारी किया गया।

Given under my hand

at Mumbai this Twentieth day of the month of April  
in the year One Thousand Nine Hundred Ninety Eight.



*R. Sadanandam*

(R. Sadanandam)

(महाप्रबंधक / उप महाप्रबंधक)

General Manager / Deputy General Manager



06827

स्टाक दलाल

प्रारूप D  
FORM D

STOCK BROKER

भारतीय प्रतिभूति और विनियम बोर्ड  
SECURITIES AND EXCHANGE BOARD OF INDIA

(स्टाक दलाल और उप-दलाल) विनियम, 1992  
(STOCK BROKERS AND SUB-BROKERS) REGULATIONS, 1992

0011892

(विनियम 6)  
(Regulation 6)

रजिस्ट्रीकरण का प्रमाणपत्र  
CERTIFICATE OF REGISTRATION

बोर्ड, भारतीय प्रतिभूति और विनियम बोर्ड अधिनियम, 1992 के अधीन बनाये गये नियमों और विनियमों के साथ पठित, उस की धारा 12 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए,  
In exercise of the powers conferred by sub-section (1) of section 12 of the Securities and Exchange Board of India Act, 1992 read with the rules and regulations made thereunder, the Board hereby grants a certificate of registration to

KSC SECURITIES LTD.  
TRADE NAME: KSC SECURITIES LTD.  
11, NAFEE'S CHAMBERS,  
121/123, MODI STREET,  
FORT,  
MUMBAI 400001

Member Of \*\*\* PUNE STOCK EXCHANGE \*\*\*

स्टाक एक्सचेंज (जों) के सदस्य को

स्टाक दलाल के रूप में प्रतिभूतियों का क्रय विक्रय अथवा उनमें व्यवहार करने के लिए तथा ऐसे अन्य क्रिया कलापों की जिन्हें उक्त स्टॉक एक्सचेंज (जों) द्वारा अनुमति किया गया है करने के लिए नियमों में विहित शर्तों के अधीन रहते हुए और विनियमों के अनुसार रजिस्ट्रीकरण का प्रमाणपत्र प्रदान करता है।  
Stock Exchange(s) as a Stock Broker for carrying on the activities of buying, selling or dealing in securities and carrying on such other activities as are permitted by such Stock Exchange(s) subject to conditions prescribed in the rules and in accordance with the regulations.

आवंटित रजिस्ट्रीकरण संख्यांक निम्नानुसार है:

Registration number allotted is as under:

INB111074630

यह प्रमाणपत्र तब तक विधिमाम्य रहेगा जब तक इसे विनियमों के अनुसार निलंबित या रद्द नहीं कर दिया जाता है।  
This certificate shall be valid till it is suspended or cancelled in accordance with the regulations.



भारतीय प्रतिभूति और विनियम बोर्ड  
के लिए और उसकी ओर से दिये गये आदेश से  
By order  
for and on behalf of  
Securities and Exchange Board of India

तारीख Date February 01, 2000

FRANJAL  
अधिकृत हस्ताक्षरकर्ता Authorised Signatory

मर्चेंट बैंककार

FORM B

MERCHANT BANKER

भारतीय प्रतिभूति और विनियम बोर्ड  
SECURITIES AND EXCHANGE BOARD OF INDIA

DO 1717

(मर्चेंट बैंककार) विनियम, 1992  
(MERCHANT BANKERS) REGULATIONS, 1992

(विनियम 8)  
(regulation 8)

रजिस्ट्रीकरण प्रमाणपत्र  
CERTIFICATE OF REGISTRATION

बोर्ड, उसके द्वारा बनाए गए नियमों और विनियमों के साथ पठित भारतीय प्रतिभूति और विनियम बोर्ड अधिनियम, 1992 की धारा 12 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इसके द्वारा प्रवर्ग I / III / III / IV में मर्चेंट बैंककार के रूप में  
In exercise of the powers conferred by sub-section (1) of section 12 of the Securities and Exchange Board of India Act, 1992, read with the rules and regulations made thereunder the Board hereby grants a certificate of registration to

GILTEDGE INVESTMENT BANKING SERVICES LIMITED,  
103, LIBERTY APTS,  
80-A, SAROJINI ROAD,  
VILE PARLE (W),  
MUMBAI - 400 056.

को नियमों में शर्तों के अधीन रहते हुए और विनियमों के अनुसार निम्नलिखित क्रियाकलाप करने का रजिस्ट्रीकरण प्रमाणपत्र देता है :- as a merchant banker in Category I / III / III / IV subject to conditions in the rules and in accordance with the regulations to carry out following activities :-

1. किसी निर्गमन का प्रबंध जिसके अन्तर्गत प्रास्पेक्टस तैयार करना, निर्गमन से संबंधित जानकारी एकत्र करना, वित्तपोषण संरचना अवधारित करना, वित्तदाताओं से संबंध बनाना, अंतिम आवंटन और अधिक आवेदन धनराशि का प्रतिदाय है। Management of any issue, including preparation of prospectus, gathering information relating to the issue, determining financing structure, tie up of financiers, final allotment and refund of excess application money.
2. निवेश सलाहकार। Investment Adviser
3. निर्गमनों का निम्नंकन। Underwriting of issues.
4. संविधान प्रबंध सेवाएं। Portfolio Management Services.
5. किसी निर्गमन के प्रबंधक, परामर्शी या सलाहकार जिनके अन्तर्गत निर्गमित सलाहकार सेवाएं हैं। Manager, Consultant or Adviser to any issue including corporate advisory services.
6. परामर्शी या सलाहकार। Consultant or Adviser.

(\*जो लागू न हो उसे काट दें।) (Delete whichever are not applicable)

I. मर्चेंट बैंककार के लिए रजिस्ट्रीकरण कोड

II. Registration Code for the merchant banker is MB /

INM000010510

III. यह प्रमाणपत्र

III. This Certificate shall be valid from 16/07/1999 TO 15/07/2002

तक विद्यमान्य होगा और जैसे भारतीय प्रतिभूति और विनियम बोर्ड (मर्चेंट बैंककार) विनियम, 1992 में विनिर्दिष्ट है नवीकृत किया जा सकेगा।

and may be renewed as specified in regulation 9 of the Securities and Exchange Board of India (Merchant Banker(s) Regulations, 1992.

आदेश द्वारा  
By order



M. NATRAJAN

भारतीय प्रतिभूति और विनियम बोर्ड  
के लिए और उसकी ओर से

For and on behalf of  
Securities and Exchange Board of India

स्थान Place

Mumbai

तारीख Date

July 15, 1999

संविभाग प्रबंधक

अनुसूची - I प्ररूप  
प्ररूप ब  
SCHEDULE-I FORMS  
FORM B

PORTFOLIO MANAGER

भारतीय प्रतिभूति और विनियम बोर्ड  
SECURITIES AND EXCHANGE BOARD OF INDIA

[संविभाग (पोर्टफोलियो) प्रबंधक] विनियम, 1993  
(PORTFOLIO MANAGERS) REGULATIONS, 1993

00000 1B  
(विनियम 8)  
(Regulation 8)

रजिस्ट्रीकरण का प्रमाणपत्र  
CERTIFICATE OF REGISTRATION

I बोर्ड, संविभाग (पोर्टफोलियो) प्रबंधकों के लिए भारतीय प्रतिभूति और विनियम बोर्ड अधिनियम, 1992 के अधीन बनाए गए नियमों और विनियमों के साथ पठित, उस अधिनियम की धारा 12 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए,

I In exercise of the powers conferred by sub-section (1) of section 12 of the Securities and Exchange Board of India Act, 1992 read with the rules and regulations made thereunder, the Board hereby grants a certificate of registration to

GILTEDGE PORTFOLIO MANAGEMENT SERVICES LIMITED,  
103, LIBERTY APTS,  
80-A, SAROJINI ROAD,  
VILE PARLE (W),  
MUMBAI - 400 056.

को इसके द्वारा संविभाग (पोर्टफोलियो) प्रबंधक के रूप में रजिस्ट्रीकरण का प्रमाणपत्र नियमों में शर्तों के अधीन रहते हुए और विनियमों के अनुसार अदान करता है।  
as a Portfolio Manager subject to the conditions in the rules and in accordance with the regulations.

II संविभाग (पोर्टफोलियो) प्रबंधक के लिए रजिस्ट्रीकरण कोड सं.प्र./  
II Registration code for Portfolio Manager is P M / INP000000290

III जब तक नवीकृत न किया जाए रजिस्ट्रीकरण का प्रमाणपत्र  
III Unless renewed, the Certificate of registration is valid from 16/07/1999 TO 15/07/2002 तक विधिवान्य है।



आदेश से  
भारतीय प्रतिभूति और विनियम बोर्ड  
के लिए और उसकी ओर से  
By order  
For and on behalf of  
Securities and Exchange Board of India

स्थान Place : Mumbai

तारीख Date : July 15, 1999

(M. NATARAJAN)  
प्राधिकृत हस्ताक्षरकर्ता Authorised Signatory

स्टॉक ब्रोकर

फॉर्म ४  
FORM D

STOCK BROKER

भारतीय प्रतिभूति और विनियम बोर्ड  
**SECURITIES AND EXCHANGE BOARD OF INDIA**

(स्टॉक ब्रोकर और उप-ब्रोकर) विनियम, 1992  
**(STOCK BROKERS AND SUB-BROKERS) REGULATIONS, 1992**

0094, 22

(विनियम 6)  
(Regulation 6)

रजिस्ट्रीकरण का प्रमाणपत्र  
**CERTIFICATE OF REGISTRATION**

बोर्ड, भारतीय प्रतिभूति और विनियम बोर्ड अधिनियम, 1992 के अधीन बनाये गये नियमों और विनियमों के साथ पठित, उस की धारा 12 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए,

in exercise of the powers conferred by sub-section (1) of section 12 of the Securities and Exchange Board of India Act, 1992 read with the rules and regulations made thereunder, the Board hereby grants a certificate of registration to

GILTEDGE CREDIT CAPITAL LIMITED  
TRADE NAME : GILTEDGE CREDIT CAPITAL LIMITED

103, LIBERTY APARTMENTS,  
80-A, SARAJINI ROAD,  
VILE PARLE (WEST)  
MUMBAI - 400056

10.01.2001

TRADING MEMBER  
a member of the

\*\* NATIONAL STOCK EXCHANGE OF INDIA

के एक्सचेंज (जी) के सदस्य को

इस दस्तावेज के रूप में प्रतिभूतियों का क्रय विक्रय अथवा उनमें व्यवहार करने के लिए तथा ऐसे अन्य क्रिया कलापों की जिन्हें तब तक एक्सचेंज (जी) द्वारा अनुमति दी जायेगी जो कि नियमों में विहित शर्तों के अधीन रहते हुए और विनियमों के अनुसार रजिस्ट्रीकरण का प्रमाणपत्र प्रदान करता है।

for carrying on the activities of buying, selling or dealing in securities and carrying on such other activities as are permitted by such Stock Exchange(s) subject to conditions prescribed in the rules and in accordance with the regulations.

अबोधित रजिस्ट्रीकरण संख्यांक निम्नानुसार है:

Registration number allotted is as under:

INB230B86436

प्रमाणपत्र तब तक विधिवान्य रहेगा जब तक इसे विनियमों के अनुसार निलंबित या रद्द नहीं कर दिया जाता है।

This certificate shall be valid till it is suspended or cancelled in accordance with the regulations.



भारतीय प्रतिभूति और विनियम बोर्ड  
के लिए और उसकी ओर से दिये गये आदेश से  
By order  
for and on behalf of  
**Securities and Exchange Board of India**

*Aftab Alam*  
[ AFTAB ALAM ]

अधिकृत दस्तासकत Authorised Signatory

Date February 27, 1996

6

**PUNE STOCK EXCHANGE LTD.**



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PSF/0191/2002/1193

25.1.2003

M/s Giltedge Management Services Ltd  
103, Liberty Apartments,  
80-A, Sarojini Road,  
Vile Parle (W),  
Mumbai - 400 056.

Dear Sir,

We are enclosing herewith arbitration award signed by the sole Arbitrator between Giltedge Management Services Ltd. V/s Home Trade Ltd. - member Pune Stock Exchange Ltd. The original award kept with us.

Kindly acknowledge the receipt.

Thanking you,

Yours faithfully,  
FOR PUNE STOCK EXCHANGE LTD.

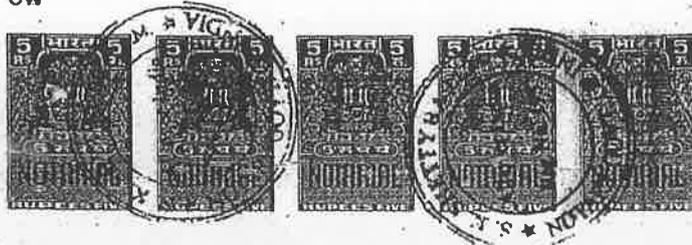
*Arakant*

ARBITRATION ASSISTANT.



Encl : as above.

Sw\*



CHAMBERS\* 752 SADASHIV PETH, B.B. KUMTHEKAR MARG, PUNE - 411030. Tel : 4485701/2/3/4. Fax : 020 - 4460082. E-mail: punestock@vsnl.com



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IN THE MATTER OF THE ARBITRATION before the Sole Arbitrator Shri Shailendra Shah - Case No. 273/2002

Between

M/s Giltedge Management Services Ltd.  
103 Library Apartments, 80-1, Sarojini Road,  
Vile Parle (W),  
Mumbai - 400 056

..... Applicant

V/s

M/s Home Trade Ltd.

..... Respondent.



INC

This is a complaint filed by Giltedge Management Services Ltd.(Applicant) against M/s Home Trade Ltd. (Respondent) – member of Pune Stock Exchange Ltd. on

A] Applicant has purchased following securities from Respondent and paid accordingly but has not received the deliveries of securities from Respondent.

Delivery outstanding from Home Trade Ltd.

Sr. 1	Date 2	Bill No. 3	Scrip 4	Total Face Value 5	Con.Amt. 6
1.	22.01.02	2672	8.07% GOI 2017	40000000	40262766.67
2.	30.03.02	3229	8.07% GOI 2017	5574000	6002152.88
3	01.02.02	3046	11% GOI 2013	35000000	36205555.56
4.	01.02.02	3048	12.40% GOI 2013	6000000	8305533.33
5.	01.02.02	3047	12.50% GOI 2004	8000000	9263556.56
6.	01.02.02	3050	11% SDI 2002	5000000	5134444.44
7-	01.02.02	3045	10.25% GOI 2012	10000000	11560833.33
8.	04.02.02	2912	12.69% GOI 2002	10000000	10326100
9.	04.02.02	3059	12.69% GOI 2002	2600000	2684786
10.	23.03.02	3155	10.25% GOI 2021	10000000	12221736.11
11.	26.03.02	3234	11.15% GOI 2002	5000000	5038715.28
12.	26.03.02	3235	14.14% MSDRC 2009	30000000	35095608.22
			Total	167174000	182101987.4



Sl. No.	Face Value 7	Con. Amount 8	Balance Face Value 9	Con Amount 10
1.			40000000	40262766.67
2.	5574000	6002152.88	0	0
3.			35000000	36205555.56
4.	400000	538831.11	5800000	7766702.22
5.			8000000	9263555.56
6.			5000000	5134444.44
7.			10000000	11560833.33
8.			10000000	10326100
9.			2800000	2684786
10.			10000000	12221736.11
11.			5000000	5038715.28
12.			30000000	35095808.22
	Total		161200000	175561003.39

Net Securities Receivable - 161200000 175561003.39

B) Details of payment of abovementioned securities are as follows :

S.No.1 - A cheque of Rs.9,50,00,000 of Janata Sahakari Bank Ltd., Fort Branch, Bombay bearing no. 948619 dt. 11.12.2001 in favour of M/s Tirupati Urban Co-operative Bank Ltd, this payment of sr.no. 1 also include payment of other purchased securities.

As per the instruction letter dt. 6<sup>th</sup> December 2001 of Home Trade Ltd. payment of this securities was made in favour M/s Tirupati Urban Co-op Bank Ltd ( Notarised Bank account statement is submitted to Pune Stock Exchange Ltd. by Applicant).

Sr.2: Settled.

Sr.3 & 4 : Rs.4,50,00,000.00 transferred to Responder's account from HDFC Bank on 1.2.2002 under Ref no. 400317011 ( notarized photocopy of Bank Statement of HDFC Bank is submitted by Applicant with to Stock Exchange Ltd).

Sr. 5 to 9 : For the purchase of securities sr. no. 5 to 9 applicant paid the full consideration as follows :

8/5





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In the accounts Book of Applicant, Respondent account is having credit balance of Rs.66,56,064.43.

On following dates hearing of the Arbitration Case took place in the office of the Pune Stock Exchange Ltd., Pune.

1. 14<sup>th</sup> September 2002 Intimated to Applicant and Respondent through Public Notice, Times of India, Pune edition.
2. 19<sup>th</sup> October 2002 Regd.A.D notice for hearing to applicant & Respondent
3. 26<sup>th</sup> October 2002 Regd A D notice for hearing to Applicant and Respondent
4. 9<sup>th</sup> November 2002 Regd A D Notice for hearing to Applicant and Respondent.

Respondent was absent for all hearings of the Arbitration case.

[E] After going through the oral argument and all the documents (Bills, contract notes, statement of accounts of Banks etc) submitted by Applicant, I hereby declare an award as follows :

AWARD

The Respondent will deliver twelve (12) securities mentioned in s.no.1 to 12 para no. [A] to the applicant till 30<sup>th</sup> January 2003, If Respondent fails to deliver the Securities to the Applicant, the Respondent will pay to the Applicant an amount of Rs.16,89,04,938.96 (Rs.17,55,61,003.30 - Rs.66,56,064.63 due to Respondent) together with interest on said amount of the rate of 6% p.a. from 26<sup>th</sup> April 2002 till the date of actual payment.

The Respondent will also pay to the Applicant cost of Rs.5000/-

The Respondent is given time till 30<sup>th</sup> January 2003 to make the payment. If however the Respondent fails to pay by the said date i.e. 30<sup>th</sup> January 2003, he shall pay interest @ 9% p.a. w.e.f. 1<sup>st</sup> February 2003 on Rs.16,89,04,938.96 till actual payment.

*Shailendra Shah*  
 SHAILENDRA SHAH  
 SOLE ARBITRATOR.



*Shailendra Shah*  
 DATE : 20 JAN 2003

ATTESTED BY ME  
 TRUE COPY

*S.K. Shetty*  
 S. K. SHETTY B.A.,LL.M.  
 ADVOCATE  
 NOTARY GOVT. OF INDIA  
 8, "Prakash", Bestant Street,  
 Santacruz (W), Mumbai - 400 054



M/S. Gilreeds Management Services Ltd.

1	2	3	4	5	6	7	8	9	10
No. of Civil Application	Names of parties Plaintiff(s)/Applicant(s) (with serial numbers)	Date of Filing of Application	Whether any order passed in favour of the applicant?	Payment or adjustment made/any order passed?	Provisionally admitted, if any, with date and result	Decided on	Amount of cost, if any, awarded	Name(s) of the persons against whom execution order is sought	Mode in which the applicant is to be allowed set off, if any
Case No. 273/2002	M/s. Gilreeds Management Services Ltd., 103, Liberty Apartments, 80-1, Harolji Road, V. K. Road, Mumbai - 400 016	17 Feb 2003		Rupees 16,89,04,938.85		16.02.2003	Rupees 16,89,04,938.85	M/s. Home Trade Ltd having office at Tower 4, 5th Floor, Ashi Station Complex, NW1 Market, 200702	As per the order of the Court
	M/s. Home Trade Ltd., Tower-4, 5th Floor, Wahai Railway Station Complex, Mumbai - 400 016								

The Respondent will deliver the securities mentioned in Part No. (A) to the applicant by 30th Jan. 2003, if respondent fails to deliver, the securities to the applicant by 30th Jan. 2003. The Respondent will pay to the applicant an amount of Rs. 16,89,04,938.85 with an interest @ 6% p.a. rate of 6% p.a. from the date of actual delivery.

The Respondent will pay the Applicant cost of Rs. 16,89,04,938.85.

The Respondent is directed to pay the Respondent's cost of Rs. 16,89,04,938.85 on 30th Jan. 2003 to make the payment. If the Respondent fails to pay the amount by 30th Jan. 2003, he shall pay interest @ 6% p.a. from the date of actual delivery.



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The Hon'ble 16th Additional Senior Civil Judge and Judicial Magistrate, Surat

Part-I (of I-II) CC-100521/2003 IPC Sec. 406, 420, 409, 465, 468, 471, 114 FIR No. 274/2002  
9th Addl. Senior Civil Judge & ACJM, Surat, Gujarat, Ketan Kantilal Seth Vs. State of Gujarat

**Criminal Case No.: 100521/2003**

**Exhibit No.: 43**

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

**Humble Application on Behalf of the Accused:**

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for the proceedings in this case. Due to unavoidable circumstances, I am unable to appear before Your Hon'ble Court today. I humbly request that I be exempted from attendance for today.

Surat

Date: 28/05/2018

Signed/- Illegible  
(K.P. Reshamwala)  
Advocate

Order:

Granted.

Signed/- Illegible

Additional Senior Civil Judge & Additional Chief Judicial Magistrate, Surat

**The Hon'ble 16th Additional Senior Civil Judge and Additional Chief Judicial  
Magistrate, Surat**

**Criminal Case No.: 100521/2003**

**Exhibit No.: 44**

Complainant: State (Original Complainant: Naineshbhai Arvindbhai Chintaniya)

Versus

Accused: Ketan Kantilal Sheth

Humble Application on Behalf of the Original Complainant:

In the above-referenced case, I, the original complainant, respectfully submit to Your Hon'ble Court that I wish to engage a private advocate, and as a reply to the accused's discharge application has not yet been submitted, I humbly request, in the interest of justice, that an extension be granted.

Surat

Date: 28/05/2018

Signed/- Illegible  
Original Complainant

Order:

Granted.

Signed/- Illegible

Additional Senior Civil Judge & Additional Chief Judicial Magistrate, Surat

**The Hon'ble 16th Additional Senior Civil Judge and Additional Chief Judicial  
Magistrate, Surat**

**Criminal Case No.: 100521/2003**

**Exhibit No.: 45**

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

Exemption Application

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for the proceedings in this case. Due to unavoidable reasons, I am unable to appear before this Hon'ble Court today. I humbly request, in the interest of justice, that I be exempted from court attendance for today.

Surat

Date: 13/06/2018

Signed/- Illegible

Signature of the Advocate for the Accused

Order:

Granted.

Signed/- Illegible

Additional Senior Civil Judge & Additional Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate, Chief Court, Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 45**

Complainant: State

Versus

Accused: Ketan Kantilal

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for the proceedings in this case. Due to unavoidable circumstances, I am unable to appear in person before Your Hon'ble Court today. Therefore, I humbly request that I be exempted from attendance for today.

Surat

Date: 15/09/2009

Signed/- Illegible

(Ketan P. Reshamwala)

(Vipul J. Vaivala)

Advocates for the Accused

Order:

Granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

**The Hon'ble 16th Additional Senior Civil Judge, Surat**

**Criminal Case No.: 100521/2003**

**Exhibit No.: 46**

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

Humble Application on Behalf of the Complainant:

In the above-referenced case, I, on behalf of the complainant, respectfully submit to this Hon'ble Court that the complainant is an employee of the bank, and the Surat Nagrik Sahkari Bank Ltd. has merged with The Mehsana Urban Co-operative Bank Ltd. As the complainant wishes to engage a private advocate in this case, a resolution from the bank is required for this purpose. I humbly request, in the interest of justice, that an extension be granted.

Place: Surat

Date: 13/06/2018

Signed/- Illegible

(Surat Nagrik Sahkari Bank Ltd., now The Mehsana  
Urban Co-operative Bank Ltd.)

On Behalf of the Complainant

Order:

Granted.

Signed/- Illegible

Additional Senior Civil Judge & Additional Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate, Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 46**

Complainant/Appellant: State Government

Versus

Accused/Respondent: Ketan Kantilal Sheth

Humble Application on Behalf of the Original Complainant:

In the above-referenced case, I, on behalf of the original complainant, respectfully submit that today is the scheduled date for the hearing in Your Hon'ble Court. In this case, a discharge application has been filed by the accused. As the reply to the accused's discharge application is still pending, I humbly request, in the interest of justice, that an extension be granted to submit the reply to the discharge application.

Surat

Date: 15/09/2009

Signed/- Illegible

Advocate for the Original Complainant

(J.J. Gandhi)

Order:

Granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

**Advocate Letter**

Jayantilal M. Patel  
 B.Com., LL.B., Advocate  
 312, 313, 314, City Centre,  
 Near Sosiya Circle, U.M. Road,  
 Surat  
 Office Phone: 2632050  
 Mobile: 9825112491  
 SR/SR/7120  
 Exhibit No.: 47

**The Hon'ble 16th Additional Senior Civil Judge and Additional Chief Judicial  
 Magistrate, Surat  
 Criminal Case No.: 10521/2003**

Complainant: State  
 Original Complainant: Naineshbhai Arvindbhai Chitaniya  
 Versus  
 Accused: Ketanbhai Kantilal Sheth

I, Naineshbhai Arvindbhai Chitaniya, residing in Surat, the original complainant in the above-referenced case, hereby appoint the following advocates to represent me in the aforementioned case bearing the above number before this Hon'ble Court:

I authorize Advocate Shri J.M. Patel, Vanshri J. Patel, Rubin J. Patel, and others to act on my behalf to secure my release on bail, to conduct all proceedings in the case, to refer the matter to arbitration, to settle or compromise, to withdraw the case, to sign on my behalf as necessary for all such matters, and, if required, to transfer the case to another advocate to continue the proceedings.

In witness whereof, I have affixed my signature on this 25th day of July, 2018.

Signed  
 (Signature/- Illegible)

Witness  
 (Signature/- Illegible)

Surat  
 Date: 04/10/2008

Accepted  
 (Signature/- Illegible)  
 Advocate for the Original Complainant

**In the Court of Hon'ble Chief Judicial Magistrate, Chief Court, Surat**  
**Criminal Case No.: 168/2003**  
**(Varachha Police Station First Crime Register No.: 274/2002)**

Exh-47

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

The written arguments of the original complainant, Nainesh Arvindbhai Chitaniya, in response to the discharge application filed by the accused, Ketan Kantilal Sheth, under Exhibit No. 30 pursuant to Section 239 of the Criminal Procedure Code, are as follows:

- (1) The discharge application submitted by the accused is not sustainable under established legal principles and is liable to be rejected.
- (2) There is no specific dispute regarding the statements in paragraphs (1), (2), and (3) of the said application. However, the statements in paragraph (4) of the application are not true and are hereby denied.

When all the documents of the chargesheet are examined, it is prima facie evident that, based on the representations made by the present accused and other co-accused, the complainant bank was induced to purchase securities, and the accused, including the present applicant, made false representations before the directors of the complainant bank.

(3) The statements in paragraph (5) of the said application are not true and are not accepted. The assertion that the accused was not a person responsible for the day-to-day business transactions of Home Trade Ltd. is neither true nor accepted. Even if it is assumed that the accused legally resigned from Home Trade Ltd. on 15/05/2001, the active involvement of the accused in the alleged transactions of Home Trade Ltd. after 15/05/2001 is evident, rendering the statements in paragraph (5) unsustainable under established legal principles and liable to be rejected.

(4) The statements in paragraph (6) of the said application are not true and are not accepted. The assertion that all transactions with Home Trade Ltd. prior to 15/05/2001 were fully completed is neither true nor accepted, and it is vehemently denied. Even if the accused's submission is accepted for the sake of argument, the accused attended meetings with the complainant bank's directors regarding the alleged transactions between 15/05/2001 and 06/12/2001, as well as on 21/02/2002, and played an active role, which establishes their involvement in the alleged transactions and criminal acts.

(5) The statements in paragraph (7) of the said application are not true and are not accepted. The assertion that the transactions between the complainant bank and Home Trade Ltd. were conducted in accordance with the rules, regulations, and guidelines of the Reserve Bank of India (RBI) is entirely untrue. In fact, Home Trade Ltd. made false representations, misled the complainant bank's directors and officers, presented false, fabricated, and forged documents to the complainant bank, engaged in securities transactions, committed the alleged offenses, and cheated and betrayed the trust of the complainant bank. Prima facie evidence in this regard is on record. Therefore, the statements in paragraph (7) are inconsistent with the record and are liable to be rejected.

(6) The statements and allegations in paragraph (8) of the said application are not true and are not accepted. The complaint filed by the RBI against the complainant bank's

directors is sub judice. Moreover, the mere filing of that complaint does not automatically render the allegations in the present complaint against the accused, including the co-accused, false. Therefore, the statements in paragraph (8) are entirely irrelevant and liable to be rejected.

(7) The statements in paragraph (9) of the said application are entirely untrue. Even if the accused's transactions, dues, or disputes with Home Trade Ltd. are accepted for the sake of argument, the assertion that no transactions were conducted with the complainant bank on behalf of Home Trade Ltd. due to those disputes is prima facie false and liable to be rejected. This is because the accused's active involvement and presence in the alleged transactions with the complainant bank are evident from the record. Thus, the presumption-based argument made by the accused is proven to be false.

(8) The statements in paragraph (10) of the said application are entirely untrue. Even if the documents submitted by the accused are accepted for the sake of argument, those documents alone cannot sustain the argument that the accused was not a responsible person of Home Trade Ltd. or that no financial benefit was derived from the alleged transactions, as the accused's active involvement is evident from the record.

(9) The statements and contentions in paragraph (11) of the said application are entirely untrue and not accepted. The mere fact that no documentary evidence related to the alleged offense was seized from the accused during the remand period does not sustain the argument that the accused had no involvement in the offense. A charge under IPC Section 120-B has been applied in this case, and the accused's active involvement is established from the record.

(10) The statements and arguments in paragraph (12) of the said application are not sustainable under established legal principles. The mere absence of the accused's signature on the cheques issued by Home Trade Ltd. to the complainant bank for

securities, or the filing of a complaint under Section 138 of the Negotiable Instruments Act regarding those cheques, does not establish that two complaints exist for the same facts. Therefore, the contention that the principle of res judicata applies to the present complaint is untrue, and the accused's discharge application is liable to be rejected.

(11) The statements in paragraph (13) of the said application are a repetition of those in paragraph (6), and a detailed explanation has been provided in paragraph (4) of this response, rendering further explanation unnecessary.

(12) The statements in paragraph (14) of the said application are entirely untrue, not accepted, and irrelevant to the present complaint. Similarly, the contentions in paragraph (15) of the application pertain to evidentiary matters and are premature at this stage. Therefore, the discharge application is liable to be rejected.

(13) The contentions in paragraphs (16) and (17) of the application are not sustainable at this stage, as the chargesheet does not establish the accused's innocence. Furthermore, upon examining the chargesheet documents, a charge under IPC Section 120(B) is evident, and the accused's active involvement is apparent.

(14) In matters of discharge, the accused must demonstrate that no prima facie case is made out against them. Even if the contentions in paragraph (18) of the application are accepted for the sake of argument, they do not suffice to conclude that no prima facie case exists against the accused. Therefore, the discharge application is liable to be rejected.

(15) The statements and contentions in paragraphs (19) and (20) of the application are repetitive of those in paragraphs (6) and (7), and no further explanation is required.

(16) The statements and contentions in paragraphs (21), (22), and (23) of the application are contrary to the evidence on record and pertain to defense matters that

are evidentiary in nature. They cannot be considered at this stage, and the application is liable to be rejected.

(17) The statements in paragraph (24) of the application are not true and not accepted. Paragraph (6) of the FIR clearly states that: "Furthermore, the accused provided the complainant bank with Receipt No. 312 dated 08/12/2001 of Riddhi Sahkari Bank Ltd., RBI Bangalore, and Receipt No. 14447 dated 08/12/2001 of Borat District Co-operative Bank Ltd., Calcutta, Reserve Bank. Upon verification by the Reserve Bank, these receipts were found to be bogus and fabricated, as informed to us by the RBI through a letter dated 13/06/2002." These allegations prima facie establish that all accused, as part of a criminal conspiracy, created false, fabricated, and forged documentary evidence with the intent to cheat the complainant bank. Therefore, the statements and contentions in paragraph (24) are not sustainable under legal principles, and the discharge application is liable to be rejected.

(18) The active involvement of the present accused in this case is evident, and the accused attended meetings on behalf of Home Trade Ltd. with the complainant bank. Therefore, the contentions in paragraph (25) of the application pertain to evidentiary matters, and the discharge application is liable to be rejected.

(19) In fact, upon examining the chargesheet documents and the documents submitted by the original complainant, it is clearly established that, due to non-delivery of securities, members of the complainant bank visited Mumbai, where meetings were held with Ketan Kantilal Sheth and others, and telephonic discussions continued thereafter. This fact demonstrates the active involvement of the accused, Ketan Kantilal Sheth, in the alleged incident, indicating that they played an active role.

Furthermore, the statement of Witness No. 4, Meher K. Vaidya, reveals that a meeting was held on 06/12/2001 at the bank's Varachha Road branch in Surat, attended by Ketan Kantilal Sheth. This means that, even after the accused claims to have resigned, they continued to attend meetings and play an active role. Additionally,

Ketan Kantilal Sheth was present at a meeting held on 21/02/2002, where they made enticing representations on behalf of Home Trade Ltd., stating that additional returns could be earned by purchasing new securities, without delivering the securities owed to the bank. Thus, Ketan Sheth's active involvement and role in the criminal act are evident.

Moreover, the statements of Witness No. 5, Chandrakant Chunilal Shah; Witness No. 6, Bansilal Mohanlal Fudnawala; Witness No. 7, Mahendra Nathubhai Katargamwala; Witness No. 8, Sureshchandra Parsottambhai Patel; Witness No. 9, Jayantilal Chhotalal Jariwala; Witness No. 10, Jayantilal Ranchhoddas Gandhi; and Witness No. 11, Amrutlal Ramsingbhai Contractor, recorded by the police and included in the chargesheet, confirm Ketan Kantilal Sheth's presence at the meeting on 06/12/2001. Additionally, Ketan Kantilal Sheth's presence and active participation at the meeting on 21/02/2002 are also established.

The complainant bank, Surat Nagrik Sahkari Bank Ltd., sent a letter dated 22/01/2002 to Home Trade Ltd., addressed to Ketan Kantilal Sheth, to which Home Trade Ltd. responded on 23/01/2002. Both letters are included in the chargesheet. At no point during these meetings or correspondence did Ketan Kantilal Sheth declare that they had ceased to be a director.

In this case, a charge under IPC Section 120(B) has been applied against all accused, and when read with Section 10 of the Evidence Act, the role and liability of all co-conspirators in the alleged criminal act(s) are equally established. Given the accused's active participation, they are a member of the criminal conspiracy, and cannot be discharged at this stage.

At the stage of framing charges, the Hon'ble Court must consider the allegations against the accused and determine whether a prima facie case is made out from the chargesheet documents. The merits of whether the allegations are true or false are not to be evaluated at this stage, meaning no verification is required. The assessment of the statements made by witnesses in their police depositions can only be conducted after evidence is recorded. At the charge-framing stage, the court only needs to determine whether a prima facie case exists.

(20) As stated above, when the FIR and witness statements indicate Ketan Kantilal Sheth's presence and active involvement in the alleged incident, and correspondence also establishes their active role, it cannot be said at the charge-framing stage that there is no evidence against the accused.

Under these circumstances, I humbly request that the discharge application of Ketan Kantilal Sheth, Exhibit No. 30, be rejected.

Surat

Date: 29/09/2009

Signed/- Illegible

(Nainesh Arvindbhai Chitaniya, Authorized Officer on  
behalf of Surat Nagrik Sahkari Bank Ltd.)

Signed/- Illegible

(Jatin J. Gandhi)

(R.K. Bhajiwala)

Advocates

On Behalf of the Original Complainant Bank

**In the Court of Hon'ble Chief Judicial Magistrate, Chief Court, Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 48**

Complainant: State

Versus

Accused: Ketan Sheth

Humble Application on Behalf of Accused No. 1:

In the above-referenced case, I, Accused No. 1, respectfully submit that today is the scheduled date for the proceedings in this case. Due to unavoidable reasons, I am unable to appear in person before Your Hon'ble Court today. I humbly request that I, Accused No. 1, be exempted from attendance for today.

Surat

Date: 13/10/2009

Signed/- Illegible

(Ketan P. Reshamwala)

Advocate for the Accused

Order:

Granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate, Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 49**

Complainant: State

Versus

Accused: Ketan Sheth

Humble Application on Behalf of Accused No. 1:

In the above-referenced case, I, Accused No. 1, respectfully submit that today is the scheduled date for the proceedings in this case. Due to unavoidable reasons, I am unable to appear in person before Your Hon'ble Court today. I humbly request that I, Accused No. 1, be exempted from attendance for today.

Surat

Date: 15/10/2009

Signed/- Illegible

(Ketan P. Reshamwala)

Advocate for the Accused

Order:

Granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

**The Hon'ble Additional Senior Civil Judge and Additional Chief Judicial  
Magistrate, Surat**

Criminal Case No.: 100521/2003

Exhibit No.: 49

Complainant: State (Original Complainant: Naineshbhai Arvindbhai Chintaniya)

Versus

Accused: Ketan Kantilal Sheth

Humble Submission on Behalf of the Complainant:

In the above-referenced case, I, on behalf of the complainant, respectfully submit to this Hon'ble Court that, in the interest of justice, an extension be granted to submit a written reply to the accused's discharge application. I humbly request that Your Hon'ble Court pass an appropriate order accordingly.

Surat

Date: 25/07/2018

Signed/- Illegible

Advocate for the Original Complainant

Order:

Granted.

Signed/- Illegible

Additional Senior Civil Judge & Additional Chief Judicial Magistrate, Surat

**The Hon'ble Chief Civil Judge and Judicial Magistrate, First Class, Surat**  
**Criminal Case No.: 100521/2003**  
**Exhibit No.: 50**

Complainant: State

Versus

Accused: Ketan Sheth

Humble Application on Behalf of the Accused Persons:

In the above-referenced case, we, the accused persons, respectfully submit that today is the scheduled date for the proceedings in this case. Due to unavoidable circumstances, we are unable to appear in person before Your Hon'ble Court today. Therefore, we humbly request that we, the accused persons, be exempted from attendance for today.

Surat

Date: 05/09/2018

Signed/- Illegible  
(Ketan P. Reshamwala)  
(Vipul J. Vaivala)  
Advocates for the Accused Persons

**In the Court of Hon'ble Chief Judicial Magistrate, Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 50**

Complainant: State

Versus

Accused: Ketan Sheth

Humble Application on Behalf of Accused No. 1:

In the above-referenced case, I, Accused No. 1, respectfully submit that today is the scheduled date for the proceedings in this case. Due to unavoidable reasons, I am unable to appear in person before Your Hon'ble Court today. I humbly request that I, Accused No. 1, be exempted from attendance for today.

Surat

Date: 29/10/2009

Signed/- Illegible

(Ketan P. Reshamwala)

Advocate for the Accused

Order:

Granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate, Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 51**

Complainant: State

Versus

Accused: Ketan Sheth

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for the proceedings in this case. The case is currently at the stage of hearing. Due to unavoidable circumstances, I am unable to appear in person before Your Hon'ble Court today. Therefore, I humbly request that I be exempted from attendance for today.

Surat

Date: 12/11/2009

Signed/- Illegible

(Ketan P. Reshamwala)

Advocate for the Accused

Order:

The accused's request for exemption from attendance for today is granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

**The Hon'ble Additional Senior Civil Judge and Additional Chief Judicial  
Magistrate, Surat  
Criminal Case No.: 100521/2003  
Exhibit No.: 51**

Complainant: State (Original Complainant: Naineshbhai Arvindbhai Chintaniya)

Versus

Accused: Ketan Kantilal Sheth

Humble Application on Behalf of the Original Complainant:

In the above-referenced case, I, on behalf of the original complainant, respectfully submit to this Hon'ble Court that a discharge application has been filed by the accused, and the hearing for the same is pending. To submit a reply on behalf of the original complainant to the said application, I humbly request, in the interest of justice, that an extension be granted and an appropriate order be passed accordingly.

Place: Surat

Date: 05/09/2018

Signed/- Illegible

Advocate for the Original Complainant

Order:

Granted.

Signed/- Illegible

Additional Senior Civil Judge & Additional Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate, Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 52**

Complainant: State

Versus

Accused: Ketan Sheth

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for the proceedings in this case. The case is currently at the stage of hearing. Due to unavoidable reasons, I am unable to appear in person before Your Hon'ble Court today. I humbly request that I be exempted from attendance for today.

Surat

Date: 23/11/2009

Signed/- Illegible

(Ketan P. Reshamwala)

Advocate for the Accused

Order:

Granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

**The Hon'ble Senior Civil Judge and Additional Chief Judicial Magistrate,  
Surat**

**Criminal Case No.: 100521/2003**

**Exhibit No.: 52**

Complainant: State

Versus

Accused: Ketan Sheth

Humble Application on Behalf of the Accused Persons:

In the above-referenced case, we, the accused persons, respectfully submit that today is the scheduled date for the proceedings in this case. Due to unavoidable reasons, I am unable to appear before this Hon'ble Court today. I humbly request, in the interest of justice, that I be exempted from court attendance for today.

Surat

Date: 03/10/2018

Signed/- Illegible

(Ketan P. Reshamwala)

(Vipul J. Vaivala)

Advocates for the Accused Persons

Order:

Granted.

Signed/- Illegible

Additional Senior Civil Judge & Additional Chief Judicial Magistrate, Surat

**The Hon'ble Additional Senior Civil Judge and Additional Chief Judicial**

**Magistrate, Surat**

**Criminal Case No.: 100521/2003**

**Exhibit No.: 53**

Complainant: State (Original Complainant: Naineshbhai Chintaniya)

Versus

Accused: Ketan Kantilal Sheth

Humble Application on Behalf of the Original Complainant:

In the above-referenced case, I, on behalf of the original complainant bank, respectfully submit to this Hon'ble Court that, to submit a written reply to the accused's application, the original complainant bank, which has now merged with The Mehsana Urban Co-operative Bank Limited, has sent the accused's application to the head office for approval. In the interest of justice, I humbly request that an extension be granted to submit the reply and that an appropriate order be passed accordingly.

Place: Surat

Date: 03/10/2018

Signed/- Illegible

Advocate for the Original Complainant

Order:

Granted.

Signed/- Illegible

Additional Senior Civil Judge & Additional Chief Judicial Magistrate, Surat

**The Hon'ble Additional Senior Civil Judge and Additional Chief Judicial**

**Magistrate, Surat**

**Criminal Case No.: 100521/2003**

**Exhibit No.: 54**

Complainant: State (Original Complainant: Naineshbhai Chintaniya)

Versus

Accused: Ketan Kantilal Sheth

Humble Application on Behalf of the Original Complainant:

In the above-referenced case, I, on behalf of the original complainant, respectfully submit to this Hon'ble Court that a reply to the accused's discharge application is pending. The original complainant's bank has merged with The Mehsana Urban Co-operative Bank Limited, and the reply has been sent to the head office for approval. Therefore, I humbly request, in the interest of justice, that an extension be granted to submit the reply.

Place: Surat

Date: 17/10/2018

Signed/- Illegible

Advocate for the Complainant

Order:

Granted.

Signed/- Illegible

Additional Senior Civil Judge & Additional Chief Judicial Magistrate, Surat

**In the Court of Hon'ble Chief Judicial Magistrate, Surat**

**Criminal Case No.: 168/2003**

**Exhibit No.: 54**

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit that today is the scheduled date for the proceedings in this case. The case is at the stage of [unspecified]. Due to unavoidable reasons, I am unable to appear in person before Your Hon'ble Court today. I humbly request that I be exempted from attendance for today.

Surat

Date: 23/11/2009, 19/12/2009

Signed/- Illegible

(Ketan P. Reshamwala)

Advocate for the Accused

Order:

Granted.

Signed/- Illegible

Chief Judicial Magistrate, Surat

**The Hon'ble Additional Senior Civil Judge and Additional Chief Judicial**

**Magistrate, Surat**

**Criminal Case No.: 100521/2003**

**Exhibit No.: 55**

**Complainant: State**

**Versus**

**Accused: Ketan Sheth**

**Humble Application on Behalf of Accused No. 1:**

In the above-referenced case, I, Accused No. 1, respectfully submit that today is the scheduled date for the proceedings in this case. Due to unavoidable reasons, I am unable to appear before this Hon'ble Court today. I humbly request, in the interest of justice, that I be exempted from court attendance for today.

**Surat**

**Date: 17/10/2018**

**Signed/- Illegible**

**(Ketan P. Reshamwala)**

**(Vipul J. Vaivala)**

**Advocates for the Accused**

**Order:**

**Granted.**

**Signed/- Illegible**

**Additional Senior Civil Judge & Additional Chief Judicial Magistrate, Surat**

**The Hon'ble Additional Senior Civil Judge and Additional Chief Judicial**

**Magistrate, Surat**

**Criminal Case No.: 100521/2003**

**Exhibit No.: 56**

Complainant: State

Versus

Accused: Ketan Sheth

Humble Application on Behalf of the Accused:

In the above-referenced case, I, the accused, respectfully submit to Your Hon'ble Court that today is the scheduled date for the proceedings in this case. Due to unavoidable reasons, I, Accused No. [unspecified], am unable to appear before this Hon'ble Court today. I humbly request, in the interest of justice, that I be exempted from court attendance for today.

Surat

Date: 14/11/2018

Signed/- Illegible

Advocate for the Accused

Order:

Granted.

Signed/- Illegible

Additional Senior Civil Judge & Additional Chief Judicial Magistrate, Surat

**The Hon'ble Additional Senior Civil Judge and Additional Chief Judicial  
Magistrate, Surat**

**Criminal Case No.: 100521/2003**

**Exhibit No.: 57**

Complainant: State.(Original Complainant: Naineshbhai Chintaniya)

Versus

Accused: Ketan Kantilal Sheth

Humble Application on Behalf of the Original Complainant:

In the above-referenced case, I, on behalf of the original complainant, respectfully submit to this Hon'ble Court that the case is at the stage of submitting a written reply to the discharge application filed by the accused. To submit the written reply on behalf of the complainant, the original complainant's bank, which has merged with The Mehsana Urban Co-operative Bank Limited, has sent the reply to the head office for approval. However, as the reply has not yet been received, it could not be submitted. Therefore, I humbly request, in the interest of justice, that an extension be granted to submit the reply to the discharge application.

Place: Surat

Date: 14/11/2018

Signed/- Illegible

Advocate for the Original Complainant

Order:

Granted.

Signed/- Illegible

Additional Senior Civil Judge & Additional Chief Judicial Magistrate, Surat.

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Most Urgent  
CC/100521/200.

**No. Crimin:**

As per direction of the Hon'ble Sessions Judge, Surat Forwarded the writ, which is registered at Sr. No. 4805/2022 with compliments to The 9<sup>th</sup> ACJM Court, Surat for information and necessary action and return the <sup>Supreme</sup> High Court writ No. 36394/2022 with copy immediately.

*Seen  
P. B. Chaudhary  
Adv. with for  
the compliance  
6/10/2022  
seen  
P. B. Chaudhary  
8/10/2022*

*Seen  
9<sup>th</sup> Addl. Sr. Civil Judge  
& ACJM, Surat.*

Sessions Court, Surat  
Date: 3/10/2022

Deputy Registrar,  
Surat



All Communications Should be  
Addressed to Registrar by  
Designation and not by Name.  
Pin Code - 110001

**Delivery Mode: Speed Post**  
**Most Urgent**

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D. No. 19293/2021 /SEC-  
XVIA  
SUPREME COURT OF INDIA  
NEW DELHI  
26th September, 2022

From:

The Assistant Registrar,  
Supreme Court of India, New Delhi.

To,

- 1 THE COURT OF ADDITIONAL CHIEF  
JUDICIAL MAGISTRATE, SURAT,  
GUJARAT

(REF:- 1. CRIMINAL CASE NO.  
101878/2003 ARISING OUT OF FIR NO.  
C.R. NO. I-64/2002, DATED 30.07.2002  
REGISTERED AT POLICE STATION  
UDHANA, SURAT, GUJARAT ;  
2. CRIMINAL CASE NO. 9166/2002  
ARISING OUT OF FIR NO. I.C.R. NO.  
274/2002, DATED 02.07.2002  
REGISTERED AT POLICE STATION  
UMRA, SURAT, GUJARAT ;  
3. CRIMINAL CASE NO. 174/2003  
ARISING OUT OF FIR NO. C.R. NO. I-  
-226/2002, DATED 30.08.2002  
REGISTERED AT POLICE STATION  
RANDER, SURAT, GUJARAT )

PID: 129494/2022 IN T.P.(CRL.)  
NO.333-348/2021 (SEC XVI-A)

- 2 THE COURT OF ADDITIONAL CHIEF  
JUDICIAL MAGISTRATE/JUDICIAL  
MAGISTRATE FIRST CLASS, SURAT,  
GUJARAT

(REF:- CRIMINAL CASE NO.  
100521/2003 ARISING OUT OF FIR NO.  
274/2002, DATED 06.08.2002  
REGISTERED AT POLICE STATION  
VARACHHA, SURAT, GUJARAT )

PID: 129495/2022 IN T.P.(CRL.)  
NO.333-348/2021 (SEC XVI-A)

- 3 THE COURT OF ADDITIONAL CHIEF  
JUDICIAL MAGISTRATE, GANDEVI,  
DISTRICT NAVSARI, GUJARAT

(REF:- CRIMINAL CASE NO. 2778/2004  
ARISING OUT OF FIR/M.CASE NO.  
3/2002, DATED 16.07.2002 REGISTERED  
AT POLICE STATION GANDEVI,  
NAVSARI, GUJARAT )

PID: 129496/2022 IN T.P.(CRL.)  
NO.333-348/2021 (SEC XVI-A)



- 4 THE COURT OF CHIEF JUDICIAL  
MAGISTRATE,  
NAVSARI, DISTRICT NAVSARI,  
GUJARAT

PID: 129497/2022 IN T.P.(CRL.)  
NO.333-348/2021 (SEC XVI-A)

(REF:- CRIMINAL CASE NO. 6840/2002  
ARISING OUT OF FIR NO. I-93/2002,  
DATED 18.08.2002 REGISTERED AT  
POLICE STATION NAVSAI TOWN,  
NAVSARI, GUJARAT)

- 5 THE COURT OF CHIEF JUDICIAL  
MAGISTRATE,  
VALSAD, DISTRICT VALSAD, GUJARAT

PID: 129498/2022 IN T.P.(CRL.)  
NO.333-348/2021 (SEC XVI-A)

(REF:- CRIMINAL CASE NO. 2121/2002  
ARISING OUT OF FIR NO. I-119/2002,  
DATED 10.06.2002 REGISTERED AT  
POLICE STATION VALSAD CITY,  
VALSAD, GUJARAT)

- 6 THE COURT OF ADDITIONAL CHIEF  
JUDICIAL MAGISTRATE, ANAND,  
DISTRICT ANAND, GUJARAT

PID: 129499/2022 IN T.P.(CRL.)  
NO.333-348/2021 (SEC XVI-A)

(REF:- CRIMINAL CASE NO. 1578/2006  
ARISING OUT OF FIR/M.CASE NO. I-119/2002,  
DATED 29/06.2002 REGISTERED  
AT POLICE STATION VIDYA NAGAR,  
ANAND, GUJARAT)

- 7 THE COURT OF II ADDITIONAL CHIEF  
JUDICIAL MAGISTRATE, MORBI,  
DISTRICT MORBI, GUJARAT

PID: 129500/2022 IN T.P.(CRL.)  
NO.333-348/2021 (SEC XVI-A)

(REF:- CRIMINAL CASE NO. 244/2002  
ARISING OUT OF FIR/M.CASE NO.  
22/2002 (C.R. NO. I-226/2002), DATED  
07.06.2002 REGISTERED AT POLICE  
STATION MORBI, GUJARAT)

- 8 THE COURT OF ADDITIONAL CHIEF  
METROPOLITAN MAGISTRATE,  
PATIALA HOUSE COURT, NEW DELHI

PID: 129501/2022 IN T.P.(CRL.)  
NO.333-348/2021 (SEC XVI-A)

(REF:- CRIMINAL CASE NO. 40449/2016  
ARISING OUT OF FIR NO.280/2002,  
DATED 04.05.2002 REGISTERED AT  
POLICE STATION CONNAUGHT  
PLACE, NEW DELHI)

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- 9 THE COURT OF CHIEF JUDICIAL  
MAGISTRATE,  
SAKET COURTS, NEW DELHI

(REF:- CRIMINAL CASE NO.  
2034203/2016 ARISING OUT OF FIR NO.  
242/2002, DATED 17.06.2002  
REGISTERED AT POLICE STATION  
SAROJINI NAGAR, NEW DELHI)

PID: 129502/2022 IN T.P.(CRL.)  
NO.333-348/2021 (SEC XVI-A)

- 10 THE DISTRICT JUDGE,  
BARRACKPORE COURT,  
KOLKATA, WEST BENGAL

(REF:- CRIMINAL CASE NO. \_\_\_\_/2002  
ARISING OUT OF FIR NO.298/2002,  
DATED 22.08.2002 REGISTERED AT  
POLICE STATION JAGATDAL, 24  
NORTH PARAGANAS, WEST BENGAL)

PID: 129503/2022 IN T.P.(CRL.)  
NO.333-348/2021 (SEC XVI-A)

- 11 THE COURT OF 2ND ADDITIONAL  
CHIEF JUDICIAL MAGISTRATE,  
NAGPUR, MAHARASHTRA

(REF:- CRIMINAL CASE NO. 147/2002  
ARISING OUT OF F.I.R. NO.97/2002,  
DATED 25.04.2002 AND C.R. NO.  
101/2002, DATED 29.04.2002. BOTH  
REGISTERED AT POLICE STATION  
GANESHPETH, NAGPUR,  
MAHARASHTRA)

PID: 129504/2022 IN T.P.(CRL.)  
NO.333-348/2021 (SEC XVI-A)

- 12 THE COURT OF CHIEF JUDICIAL  
MAGISTRATE,  
AMRAVATI, MAHARASHTRA

(REF:- CRIMINAL CASE NO. 847/2002  
ARISING OUT OF F.I.R. AT C.R. NO.  
75/2002, DATED 15.05.2002 REGISTERED  
AT POLICE STATION CITY KOTWALI,  
AMRAVATI, MAHARASHTRA)

PID: 129505/2022 IN T.P.(CRL.)  
NO.333-348/2021 (SEC XVI-A)



- 13 THE COURT OF CHIEF JUDICIAL  
MAGISTRATE,  
PIMPRI, PUNE

(REF:- CRIMINAL CASE NO. 498/2002  
ARISING OUT OF F.I.R. AT C.R. NO.  
102/2002, DATED 08.05.2002  
REGISTERED AT POLICE STATION  
PIMPRI, PUNE, MAHARASHTRA)

PID: 129506/2022 IN T.P.(CRL.)  
NO.333-348/2021 (SEC XVI-A)

14 THE COURT OF 3RD JUDICIAL  
MAGISTRATE FIRST CLASS, SHIVAJI  
NAGAR, PUNE, MAHARASHTRA

(REF:- CRIMINAL CASE NO. 357/2002  
ARISING OUT OF F.I.R. AT C.R. NO.  
65/2002, DATED 15.05.2002 REGISTERED  
AT POLICE STATION VISHRAMBAUG,  
PUNE, MAHARASHTRA)

PID: 129507/2022 IN T.P.(CRL.)  
NO.333-348/2021 (SEC XVI-A)

15 THE COURT OF PRINCIPAL JUDGE,  
BOMBAY CITY CIVIL AND SESSIONS  
COURT, FORT,  
MUMBAI - 400032, MAHARASHTRA

PID: 129508/2022 IN T.P.(CRL.)  
NO.333-348/2021 (SEC XVI-A)

TRANSFER PETITION (CRIMINAL) No(s) 333-348 OF 2021  
WITH  
IA No 105293/2021-STAY APPLICATION

KETAN KANTILAL SETH

... Petitioner(s)/Appellant(s)

VERSUS

THE STATE OF GUJARAT & ORS

... Respondent(s)

Sir,

In continuation of this Registry's letter dated 20th May 2022 addressed to the Court of 2nd Additional Chief Judicial Magistrate, Nagpur, Maharashtra, I am directed to inform you that Transfer Petitions above mentioned have been disposed of with observations by this Hon'ble Court in terms of the signed non-reportable Order dated 09th September, 2022.

A Certified Copy of the said non-reportable Order in the matters (alongwith amended cause title/memo of parties in Criminal Case No. 847 of 2002 pending before the Court of CJM, Amravati, Maharashtra) is being forwarded herewith for your information and necessary compliance under intimation to this Registry.

Please acknowledge receipt.



Yours faithfully,

ASSISTANT REGISTRAR

Copy with a Certified copy of Order dated 09th September, 2022 forwarded to:-

1. The Registrar, High Court of Ahmedabad at Gujarat
2. The Registrar, High Court of Delhi at New Delhi
3. The Registrar, High Court at Calcutta (Kolkata), West Bengal
4. The Registrar, Bombay High Court, Mumbai, Maharashtra

ASSISTANT REGISTRAR

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22 IN TP (CRL.)  
SEC XVI-ANON-REPORTABLE

**IN THE SUPREME COURT OF INDIA  
CRIMINAL ORIGINAL JURISDICTION**

**TRANSFER PETITION (CRIMINAL) Nos. 333-348/2021**

Ketan Kantilal Seth

.....Petitioner

VERSUS

064293

State of Gujarat &amp; Ors.

..... Respondent(s)

With I.A. No. 134476 of 2021

Certified to be true copy  
Vandav  
Assistant Registrar (Judl.)

ORDER

24/11/2021  
Supreme Court of India

With the consent of the parties, these transfer petitions have been taken up for final hearing. The present petitions have been filed by petitioner/accused for invoking the power under Section 406 of Code of Criminal Procedure, 1973 (hereinafter referred to as 'CrPC'), seeking transfer of 16 criminal cases pending against him in four different States to one Court in Mumbai, where 3 cases are already pending. Following are the cases of which transfer are being sought -

- i. Criminal Case No. 101878/2003 arising out of FIR No. C.R. No. I-64/2002, dated 30.07.2002 registered at



- Police Station Udhana, Surat, Gujarat, pending before  
Additional Chief Judicial Magistrate, Surat;
- ii. Criminal Case No. 9166/2002 arising out of FIR No. I.C.R. No. 274/2002, dated 02.07.2002 registered at Police Station Umra, Surat, Gujarat, pending before Additional Chief Judicial Magistrate, Surat;
- iii. Criminal Case No. 174/2003 arising out of FIR No. C. R. No. I-226/2002, dated 30.08.2002 registered at Police Station Rander, Surat, Gujarat, pending before Additional Chief Judicial Magistrate, Surat;
- iv. Criminal Case No. 100521/2003 arising out of FIR No. 274/2002, dated 06.08.2002 registered at Police Station Varachha, Surat, Gujarat, pending before Additional Chief Judicial Magistrate/Judicial Magistrate First Class, Surat;
- v. Criminal Case No. 2778/2004 arising out of FIR/M. Case No. 3/2002, dated 16.07.2002 registered at Police Station Gandevi, Navsari, Gujarat, pending before Additional Chief Judicial Magistrate, Gandevi;



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- vi. Criminal Case No. 6840/2002 arising out of FIR No. I-93/2002, dated 18.08.2002 registered at Police Station Navsai Town, Navsari, Gujarat, pending before Chief Judicial Magistrate, Navsari;
- vii. Criminal Case No. 2121/2002 arising out of FIR No. I-119/2002, dated 10.06.2002 registered at Police Station Valsad City, Valsad, Gujarat, pending before Chief Judicial Magistrate, Valsad;
- viii. Criminal Case No. 1578/2006 arising out of FIR/M. Case No. 29/2002, dated 13.06.2002 registered at Police Station Vidya Nagar, Anand, Gujarat, pending before Additional Chief Judicial Magistrate, Anand;
- ix. Criminal Case No. 244/2002 arising out of FIR/M. Case No. 22/2002 (C.R. No. I-226/2002), dated 07.06.2002 registered at Police Station Morbi, Gujarat, pending before II Additional Chief Judicial Magistrate, Morbi;
- x. Criminal Case No. 40449/2016 arising out of FIR No. 280/2002, dated 04.05.2002 registered at Police Station Connaught Place, New Delhi, pending before Additional



- Chief Metropolitan Magistrate, Patiala House Court, New Delhi;
- xi. Criminal Case No. 2034203/2016 arising out of FIR No. 242/2002, dated 17.06.2002 registered at Police Station Sarojini Nagar, New Delhi, pending before Chief Metropolitan Magistrate, Saket Court, New Delhi;
- xii. Criminal Case No. \_\_\_\_/2002 arising out of FIR No. 298/2002, dated 22.08.2002 registered at Police Station Jagatdal, 24 North Paraganas, West Bengal, pending before Barrackpore Court, Kolkata;
- xiii. Criminal Case No. 147/2002 arising out of F.I.R. No. 97/2002, dated 25.04.2002 and C.R. No. 101/2002, dated 29.04.2002, both registered at Police Station Ganeshpeth, Nagpur, Maharashtra, pending before 155-II Additional Chief Judicial Magistrate First Class, Nagpur;
- xiv. Criminal Case No. 847/2002 arising out of F.I.R. at C.R. No. 75/2002, dated 15.05.2002 registered at Police Station City Kotwali, Amravati, Maharashtra, pending before Chief Judicial Magistrate, Amravati;



(327) (327)

- xv. Criminal Case No. 498/2002 arising out of F.I.R. at C.R. No. 102/2002, dated 08.05.2002 registered at Police Station Pimpri, Pune, Maharashtra, pending before Chief Judicial Magistrate, Pimpri, Pune;
- xvi. Criminal Case No. 357/2002 arising out of F.I.R. at C.R. No. 65/2002, dated 15.05.2002 registered at Police Station Vishrambaug, Pune, Maharashtra, pending before III Judicial Magistrate First Class, Shivaji Nagar, Pune.

In fact, the basic object to file these transfer petitions is to get all cases transferred at one place and may be directed to try together.

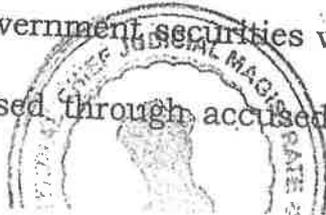
2. In a nutshell, the prosecution story in majority of the cases revolves around one accused company namely M/s Home Trade Limited, which is alleged to have engaged in the business of Stock Securities, Brokering and Trading. The allegations against the petitioner herein and one Sanjay Hariram Agarwal are that they were the authorized signatories of the accused company and while acting in the capacity of Directors of the said accused company, they entered into several transactions dealing with government



securities and further sold the said securities without any authorization. Further, it has also been alleged that the government securities were not delivered within time and the money raised thereby has been misappropriated by the accused persons including the petitioner herein.

3. During the pendency of the instant petitions, application for intervention (bearing I.A. No. 134476 of 2021) has also been filed on behalf of one applicant namely; Omprakash Bhaurao Kamdi, seeking permission to intervene on the grounds of being a 'necessary' and 'proper' party as stated in the application.

4. Before advertng to merits of the transfer petitions, the application seeking intervention is being taken up for disposal. The intervenor claims to be an agriculturist who is dependent on financial aid provided by Nagpur District Central Cooperative Bank Limited (hereinafter referred as NDCCB) for his day-to-day agricultural activities. It is said Chairman of NDCCB, who lodged an FIR in 2002 against the petitioner and other accused persons alleging non-delivery of the government securities worth Rs. 125 crores which NDCCB purchased through accused company in



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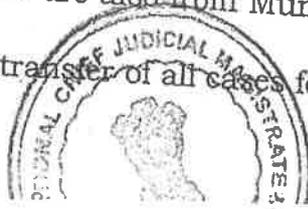
which petitioner and other accused persons were directors. The petitioner also sought transfer of concerned trial in the instant transfer petitions.

5. It is a settled principle of law in criminal jurisprudence that intervention application filed by a third party should not ordinarily be allowed in criminal cases unless the Court is satisfied that on the grounds on which the person seeking intervention is directly or substantially related to the case and question of law which may affect him adversely; or in the opinion of Court, joining the intervenor in the case is expedient in public interest. Having perused the contents of intervention application, nothing is averred in the application, how non-joining of applicant may cause prejudice or affect the public interest. The applicant is neither a complainant in any of the cases of which transfer is being sought, nor he has any direct involvement or ground of his joining in public interest. The intervenor has no locus to intervene in the present petition, therefore, I am of the opinion that the grounds as mentioned by the intervenor are not proper to allow the application. It is to observe that prayer in the present petition



is confined to transfer the criminal trials pending before Trial Courts in different States for trial by one Court in one State and in such circumstances, the prayer for intervention cannot be allowed for reasons mentioned above. Consequently, I.A. No. 134476 of 2021 seeking intervention stands dismissed.

6. Reverting to the merits of the transfer petitions, learned counsel for petitioner has contended that multiple FIRs were registered against petitioner and other accused persons in different States having similar set of allegations, which has led into multiple trials being pending before various Trial Courts in different States for adjudication. Most of the accused persons in all FIRs and witnesses thereof are common. However, for the purpose of trial, all the accused as well witnesses have to attend hearing dates before various Courts leading to delay and huge expenses. Moreover, most of the transactions pertaining to the alleged offence have taken place in Mumbai, Maharashtra and per the chart supplied by the petitioner, majority of the witnesses relevant for the purpose of trial are also from Mumbai. However, the petitioner has prayed the transfer of all cases for trial by



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Court primarily on the grounds of convenience, expeditious disposal and no-prejudice may be caused to the defence of the accused for fair trial and to secure ends of justice.

7. Per contra, the learned counsel for respondent has opposed the transfer petitions primarily on the ground that the transfer petitions have been filed belatedly. It has been contended that, High Court of Bombay vide order dated 24.06.2021 passed in Criminal Application No. 628/2014, directed the concerned Trial Court to complete the trial in C.C. No. 147/2002 (i.e. one of the cases of which transfer is being sought in the instant petitions) by passing final judgment and order within a maximum period of four months. The proceedings in the said case are already at the final stage. Hence, the prayer of the petitioner seeking transfer of cases as mentioned deserves to be dismissed.

8. After having heard both the sides, the primary issue for consideration before this Court is *'Whether the criminal cases pending before different Trial Courts in four States can be transferred to one Trial Court in one State?; Whether transfer of case of one of the criminal case which is at the final stage of trial*

*before concerned Court in Nagpur, can be directed to be transferred at such belated stage?*

9. To answer the aforesaid questions, first of all it is necessary to know the underlying intention of Section 406 of CrPC. Section 406 deals with the power of Supreme Court to transfer the cases. The Court can exercise such power for fair trial and to secure the ends of justice. The language impliedly left the transfer of the cases on the discretion of the Court. If the Court is satisfied that it is imperative to transfer the cases in the interest of justice or to secure ends of justice, then it may do so.

10. In the instant case, it is not in dispute that since 2002, multiple FIRs across four States namely; Gujarat, Maharashtra, New Delhi and West Bengal have been filed against petitioner and other accused persons containing broad and common allegations pertaining to act done in collusion by accused persons to defraud the complainants and misappropriate the money raised thereby while dealing/trading in government securities in the name of accused company M/s Home Trade Limited. The State in its counter affidavit has stated that during investigation, the accused

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Company was found not to be eligible to deal in transactions relating to government securities, whereas, petitioner and other accused person namely Sanjay Hariram Agarwal were acting as Directors and authorized signatories of accused Company. From a bare perusal of the facts and FIRs, it is seen that there is commonality of facts in each FIR and that most of the transactions have taken place in Mumbai. Further, the FIRs mainly have petitioner and Sanjay Hariram Agarwal as common accused persons.

11. As per the details provided by petitioner in a chart annexed with petition, out of all the nineteen FIRs registered against petitioner and other accused persons, one FIR has been registered in Kolkata, West Bengal; two FIRs are registered in Delhi; nine FIRs are registered in different districts of Gujarat and seven FIRs are registered in different districts of Maharashtra. Further, as stated by petitioner and unrefuted by respondent State, out of total 689 witnesses in all nineteen cases pending before respective Trial Courts, 236 witnesses are from Mumbai. It is further not disputed that in multiple cases, almost 20 years have lapsed and



yet majority of the trials are pending at the initial stage. It wouldn't be out of place to mention that primary reason for such delay is the multiplicity of proceedings alongwith practical difficulties for the Trial Court to secure the presence of witnesses as well as accused for concluding the trial.

12. The contention of the State that prejudice will be caused if the transfer is allowed at such a belated stage when one of the criminal proceedings is at the final stage is bereft of merit. At this juncture, it is apt to refer order dated 24.06.2021 passed by High Court of Judicature at Bombay in Criminal Application No. 628/2021 filed by accused Sanjay Hariram Agarwal seeking transfer of criminal cases pending against him. The same is reproduced for ready reference as thus:

*".....(ii) We direct that the trial in said C.C. No. 147/2002 (Crime No. 101/2002 registered with Ganesh Peth Police Station, Nagpur) be completed by passing final judgment and order within maximum period of four months from today. We make it clear that we are granting maximum four months' time in view of Covid-19 restrictions....."*



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*(iii) We make it clear that after completion of trial in said C.C. No. 147/2002 (Crime No. 101/2002 registered with Ganesh Peth Police Station, Nagpur) against other accused except the Applicant, the trial against Applicant be commenced by conducting the same expeditiously and preferably on day-to-day basis and the same be completed within a period of four months after commencement of trial against present Applicant.*

As is evident from the aforesaid order, the High Court directed completion of trial in C.C. No. 147/2002 in a time bound manner against other accused persons except the applicant i.e., Sanjay Hariram Agarwal (accused no. 3 in C.C. No. 147/2002). The High Court further directed that once the trial against other accused persons is completed, then only trial against applicant therein shall commence. The High Court effectively split the trial of other accused persons from trial of Sanjay Hariram Agarwal and caused serious prejudice. As is gathered from the records and also stated above, accused Sanjay Hariram Agarwal alongwith petitioner herein were acting in the capacity of the Directors of accused company. The person who could have put the best defence (oral as well as documentary) before Trial Court, where evidence led by prosecution was common and mostly related to same transaction,



was effectively excluded by the order of High Court. In my considered view, such an approach taken by High Court is prima-facie amounts to differential treatment, causing serious prejudice to the right of fair trial of other accused persons including the petitioner herein.

13. In view of the foregoing discussion, considering the common nature of allegations raised against the petitioner in all FIRs and criminal proceedings emanating therefrom which are yet pending before respective Trial Courts in four States, I am of the opinion that to meet the ends of justice and fair trial, the transfer petitions deserve to be allowed. Therefore, the instant transfer petitions are disposed-off with the following directions: -

- a) The criminal cases, as specified in para 1 (clause (i) to (xvi)) of this order shall be transferred from the courts, where those are pending, to the court of Principal Judge, Bombay City Civil and Sessions Court, Fort, Mumbai - 400032, Maharashtra;
- b) the Principal Judge is at liberty to assign the cases to any of the Court situated in his jurisdiction to try all those



cases. He is also at liberty to assign some of the cases to any other courts also, if necessary;

- g) it is further directed that the transferor courts shall immediately transmit the record of concerned cases to the Principal Judge, Bombay City Civil and Sessions Court, Fort, Mumbai - 400032, which should reach on or before 31.10.2022;
- d) all the accused in the concerned cases shall appear before the Principal Judge, Bombay City Civil and Sessions Court, Fort, Mumbai on 14.11.2022;
- e) on assignment of those cases to the concerned Court(s), as directed hereinabove, the said Court(s) shall frame the charges within a period of two months from the date of appearance, or on securing presence of the accused persons, if absent; and thereafter the trial be concluded as expeditiously as possible, not later than two years. It is needless to observe that the examination of the witnesses

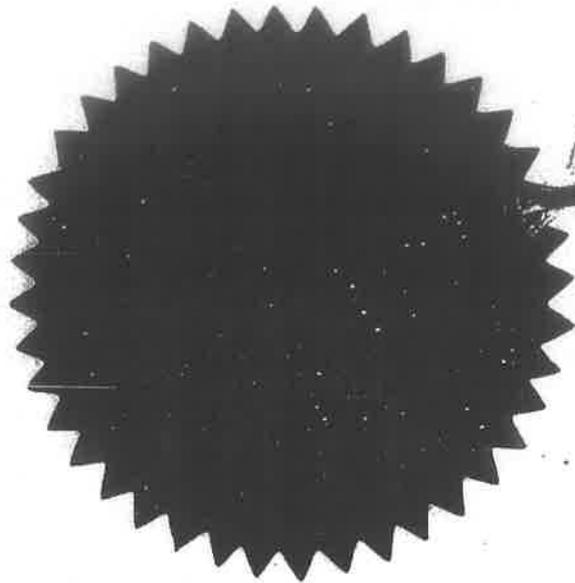


in all cases will be recorded by the Court(s) separately,  
thereby it should not cause any prejudice to any accused.



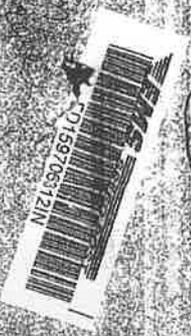
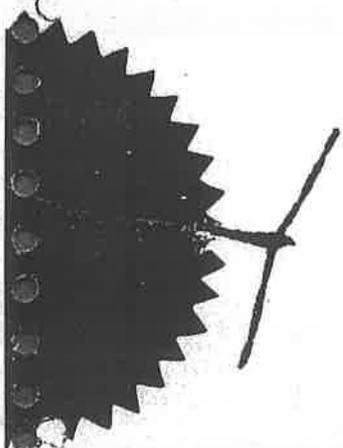
J.  
(J.K. MAHESHWARI)

New Delhi;  
September 9, 2022.



by the Court(s) separately,  
by prejudice to any accused.

*[Signature]*  
J.  
(J.K. MAHESHWARI)



PID: 129495/2022 IN T.P.(CRL.)  
NO.333-348/2021 (SEC XVI-A)

119 2  
THE COURT OF ADDITIONAL CHIEF  
JUDICIAL MAGISTRATE/JUDICIAL  
MAGISTRATE FIRST CLASS, SURAT,  
GUJARAT



SUPREME COURT OF INDIA  
NEW DELHI - 110001

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**Advocate Letter****In the Court of Hon'ble Chief Judicial Magistrate, Surat****Varachha Police Station First Crime Register No.: 274/2002**

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

I, the undersigned, resident of Surat, the surety in the above-referenced case, hereby appoint the following advocate to represent me in the aforementioned case before this Hon'ble Court, or any court to which this case may be transferred from time to time:

I authorize Advocate Nilesh K. Goiwala to act on my behalf to conduct and initiate proceedings in the case, refer the matter to arbitration, settle it privately, sign and register compromise agreements, obtain court fee refunds or other funds due to me, and manage related expenses. I have appointed Advocate Nilesh K. Goiwala under the following conditions, which are accepted:

**Conditions:**

- (1) It is not your responsibility to inform me of the hearing dates in this case; I am responsible for attending each hearing myself.
- (2) You have been appointed as advocate to conduct the entire case. I will not engage another advocate without your written consent.
- (3) If you are unable to attend personally and assign the case to another advocate, I accept that the assigned advocate may conduct the case.

In witness whereof, I have affixed my signature on this 27th day of July, 2006.

Signed/- Illegible

Signed/- Illegible

(J.B. Dalal)

Accepted

Sd/- Illegible

(N. K. Goiwala)

Accepted

Accepted

Recorded

Signed/- Illegible

Chief Judicial Magistrate, Surat

27/07/06

**In the Court of Hon'ble Chief Judicial Magistrate, Surat**  
**Varachha Police Station First Crime Register No.: 274/2002**

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

Sureties: (1) Rohiniben Chhotubhai Patil  
(2) Jayshreeben Bhartkumar Dalal

The sureties for the above-referenced accused in the above-referenced case respectfully submit that the Hon'ble Gujarat High Court has granted bail to the aforementioned accused. As per the conditions of the bail order, the accused is required to provide their residential address, the details of which are as follows, for the information of this Hon'ble Court.

Details Name of the Accused: Ketan Kantilal Sheth Address: Resident of 193, 'Lalit Kutir', 9th Gulmohar Cross Road, Juhu Scheme, Vile Parle (West), Mumbai 400056

Date: 27/07/2006

Signed/- Illegible

Signed/- Illegible Chief Judicial Magistrate,  
Surat

**In the Court of Hon'ble Chief Judicial Magistrate, Surat**

Varachha Police Station First Crime Register No.:  
274/2002

Gujarat High Court Criminal Miscellaneous  
Application No.: 6758/06

Complainant: State

Versus

Accused: Ketan Kantilal Sheth Age: 42, Occupation: Business Address: Resident of  
193, 'Lalit Kutir', 9th Gulmohar Cross Road, Juhu Scheme, Vile Parle (West),  
Mumbai 400056

Sureties: (1) Rohiniben Chhotubhai Patil Age: 38, Occupation: Housewife  
Address: Resident of 85, Chikuwadi House, Pandesara, Surat.

(2) Jayshreeben Bharatkumar Dalal Age: 48, Occupation: Agent  
Address: 23-6/1547, Kalpana Sadan, Mahidharpura, Maniyari Sheri,  
Surat.

**Humble Application on Behalf of the Sureties for the Accused:**

In the above-referenced case, we, the sureties for the aforementioned accused, respectfully submit that the Hon'ble Gujarat High Court has ordered the release of the accused on bail upon furnishing a personal bond of Rs. 1,00,000/- (Rupees One Lakh) and two solvent sureties of Rs. 50,000/- each. We, the sureties, wish to stand as

guarantors for the accused and are willing to do so. We assure that the accused will regularly attend this Hon'ble Court and comply with all conditions imposed by the Court. Therefore, we humbly request that we be accepted as sureties for the accused and that the accused be released on bail.

Date: 27/07/2006

Signed/- Illegible

ORDER:

Subject to the order and conditions of the order of Hon'ble Gujarat High Court, accept the bail of the accused.

27/07/2006

Sd/- Illegible

Chief Judicial Magistrate,

Surat.

**In the Court of Hon'ble Chief Judicial Magistrate, First Class, Surat**

Varachha Police Station First Crime Register No.: 274/02

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

I, Rohiniben Chhotubhai Patil, aged 38, occupation: housewife, resident of 85, Chikuwadi House, Pandesara, Surat, solemnly affirm on oath as follows:

1. The accused, Ketan Kantilal Sheth, has been charged under Sections 465, 467, 468, 409; and 120B of the Indian Penal Code, and the Hon'ble Court has ordered his release on bail upon furnishing a surety of Rs. 50,000/- (Rupees Fifty Thousand). I wish to stand as surety for the accused.

I declare my particulars as follows:

**A. Name and Address of the Surety:**

Rohiniben Chhotubhai Patil, Resident of 85, Chikuwadi House, Pandesara, Surat

- Rent Paid: [Not specified]

- Whether the rent receipt is in the surety's name: [Not specified]

**B. Employment or Business:**

- Occupation: Housewife

- Business Address: [Not applicable]

- Type of Business and Surety's Share: [Not applicable]

- Rent Bill for Business Premises: [Not applicable]

- Whether the rent bill is in the surety's name: [Not applicable]

C. Employer's Name and Address: [Not applicable]

- Place of Employment: [Not applicable]

- Monthly Salary: [Not applicable]

- Provident Fund Amount: [Not applicable]

D. Details of Any Property Owned by the Surety:

- Details and Share in Property, and Whether Encumbered: A copy of the property's title deed is submitted.

- Income Tax Paid in the Last Three Years: [Not specified]

- Amount in Bank: [Not specified]

E. How Long Have You Known the Accused, and If Related, What is the Relationship:  
Relative

F. Whether the Surety Has Stood as Surety for Anyone Else, and If So, Details of the Court, Person, Amount, and Case Status: No

G. Whether Any Surety Bond of the Surety Has Ever Been Forfeited: No

H. Whether the Surety is an Accused in Any Case, and If So, Details: No

3. To support my status, income, property, etc., I submit the following evidence:

(1) Property Document: [Copy submitted]

(2) Municipal Bill for Property: [Not specified]

(3) Property Copy: [Not specified]

(4) Gram Panchayat Certificate: [Not specified]

(5) Income Tax Receipt: [Not specified]

(6) Bank Passbook: [Not specified]

(7) Provident Fund Certificate: [Not specified]

(8) House Rent Bill: [Not specified]

(9) Rent Bill for Business Premises: [Not specified]

(10) Business-Related Documents: [Not specified]

Other Evidence: A copy of the property's certificate is submitted.

I humbly request that I be accepted as a surety for the accused for the amount of Rs. 50,000/- (Rupees Fifty Thousand).

Date: 27/07/2006

Identifier

Signed/- Illegible

Advocate's Signature

The person making the affidavit on oath before me has been identified by Advocate Shri Nilesh K. Goiwala, whom I know.

I Know the Surety

Signed/- Illegible

Advocate

Varachha Police Station First Crime Register No.: 274/02

**Surety Affidavit Form**

(One month's older surety affidavit will not be accepted.)

- (1) Name: Rohiniben Patil
- (2) Father's Name: Chhotubhai Patil
- (3) Residential Address: 85, Chikuwadi House, Pandesara, Surat
- (4) Age: 38
- (5) Occupation: Housework
- (6) Purpose for Which (Funds) Are Required: For standing as surety
- (7) Does the person providing the affidavit possess movable or immovable property, or both? -----
- (8) If Movable Property Exists, Its Estimated Value and Reasons for Such Valuation:-  
--
- (8) If Immovable Property Exists:
- (A) If the Immovable Property is Land:
- a. Its Area and Location: -----
- b. Its Shape: -----
- c. Its Market Value: -----
- d. Is the land entirely owned by the person providing the affidavit? If not, what is their share, names of other co-owners, and whether they have any objections to raise: -----
- e. Is the land part of a joint Hindu family property? If so, what is the share, names of other co-owners, and whether they have any objections to raise: -----
- (B) If the Immovable Property is a House:
- a. Location of the House: 85, Chikuwadi House, Pandesara, Surat
- b. Its Market Value: 7,00,000/- Seven Lakh Only.

- c. Is the house entirely owned by the person providing the affidavit? If not, what is their share, names of other co-owners, and whether they have any objections to raise:
- e. Is the house part of a joint Hindu family property? If so, what is the share, names of other co-owners, and whether they have any objections to raise: ---

**Declaration on Oath by the Person Providing the Affidavit**

I, Rohiniben Chhotubhai Patil, Age: 38, Occupation: Housework, Resident: 85, Chikuwadi House, Pandesara, Surat

Solemnly affirm on oath that the property mentioned above is in my ownership/possession, and the facts stated above are completely true to the best of my knowledge and belief. The immovable property mentioned above is free from encumbrances.

Date: 25 Month: 07 Year: 2006

(Signature)

Signed/- Illegible

Signed in my presence

**10. Report of the Village Officer of the Location Where the Property is Situated:**

The applicant, Mrs. Rohini Chhotubhai Patil, resident of 85, Chikuwadi House, Pandesara, Surat, possesses property with a market value of Rs. 7,00,000/- (Rupees Seven Lakh Only). Therefore, she is solvent and eligible to stand as surety for Rs. 50,000/- (Rupees Fifty Thousand Only).

Signed/- Illegible

Talati, City

Village: Pandesara

City Taluka, Surat

**11. Opinion of the Officer Providing the Affidavit:**

Part-I (of I-II) CC-100521/2003 IPC Sec. 406, 420,409, 465, 468, 471,114 FIR No. 274/2002  
9<sup>th</sup> Addl. Senior Civil Judge & ACJM, Surat, Gujarat, Ketan Kantilal Seth Vs. State of Gujarat

It is certified that Mrs. Rohiniben Chhotubhai Patil, age 38, occupation: housework, resident of 85, Chikuwadi House, Pandesara, Surat, possesses property with Tenement No. 270-15-5466-0-001, valued at Rs. 7,00,000/- (Rupees Seven Lakh Only). Therefore, she is solvent and eligible to stand as surety for Rs. 50,000/- (Rupees Fifty Thousand Only).

Signed/- Illegible

Mamlatdar

Surat City

Stamp of the officer issuing the certificate

Register No.: 1363/06

Place: Surat

Date: 25/7/06

Note: Details for items 8, 9, and 10 cannot be easily noted against them; they should be written on separate papers with the officer's signature and attached, with a note against the relevant paragraph.

**In the Court of Hon'ble Chief Judicial Magistrate, Surat**  
Varachha Police Station First Crime Register No.: 274/02

Complainant: State

Versus

Accused: Ketan Kantilal Sheth

**Certificate**

I, Advocate Shri Nilesh K. Goiwala, hereby certify and state that: The surety, Rohiniben Chhotubhai Patel, resident of 85, Chikuwadi House, Pandesara, Surat, is standing as surety for the first time in Your Hon'ble Court. She has not previously stood as surety for any other person, nor has she stood as surety in any other criminal case.

Date: 27/7/2006

Signed/- Illegible  
Advocate's Signature

Signed/- Illegible  
Chief Judicial Magistrate,  
Surat.

**Varachha Police Station First Crime Register No.: 274/02****Surety Affidavit Form**

(One month's older surety affidavit will not be accepted.)

- (1) Name: Jayshreeben Dalal
- (2) Father's Name: Bharatkumar Dalal
- (3) Residential Address: 6-15-47, Kalpana Sadan, Mahidharpura, Maniyari Sheri, Surat
- (4) Age: 48
- (5) Occupation: Post Agent
- (6) Purpose for Which (Funds) Are Required: For standing as surety
- (7) Does the person providing the affidavit possess movable or immovable property, or both? -----
- (8) If Movable Property Exists, Its Estimated Value and Reasons for Such Valuation: -----
- (8) If Immovable Property Exists:
- (A) If the Immovable Property is Land:
- a. Its Area and Location: -----
  - b. Its Shape: -----
  - c. Its Market Value: -----
  - d. Is the land entirely owned by the person providing the affidavit? If not, what is their share, names of other co-owners, and whether they have any objections to raise: -----
  - e. Is the land part of a joint Hindu family property? If so, what is the share, names of other co-owners, and whether they have any objections to raise: -----
- (B) If the Immovable Property is a House:
- a. Location of the House: 6-15-47, Kalpana Sadan, Mahidharpura, Maniyari Sheri, Surat

- b. Its Market Value: 10,00,000/- Ten Lakh Only
- c. Is the house entirely owned by the person providing the affidavit? If not, what is their share, names of other co-owners, and whether they have any objections to raise: -----
- e. Is the house part of a joint Hindu family property? If so, what is the share, names of other co-owners, and whether they have any objections to raise: -----

**Declaration on Oath by the Person Providing the Affidavit:**

I, Jayshreeben Bharkumar Dalal, Age: 48, Occupation: Agent, Resident: 6/1547, Kalpana Sadan, Mahidharpura, Maniyari Sheri, Surat Solemnly affirm on oath that the property mentioned above is in my ownership/possession, and the facts stated above are completely true to the best of my knowledge and belief. The immovable property mentioned above is free from encumbrances.

Date: 25 Month: 07 Year: 2006

(Signature)

Signed/- Illegible

Signed in my presence

**10. Report of the Village Officer of the Location Where the Property is Situated:**

The applicant, Mrs. Jayshreeben Bharkumar Dalal, resident of 6/1547, Kalpana Sadan, Mahidharpura, Maniyari Sheri, Surat, possesses property with a market value of Rs. 10,00,000/- (Rupees Ten Lakh Only). Therefore, she is solvent and eligible to stand as surety for Rs. 50,000/- (Rupees Fifty Thousand Only).

Signed/- Illegible

Talati, City

Village: Pandesara

City Taluka, Surat

**11. Opinion of the Officer Providing the Affidavit:**

Part-I (of I-II) CC-100521/2003 IPC Sec. 406, 420, 409, 465, 468, 471, 114 FIR No. 274/2002  
9<sup>th</sup> Addl. Senior Civil Judge & ACJM, Surat, Gujarat, Ketan Kantilal Seth Vs. State of Gujarat

It is certified that Mrs. Jayshreeben Bharatkumar Dalal, resident of 6/1547, Kalpana Sadan, Mahidharpura, Maniyari Sheri, Surat, possesses property with Tenement No. 17-B-81-7041-00, valued at Rs. 10,00,000/- (Rupees Ten Lakh Only). Therefore, she is solvent and eligible to stand as surety for Rs. 50,000/- (Rupees Fifty Thousand Only).

Signed/- Illegible

Mamlatdar

Surat City

Stamp of the officer issuing the certificate

Register No.: 1366/06

Place: Surat

Date: 25/7/06

Note: Details for items 8, 9, and 10 cannot be easily noted against them; they should be written on separate papers with the officer's signature and attached, with a note against the relevant paragraph.

**Surety Affidavit****The Hon'ble Chief Judicial Magistrate, First Class, Surat****Varachha Police Station First Crime Register No.: 274/02****Complainant:** State**Versus****Accused:** Ketan Kantilal Sheth

I, Jayshreeben Bharkumar Dalal, Age: 48, Occupation: Agent, Resident: 6/1547,  
Kalpana Sadan, Mahidharpura, Maniyari Sheri, Surat

Solemnly affirm on oath as follows:

1. The accused Ketan Kantilal Sheth has been charged under IPC Sections 465, 467, 468, 409, 120B, and the Hon'ble Court has ordered his release on bail with a surety of Rs. 50,000/- (Rupees Fifty Thousand Only). I wish to stand as surety for him.

I declare my particulars as follows:

**A. Name and Address of Surety:**

Jayshreeben Bharkumar Dalal, Resident: 6/1547, Kalpana Sadan, Mahidharpura,  
Maniyari Sheri, Surat

- Rent Paid: -----
- Whether the rent receipt is in the surety's name: -----

**B. Employment or Business:**

- Occupation: Agent
- Business Address: -----
- Type of Business and Surety's Share: -----
- Rent Bill for Business Premises: -----
- Whether the rent bill is in the surety's name: -----

**C. Employer's Name and Address: -----**

- Place of Employment: -----

- Monthly Salary: -----
- Provident Fund Amount: -----

**D. Details of Any Property Owned by the Surety:**

- Details and Share in Property, Whether Encumbered: Copy of property title deed submitted.
- Income Tax Paid in Last Three Years: -----
- Amount in Bank: -----

**E. How Long Have You Known the Accused, and If Related, What is the Relationship: Relative**

**F. Whether the Surety Has Stood as Surety for Anyone Else, Details of Court, Person, Amount, Case Status: No**

**G. Whether Any Surety Bond of the Surety Has Been Forfeited: No**

**H. Whether the Surety is an Accused in Any Case, Details: No**

**3. To support my status, income, property, etc., I submit the following evidence:**

- (1) Property Document: -----
- (2) Municipal Bill for Property: -----
- (3) Property Copy: -----
- (4) Gram Panchayat Certificate: -----
- (5) Income Tax Receipt: -----
- (6) Bank Passbook: -----
- (7) Provident Fund Certificate: -----
- (8) House Rent Bill: -----
- (9) Rent Bill for Business Premises: -----
- (10) Business-Related Documents: -----

Other Evidence: Copy of Property certificate submitted.

I request that I be accepted as a surety for the accused for the amount of Rs. 50,000/- (Rupees Fifty Thousand Only).

**Date:** 27/7/2006

**Identifier**

Signed/- Illegible  
Advocate's Signature

The person making the affidavit on oath before me has been identified by Advocate Shri Nilesh K. Goiwala, whom I know.

I Know the Surety  
Signed/- Illegible  
Advocate

**Certificate**

**In the court of Hon'ble Chief Judicial Magistrate, Surat**

Varachha Police Station First Crime Register No.: 274/02

**Complainant:** State

**Versus**

**Accused:** Ketan Kantilal Sheth

**Certificate**

I, Advocate Shri Nilesh K. Goiwala, hereby certify and state that: The surety, Jayshreeben Bharkumar Dalal, resident of 6/1547, Kalpana Sadan, Mahidharpura, Maniyari Sheri, Surat, is standing as surety for the first time in Your Hon'ble Court. She has not previously stood as surety for any other person, nor has she stood as surety in any other criminal case.

**Date:** 27/7/2006

Signed/- Illegible  
Advocate's Signature

JBDalal

Seen.

Signed/- Illegible

Chief Judicial Magistrate, Surat

27/07/2006

Outward No : 362 /2017.

Civil Court, Surat.

Date :27/12/2017

To,  
Hon'ble Registrar General Saheb,  
High Court of Gujarat,  
Sola, Ahmedabad.

High Court Writ Number .142482dated -2017  
Criminal Appeal(Against Acquittal) Number.924 of 2017.

Through: Hon'ble Principal District Judge Saheb, Surat.

Criminal casa no. 27481/2011

- (1) Parties Advocate have been informed.
- (2) A note has been made in the relevant Register.
- (3) A Copy of this " Writ " has been exhibited Criminal casa no. 27481/2011
- (4) A Copy of this "Writ" has been kept in our office file.



(P.I.Prajapati)

G00868

8th Addi.Sr.Civil Judge &  
Addi.Chief Judicial Magistrate  
Surat.

Date: 27/8/2003

My name is Mohammad Azam Ibrahim. My age is 32 years. Occupation: Jeweller's shop, Resident: Sangrampur, opposite Nagar Primary School, Surat.

I state in person that I reside at the above-mentioned address with my family. I have been running a gold and silver jewellery buying and selling shop named Choksi Umar Haji Ismail, opposite People's Bank, Choksi Bazaar, for the last 10 years. My brother Mohammad Sabir also sits with me at the shop. We buy old gold and silver jewellery, melt it, and send it to Gujarat Guliyan Refinery, Manek Chowk. We sell it through a broker. We buy old gold and silver jewellery, issue a proper bill to the customer, and purchase only after verification.

Today, Your Honour came to my shop with a person who stated that stolen gold and silver jewellery was sold at my shop. It was stated that the said person was arrested by the police in Varachha Police Station Crime Register No. 218/03 under IPC Sections 454, 380, etc. Upon asking his name, he stated it as (unreadable) alias Bhola Dave, resident of 44 Karmeshwar Society, Surat. He stated that he sold stolen gold and silver jewellery from the said crime and other crimes at my shop. Upon inquiry, I state that the said Bhola Shankar alias Bhola came to my shop only once to sell gold and silver jewellery. When I asked where he got the jewellery, he said he is a Brahmin and receives jewellery as gifts during worship. Trusting him, I bought jewellery from him once and issued a bill. The gold and silver jewellery sold by this accused (remaining portion unreadable)

My statement is true and correct.

Before,

Police Sub Inspector

Varachha Police Station, Surat.

**In the Hon'ble Court of the Chief Judicial Magistrate, Surat**  
**Criminal Case No. 168/2003**

Complainant: The State

Versus

Accused: Ketan Seth

A humble application is made on behalf of the accused in the above-mentioned matter as follows:

The above-mentioned matter is scheduled for hearing today. Due to unavoidable reasons, the accused in the above-mentioned matter is unable to appear in person before Your Honor's Court today. It is humbly requested that Your Honor grant the accused in the above-mentioned matter exemption from personal appearance for today only.

Surat

Date: 05/12/2009

Signature/- Illegible  
(Ketan P. Reshamwala)  
Advocate for the Accused

Granted

Signature/- Illegible  
Chief Judicial Magistrate  
Surat

**In the Hon'ble Court of the Chief Judicial Magistrate, Surat**  
**Criminal Case No. 9166/02**

Complainant: The State

Versus

Accused: Ketan Kantilal Seth

A humble application is made on behalf of the accused in the above-mentioned matter as follows:

The above-mentioned matter is scheduled for hearing today. Due to unavoidable circumstances, the accused in the above-mentioned matter is unable to appear in person before Your Honor's Court today. Therefore, it is humbly requested that Your Honor grant the accused in the above-mentioned matter exemption from personal appearance for today only.

There is no dispute regarding the identity of the accused.

Surat

Date: 08/06/2009

Signature/- Illegible

(Ketan P. Reshamwala)

(Vipul J. Vaivala)

Advocates for the Accused

**In the Hon'ble Court of the Chief Judicial Magistrate, Surat**

**Criminal Case No. 168/03**

**Varachha I. 274/2002**

Complainant: The State

Versus

Accused: Subodh Bhandari

The accused in the above-mentioned matter submits as follows:

I, the accused, am in judicial custody. I have been in jail for a long time. Due to the lack of adequate facilities, I am suffering from skin ailments and persistent pain in the gums. The medicines provided by the jail doctor are not effective, and it is necessary to seek proper treatment by consulting [a specialist]. Despite repeated requests to the jail authorities, I am not being sent to the Civil Hospital's [relevant department], which raises the possibility of deliberate neglect.

Therefore, it is necessary and imperative to conduct a medical check-up of the accused, and I humbly request that appropriate orders be issued.

Surat

Date: 19/12/2003

Signature/- Illegible  
Advocate for the Accused

Order

As per the letter of the Hon'ble Sessions Court, Surat, bearing No. 5853/03 dated 11/09/2003, arrangements shall be made for the examination of the accused, and a report in this regard shall be submitted.

Signature/- Illegible  
Chief Judicial Magistrate  
Surat

No. UT 4037/2003  
Surat District Prison,  
Ring Road, Surat.

September 17, 2003

322

Recd 18-9-03  
No. 219439  
New 103  
29-9-03  
Sd/-  
Sd/-  
Sd/-

Superintendent,  
Central Prison No. 4,  
DELHI.

Subject: Production of accused Ketan Seth s/o Kantilal Seth  
in Surat Court.

The prisoner Ketan Seth son of Shri Kantilal Kehar Lal was  
produced in the court of Hon'ble Metropolitan Magistrate, Room No. 6,  
Patiala House Courts, N.D. Delhi on 16<sup>th</sup> September, 2003. The  
accused is some ill and was as such directed by the Hon'ble  
Magistrate, Surat vide his order dt. 16<sup>th</sup> September, 2003  
to be examined by the Medical Officer of this prison. After examination of the  
accused it was felt necessary to send him to Civil Hospital here and the  
Civil Hospital doctors have admitted him for treatment in the hospital.  
Under these circumstances, the accused has been retained in this prison and  
the officers of Delhi Armed Police are relieved from here.

You have to along with the escort two production slips of the Court of  
Hon'ble Metropolitan Magistrate, Room No. 6, Patiala House Courts, N.D. Delhi.  
The original detention warrant of the accused for his arrest at Surat are with you. You are requested to kindly  
bring the said production warrant under registered cover for our records.  
Date of hearing on 30<sup>th</sup> September, 2003 at Surat

Yours faithfully,

Superintendent,  
Surat District Prison

Forwarded for information to:  
Hon'ble Metropolitan Magistrate, Room No. 6, Patiala House Courts, N.D.  
Delhi  
Hon'ble Metropolitan Magistrate, Surat  
Principal



Recd  
Sd/-  
Sd/-

**Varachha Police Station, Crime Register No. 274/02, under Indian Penal Code  
Sections 406, 420, 409, 465, 468, 468, 471, 114**

Sr. No.	Document Details	Date	Number	Remarks
1	Copy of the complaint by Complainant Naineshbhai Arvindbhai	06/08/02	5	
2	Report received from the Police Commissioner	06/08/02	2	
3	Application submitted by Complainant Naineshbhai Arvindbhai to the Police Commissioner	06/08/02	7	
4	Statement of Complainant Naineshbhai Arvindbhai Chintaniya	06/08/02	8	
5	Special Statement of Complainant Naineshbhai Arvindbhai	16/09/02	1	
6	Special Statement of Complainant Naineshbhai Arvindbhai Chintaniya	12/10/02	3	
7	Special Statement of Complainant Naineshbhai Arvindbhai Chintaniya	03/01/2003	1	
8	Panchnama of [physical condition]	11/10/02	1	
9	Panchnama of documents	12/10/02	2	
10	Statement of Meherbhai Kekibhai Vaidh	07/08/02	3	
11	Documents received from the bank	07/08/02	15	
12	Statement of Chandrakant Chunilal Shah	08/08/02	2	
13	Statement of Bansilal Mohanlal Fadnavala	08/08/02	3	

14	Statement of Mahendrabhai Nathubhai Katarga Vala	09/08/2002	3
15	Statement of Sureshchandra Parshotambhai Pol	09/08/02	3
16	Statement of Jayantilal Chhotalal Jariwala	09/09/02	3
17	Statement of Jayantilal Ranchhoddas Gandhi	09/09/02	2
18	Statement of Amrutlal Ramsingbhai Gandhi	09/09/02	2
19	Application of Nagarik Sahakari Bank Ltd.	09/09/02	7
20	Documents received from the bank	09/09/02	2
21	Report submitted by Mr. Shaileshbhai Kalubhai Copy of the report written to the Police	06/08/02	1
22	Commissioner, Surat City, after registering the offense	06/08/02	1
23	Copy of the partial chargesheet	04/01/03	3

Date: 06/08/2002

To,  
The Commissioner of Police,  
Surat City.

Subject: Regarding the Registration of a Crime

Reference: Your Letter No. J/S-421886/2002 dated 05/08/2002

With Jai Bharat, G. K. Chaudhary, Police Inspector, Varachha Police Station, Surat, submits the following report:

In reference to the above-mentioned subject and reference, it is respectfully submitted that in this matter, the complainant, Mr. Naineshbhai Arvindbhai Chintaniya, is an authorized officer of Surat Nao Sahakari Bank Ltd. He is 33 years old, employed, and resides at 27/C, Samrat Apartment, Fifth Floor, Mona Faliya, Surat. As per your directive, a crime has been registered at Varachha Police Station under Crime Register No. 274/2002, under Indian Penal Code Sections 406, 420, 409, 465, 468, 468, 471, and 114, against the accused in this matter. The offense was registered at this police station on 06/08/2002 at 10:15 AM. A copy of the First Information Report (FIR) of the said offense is enclosed herewith for your kind information.

Date: 06/08/2002

Signature/- Illegible

(G. K. Chaudhary)

Police Inspector

Varachha Road Police Station, Surat

Notice No. 1181/2003

Chief Judicial Magistrate Court

Surat

Date: 22/07/2003

To,

The IO Mr. S. M. Gohil

Police Inspector

Varachha Police Station

Surat

NOTICE

You are hereby informed that, in connection with Varachha Crime Register No. I 274/2002, Criminal Case No. 168/03, you are required to provide necessary information regarding police papers. You are directed to appear at this office with the police papers on 05/08/2003.

Date: 22/07/2003

Chief Judicial Magistrate Court

Surat

Signature/- Illegible

Chief Judicial Magistrate

Surat

Notice No. 1182/2003

Chief Judicial Magistrate Court

Surat

Date: 22/07/2003

To,  
The IO Mr. S. M. Gohil  
Police Inspector  
Varachha Police Station  
Surat

NOTICE

You are hereby informed that, in connection with Varachha Crime Register No. I 274/2002, Criminal Case No. 168/03, you are required to provide necessary information regarding police papers. You are directed to appear at this office with the police papers on 05/08/2003.

Date: 22/07/2003

Chief Judicial Magistrate Court

Surat

Signature/- Illegible  
Chief Judicial Magistrate  
Surat

**In the Hon'ble Chief Court of the Chief Judicial Magistrate, Surat**  
**Criminal Case No. 168/03**

Complainant: The State

Versus

Accused: Ketan Kantilal Seth

Application: Request Not to Be Brought in Handcuffs and Ropes

I, the accused, humbly submit the following application:

The above-mentioned matter is scheduled for hearing today. The accused in the above-mentioned matter is currently in Surat Jail. In this matter, I, the accused, am brought to court bound with handcuffs and ropes. I, the accused, am educated, well-respected, and from a reputable family, and there is no likelihood of me absconding or fleeing. I, the accused, humbly request Your Honor to issue an order, in the interest of justice, to bring me to court without being bound by handcuffs and ropes. The Hon'ble Supreme Court has also directed that accused persons be presented in court without handcuffs and ropes under certain circumstances, and it is in this context that this application is made to Your Honor.

Surat

Date: 29/01/2004

Signature/- Illegible  
(Ketan Kantilal Seth)

Order

The Jail Superintendent is directed to issue necessary instructions.

Date: 29/01/04

Signature/- Illegible  
Chief Judicial Magistrate  
Surat

Outaward No. [Blank]/2004  
Chief Judicial Magistrate Court  
Surat  
Date: 29/01/2004

To,  
The Superintendent  
Surat District Jail

Accused: Sanjay Hariram Agrawal  
Ketan Kantilal Seth

- (1) Criminal Case No. 1626/03
- (2) Criminal Case No. 1740/03
- (3) Criminal Case No. 174/03
- (4) Criminal Case No. 9166/02
- (5) Criminal Case No. 168/03

Sir,

You are hereby informed that the above-mentioned criminal cases are scheduled for hearing today and have been presented in this court. The aforementioned accused have submitted an application in this court stating that they are being brought under custody bound with ropes and handcuffs. In reference to the said application, you are directed to act in accordance with the judgment established by the Hon'ble Supreme Court regarding the application of the aforementioned accused. Take special note of this directive.

Signature/- Illegible  
Chief Judicial Magistrate  
Surat

FIR 280/02.

389

Kethan, Setha VINAY SINGH  
Metropolitan Magistrate  
Chitla House Court  
New Delhi.

Stokanti Lal Kestouli PS. Con. Place  
R-10193, Lalit Kulkarni  
CHS Sukhmatkar Stue. Sanjay Koriem  
Cross Rd. No. 9, JVPD (By pass rule)  
Scheme, Indhokimul 1014-2910-04  
Mumbai

To Subst. Jail, Surat  
You are hereby directed  
- to produce the accused  
Seth in above noted case  
on 27-10-04 at 10 AM



Metropolitan Magistrate  
Surat, Gujarat  
21-8-04

Handwritten notes and stamps, including a rectangular stamp with the date '6/10/04' and some illegible text.

Truelsony  
Supritendent  
District Prison, Surat.

URGENT

Notice No./U.T./4610/2004  
Office of Surat District Jail  
Surat, Date: 14/10/2004

To,  
The Hon'ble Chief Judicial Magistrate  
Chief Court, Surat

Subject: Request for Permission to Present Under-Trial Accused Ketan  
Kantilal and Sanjay Hariram in New Delhi Court

Sir,

With respect to the above-mentioned subject, it is humbly submitted that the accused in Criminal Case No. 168/03 in your Hon'ble Court, namely (1) Ketan Kantilal and (2) Sanjay Hariram Agrawal, are required to be presented at the Metropolitan Magistrate Court, New Delhi, for Case No. 280/02 under Indian Penal Code Sections 409, 420, and 120B on 27/10/2004 at 10:00 AM, as directed by the Metropolitan Magistrate, New Delhi. Therefore, it is humbly requested that you grant permission to present the said accused in a timely manner. A copy of the letter from the Hon'ble Court is enclosed for your information.

Enclosure: As above

Yours faithfully,  
Signature/- Illegible  
Superintendent  
Surat District Jail

In. No. 1379

Received on 15/10/2004

Sd/- Illegible

Registrar

Chief Judi. Magi. Court, Surat.

Seen

Sd/- Illegible

Chief Judi. Magi. Court, Surat.

15/10/2004.

P. Indira Devi

Sanjay Hari Dorr. (Appal) FIR No. 274/2002  
Ps. Com. Place

510 Sh. Hari Dorr. (Appal) FIR No. 274/2002  
R/o 702, 7th Floor, Sector 17, Vashi  
Kusum Nppt. New Mumbai  
State Sanjay Hari Dorr. (Appal) FIR No. 274/2002  
2001-27-1004

Supdt Jail, Surat  
You are hereby directed  
to produce the accused  
Sanjay Hari Dorr in above  
to test 27-10-04 at 10 AM



Handwritten signature and initials on the left side of the document.

Handwritten text '27/10/04' on a small rectangular slip of paper.

Handwritten signature and date '27-8-04' on the right side.

Handwritten signature 'Mullani' on the right side.

Handwritten signature and text 'Supri District' on the right side.

जा.क्र. 5146/2016  
वरिष्ठ पोलीस निरीक्षक,  
दा.नौ.नगर पोलीस ठाणे,  
अंधेरी (प), मुंबई,  
दिनांक: 08/06/2016

दि. 29/9/16

प्राप्ति,

मा.सुप्रिटेडट/असिस्टंट,  
रूम नं.१५ फास्ट ट्रॅक बिल्डींग आठवा लाईनस,  
सुरत गुजरात पिन कोड.३९५००१

विषय:- समन्स बजावणी बाबतचा अहवाल.....  
संदर्भ:- सी.सी.नं.१००५२१/०३

महोदय,

उपरोक्त विषयास अनुसरून दा.नौ.नगर पोलीस ठाणेकडून अहवाल सादर करण्यात येतो की आपल्या न्यायालयातून आरोपी समन्स इसम नामे श्री. चेतन कांतीलाल शेठ, राठी. ललीत कुटीर, को.ऑ.हौ.सो.गुलमोहर कॉस रोड जुहू स्कीम, अंधेरी (प), मुंबई ४०००५८ यांना समन्स बजावणी करिता या पोलीस ठाण्यास प्राप्त झाले असून सदर समन्स पोलीस ठाणेस उशिरा प्राप्त झाल्याने समन्सची बजावणी करिता आली नाही

तरी सदर समन्सची बजावणी ही झाली नसून सदर समन्सची पुढील तारीख बॉटिवुन मिळण्यास मा. न्यायालयास विनंती आहे.



आपला विषवास

वरिष्ठ पोलीस निरीक्षक,  
दा.नौ.नगर पोलीस ठाणे  
अंधेरी (प) मुंबई.

Varachha Police Station, Surat

FIR No.: I 274/2002

Non-Bailable Warrant - NBW

C.C. No. 100521/2003

(See Section 75 of the Code of Criminal Procedure)

Next Date: 20-01-2018

Whereas Ketan Kantilal Sheth, resident of 193, Lalit Kutir Co-operative Housing Society, Gulmohar Cross Road No. 9, J.V.P.D. Scheme, Andheri, Mumbai, is charged with offenses under Indian Penal Code Sections 406, 409, 420, and 465, you are hereby directed by this warrant to apprehend the said accused and produce him before us. Do not fail to comply with this order as written.

If the said [accused] furnishes a bail bond in the amount of [amount] for his appearance before us on 20-01-2018 and for subsequent appearances as ordered, and provides one surety in the amount of [amount] (or two sureties each in the amount of [amount]), he may be released.

Date: 27-12-2017

**Varachha Police Station I. 274/2002**

**C.C. No. 100521/03**

**12/05/16 27/07/16**

Form Number [1, Schedule 5 of the Code of Criminal Procedure]

Accused: Ketan Kantilal Seth, resident of 193, Lalit Kutir Co-operative Housing Society, Gulmohar Cross Road, J.V.P.D. Scheme, Andheri West, Mumbai 49, is required to appear to answer charges under Indian Penal Code Sections 406, 420, 409, 465, 467, 468, 471, and 114.

Therefore, you are hereby summoned to appear in person (or through an advocate) before the Magistrate on the 12th day of May 2016. Do not fail to comply with this order.

Date: 02/05/2016

Signature/- Illegible

**Varachha Police Station I. 274/2002**

**C.C. No. 100521/03**

**12/05/16 27/07/16**

Form Number [1, Schedule 5 of the Code of Criminal Procedure]

Accused: Ketan Kantilal Seth, resident of 193, Lalit Kutir Co-operative Housing Society, Gulmohar Cross Road, J.V.P.D. Scheme, Andheri West, Mumbai 49, is required to appear to answer charges under Indian Penal Code Sections 406, 420, 409, 465, 467, 468, 471, and 114.

Therefore, you are hereby summoned to appear in person (or through an advocate) before the Magistrate on the 12th day of May 2016. Do not fail to comply with this order.

Date: 02/05/2016

Sd/- Illegible

**Varachha Police Station, Surat**

**FIR No.: I 274/2002**

**Non-Bailable Warrant - NBW**

**C.C. No. 100521/2003**

**(See Section 75 of the Code of Criminal Procedure)**

**Next Date: 20-01-2018**

Whereas Ketan Kantilal Sheth, resident of 193, Lalit Kutir Co-operative Housing Society, Gulmohar Cross Road No. 9, J.V.P.D. Scheme, Andheri, Mumbai, is charged with offenses under Indian Penal Code Sections 406, 409, 420, and 465, you are hereby directed by this warrant to apprehend the said accused and produce him before us. Do not fail to comply with this order as written.

If the said [accused] furnishes a bail bond in the amount of [amount] for his appearance before us on 20-01-2018 and for subsequent appearances as ordered, and provides one surety in the amount of [amount] (or two sureties each in the amount of [amount]), he may be released.

Date: 27-12-2017

**FIR No.: I 274/2002**

**Non-Bailable Warrant - NBW**

**C.C. No. 100521/2003**

**(See Section 75 of the Code of Criminal Procedure)**

**Next Date: 14-12-2017**

Whereas Ketan Kantilal Sheth, resident of 193, Lalit Kutir Co-operative Housing Society, Gulmohar Cross Road No. 9, J.V.P.D. Scheme, Andheri, Mumbai, is charged with offenses under Indian Penal Code Sections 406, 409, 420, and 465, you are hereby directed by this warrant to apprehend the said accused and produce him before us. Do not fail to comply with this order as written.

If the said [accused] furnishes a bail bond in the amount of [amount] for his appearance before us on 14-12-2017 and for subsequent appearances as ordered, and provides one surety in the amount of [amount] (or two sureties each in the amount of [amount]), he may be released.

Date: 06-10-2017

(TO BE RETURNED TO THIS COURT DULY EXECUTED)

146/03

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD  
Criminal Misc.App.ication No 7837 of 2003

402

32293

No. Cri. : This the 04th day of Nov 2003

1. KETAN RAMESHBHAI MASKARIA  
191/5313 GITANJALI A

Petitioner(s)

1. STATE OF GUJARAT

2. IN CHARGE POLICE OFFICER

P.P. HIGH COURT OF GUJARAT

VARACHHA POLICE STATION

Respondent(s)

To

1. ADDL. SESSIONS JUDGE  
SURAT THROUGH-  
THE SESSIONS JUDGE, SURAT.

2. The Officer In-charge  
VARACHHA POLICE STATION, SURAT.

Whereas the abovenamed petitioner through his  
advocate presented the abovenumbered application in  
this Court praying  
against the Jt & Order passed by Addl.S.J.,Surat on 29/9/03 in  
Cri.M.A.No.1385/03 and further praying to release the petitioner  
on bail in connection with CR.NO:I-274/02 of Varachha Police  
Station and etc.....

GUJARAT

Whereas Upon hearing  
JAYANT P BHATT for the Petitioner no. 1  
A.D.OZA..(P.P.), APP for the State,  
SERVED for the Respondent no. 2  
and the following order :-

Court da

COURT'S ORDER  
CORAM : A.L.DAVE.J. (03.11.2003)

"1. Rule.....5. Rule is made absolute  
Direct service is permitted."  
(TRUE COPY OF THE ORAL ORDER ATTACHED HEREWITH)



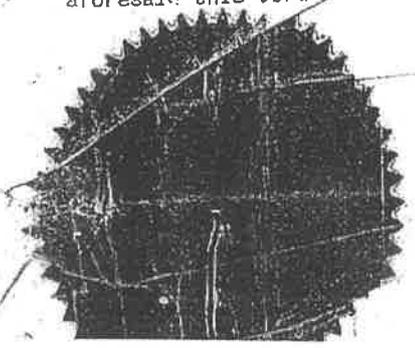
Witness BHAWANI SINGH, Esq. Chief Justice at Ahmedabad  
aforesaid this 03rd Nov. 2003.

By the court.

*(Signature)*  
Deputy Registrar.  
This 04th day of Nov 2003

Presented by *(Signature)* N. N. Pate  
on 0-11-03 at 13-25.

*(Signature)*  
Regist.



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC. APPLICATION No 7837 of 2003

KETAN RAMESHBHAI MASKARIA  
Versus  
STATE OF GUJARAT

Appearance:

1. Criminal Misc. Application No. 7837 of 2003.  
MR JAYANT P BH... for Petitioner No. 1  
MR A.D. ... LD. PUBLIC PROSECUTOR for Respondent No. 1  
NOTICE SERVED for Respondent No. 2

CORAM : HON'BLE MR. JUSTICE A.L. DAVE

Date of Order: 03/11/2003

ORAL ORDER

1. Rule. Mr. Oza, learned Addl. Public Prosecutor for the State waives the service.

... do not press for reasoned order  
Considering the submissions made on behalf of the parties and having regard to the circumstances and facts of the case, the petition is allowed and the petitioner is ordered to be released on bail in connection with Cr. Register No. I-274 of 2002 of Varachha Police Station on his executing a bond of Rs. 50,000/- (Rupees fifty thousand only) with one surety of the like amount to the satisfaction of the lower Court and subject to the conditions that he shall,

- (a) not take undue advantage of his liberty or abuse his liberty;  
(b) not act in a manner injurious to the interest of the prosecution;  
(c) ... in law and order;



CR. MA/7837/2003

Order dated 03/11/2003

- (d) mark his presence before concerned Police Station on every 1st working day of english calendar month between 3.00 p.m. and 7.00 p.m.;
- (e) furnish the address of his residence at the time of execution of the bond and shall not change the residence without prior permission of this Court;
- (f) surrender his passport, if any, to the lower court within a week.

3. If breach of any of the above condition is committed, the Sessions Judge concerned will be free to issue warrant or to take appropriate action in the matter.

4. Bail before the lower Court having jurisdiction to try the case.

Rule is made absolute and direct service is omitted.

T. A. L. DAVE, J.



TRUE COPY  
*made 11/11/03*  
 Assistant Registrar,  
 High Court of Gujarat,  
 501a, Ahmedabad-60.



Out no. 1805/03

Endorsement below High Court Writ No. 32293, issued in  
Criminal Misc. Appln. No. 7837 of 2003.

Respectfully submitted to The Registrar, High Court of  
Gujarat, Ahmedabad at Sola, Through The Sessions Judge, Surat,  
( In duplicate ).

- (1) Accused has furnished a bond for Rs. 50,000/- Fifty  
Thousand only with one surety of the like amount.
- (2) A note has been made in the relevant register.
- (3) Accused has declared that he has no passport.
- (4) A copy of this Writ is kept in office file.
- (5) A Copy of this writ has been kept in the Relevant  
Case.
- (6) Original Writ has been returned herewith dully  
certified.

Chief Judi. Magist. Court,  
Surat. Dt. 11-11-2005.

( R.P. MEHTA )  
Chief Judi. Magistrate,



It is hereby declared null and void, and we, the undersigned (sellers), along with our heirs and successors, shall be responsible for any expenses or losses incurred by you, the purchasing society (the buyer), or its current and future office-bearers, members, assignees, etc., arising from any claims, rights, shares, interests, objections, disputes, or grievances. The said land is to be enjoyed peacefully by you, the purchasing society, and its current and future office-bearers, members, and assignees, etc. You may construct necessary buildings on it, reside or allow others to reside therein, use it as you deem appropriate, or do with it as you please. All [benefits] derived from the said land are entirely yours by right.

9.... The land of Block No. 227 is intersected by the Sanand-Kalol State Highway, resulting in a portion of the land being acquired for the road. The compensation and any benefits arising from the acquired land shall be received by you, the purchasing society.

10..... All types of taxes, assessments, panchayat taxes, government taxes, or other levies related to the said land up to the date of this agreement have been paid by us, the sellers. However, if any outstanding amount is found or arises, it shall be our responsibility. All types of taxes, assessments, panchayat taxes, government taxes, or other levies arising after the date of this agreement shall henceforth be the responsibility of you, the purchasing society.

11 .... You may register the said land in your name in government records, panchayat records, or other relevant authorities. We, the sellers, shall provide all necessary assistance, presence, acknowledgments, or any other requirements to facilitate this process.

12 .... The details of the consideration received for this sale are as follows:

Rs. 88,800/- (Rupees Eighty-Eight Thousand Eight Hundred only), paid by the purchasing society through its promoters via a cheque dated 15-04-1994, Cheque No. 020267, issued by United Bank of India, Bhadra Branch, to us, the sellers, as part of the sale consideration, which we have duly received.

Rs. 1,33,200/- (Rupees One Lakh Thirty-Three Thousand Two Hundred only), paid by the purchasing society through its promoters via three separate cheques on 16-08-1994, when we handed over possession of the said land, as part of the sale consideration, which we have duly received.

Rs. 2,22,000/- (Rupees Two Lakh Twenty-Two Thousand only), paid by the purchasing society today through The Ahmedabad District [incomplete text].

**Date:** [Not specified]

2. **Charge Number:** [Not specified]

3. **First Information Report (FIR) Number and Date:** Varachha I. 274/2002, dated 06/08/2002

4. **Name of Complainant or Informant:** Mr. Naineshbhai Arvindbhai Chintaniya, aged 33, resident of 27/A, Samrat Apartment, Fifth Floor, Soni Faliya, Surat, and Surat Nagarik Sahakari Bank, behind Gitanjali Cinema, Varachha, Surat

5. **Accused:**

- o **Ketan Kantilal Seth**, aged 40, resident of 193, Lalit Kutir Co-operative Housing Society, Gulmohar Cross Road No. 9, J.V.P.D. Scheme, Andheri West, Mumbai-49, was remanded for 10 days by the Hon'ble Court on 11-10-2002 at 20:00 hours and sent to court custody for the duration of the remand period.

**Others:**

(a) **Sent to Police Custody:** [Not specified]

(b) **Released on Bail:** [Not specified]

(c) **Not Sent for Prosecution:**

1. Nand Kishor Shankar Lal Trivedi, aged 45, resident of Dev Bhuvan, Second Floor, Room No. 32, Gajdar Street, Chira Bazaar, Mumbai-2
2. Sanjay Hariram Agrawal, aged 35, resident of Juhu Shalimar, C.H.S. Limited, Seventh Floor, Gulmohar Cross Road No. 10, Mumbai
3. Subodh Bhandari, aged 46, resident of 704/B, Govind Complex, Sector 14, Vashi, Navi Mumbai-400705
4. Hiten Bhupendra Shah, resident of 102, Gandhi Niwas, Ashok Nagar Road, Vakola, Shantakunj, Mumbai-400055
5. Mr. Hiren Gada, resident of Mumbai

6. Mr. Shashank Gopal Ranade, aged 40, resident of 3/1, Radhakrishna Niwas, Ground Floor, Dagadiwadi, S.K. Bole Road, Dadar (C.N.J.), Mumbai-400028
7. Vijay Himatlal Modi, aged 46, resident of A/203, Asmita Co-operative Housing Society Ltd., Kusupa Road, Borivali (East), Mumbai-400066
8. Mr. Salil Dinakar Gandhi, aged 43, resident of 11/13, Gold Coin Co-operative Housing Society Ltd., Tardeo, Mumbai-400034
9. Alan James Macmillan, aged 41, resident of 785 Tareto Street, Montanyu, C.A. 94041, U.S.A.
10. Rasal Bankekam Wegar, resident of Timber Hall Terraj, Sayan Geld, A.M.E. 1940, U.S.A.
11. Mr. Mike alias Manoj Ambelal Shah, aged 58, resident of Belaro Road, R.M. Extension, Bangalore-5060080
12. Mr. Dhananjay Agrawal, resident of Mumbai
13. Mrs. Shilpa Hiten Shah, resident of 102, Gandhi Niwas, Ashok Nagar Road, Vakola, Shantacruz, Mumbai-400055
14. Mrs. Jagruti Ketan Seth, resident of 193, Lalit Kutir (C.H.S.), Third Floor, Gulmohar Cross Road No. 9 (J.V.P.D.), Mumbai-400049
15. Miss Kanan Vasantbhai Mewawala, aged 28, resident of Jayant Mahal, Fifth Floor, opposite Wankhede Stadium, Marine Drive, Mumbai
16. Mr. Ketan R. Mashkariya, aged 35, resident of Mumbai
17. Mr. Niraj A. Surati, resident of Suryo Flats, First Floor, Surya Shopping Complex, Bharuch
18. Mrs. Kruti Niraj Surati, resident of Suryo Flats, First Floor, Surya Shopping Complex, Bharuch

6. **Charges:** Under Indian Penal Code (IPC) Sections 406, 420, 409, 465, 467, 468, 471, and 114, in that from 06/12/2001 to 06/08/2002, the accused in this

case, with the intent to defraud from the outset, misrepresented to the Surat Nagarik Sahakari Bank Limited, located behind Gitanjali Cinema, Varachha Road, Surat, that they were authorized to deal in government securities through SEBI, despite not having such authorization. They provided a forged SEBI certificate and conducted transactions with the complainant bank. They neither possessed government securities nor had contracts with others to purchase such securities, yet they provided false contracts and other documents, knowing them to be fraudulent. Thus, all the aforementioned accused, in collusion and with mutual assistance, made false representations and promises to the complainant bank from the outset, acting with malicious intent and deceit, fraudulently and dishonestly misappropriating a substantial amount of Rs. 16,09,60,500/-, committing cheating and criminal breach of trust. They forged valuable documents, contracts, and SEBI certificates, knowingly using these false documents as genuine to perpetrate the fraud and commit the offense.

**7. Names of Witnesses:**

1. **Complainant:** Naineshkumar Arvindbhai Chintaniya, resident of 27/A, Samrat Apartment, Fifth Floor, Soni Faliya, Surat, and Surat. Nagarik Sahakari Bank Limited, near Gitanjali Cinema, Varachha, Surat.
2. **Panch:** Kantibhai Naranbhai Patel, resident of 66-A, Rambag Society, Ashwini Kumar Road, Varachha, Surat.
3. **Panch:** Amrutbhai Mahashankar Rawal, resident of 135-D, Vitthalnagar Society, Hirabag, Varachha, Surat.
4. Mr. Meher Kekabhai Vaidh, resident of Shirdi Tala, Blocks Shahpor, Surat, and Surat Nagarik Sahakari Bank Ltd., behind Gitanjali Cinema, Varachha, Surat.
5. Mr. Chandrakant Chunilal Shah, resident of 10/623, Hawadiya Chakla, Ambaji Road, Surat, and as above.
6. Mr. Bansilal Mohanlal Kudnawala, resident of 6-A, Adarsh Society, Athwa Lines, Surat, and as above.
7. Mr. Mahendrabhai Nathubhai Katargamwala, resident of Shwetakui, opposite Priya Hotel, Varachha Road, Surat, and as above.

8. Mr. Sureshchandra Parshotambhai Patel, resident of 1, Santokba Society, behind Railway Police Lines, Surat, and as above.
9. Mr. Jayantilal Chhotalal Jariwala, resident of 6/1649, Gundo Sheri, Lal Darwaja, Surat.
10. Mr. Jayantilal Ranchhoddas Gandhi, resident of 8/3/4, Shri Anand Society, Anand Mahal Road, Adajan, Surat, and as above.
11. Mr. Amrutlal Ramsingbhai Contractor, resident of 7/3977, Satimata ni Sheri, Rumnathpura, Surat, and as above.
12. Police Sub-Inspector J.J. Chavda, Varachha Police Station, Surat.
13. Investigating Officer, Police Inspector G.K. Chaudhary, Vejalpur Police Station, Ahmedabad.
14. Investigating Officer, Police Inspector S.M. Gohil, Varachha Police Station, Surat.

**8. Seized Property:**

- o Muddamal Receipt No. 71/2002, dated 12/10/2002

**9. Date and Time of Submission: 04/01/2003 at 19:00 hours**

Signature/- Illegible

(S.M. Gohil)

Police Inspector

Varachha Road Police Station, Surat

### Supplementary Charge Sheet

**Date:** [Not specified]

1. **Charge Number:** [Not specified]
2. **First Information Report (FIR) Number and Date:** Varachha Police Station I-274/2002, dated 06/08/2002.
3. **Name of Complainant or Informant:** Mr. Naineshbhai Arvindbhai Chintaniya, aged 33, resident of 27/A, Samrat Apartment, Fifth Floor, Soni Faliya, Surat, and Surat Nagarik Sahakari Bank, behind Gitanjali Cinema, Varachha, Surat

4. **Accused:**

(1) **Sanjay Hariram Agrawal**, aged 35, resident of Juhu Shalimar, C.H.S. Limited, Seventh Floor, Gulmohar Cross Road No. 10, Mumbai, was arrested on 08/01/2003 at 20:00 hours, but a 14-day police custody remand was not granted by the Hon'ble Court.

(2) **Subodh Chanddayal Bhandari**, aged 37, resident of 704/B, Govind Complex, Sector 14, Vashi, Navi Mumbai, was arrested on 15/01/2003 at 20:00 hours and granted police custody remand by the Hon'ble Court until 21/01/2003. Both accused have been sent to court custody for the duration of their respective periods.

(a) **Sent to Police Custody:** [Not specified]

(b) **Released on Bail:** [Not specified]

(c) **Not Sent for Prosecution:**

1. Nand Kishor Shankar Lal Trivedi, aged 45, resident of Dev Bhuvan, Second Floor, Room No. 32, Gajdar Street, Chira Bazaar, Mumbai-2
2. Hiten Bhupendra Shah, resident of 102, Gandhi Niwas, Ashok Nagar Road, Vakola, Shantakunj, Mumbai-400055

3. Mr. Hiren Gada, resident of Mumbai

4. Mr. Shashank Gopal Ranade, aged 40, resident of 3/1, Radhakrishna Niwas, Ground Floor, Dagadiwadi, S.K. Bole Road, Dadar (C.N.J.), Mumbai-400028
  5. Vijay Himatlal Modi, aged 46, resident of A/203, Asmita Co-operative Housing Society Ltd., Kusupa Road, Borivali (East), Mumbai-400066
  6. Mr. Salil Dinakar Gandhi, aged 43, resident of 11/13, Gold Coin Co-operative Housing Society Ltd., Tardeo, Mumbai-400034
  7. Alan James Macmillan, aged 41, resident of 785 Tareto Street, Montanyu, C.A. 94041, U.S.A.
  8. Rasal Bankekam Wegar, resident of Timber Hall Terraj, Sayan Geld, A.M.E. 1940, U.S.A.
  9. Mr. Mike alias Manoj Ambelal Shah, aged 58, resident of Belaro Road, R.M. Extension, Bangalore-5060080
  10. Mr. Dhananjay Agrawal, resident of Mumbai
  11. Mrs. Shilpa Hiten Shah, resident of 102, Gandhi Niwas, Ashok Nagar Road, Vakola, Shantacruz, Mumbai-400055
  12. Mrs. Jagruti Ketan Seth, resident of 193, Lalit Kutir (C.H.S.), Third Floor, Gulmohar Cross Road No. 9 (J.V.P.D.), Mumbai-400049
  13. Miss Kanan Vasantbhai Mewawala, aged 28, resident of Jayant Mahal, Fifth Floor, opposite Wankhede Stadium, Marine Drive, Mumbai
  14. Mr. Ketan R. Mashkariya, aged 35, resident of Mumbai
  15. Mr. Niraj A. Surati, resident of Suryo Flats, First Floor, Surya Shopping Complex, Bharuch
  16. Mrs. Kruti Niraj Surati, resident of Suryo Flats, First Floor, Surya Shopping Complex, Bharuch
5. **Charges:** Under Indian Penal Code (IPC) Sections 406, 420, 409, 465, 467, 468, 471, and 114, in that from 06/12/2001 to 06/08/2002, the accused in this case, with the intent to defraud from the outset, misrepresented to the Surat Nagarik Sahakari Bank Limited, located behind Gitanjali Cinema, Varachha Road, Surat, that they were authorized to deal in government securities through SEBI, despite not having such authorization. They provided a forged SEBI

certificate and conducted transactions with the complainant bank. They neither possessed government securities nor had contracts with others to purchase such securities, yet they provided false contracts and other documents, knowing them to be fraudulent. Thus, all the aforementioned accused, in collusion and with mutual assistance, made false representations and promises to the complainant bank from the outset, acting with malicious intent and deceit, fraudulently and dishonestly misappropriating a substantial amount of Rs. 19,09,60,500/-, committing cheating and criminal breach of trust. They forged valuable documents, contracts, and SEBI certificates, knowingly using these false documents as genuine to perpetrate the fraud and commit the offense.

**6. Names of Witnesses:**

1. **Complainant:** Naineshbhai Arvindbhai Chintaniya, resident of 27/A, Samrat Apartment, Fifth Floor, Soni Faliya, Surat, and Surat Nagarik Sahakari Bank Limited, near Gitanjali Cinema, Varachha, Surat.
2. **Panch:** Kantibhai Naranbhai Patel, resident of 66-A, Rambag Society, Ashwini Kumar Road, Varachha, Surat.
3. **Panch:** Amrutbhai Mahashankar Rawal, resident of 135-D, Vitthalnagar Society, Hirabag, Varachha, Surat.
4. **Panch-** Dilavarkhan Pathan, Res. Near Mosque, Limbayat, Surat.
5. Mr. Meher Kekabhai Vaidh, resident of Shirdi Tala, Blocks Shahpor, Surat, and Surat Nagarik Sahakari Bank Ltd., behind Gitanjali Cinema, Varachha, Surat.
6. Mr. Chandrakant Chunilal Shah, resident of 10/623, Hawadiya Chakla, Ambaji Road, Surat, and as above.
7. Mr. Bansilal Mohanlal Kudnawala, resident of 6-A, Adarsh Society, Athwa Lines, Surat, and as above.
8. Mr. Mahendrabhai Nathubhai Katargamwala, resident of Shwetakui, opposite Priya Hotel, Varachha Road, Surat, and as above.
9. Mr. Sureshchandra Parshotambhai Patel, resident of 1, Santokba Society, behind Railway Police Lines, Surat, and as above.

10. Mr. Jayantilal Chhotalal Jariwala, resident of 6/1649, Gundo Sheri, Lal Darwaja, Surat.
11. Mr. Amrutlal Ramsingbhai Contractor, resident of 7/3977, Satimata ni Sheri, Rumnathpura, Surat, and as above.
12. Jayantilal Ranchhoddas Gandhi, resident of 8/3/4, Shri Anand Society, Anand Mahal Road, Adajan, Surat, and as above.
13. Police Sub-Inspector Mr. J.J. Chavda, Varachha Police Station, Surat.
14. Investigating Officer, Police Inspector G.K. Chaudhary, Vejalpur Police Station, Ahmedabad.
15. Investigating Officer, Police Inspector S.M. Gohil, Varachha Police Station, Surat.
16. IO PI Shri R. V. Puvar, Varachha Police Station, Surat City.

**7. Seized Property:**

Muddamal (Seized Property) No. 71/2002, dated 12/10/2002

**8. Date and Time of Submission:** 01/04/2003 at 18:30 hours

Signature/- Illegible

(R.B. Puvar)

Police Inspector

(Unreadable) Police Station, Surat

**First Information of a Cognizable Offense Reported at the Police Station under  
Section 154 of the Code of Criminal Procedure**

Crime Register No.: I-274/2002

Sub-Division: Varachha Police Station

District: Surat

Date and Time of Offense: From 06/12/2001 until the present date

- 
1. Date and Time of Reporting: 06/08/2002 at 10:15 hours.
  2. Place of Offense, Distance, and Direction from Police Station: Surat Nagarik Sahakari Bank Limited, behind Gitanjali Cinema, Varachha Road, 2 furlongs north of the police station, near Sardar Chowki.
  3. Date of Dispatch from Police Station: 06/08/2002.
  4. Name and Address of Informant and Complainant: Mr. Naineshbhai Arvindbhai Chintaniya, aged 33, occupation: service, resident of 27/8, Samrat Apartment, Fifth Floor, Soni Faliya, Surat, and authorized officer of Surat Nagarik Sahakari Bank Limited.
  5. Name and Address of Accused:
    - (1) Omtrade Limited, with head office at J-5, Vashi Railway Station Complex, Mumbai-400703
    - (2) Mr. Nand Kishor Shankar Lal Trivedi, aged 45, occupation: business, resident of Dev Bhuvan, Second Floor, Room No. 32, Gajdar Street, Chira Bazaar, Mumbai-2
    - (3) Ketan Kantilal Sheth, aged 40, occupation: business, resident of 193, Lalit Kutir, C.H.S., Third Floor, Gulmohar Cross Road No. 9, J.V.P.D. Scheme, Andheri West, Mumbai-49
    - (4) Sanjay Hariram Agrawal, aged 35, occupation: business, resident of Juhu Shalimar, C.H.S. Limited, Seventh Floor, Gulmohar Cross Road No. 10, Mumbai-400049

- (5) Subodh Bhandari, aged 37, occupation: business, resident of 704/B, Govind Complex, Sector 14, Vashi, Navi Mumbai-400705
- (6) Hiten Bhupendra Shah, adult, occupation: business, resident of 102, Gandhi Niwas, Ashok Nagar Road, Vakola, Shantakunj, Mumbai-400055
- (7) Mr. Hiren Gada, adult, occupation: business, resident of Mumbai, current address unknown
- (8) Mr. Shashank Gopal Ranade, aged 40, occupation: business, resident of 3/1, Radhakrishna Niwas, Ground Floor, Dagadiwadi, S.K. Bole Road, Dadar (C.N.J.), Mumbai-400028
- (9) Mr. Vijay Himatlal Modi, aged 46, occupation: business, resident of A/203, Asmita Co-operative Housing Society Ltd., Kulupwadi Road, Borivali (East), Mumbai-400066
- (10) Mr. Salil Dinakarlal Gandhi, aged 43, occupation: business, resident of 11/13, Gold Coin Co-operative Housing Society Ltd., Tardeo, Mumbai-400034
- (11) Alan James Macmillan, aged 41, occupation: business, resident of 785 Tareto Street, Montanyu, C.A. 94041, U.S.A.
- (12) Rasal Bankekam Wegar, adult, occupation: business, resident of Timber Hall Terraces, Sayan Geld, A.M.E. 1940, U.S.A.
- (13) Mr. Mike alias Manoj Ambelal Shah, aged 58, occupation: business, resident of Belaro Road, R.M. Extension, Bangalore-5060080
- (14) Mr. Dhananjay Agrawal, adult, occupation: business, resident of Mumbai, current address unknown
- (15) Mrs. Shilpa Hiten Shah, adult, occupation: business, resident of 102, Gandhi Niwas, Ashok Nagar Road, Vakola, Shantacruz, Mumbai-400055
- (16) Mrs. Jagruti Ketan Sheth, adult, occupation: business, resident of 193, Lalit Kutir, C.H.S., Third Floor, Gulmohar Cross Road No. 9 (J.V.P.D.), Mumbai-400049
- (17) Miss Kanan Mewawala, aged 28, occupation: business, resident of Jayant Mahal, Fifth Floor, opposite Wankhede Stadium, Marine Drive, Mumbai-28
- (18) Mr. Ketan R. Mashkariya, aged 35, occupation: business, resident of Mumbai, current address unknown

(19) Mr. Niraj A. Surati, aged 34, occupation: business, resident of Suryo Flats, First Floor, Surya Shopping Complex, Bharuch, District Bharuch

(20) Mrs. Kruti Niraj Surati, adult, occupation: business, resident of Suryo Flats, First Floor, Surya Shopping Complex, Bharuch

6.. Brief Description of Offense, Including Sections, and Description of Property Taken, if Any:

The accused, with the intent to defraud from the outset, misrepresented that they were authorized by SEBI to deal in government securities, despite lacking such authorization. They provided a forged SEBI certificate and conducted transactions with the complainant bank. They neither possessed government securities nor had contracts with others to purchase such securities, yet they provided false contracts and other documents, knowing them to be fraudulent. Thus, all the aforementioned accused, in collusion and with mutual assistance, made false representations and promises to the complainant bank from the outset, acting with malicious intent and deceit, fraudulently and dishonestly misappropriating a substantial amount of Rs. 16,09,60,500/- (Rupees Sixteen Crore Nine Lakh Sixty Thousand Five Hundred only), committing cheating and criminal breach of trust under Indian Penal Code (IPC) Sections 406, 420, 409, 465, 467, 468, 471, and 114.

### Complaint

**Date: 06/08/2002**

Complainant: Mr. Naineshbhai Arvindbhai Chintaniya, aged 33, occupation: service, authorized officer of Surat Nagarik Sahakari Bank Limited, resident of 27/C, Samrat Apartment, Fifth Floor, Soni Faliya, Surat. The written complaint dated 01/08/2002 was submitted to the Police Commissioner, Surat City, under reference no. J./Arj/21886/2002 dated 05/08/2002, leading to the registration of this offense. The complaint is as follows:

The facts of our complaint are as follows:

(1) I, the complainant, am an authorized officer of Surat Nagarik Sahakari Bank Limited. The bank has been engaged in banking activities for the past 29 years and is registered with the District Registrar, Co-operative Societies. The Board of Directors of Surat Nagarik Sahakari Bank, through Resolution No. 8(7) dated 24/05/2002, authorized me to file this complaint against the accused, and this complaint is filed accordingly.

(2) Surat Nagarik Sahakari Bank, henceforth referred to as our bank, operates in accordance with circulars issued periodically by the Reserve Bank of India (RBI). One such circular mandates maintaining a Statutory Liquidity Reserve by investing 25% of Net Time and Demand Liabilities in government securities or approved securities.

(3) Accused Nos. 19 and 20, representing Accused No. 1 (Omtrade Limited), frequently met with us and provided information about government securities, often communicating with Omtrade's directors via mobile phone. They purchased various government securities from Mumbai and assured us of profits, encouraging us to invest. Accused Nos. 19 and 20 facilitated conversations with Omtrade's directors (Accused Nos. 2 to 18), who were actively involved in Omtrade's business and played a significant role. They repeatedly urged us to purchase government securities through them, promising substantial profits. Lured by their enticing and tempting promises, we placed trust in them, as the bank had previously purchased government securities from them. Initially, they delivered physical securities and facilitated their transfer in the bank's name, gradually building strong trust with our bank's Board of Directors.

(4) On 06/12/2001, the accused held a meeting at our bank. At 4:30 PM, representatives from Omtrade (Accused No. 1), including Niraj Surati (Accused No. 19), Ketan Sheth (Accused No. 3), Miss Kanan Mewawala (Accused No. 17), and

N.S. Trivedi (Accused No. 2), attended. They enticed our bank to sell existing securities worth Rs. 12.50 crore, comprising:

G.O.I. 10.47% – 2015 – Rs. 7.50 crore (face value)

G.O.I. 10.70% – 2020 – Rs. 5.00 crore (face value)

They promised higher profits and persuaded us to purchase new securities at lower rates, as follows:

**Security Details:**

G.O.I. 2010 – 7.50% – Rs. 10.00 crore (face value)

G.O.I. 2009 – 7.00% – Rs. 5.00 crore (face value)

Total: Rs. 15 crore

Through these inducements, they convinced our bank's officials but did not execute a direct sale. A settlement was made on 07/12/2001, with the accused agreeing to deliver securities worth Rs. 15 crore within 4 to 6 weeks.

(5) Despite the accused's assurances, the delivery of the Rs. 15 crore securities was not made within the stipulated time. The bank repeatedly followed up via phone and fax. When delivery was still not provided after a prolonged period, on 21/02/2002, Accused Nos. 19 (Niraj Surati), 3 (Ketan K. Sheth), 17 (Miss Kanan Mewawala), and 2 (N.S. Trivedi) visited the bank. Instead of delivering the securities, they proposed selling the Rs. 15 crore securities and purchasing a new security to yield higher interest returns:

**Security Details:**

G.O.I. 2017 – 8.07% – Rs. 15.00 crore (face value)

They enticed us with promises of higher interest, and the new security was purchased over the phone. The Rs. 15 crore face value security, including premium and interest, amounted to Rs. 16,09,60,500/- (Rupees Sixteen Crore Nine Lakh Sixty Thousand

Five Hundred only), which the bank paid in advance. The accused promised delivery within four weeks and provided a contract stipulating the same.

(6) Despite repeated follow-ups, the accused failed to deliver the government securities. We resorted to written correspondence and phone calls. On 23/01/2002, the accused responded, stating that securities were being transferred from RBI offices in different states, promising partial delivery by 30/01/2002 and 07/02/2002. Subsequently, Accused No. 2 (Home Trade Ltd.) faxed details of: Rs. 5 crore at 7.50% and Rs. 3 crore at 7.00% from Riddhi Sahakari Bank Ltd., RBI Bangalore, Receipt No. 312, dated 08/12/2001, Rs. 5 crore at 7.50% (2010) and Rs. 2 crore at 7.00% (2009) from Borat District Co-operative Bank Ltd., Kolkata, RBI D.D.O. Receipt No. 14447, dated 08/12/2001. On 20/02/2002, the accused promised delivery of the Rs. 15 crore security (8.07% 2017) within 4 to 6 weeks, as agreed in the meeting. Delivery was due before the March 2002 closing, by 25/03/2002. On 26/03/2002, we sent an urgent letter via fax and courier to Accused Nos. 1 and 19, noting the failure to deliver by 25/03/2002. In response, Accused No. 1 faxed on 26/03/2002, promising delivery in the first week of April. Despite multiple phone follow-ups, no delivery was made. On 03/04/2002, we arranged an urgent meeting for 04/04/2002, where the accused's statements suggested that the contracts provided were bogus and knowingly false. Under pressure, the accused issued two cheques in the bank's name:

- (1) HDFC Bank, Nariman, Mumbai, dated 14/06/2002, No. 984290, Rs. 7,85,47,045/-
- (2) HDFC Bank, Nariman, Mumbai, dated 21/06/2002, No. 984291, Rs. 8,98,93,600/-

Additionally, the accused provided receipts dated 08/12/2001 from Riddhi Sahakari Bank Ltd., RBI Bangalore (Receipt No. 312) and Borat District Co-operative Bank Ltd., Kolkata (RBI D.D.O. Receipt No. 14447). Upon verification, the RBI confirmed on 13/06/2002 that these receipts were bogus and fabricated, instructing us to take criminal action against the accused.

(7). The accused, with the intent to defraud from the outset, misrepresented their SEBI authorization, provided a forged SEBI certificate, and conducted transactions without possessing government securities or contracts to purchase them. They knowingly provided false contracts and documents, colluding and assisting each other to deceive the complainant bank, making false promises with malicious intent, and fraudulently misappropriating Rs. 16,09,60,500/- (Rupees Sixteen Crore Nine Lakh Sixty Thousand Five Hundred only), committing cheating, criminal breach of trust, and forgery under IPC Sections 406, 420, 409, 465, 467, 468, 471, and 114.

(8) We have filed this complaint against the aforementioned accused. However, we also lodge a complaint against any others found during the investigation to have participated in or abetted the offenses described herein.

Our Witnesses:

(1) Mr. C.C. Shah

(2) Mr. Mahesh K. Vaidh

Additional witness names will be provided if required.

Surat Nagarik Sahakari Bank Limited, Surat

Bhagal Branch Seal

Date: 01/08/2002

For Surat Nagarik Sahakari Bank Ltd.

Sd/- N. A. Chitanami

Authorized Officer

Enclosed: The photocopy of necessary documentary evidences attached, no. 1 to 30.

Before,

Part-I (of I-II) CC-100521/2003 IPC Sec. 406, 420, 409, 465, 468, 471, 114 FIR No. 274/2002  
9<sup>th</sup> Addl. Senior Civil Judge & ACJM, Surat, Gujarat, Ketan Kantilal Seth Vs. State of Gujarat

Sd/- Illegible  
(G. K. Chaudhary)  
Police Inspector  
Varachha Police Station  
Surat city.

Copy dispatched with compliments to:

Hon'ble Chief judicial Magistrate,  
Surat City.

Date: 06/08/2002.

Sd/- Illegible  
(G. K. Chaudhary)  
Police Inspector  
Varachha Police Station,  
Surat city

**Confidential**

**Yadi**

No.: J/Arj/21886/2002

Office of the Police Commissioner

Surat City, Date: 05/08/2002

Enclosed herewith is the original application of Mr. Naineshbhai Arvindbhai Chintaniya, an officer of Surat Nagarik Sahakari Bank Limited, located behind Gitanjali Cinema, Varachha Road.

Based on the facts of the application, you are directed to register a case against M/s Home Trade Limited and other accused and immediately send a copy of the First Information Report (FIR) to this office.

After discussions with Surat Nagarik Sahakari Bank Limited, it has been learned that in this case, a fraud and deception amounting to Rs. 16,09,60,500/- (Rupees Sixteen Crore Nine Lakh Sixty Thousand Five Hundred only) was committed through false documents. In response, the bank's officers have created a lien on land owned by Home Trade Limited, located at Chekla village, Bopal-Sanand Road, Ahmedabad District, with Survey Nos. 226, 227, 229, Block No. 355/2, belonging to Shetrunj Co-operative Housing Society Limited, measuring 28,521 square meters, valued at Rs. 20,47,00,000/-. This lien has been recorded in the society's records and in the village records under Forms 7-12 and 6. You are instructed to take due care to ensure that the bank's lien is preserved in this fraud case.

Signature/- Illegible  
Police Commissioner  
Surat City

To:-

Mr. G.K. Chaudhary

Police Inspector, Varachha Police Station, Surat City

Copies to:

-Assistant Police Commissioner, 'A' Division, Surat City, for information and monitoring of this investigation.

-Deputy Police Commissioner, East Division, Surat City, for information and monitoring of this investigation.

-Additional Police Commissioner, Range 1, Surat City

To,  
**The Hon'ble Police Commissioner,**  
**Nanpura, Surat**

To,  
The Hon'ble Police Inspector,  
Varachha

**Complainant:**

Authorized Officer of Surat Nagrik Sahkari Bank Ltd.,  
Mr. Naineshbhai Arvindbhai Chitaniya,  
Age: 33 years, Occupation: Service,  
Resident: 27/C, Samrat Apartment, Fifth Floor,  
Soni Faliya, Surat

**Against**

**Accused:**

(1) Home Trade Limited,  
Head Office: Tower 4-5, Vashi Railway Station Complex,  
Mumbai 400703

(2) Mr. Nand Kishor Shankaralal Trivedi,  
Age: 45 years, Occupation: Business,  
Resident: Dev Bhuvan, Second Floor, Room No. 32, Gazdar Mohalla (Street),  
Chira Bazaar, Mumbai - 2

(3) Mr. Ketan Kantilal Seth,  
Age: 40 years, Occupation: Business,

Resident: 193, Lalit Kutir (C.H.S.), Third Floor,  
Gulmohar Cross Road - 9, (J.V.P.D.), Mumbai 400049

(4) Mr. Sanjay Hariram Agarwal,  
Age: 35 years, Occupation: Business,  
Resident: Juhu Shalimar, C.H.S. Limited, Seventh Floor,  
Gulmohar Cross Road No. 10, Juhu, Mumbai 400409

(5) Mr. Subodh Bhandari,  
Age: 46 years, Occupation: Business,  
Resident: 704/B, Govind Complex, Sector No. 14,  
Vashi Vubre, Navi Mumbai 400705

(6) Mr. Hiten Bhupendra Shah,  
Age: Adult, Occupation: Business,  
Resident: 102, Gandhi Niwas, Ashok Nagar Road, Vakola,  
Santacruz, Mumbai - 400055

(7) Mr. Hiren Gada,  
Age: Adult, Occupation: Business, Address: Mumbai,  
Current residential address unknown.

(8) Mr. Sashank Gopal Ranade,  
Age: 40 years, Occupation: Business,  
Resident: 3/1, Radhakrishna Niwas, Ground Floor, Dagadi Wadi,  
S.K. Bole Road, Dadar (C.W.J.), Mumbai 400028

(9) Mr. Vijay Himatlal Modi,  
Age: 46 years, Occupation: Business,  
Resident: A/203, Amita Co. Op. Housing Society Ltd.,

Kulupawadi Road, Borivali (East), Mumbai 400066

(10) Mr. Salil Dinakarlal Gandhi,

Age: 43 years, Occupation: Business,

Resident: 11/13, Gold Coin Co. Op. Housing Society Ltd.,

Tardeo, Mumbai 400034

(11) Mr. Alan James Macmillan,

Age: 41 years, Occupation: Business,

Resident: 785 Castro Street, Mountain View, C.A. 94041,

U.S.A.

(12) Mr. Russel Bankekam Weger,

Age: Adult, Occupation: Business,

Resident: Timber Hill Terrace,

Iron Field, M.A. 1940, U.S.A.

(13) Mr. Mike alias Manoj Ambelal Shah,

Age: 58 years, Occupation: Business,

Resident: Bellary Road, R.M.V. Extension,

Bangalore 506080

(14) Mr. Dhananjay Agarwal,

Age: Adult, Occupation: Business, Address: Mumbai,

Current residential address unknown.

(15) Mrs. Shilpa Hiten Shah,

Age: Adult, Occupation: Business,

Resident: 102, Gandhi Niwas, Ashok Nagar Road, Vakola,

Santacruz, Mumbai 400055

(16) Mrs. Jagruti Ketan Seth,  
Age: Adult, Occupation: Business,  
Resident: 193, Lalit Kutir (C.H.S.), Third Floor,  
Gulmohar Cross Road - 9, (J.V.P.D.), Mumbai 400049

(17) Ms. Kanan Mewawala,  
Age: 28 years, Occupation: Business,  
Resident: Jayant Mahal, Fifth Floor, Opposite Wankhede Stadium,  
Marine Drive, Mumbai

(18) Mr. Ketan R. Maskariya,  
Age: 35 years, Occupation: Business,  
Current residential address unknown.

(19) Mr. Neeraj A. Surati,  
Age: 34 years, Occupation: Business,  
Resident: Surya Flats, First Floor, Surya Shopping Complex, Bharuch,  
Dist. Bharuch

(20) Mrs. Kruti Neeraj Surati,  
Age: Adult, Occupation: Business,  
Resident: Surya Flats, First Floor, Surya Shopping Complex, Bharuch,  
Dist. Bharuch

#### Facts of the Complaint:

(1) I, the complainant, am an authorized officer of Surat Nagrik Sahkari Bank Ltd. Surat Nagrik Sahkari Bank Ltd. has been engaged in banking activities for the last 29 years and is also registered with the District Registrar, Cooperative Society. On

24/05/2002, the Board of Directors of Surat Citizens Cooperative Bank, through Resolution No. 8(7), authorized me to file this complaint against the accused, and accordingly, this complaint is being filed.

(2) Surat Citizens Cooperative Bank, hereinafter referred to as "our bank," is required to operate in accordance with circulars issued from time to time by the Reserve Bank of India. One such circular mandates that the bank maintain a Security Liquidity Reserve Fund and invest 25% of its Net Time and Demand Liabilities in government securities or approved securities.

(3) Accused No. 1, Home Trade Limited, through Accused Nos. 19 and 20, frequently met us and provided information about government securities, including through mobile conversations with the directors of Accused No. 1. They frequently traveled from Mumbai to purchase various government securities, informing us that investing in these securities would yield profits. Accused Nos. 19 and 20 facilitated conversations with Accused Nos. 2 to 18, who were actively involved in the business of Accused No. 1. They repeatedly urged us to purchase government securities, stating that significant profits could be earned through them. Enticed by their alluring promises, our bank, trusting them, had previously purchased government securities from them. They provided physical delivery of the first government securities purchased, transferred them in the bank's name, and gradually built complete trust with our bank's Board of Directors.

(4) On 06/12/2001, the accused held a meeting at our bank. On that day, at 04:30 PM, Accused No. 19 (Neeraj Surati), Accused No. 3 (Ketan Seth), Accused No. 17 (Ms. Kanan Mewawala), and Accused No. 2 (N.S. Trivedi), representing Accused No. 1 (Home Trade), attended. During this meeting, they enticed our bank to sell the following securities worth ₹12.50 crore:

G.O.I. 10.47% – 2015 – ₹7.50 crore (Face Value)

G.O.I. 10.70% – 2020 – ₹5.00 crore (Face Value)

They promised higher profits and induced us to sell these securities, offering to purchase other securities at lower rates in exchange. The details of the offered securities are:

G.O.I. 2010 – 7.50% – ₹10.00 crore (Face Value)

G.O.I. 2009 – 7.00% – ₹5.00 crore (Face Value)

Total: ₹15 crore

These individuals, through their enticing promises, persuaded our bank's officials. However, they did not execute a direct sale of the aforementioned securities. On 07/12/2001, a settlement was reached, and they promised to deliver the ₹15 crore securities within 4 to 6 weeks.

(5) As per the accused's assurances, the delivery of the said securities was not provided within the stipulated time. Despite repeated follow-ups by the bank via phone and fax, the accused failed to deliver the ₹15 crore securities even after a considerable period. Instead of delivering the securities, on 21/02/2002, Accused No. 19 (Neeraj Surati), Accused No. 3 (Ketan K. Seth), Accused No. 17 (Ms. Kanan Mewawala), and Accused No. 2 (N.S. Trivedi) visited the bank. They proposed selling the previously purchased ₹15 crore securities and purchasing new securities, claiming higher interest returns. The details of the new securities are:

G.O.I. 2017 – 8.07% – ₹15.00 crore (Face Value)

These accused enticed us with promises of higher interest and claimed that the new securities, worth ₹15.00 crore (Face Value), were purchased over the phone. They stated that our bank would have to pay ₹16,09,60,500/- (Rupees Sixteen Crore Nine Lakh Sixty Thousand Five Hundred Only), including premium and interest. This

amount was already extracted from the bank, and they promised delivery of these securities within four weeks, as per the purchase contract.

(6) Due to the non-delivery of the government securities, we had to engage in correspondence and make telephone calls. In response, on 23/01/2002, the accused informed the bank that the securities were being transferred from different RBI offices in various states and promised partial delivery by 30/01/2002 and 07/02/2002. Subsequently, Accused No. 1 (Home Trade Ltd.) sent a fax enclosing receipts:

1. ₹5 crore of 7.50% securities and ₹3 crore of 7.00% securities from Riddhi Cooperative Bank Ltd., RBI Bangalore, Receipt No. 312, dated 08/12/2001.
2. ₹5 crore of 7.50% 2010 securities and ₹2 crore of 7.00% 2009 securities from Borat District Co. Op. Bank Ltd., Kolkata, RBI T.D.O. Receipt No. 14447, dated 08/12/2001.

On 20/02/2002, they promised delivery of the ₹15 crore 8.07% 2017 securities (purchased through their directors) within 4 to 6 weeks, as agreed in the meeting. With the March-end approaching, the delivery was due by 25/03/2002. On 26/03/2002, we sent an urgent letter via fax and courier to Accused No. 1 and Accused No. 19, stating that the securities were not delivered by 25/03/2002. In response, on 26/03/2002, Accused No. 1 sent a fax promising delivery of the ₹15 crore securities in the first week of April. Despite repeated telephonic follow-ups, the delivery was not made. On 03/04/2002, we arranged an urgent meeting for 04/04/2002. During this meeting, the accused's statements suggested that the contracts provided to us were fraudulent and knowingly false. Under pressure, the accused issued the following two cheques in the bank's name:

- (1) HDFC Bank, Nariman, Mumbai, dated 14/06/2002, No. 984290, ₹7,85,47,045.33/-

(2) HDFC Bank, Nariman, Mumbai, dated 21/06/2002, No. 984291, ₹8,98,93,600.00/-

Additionally, the accused provided receipts dated 08/12/2001 from Riddhi Cooperative Bank Ltd., RBI Bangalore (Receipt No. 312) and Borat District Co. Op. Bank Ltd., Kolkata (RBI D.D.O. Receipt No. 14447). Upon verification by the Reserve Bank of India, these receipts were found to be forged and fabricated. On 13/06/2002, the RBI informed us via letter and instructed us to take criminal action against the accused.

(7) From the outset, the accused, with the intent to deceive, were not authorized by SEBI to deal in government securities. Despite this, they provided a false SEBI certificate and induced us to engage in transactions. They did not possess any government securities, nor had they contracted with others to purchase them. They provided false contracts and documents, knowing them to be fraudulent. All the accused, in collusion and with mutual assistance, made false representations, gave deceitful promises, and with dishonest intentions, defrauded the complainant bank of ₹16,09,60,500/- (Rupees Sixteen Crore Nine Lakh Sixty Thousand Five Hundred Only). They created and used forged valuable documents, contracts, and a SEBI certificate, knowing them to be false, to perpetrate the fraud. By doing so, the accused have committed offenses under IPC Sections 406, 420, 409, 465, 467, 468, 471, and 114.

(8) We have filed this complaint against the aforementioned accused. However, during the investigation, if any other individuals are found to have participated in or aided the criminal acts described in this complaint, we also file this complaint against them.

Our Witnesses:

(1) Mr. C.C. Shah

(2) Mr. Mahesh K. Vaidh

Additional witnesses' names will be provided if required.

**Signature/-**

**For Surat Nagrik Sahkari Bank Ltd.**

**Authorized Officer**

**Enclosure:**

Xerox copies of necessary documentary evidence numbered 1 to 30 are attached.

**Date: 06/08/2002**

My name is Naineshbhai Arvindbhai Chitaniya, aged 33 years, occupation: service, resident at 27/A, Samrat Apartment, Fifth Floor, Soni Faliya, Surat.

Upon being specifically questioned in person, I state that I reside at the aforementioned address with my family members and earn my livelihood by working as a manager at Surat Nagrik Sahkari Bank Ltd.

Today, you, sir, provided me with a typed application to read, which I had filed on behalf of Surat Citizens Cooperative Bank against the accused in this matter. My signature is present at the bottom of the said application. In connection with this application, you, sir, have registered a crime at Varachha Police Station under FIR No. 274/2002, under IPC Sections 406, 420, 409, 465, 467, 468, 471, and 124, against the accused in this matter. I am submitting xerox copies of the necessary documents related to this case along with this statement. The date of the application is 18/08/2002, which is my complaint.

**List of Documents:**

- (1) Copy of the contract of Home Trade Ltd. dated 07/12/2001.
- (2) Acknowledgment of securities sold to Home Trade Ltd. dated 07/12/2001.
- (3) Copy of correspondence with Home Trade Ltd. dated 22/01/2002 regarding non-delivery of securities.
- (4) Reply received from Home Trade Ltd. on 23/01/2002 in response to the letter dated 22/01/2002.
- (5) Receipt from Bangalore against the delivery of securities dated 07/12/2001.
- (6) RBI receipt No. 39/38 for the delivery of securities dated 07/12/2001.
- (7) Copy of contracts dated 21/02/2002.
- (8) Copy of correspondence with Home Trade Ltd. dated 26/03/2002 regarding non-delivery of securities.
- (9) Copy of Home Trade Ltd.'s reply received on 26/03/2002 to the bank's letter dated 26/03/2002.

- (10) Copy of the letter and two cheques dated 04/04/2002.
- (11) Copy of the contract dated 21/06/2002.
- (12) Copy of the contract dated 14/06/2002.
- (13) Notice issued by Bank Co. Advocate Solicitor to Home Trade Ltd. dated 07/07/2002.
- (14) Reply demanded by Neeraj Surati in response to the notice issued by Gagratt and Company to Neeraj Surati and Associates.
- (15) Copy of the cheque dated 21/06/2002 and its return memo.
- (16) Copy of the cheque dated 14/06/2002 and its return memo.
- (17) Details of the difference in the transaction dated 07/12/2001 received by Home Trade Ltd.
- (18) Details of the difference in the transaction dated 21/02/2002 received by the bank from Home Trade Ltd.
- (19) Copy of Home Trade Ltd.'s registration with SEBI.
- (20) Copy of Ketan Seth's resignation from the board of directors.
- (21) RBI's letter dated 13/06/2002 appointing Advocate Mr. Jatin Gandhi on behalf of Home Trade Ltd. and bank employee Mr. Naineshbhai Chitaniya for legal proceedings.
- (22) Letter dated 16/08/2002 appointing Advocate Mr. Jatin Gandhi on behalf of Home Trade Ltd. and bank employee Mr. Naineshbhai Chitaniya for legal proceedings.
- (23) Set of other necessary documents.

This is the fact stated by me.

Before,  
Signature/-  
Police Inspector,  
Varachha Police Station

**Date: 16/09/2002**

My name is Naineshbhai Arvindbhai Chitaniya, aged 33 years, occupation: service, resident at 27/A, Samrat Apartment, Fifth Floor, Soni Faliya, Surat.

Upon being specifically questioned in person, I state that I reside at the aforementioned address with my family members and earn my livelihood by working as a manager at the Bhagal Branch of Surat Nagrik Sahkari Bank Ltd.

Today, you, sir, have confirmed that the complaint filed under my application is accurate and true as per my statement. Additionally, in connection with the letter from the Police Commissioner, bearing No. R.B./25630/2002 dated 13/09/2002, you have inquired about the necessary documents, and the clarification regarding the same is as follows:

Surat Citizens Cooperative Bank, through its Fund Management Company, engages in the purchase and sale of securities. A xerox copy of the resolution dated 27/02/2002 regarding this has already been submitted earlier.

Surat Citizens Cooperative Bank has not entered into any written correspondence with Home Trade Ltd. for conducting business with us. However, the accused, representing Home Trade Ltd., discussed matters over the telephone, and a contract for the purchase and sale of securities dated 21/02/2002 has already been submitted. A meeting regarding this business transaction took place at our bank on 20/02/2002 in person. We have been conducting business with Home Trade Ltd. since 1997. The fraud in this matter was discussed during the meeting on 20/02/2002, and I have already provided details of who was present at that meeting. We do not possess any other fraudulent documents or proposals.

As per the Banking Regulation Act, 1949, Surat Citizens Cooperative Bank is required to invest 25% of its funds in government securities. I am submitting xerox copies of the detailed regulations along with this statement.

The recording of SGL (Subsidiary General Ledger) for Surat Citizens Cooperative Bank was handled through HDFC Bank. This fraud in the case pertains to physical transactions. An account was opened with HDFC Bank, but no transactions

were conducted by HDFC Bank. However, physical transactions were carried out, and I am submitting xerox copies of the relevant documents along with this statement.

Purchases and sales took place in this matter, and the statement of transactions from 01/04/2001 to 31/03/2002 is included.

As per our bank's regulations, when securities are bought or sold, delivery of the securities is to be made to three to four banks. Home Trade Ltd. had stated the same. However, to date, the delivery of the securities has not been received.

The transactions conducted with Home Trade Ltd. involved differences in amounts that were credited or debited to the account of Surat Citizens Cooperative Bank with HDFC Bank, which is a regular account. Home Trade Ltd. took the funds, but we have no knowledge of how they utilized them.

When securities are bought or sold between Surat Citizens Cooperative Bank and Home Trade Ltd., delivery is to be exchanged. However, after the delivery and payment of the difference in amounts, the securities that Home Trade Ltd. was supposed to provide to the bank have not been received.

As per the rules of Surat Citizens Cooperative Bank, the authority to conduct transactions involving government securities with any company lies solely with the Head Committee and the members of the Board of Directors. Staff or officers have no such authority, and there is no longer any need to take statements from staff, employees, or officers.

This is the fact stated by me and it is true and correct.

Before,  
Signature/- Illegible  
Police Inspector,  
Varachha Police Station

**Date: 22/10/2002**

My name is Naineshbhai Arvindbhai Chitaniya, aged 33 years, occupation: service, resident at 27/A, Samrat Apartment, Fifth Floor, Soni Faliya, Surat.

Upon being specifically questioned in person, I state that I reside at the aforementioned address with my family members and earn my livelihood by working as a manager at the Bhagal Branch of Surat Nagrik Sahkari Bank Ltd.

Today, you, sir, have confirmed that the complaint filed based on my application is accurate and true as per my statement, and I am submitting the necessary documents requested by you, sir, along with this statement.

(1) An adjustment letter dated 20/02/2002 from Home Trade Limited, signed by Subodh Bhandari, addressed to Surat Nagrik Sahkari Bank Ltd., Surat, stating that an amount of ₹47,11,888.89 is to be credited in favor of Home Trade Limited to HDFC Bank Ltd., Current Account No. 0010400317011. The letter, page no. 1, is original.

(2) A contract note from Home Trade Limited, signed by Subodh Bhandari, with trade date 20/02/2002 and settlement date 21/02/2002, bearing Contract No. LBL/NSE/2002.2001/007429. The document, page no. 1, is original.

(3) The aforementioned contract note, bearing No. LBL/NSE/2002.2001/007427, also signed by Subodh Bhandari. The document, page no. 1, is original.

(4) A contract note bearing No. LBL/NSE/2002.2001/007425, signed by Subodh Bhandari. The document, page no. 1, is original.

(2) A memorandum from HDFC Bank, Surat, for cheque no. 984291 dated 22/06/2002, amounting to ₹8,98,93,600.00, with transaction date 21/06/2002. The document, page no. 1, is original.

(1) A document from HDFC Bank Ltd. addressed to Surat Nagrik Sahkari Bank Ltd., Surat, for an amount of ₹8,98,93,600.00, signed by Sanjay Agarwal. The document, page no. 1, is original.

(2) A memorandum slip from HDFC Bank, Mumbai, for cheque no. 984290, amounting to ₹7,85,47,058.33, dated 14/06/2002, with account blocked on 17/06/2002. The slip, page no. 1, is original.

(3) A cheque dated 14/06/2002 from Home Trade Limited, signed by Sanjay Agarwal, in the name of Surat Nagrik Sahkari Bank Ltd., drawn on HDFC Bank Ltd., for ₹7,85,47,058.33. The document, page no. 1, is original.

(3) Statement of Surat Nagrik Sahkari Bank Ltd., Varachha, from 21/02/2002 to 25/02/2002. Page no. 1.

- (4) Statement of Government Securities Investment of Surat Nagrik Sahkari Bank Ltd. from 27/06/2001 to 05/09/2002. Page no. 1.
- (5) Resolution indicating the names of the Fund Management Committee of Surat Nagrik Sahkari Bank Ltd., Surat. Page no. 1.
- (6) Copy of Resolution No. 16(9) of Surat Nagrik Sahkari Bank Ltd., dated 26/03/2002. Page no. 1.
- (7) PLAN-13/UB/92.93, UBD NO. PLAN-13 UB-81/92.93, September 15, 1992 (199209150) INVESTMENTS – Portfolio of Banks Transactions in Securities, consisting of 55 pages, provided as xerox copies.

The aforementioned documents, valued at ₹00.00, have been seized by you, sir, in person as per the panch witnesses.

This is the fact stated by me and it is true and correct.

Before,  
Signature/-  
Police Inspector,  
Varachha Police Station

**Date: 12/10/2002**

My name is Naineshbhai Arvindbhai Chitaniya, aged 33 years, occupation: service, resident at 27/A, Samrat Apartment, Fifth Floor, Soni Faliya, Surat.

Upon being specifically questioned in person, I state that I reside at the aforementioned address with my family members and earn my livelihood by working as a manager at the Bhagal Branch of Surat Nagrik Sahkari Bank Ltd.

Today, you, sir, have confirmed that the complaint filed based on my application is accurate and true as per my statement, and I am submitting the necessary documents as asked by you, sir, along with this statement.

- (1) Copy of the contract entered into with Home Trade dated 07/12/2001.
- (2) True copy of the notice dated 03/05/2002 issued by the bank's representative, Mr. Gagratt and Company, Mumbai, to Home Trade Limited due to non-delivery of securities.
- (3) Regarding the receipts submitted by Home Trade to the Reserve Bank of India, Kolkata and Bangalore, for the transaction dated 07/12/2001, as per the communication from RBI, Kolkata, dated 20/07/2002.
- (4) Xerox copy of the clarification received from the Securities and Exchange Board of India dated 26//2002, stating that Home Trade Limited has not been authorized to deal in government securities since 25/07/2001.
- (5) True copy of the objection application dated 24/09/2002, filed by Shaitrujanya Cooperative Society, Village Chekhala, Taluka Anand, before the Mamlatdar, where the bank's advocate from Ahmedabad appeared.

This is the fact of my statement, which is accurate and true as per my submission.

Before,  
Signature/-  
Police Inspector,  
Varachha Police Station

**Date: 03/01/2003**

My name is Naineshbhai Arvindbhai Chitaniya, aged 33 years, occupation: service, resident at 27/A, Samrat Apartment, Fifth Floor, Soni Faliya, Surat.

Upon being specifically questioned in person, I state that I reside at the aforementioned address with my family members and earn my livelihood by working as an authorized officer at Surat Nagrik Sahkari Bank Ltd.

Today, you, sir, have confirmed that the complaint filed based on my application is accurate and true as per my statement, and you, sir, have questioned me regarding point no. 6 of the issues mentioned in the letter of the Police Commissioner, Eastern Division, bearing No. R.B/Home Trade/5367/2002 dated 28/10/2002. I state as follows:

It appears that the land of Shaitrujanya Cooperative Society, bearing Block Nos. 226, 227, and 229, was provided to Surat Citizens Cooperative Bank as collateral for the aforementioned ₹16 crore. In this regard, I state that on 26/04/2002, due to non-delivery of the bank's 8.07% securities, members of the bank's Board of Directors visited Mumbai and met Mr. Neeraj Surati at Home Trade's office. Discussions were held with Ketan Seth and others, and at the conclusion, they provided documents of the land of Shaitrujanya Cooperative Society as a guarantee on behalf of Home Trade, in case the securities were not delivered within the stipulated time, to the bank's Board of Directors. Subsequently, during telephonic conversations with Ketan Seth, Neeraj Surati, and the guarantor (Shaitrujanya Society), it was decided to mortgage the documents in favor of the bank. Thereafter, the bank had the documents certified through its advocate and completed the procedure for mortgaging them in the bank's favor. Later, Neeraj Surati stated that once all the documents were ready, we would complete the task with the necessary persons. On 08/05/2002, these individuals had the documents notarized in person in a multi-storied building in Surat in the presence of the bank's advocate, Mr. Hemant Topiwala. Subsequently, the necessary procedures

were followed to register the bank's lien on the land. A copy of the 7/12 extract was also obtained for this registration, and for objections, an advertisement was published in the local newspaper "Jayhind" in Ahmedabad on 07/09/2000. On 24/09/2002, a hearing was held in the Ahmedabad Civil Court regarding this land. The advocates of the bank and Shaitrujanya Cooperative Society presented arguments, and a confirmed lien in favor of the bank was registered. A copy of the 7/12 extract with the new entries is with Advocate Mr. Rawali, which I will submit if required.

This is the entirety of my statement, which is accurate and true as per my submission.

Before,  
Signature/-  
Police Inspector,  
Varachha Police Station

**Panchama**

Sr. No.	Name	Gender	Age	Occupation	Residence
1	Kantibhai Naranbhai Patel		42	Service	66 A, Rambag Society, Ashwinkumar Road, Varachha
2	Amrutbhai Mahashankar Rawal		42	Service	135 D, Vitthalnagar Society, Hirabag, Varachha, Surat

We, the panch witnesses named above, were summoned today by the Police Inspector of Varachha Police Station and accordingly appeared at the police station. Here, you, sir, explained to us, the panch witnesses, and instructed us to prepare a panchanama regarding the verification of the name, address, and physical condition of the accused in the case registered at Varachha Police Station under FIR No. 274/2002, IPC Sections 406, 420, 409, 465, 467, 468, 471, and 114. We, the panch witnesses, willingly state as follows:

Here, ASI Kedarnath Ramsabhilash Sharma of Varachha Police Station brought the accused from Surat District Jail and presented him before you, sir. Upon inquiring about his name and address, he stated his name as Ketan Kantilal Seth, aged 40 years, resident of 193, Lalit Kutir, Cooperative Housing Society, Gulmohar Cross Road No. 9, Juhu Vile Parle Development Scheme, Andheri West, Mumbai 49. The said person is wearing a half-sleeve blue shirt with lines and blue jeans around the waist. Upon examining the body of the said person, no visible marks of injury or torture are observed, and no items were seized during the personal search of the said person. The said accused has been arrested in connection with the aforementioned offense. The above-written panchama is accurate and true as observed and recorded by us, the panch witnesses, and after reading and understanding it, we have affixed our signatures below. Date: 11/10/2002, Time: 19:30 to 20:00

(1). Sd/- Illegible

(2). Sd/- Illegible

In presence of  
Sd/- Illegible  
Police Inspector  
Varachha Police Station

### Panchama

Sr. No.	Name	Gender	Age	Occupation	Residence
1	Kantibhai Naranbhai Patel		42	Service	A 66, Rambag Society, Ashwinkumar, Varachha, Surat
2	Amrutbhai Mahashankar Rawal		42	Service	135 D, Vitthalnagar Society, Hirabag, Varachha, Surat

We, the panch witnesses named above, were summoned by you, Police Inspector G.K. Chaudhary of Varachha Police Station, and accordingly appeared at Varachha Police Station.

In the matter of Varachha Police Station FIR No. 274/2002, under IPC Sections 406, 420, 409, 465, 467, 468, 471, 114, and 120B, the complainant, Mr. Nainesh Arvindbhai Chitaniya, authorized officer of Surat Nagrik Sahkari Bank Ltd., Gitanjali, Varachha, submitted documents as stated, which we, the panch witnesses, have taken up for inspection in person.

- (1) An adjustment letter dated 20/02/2002 from Home Trade Limited, signed by Subodh Bhandari, addressed to Surat Nagrik Sahkari Bank Ltd., Surat, stating that an amount of ₹47,11,888.89 is to be credited in favor of Home Trade Limited to HDFC Bank Ltd., Current Account No. 0010400317011. The letter, page no. 1, is original.
- (2) A contract note from Home Trade Limited, signed by Subodh Bhandari, with trade date 20/02/2002 and settlement date 21/02/2002, bearing Contract No. LBL/NSE/2002.2001/007429. The document, page no. 1, is original.
- (3) The aforementioned contract note, bearing No. LBL/NSE/2002.2001/007427, also signed by Subodh Bhandari. The document, page no. 1, is original.
- (4) A contract note bearing No. LBL/NSE/2002.2001/007425, signed by Subodh Bhandari. The document, page no. 1, is original.

(2) A memorandum from HDFC Bank, Surat, for cheque no. 984291 dated 22/06/2002, amounting to ₹8,98,93,600.00, with transaction date 21/06/2002. The document, page no. 1, is original.

(1) A cheque from HDFC Bank Ltd., issued in the name of Surat Nagrik Sahkari Bank Ltd., Surat, for ₹8,98,93,600.00, signed by Sanjay Agarwal. The document, page no. 1, is original.

(2) A memorandum slip from HDFC Bank, Mumbai, for cheque no. 984290, amounting to ₹7,85,47,058.33, dated 14/06/2002, with account blocked on 17/06/2002. The slip, page no. 1, is original.

(3) A cheque dated 14/06/2002 from Home Trade Limited, signed by Sanjay Agarwal, in the name of Surat Nagrik Sahkari Bank Ltd., drawn on HDFC Bank Ltd., for ₹7,85,47,058.33. The document, page no. 1, is original.

(3) Statement of Surat Nagrik Sahkari Bank Ltd., Varachha, from 21/02/2002 to 25/02/2002. Page no. 1.

(4) Statement of Government Securities Investment of Surat Nagrik Sahkari Bank Ltd. from 27/06/2001 to 05/09/2002. Page no. 1.

(5) Resolution indicating the names of the Fund Management Committee of Surat Nagrik Sahkari Bank Ltd., Surat. Page no. 1.

(6) Copy of Resolution No. 16(9) of Surat Nagrik Sahkari Bank Ltd., dated 26/03/2002. Page no. 1.

(7) PLAN-13/UB/92.93, UBD NO. PLAN-13 UB-81/92.93, September 15, 1992 (199209150) INVESTMENTS – Portfolio of Banks Transactions in Securities, consisting of 55 pages, provided as xerox copies. The aforementioned documents, valued at ₹00.00, have been seized for inspection. The above-written panchama is accurate and true as observed and recorded by us, the panch witnesses, and after reading and understanding it, we have affixed our signatures below. Date: 12/10/2002, Time: 20:00 to 21:00

(1). Sd/- Illegible

(2). Sd/- Illegible

before,  
Sd/- Illegible  
Police Inspector  
Varachha Police Station, Surat

**Date: 07/08/2002**

My name is Meher Kekabhai Vaidh, Parsi by caste, aged 65 years, occupation: service, resident at Shirdiwala Blocks, Shahpor, Surat.

Upon being questioned in person, I state that I reside at the aforementioned address and have been working as a manager at the main branch of Surat Nagrik Sahkari Bank Ltd., Varachha, for the last two years, i.e., since 01/06/2000.

Surat Citizens Cooperative Bank had been engaged in transactions involving the purchase and sale of government securities with Home Trade Ltd. even before I joined the bank. On 06/12/2001, a committee meeting was held at the bank, attended by four office bearers and four other directors, namely: (1) Mr. Bansibhai S. Kudnawala, Vice Chairman (Convener); (2) Mr. M.N. Katargamwala, Vice Chairman; (3) Mr. Chandrakant Shah, Managing Director; (4) Mr. Suresh Bhai P. Patel, Joint Managing Director; (5) Mr. Jayantilal R. Gandhi, Director; (6) Mr. Jayantilal C. Jariwala, Director; (7) Mr. Amrutlal R. Contractor, Director; (8) Mr. Balkrishna Dalal, Director. Of the above eight, those listed at numbers 2 and 7 were absent from the meeting, and I myself was attending a meeting of the Gujarat Urban Cooperative Banks Federation as a member at Samruddhi, Nanpura, Surat, and thus could not participate in the said meeting.

In the aforementioned meeting, Home Trade participated along with other brokers. Representing Home Trade were: (1) Mr. Neeraj Surati, (2) Ms. Kanan Mewawala, (3) Mr. Ketan Seth, and (4) Mr. N.S. Trivedi. They facilitated a transaction for the purchase and sale of securities.

The following government securities held by our bank, G.O.I. 10.70% - 2020 - ₹5.00 crore (Face Value) and another, were sold at a higher price by Home Trade compared to other brokers. Conversely, the government securities purchased by our bank from Home Trade, detailed below, were acquired at a lower price than offered by other brokers:

Details of Securities:

G.O.I. 2010 - 7.50% - ₹10.00 crore (Face Value)

G.O.I. 2009 - 7.00% - ₹5.00 crore (Face Value)

Total: ₹15.00 crore

As per the settlement reached on 07/12/2001, it was agreed that the delivery of ₹15.00 crore worth of securities would be provided within 4 to 6 weeks. This transaction was unanimously approved by the board on 27/02/2002. Due to non-delivery of the government securities, we, on behalf of the bank, had to engage in correspondence and make telephone calls. In response, on 23/01/2002, the accused informed the bank that the securities were being transferred from RBI offices in different states and partial delivery would be completed by 31/01/2002 and 07/02/2002. Subsequently, Home Trade Ltd. sent a fax enclosing xerox copies of receipts: ₹5 crore of 7.50% securities and ₹3 crore of 7.00% securities from Riddhi Cooperative Bank Ltd., RBI Bangalore, Receipt No. 312, dated 08/12/2001; and ₹5 crore of 7.50% 2010 securities and ₹2 crore of 7.00% 2009 securities from Borat District Cooperative Bank Ltd., Kolkata, RBI D.D.O. Receipt No. 14447, dated 08/12/2001. We received bank receipts in lieu of our securities, but these were not government securities. Upon follow-up, on 20/02/2002, Mr. Neeraj Surati, Mr. Ketan Seth, Ms. Kanan Mewawala, and Mr. N.S. Trivedi from Home Trade held a meeting and, instead of delivering the securities, on 21/02/2002, they visited the bank and repurchased the securities they had failed to deliver on 07/12/2001. They proposed that purchasing the new securities listed below would yield higher interest returns, benefiting the bank, and agreed to provide them.

Details of Securities:

G.O.I. 2017 - 8.07% - ₹15.00 crore (Face Value)

They stated that these securities would yield higher interest and would be delivered promptly. The ₹15.00 crore face value securities, including premium and interest, amounted to ₹16,09,60,500/- (Rupees Sixteen Crore Nine Lakh Sixty Thousand Five Hundred Only), with delivery promised within four weeks. This transaction was unanimously approved in the bank's meeting on 26/03/2002. On 21/02/2002, the ₹15

crore 8.07% 2017 securities, purchased through Mr. N.S. Trivedi, were promised for delivery within 4 to 6 weeks. With the March-end approaching, delivery was due by 25/03/2002. On 26/06/2002, an urgent letter was sent to Home Trade Ltd. via fax and courier, stating that the securities were not delivered by 25/03/2002. In response, Home Trade Ltd. sent a fax on 26/03/2002, promising delivery of the ₹15.00 crore securities in the first week of April. Despite multiple telephonic follow-ups for the ₹15 crore securities, delivery was not made as promised. On 03/04/2002, a phone call was made to arrange an urgent meeting on 04/04/2002. During this meeting, Mr. Trivedi's statements suggested that the contracts provided to us were fraudulent. Upon pressure, the accused issued the following two cheques in the bank's name:

- (1) HDFC Bank, Nariman Point, Mumbai, dated 14/06/2002, No. 984290, ₹7,85,47,058.33
- (2) HDFC Bank, Nariman Point, Mumbai, dated 21/06/2002, No. 984291, ₹8,98,93,600.00

Additionally, the accused provided receipts dated 08/12/2001 from Riddhi Cooperative Bank Ltd., RBI Bangalore (Receipt No. 312) and Borat District Cooperative Bank Ltd., Kolkata (RBI D.D.O. Receipt No. 14447). Upon verification by the Reserve Bank of India, these receipts were found to be forged and fabricated. On 13/06/2002, the RBI informed us via letter and instructed us to take criminal action against the concerned parties.

Upon learning through English newspapers in Mumbai, on 26/04/2002, our Chairman Mr. Bansibhai M. Fudnawala, Vice Chairman Mr. M.N. Katargamwala, and a team of other directors visited Home Trade's office in Mumbai and continued to pressure for the delivery of securities. By evening, in lieu of securities, they obtained land documents for Village Chekhali, Taluka Sanand, District Ahmedabad. In Mumbai, a notice was issued to Home Trade and Neeraj Surati through Solicitor Gagrat and Co. Further, in Surat, through advocates Mr. Pujara and Meghani, the land documents were taken as collateral by the bank and an equitable mortgage was executed on 08/05/2002. The lien on the land at Village Chekhali, Taluka Sanand, District Ahmedabad, was registered in the Talati's records on 18/05/2002. As the

cheques were returned, a complaint under Section 138 was filed on 03/08/2002. Copies of the necessary documents are submitted as xerox copies along with this statement.

- (1) Register of securities purchase and sale from 01/04/2000 to 31/03/2001.
- (2) Register of securities purchase and sale from 01/04/2001 to 30/03/2002.
- (3) Record of purchase and sale presented in the board on 20/02/2002.
- (4) Copy of the board meeting on 27/02/2002.
- (5) Copy of the board meeting on 26/03/2002.
- (6) Copy of the board meeting on 26/03/2002.
- (7) Copy of the board meeting on 06/12/2001.
- (8) Copy of the board's record of the sale by the trading company on 06/12/2001.
- (9) Copy of the board meeting on 03/12/2001.
- (10) Copy of the board meeting on 03/12/2001.
- (11) Statement of the government securities account (01/04/2001 to 31/03/2002).
- (12) Statement of profit from the sale of government securities (01/04/2001 to 31/03/2002).
- (13) Statement of government securities (01/04/2001 to 31/03/2002).
- (14) Statement of the premium account for government securities (01/04/2001 to 31/03/2002).

This is the entirety of my statement, which is accurate and true as per my submission.

Before,

Signature/-

Police Inspector

Varachha Police Station

SURAT NAGRIK SAHAKARI BANK LTD., Varachha Road, Surat  
 Particulars of transactions in Government Securities from 01/04/2000 to 31/03/2001

Part A : Purchase Transactions

S/No	Deal dt.	Details of Securities	In Physical or SGL	Rate of Deal	Face Value	Total Value as per deal	Accrued Interest Payable	Total Amount Payable	Name of Broker	Name of counter Party	Brokerage Paid	Date of payment of Value	Amount in Rs. Date of Receipt of transfer from/credit to Banks Account			
G O I																
1	03/05/00	10.70%2020	Physical	99.20	10000000	9920000	38638.89	9958638.89	---	Home Trade	NIL					
2	12/06/00	10.70%2020	Physical	96.00	10000000	9600000	15455.56	9754555.56	---	Home Trade	NIL					
3	20/06/00	10.50%2014	Physical	96.00	10000000	9600000	15458.33	9754583.33	---	Keypart GRI	NIL					
4	21/06/00	10.50%2014	Physical	96.00	15000000	9600000	23187.50	1463187.50	---	Home Trade	NIL					
5	26/09/00	11.03%2012	Physical	97.75	10000000	9775000	211408.33	9986408.33	---	Home Trade	NIL	26.09.2000	Purchased against sales item No.1			
6	20/02/01	10.47%2015	Physical	100.00	60000000	60000000	139600.00	60139600.00	---	Home Trade	NIL		5220238.89			
											115000000	108495000	930561.11	114225661.11		5220238.89

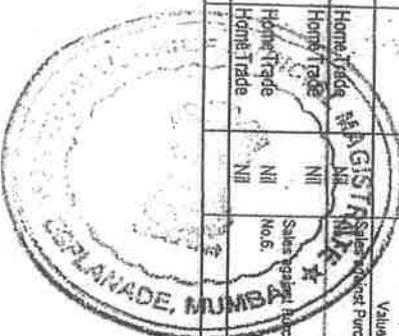
Part B : Sales Transactions

S/No	Deal dt.	Details of Securities	In Physical or SGL	Rate of Deal	Face Value	Total Value as per deal	Accrued Interest Receivable	Total Amount Receivable	Name of Broker	Name of counter Party	Brokerage Paid	Date of Receipt of Value	Amount in Rs. Date of Receipt of transfer from/credit to Banks Account			
1	21/09/2000	12.50%2004	Physical	108.00	13600000	14590000	417187.50	14997187.50	---	Home Trade	NIL					
2	20/02/2001	11.00%2005	Physical	112.50	20000000	22500000	560000.00	23060000.00	---	Home Trade	NIL		365312.50			
3	20/02/2001	12.60%2018	Physical	111.85	10000000	11185000	304500.00	11489500.00	---	Home Trade	NIL					
4	20/02/2001	10.25%2012	Physical	99.60	20000000	19920000	449861.11	20369861.11	---	Home Trade	NIL					
											63600000	68185000	1731548.61	69916548.61		365312.5

\* Total consideration

For SURAT NAGRIK SAHAKARI BANK LTD  
 H.O. Varachha Road, Surat.  
 Surat Nagrik Sahakari Bank Ltd.  
 Varachha Road, Surat.

મુદ્રાવરત્ત  
 મુદ્રાવરત્ત  
 મુદ્રાવરત્ત



Surat Nagrik Sahakari Bank Ltd.  
 H.O. Varachha Road, Surat.

True copy

SURAT NAGRIK SAHAKARI BANK LTD., Varachha Road, Surat

Particulars of transactions in Government Securities from 01/10/2001 to 30/09/2002

Part A : Purchase Transactions

Sr.No	Deal dt.	Details of Securities	In Physical or SCL	Rate of Deal	Face Value	Total Value as per deal	Accrued Interest Payable	Total amount Payable	Name of Broker	Name of counter Party	Brokerage Paid	Date of payment of Value	Amount in Rs. Date of Receipt of transfer form/Credit to Banks Account
1	12/06/2001	GOI 10.50% 2014	Physical	103.3	25000000	25812500	422916.67	26335416.67	*	Home Trade Ltd	Nil	purchased against sales at item No. 1 to 4 of part B	
2	27/06/2001	10.47% 2015	Physical	104.8	15000000	15712500	588937.50	16301437.50	*	Home Trade Ltd	Nil		
3	27/06/2001	10.70% 2020	Physical	105.00	30000000	31500000	579583.33	32079583.33	*	Home Trade Ltd	Nil		
4	06/12/2001	7.00% 2009	Physical	100.00	50000000	50000000	116666.67	50116666.67	*	Home Trade Ltd	Nil	purchased against sales at item No. 5 & 6 of part B	
5	06/12/2001	7.50% 2010	Physical	100.90	100000000	100900000	520833.33	101420833.33	*	Home Trade Ltd	Nil	purchased against sales at item No. 7 & 8 of part B.	4711888.89
6	21/02/2002	8.07% 2017	Physical	106.50	150000000	159750000	1210500.00	160960500.00	*	Home Trade Ltd	Nil		

Part B : Sales Transactions

Sr.No	Deal dt.	Details of Securities	In Physical or SCL	Rate of Deal	Face Value	Total Value as per deal	Accrued Interest Receivable	Total Amount Receivable	Name of Broker	Name of counter Party	Brokerage Paid	Date of Receipt of Value	Amount in Rs. Date of Receipt of transfer form/Credit to Banks Account
1	27/06/2001	11.03% 2012	Physical	109.50	10000000	10950000	-64341.67	10885658.33	*	Home Trade Ltd	Nil	Sales against purchase at item No. 1 to 3 of part A	
2	27/06/2001	12.40% 2013	Physical	114.50	25000000	28625000	1093611.11	29718611.11	*	Home Trade Ltd	Nil		
3	27/06/2001	12.25% 2008	Physical	114.50	20000000	22900000	741805.56	23641805.56	*	Home Trade Ltd	Nil		916526.39
4	27/06/2001	12.10% 2008	Physical	112.60	10000000	11260000	26888.89	11386888.89	*	Home Trade Ltd	Nil		
5	06/12/2001	10.47% 2015	Physical	118.75	75000000	89062500	2508437.50	91770937.50	*	Home Trade Ltd	Nil	Sales against purchase at item No. 4 & 5 of part A	
6	06/12/2001	10.70% 2020	Physical	121.75	50000000	60875000	668750.00	61543750.00	*	Home Trade Ltd	Nil	Sales against purchase at item No. 6 of part A	1577187.50
7	21/02/2002	7.00% 2009	Physical	100.80	50000000	50400000	836111.11	51361111.11	*	Home Trade Ltd	Nil		
8	21/02/2002	7.50% 2010	Physical	102.95	100000000	102950000	2062500.00	105112500.00	*	Home Trade Ltd	Nil		

For SURAT NAGRIK SAHAKARI BANK LTD

*M. M. Leung*  
Manager.



**Surat Nagarik Cooperative Bank Ltd.**

Behind Gitajali Cinema, Varachha Road, Surat - 395006

**Date:** 20/02/2002

To,  
The Chairman,  
Surat Nagarik Sahakari Bank Ltd.,  
Surat.

**Respected Sir,**

**Subject:** Purchase and Sale of Government Securities

With due respect, I wish to inform you that a meeting of office bearers was held on 19/02/2002. After extensive discussion and deliberation regarding the purchase and sale of government securities, the following transactions were finalized. The following four brokers participated:

- (1) Starate GIC
- (2) Trust Security Pvt. Ltd.
- (3) Moneyline Sculptor
- (4) Home Trade Ltd.

Among these, the rates offered by Home Trade Ltd. were finalized, and the Fund Committee executed the following transactions:

**SELL**

Sr. No.	Scrip Name	Contract No.	Face Value	Total Consideration
1	7.00% GOI 2009	7429	₹5,00,00,000/-	₹5,12,36,111.11
2	7.50% GOI 2010	7427	₹10,00,00,000/-	₹10,50,12,500.00
<b>Total Receivable</b>				<b>₹15,62,48,611.11</b>

**BUY**

<b>Sr. No.</b>	<b>Scrip Name</b>	<b>Contract No.</b>	<b>Face Value</b>	<b>Total Consideration</b>
1	8.07% GOI 2017	7425	₹15,00,00,000/-	₹16,09,60,500.00
<b>Total Payable</b>				₹16,09,60,500.00

In the above transactions, the bank sold securities worth ₹15,00,00,000/- (Rupees Fifteen Crore Only) and purchased securities worth ₹15,00,00,000/- (Rupees Fifteen Crore Only). As a result of these purchase and sale transactions, the bank earned a profit of ₹33,50,000/- (Rupees Thirty-Three Lakh Fifty Thousand Only). The committee of office bearers unanimously approved the above purchase and sale.

Yours faithfully,

Sd/- Illegible

Manager

(Meher K. Vaid)

**Enclosure:** Included with this are the details of the rates offered by the aforementioned brokers and the portfolio of government securities.

**Point No. – 1**

The meeting of the Bank's Fund Management Committee was held on Wednesday, 27/02/2002, at 3:30 PM, under the chairmanship of Hon'ble Mr. B.M. Fudnawala. The following members were present:

- (1) Mr. B.M. Fudnawala
- (2) Mr. M.N. Katargamwala
- (3) Mr. C.C. Shah
- (4) Mr. S.P. Patel
- (5) Mr. J.R. Gandhi
- (6) Mr. A.R. Contractor

**Resolution No. 1: Reading of Minutes of the Previous Meeting**

The minutes of the meeting held on 06/12/2001 were read and approved by today's assembly.

**Resolution No. 1: Noting of Purchase and Sale of Government Securities**

After extensive discussion regarding the purchase and sale of government securities, the following transactions were finalized. Rates from four brokers were received:

- (1) Starate GIC
- (2) Trust Securities Pvt. Ltd.
- (3) Moneyline Sculptor
- (4) Home Trade Ltd.

The rates offered by Home Trade Ltd. were finalized, and the following transactions were executed in the meeting of office bearers, which are noted here.

**Sale**

Sr. No.	Security Number	Contract Number	Face Value	Total
1	7.00 % GOI 2009	7429	₹ 5,00,00,000 /-	₹ 5,12,36,111-11
2	7.50 % GOI 2010	7427	₹ 10,00,00,000 /-	₹ 10,50,12,500-00
<b>Total Sale</b>				<b>₹ 15,62,48,611-11</b>

**Purchase**

Sr. No.	Security Number	Contract Number	Face Value	Total
1	8.07 % GOI 2017	7425	₹ 15,00,00,000 /-	₹ 16,09,60,500-00
<b>Total Purchase</b>				<b>₹ 16,09,60,500-00</b>

In the aforementioned transaction, the bank has sold securities worth ₹ 15,00,00,000/- (in figures, Rupees Fifteen Crore) and purchased securities worth ₹ 15,00,00,000/- (in figures, Rupees Fifteen Crore) against it. Thus, from the purchase and sale of securities, the bank has earned a profit of ₹ 33,50,000/- (in figures, Rupees Thirty-Three Lakh Fifty Thousand only). This transaction was unanimously carried out by the committee of officers. The same has been noted.

The meeting of the Bank's Board of Directors was held on Tuesday, 26/03/2002, at 4:30 PM in the bank's premises under the chairmanship of Hon'ble Shri B. M. Fudnawala Saheb. The following members were present:

1. Shri B. M. Fudnawala
2. Shri M. N. Katargamwala
3. Shri C. C. Shah
4. Shri H. P. Patel
5. Shri J. R. Gandhi
6. Shri D. R. Desai
7. Shri V. L. Patel
8. Shri A. R. Contractor
9. Shri V. B. Shah

10. Shri C. L. Shah
11. Shri R. D. Patel
12. Shri P. C. Patel
13. Shri J. C. Jariwala
14. Shri B. C. Dalal
15. Shri Khemchandbhai Shah (Invitee)

**Resolution No. 1: Reading of the Minutes of the Previous Meeting**

The minutes of the meeting held on 14/02/2002 were read. The present meeting approved them.

**Resolution No. 2: Noting of Loans Sanctioned by Manager/Officers**

The loans sanctioned by the Manager/Officers from 01/02/2002 to 28/02/2002, based on the approval of the committee, are noted as follows. The said loans are inclusive of the branch.

Sr. No.	Type of Loan	Number	Amount (₹)
1	Gold Loan	2	50,000/-
2	Government Paper Loan	18	7,90,250/-
3	Personal Guarantee Loan	41	28,15,000/-
4	Hypothecation	2	71,400/-
5	Consumer Loan	3	84,400/-
6	Fixed Deposit (FD) Loan	25	5,54,800/-
7	Overdraft on FD	10	11,48,100/-
8	Overdraft on Government Paper	5	6,28,500/-
9	Transactions Based on Joint Committee Meeting	106	61,42,450/-

True Copy  
Sd/- Illegible  
Surat Nagarik Sahakari Bank Ltd  
H. O. Varachha Road, Surat.

**Surat Nagrik Sahkari Bank Ltd.**

Behind Geetanjali Cinema, Varachha Road, Surat - 395006

The meeting of the Bank's Board of Directors was held on Tuesday, 26/03/2002, at 4:30 PM in the bank's premises. A copy of the resolution is as follows:

**Resolution No. 16 (6)**

**Regarding Noting of Purchase and Sale of Government Securities**

After extensive discussion and deliberation regarding the purchase and sale of government securities, the following transactions were carried out. The quotations from four brokers were received:

- (1) Starate GIC
- (2) Trust Securities Pvt. Ltd.
- (3) Moneyline Sculptor
- (4) Home Trade Ltd.

The rates provided by Home Trade Ltd. were finalized, and the following transactions were executed in the meeting of the officers. The same is noted.

**Sale**

Sr. No.	Security Number	Contract Number	Face Value	Total
1	7.00 % GOI 2009	7429	₹ 5,00,00,000 /-	₹ 5,12,36,111-11
2	7.50 % GOI 2010	7427	₹ 10,00,00,000 /-	₹ 10,50,12,500-00
<b>Total Sale</b>				<b>₹ 15,62,48,611-11</b>

**Purchase**

Sr. No.	Security Number	Contract Number	Face Value	Total
1	8.07 % GOI 2017	7425	₹ 15,00,00,000 /-	₹ 16,09,60,500-00

In the aforementioned transaction, the bank sold securities worth ₹ 15,00,00,000/- (in figures, Rupees Fifteen Crore) and purchased securities worth ₹ 15,00,00,000/- (in figures, Rupees Fifteen Crore) against it. Thus, from the purchase and sale of securities, the bank earned a profit of ₹ 33,50,000/- (in figures, Rupees Thirty-Three Lakh Fifty Thousand only). This transaction was unanimously carried out by the committee of officers. The same has been noted.

For Surat Nagarik Sahakari Bank Ltd.

Sd/- Illegible

Manager

True Copy

Sd/- Illegible

Manager

Surat Nagarik Sahakari Bank Ltd

H. O. Varachha Road, Surat.

**Surat Nagrik Sahkari Bank Ltd.**

Behind Geetanjali Cinema, Varachha Road, Surat - 395006

The meeting of the Bank's Fund Management Committee was held on Thursday, 06/12/2001, at 4:30 PM in the bank's premises under the chairmanship of Hon'ble Shri B. M. Fudnawala Saheb. The following members were present:

- (1) Shri B. M. Fudnawala
- (2) Shri C. C. Shah
- (3) Shri S. P. Patel
- (4) Shri J. R. Gandhi
- (5) Shri A. R. Contractor
- (6) Shri B. C. Dalal (Invitee)

The leave of absence due to illness of Vice Chairman Shri M. N. Katargamwala and Director Shri Contractor Saheb was approved.

**Resolution No. 1: Reading of the Minutes of the Previous Meeting**

The minutes of the meeting held on 01/10/2001 were read, and the present meeting approved them.

**Resolution No. 2: Consideration of Purchase and Sale of Government Securities**

After extensive discussion regarding the purchase and sale of government securities, the following transactions were carried out. Quotations from four brokers were received:

- (1) Moneyline Sculptor's
- (2) Home Trade Ltd.
- (3) Keyur Gilt Margent & Securities (P) Ltd.
- (4) Trust Capital

The rates provided by Home Trade Ltd. were finalized, and the following transactions were executed by the Fund Management Committee:

### Sale

Sr. No.	Security Number	Contract Number	Face Value	Total
1	10.47% GOI 2015	01-02/0006915	₹ 7,50,00,000/-	₹ 9,15,70,937-50
2	10.70% GOI 2020	01-02/0006913	₹ 5,00,00,000/-	₹ 6,15,43,750-00
<b>Total Sale</b>				<b>₹ 15,31,14,687-50</b>

### Purchase

Sr. No.	Security Number	Contract Number	Face Value	Total
1	7.00 % GOI 2009	6917	₹ 5,00,00,000/-	₹ 5,01,16,666-67
2	7.50 % GOI 2010	6919	₹ 10,00,00,000/-	₹ 10,14,20,833-33
<b>Total Purchase</b>				<b>₹ 15,15,37,500-00</b>

In the aforementioned transaction, the bank sold securities worth ₹ 12,50,00,000/- (Rupees Twelve Crore Fifty Lakh only) and purchased securities worth ₹ 15,00,00,000/- (Rupees Fifteen Crore only). Thus, from the purchase and sale of securities, the bank earned a profit of ₹ 2,49,37,500/- (Rupees Two Crore Forty-Nine Lakh Thirty-Seven Thousand Five Hundred only). This transaction was unanimously carried out by the committee.

Sd/- Illegible

27/02/2002

True Copy

Sd/- Illegible

Manager

Surat Nagrik Sahkari Bank Ltd

H. O. Varachha Road, Surat.

**Surat Nagrik Sahkari Bank Ltd.**

Behind Geetanjali Cinema, Varachha Road, Surat – 395006

Date: 12/12/2001

To,  
The Chairman,  
Surat Nagrik Sahkari Bank Ltd.,  
Surat.

Respected Sir,

**Subject: Regarding Purchase and Sale of Government Securities**

With due respect, it is submitted that on 06/12/2001, a meeting of the Fund Management Committee was held at the bank. After extensive discussion and deliberation regarding the purchase and sale of government securities, the following transactions were carried out. Quotations from four brokers were received:

- (1) Moneyline Sculptor's
- (2) Home Trade Ltd.
- (3) Keyur Gilt Margent & Securities (P) Ltd.
- (4) Trust Capital

The rates provided by Home Trade Ltd. were finalized, and the following transactions were executed by the Fund Management Committee:

**Sell**

Sr. No.	Scrip Name	Contract No.	Face Value	Total Consideration
1	10.47 % GOI 2015 01-02/0006915		₹ 7,50,00,000/-	₹ 9,15,70,937-50
2	10.70 % GOI 2020 01-02/0006913		₹ 5,00,00,000/-	₹ 6,15,43,750-00
<b>Total Receivable</b>				<b>₹ 15,31,14,687-00</b>

**Buy**

Sr. No.	Scrip Name	Contract No.	Face Value	Total Consideration
1	7.00 % GOI 2009 01-02/0006917		₹ 5,00,00,000/-	₹ 5,01,16,666-67
2	7.50 % GOI 2010 01-02/0006919		₹ 10,00,00,000/-	₹ 10,14,20,833-33
<b>Total Payable</b>				<b>₹ 15,15,37,500-00</b>

In the aforementioned transaction, the bank sold securities worth ₹ 12,50,00,000/- (Rupees Twelve Crore Fifty Lakh only) and purchased securities worth ₹ 15,00,00,000/- (Rupees Fifteen Crore only). Thus, from the purchase and sale of securities, the bank earned a profit of ₹ 2,49,37,500/- (Rupees Two Crore Forty-Nine Lakh Thirty-Seven Thousand Five Hundred only). This transaction was unanimously carried out by the Fund Management Committee.

Yours faithfully,  
Signature/- Illegible  
Manager  
(Meher K. Vaid)

**Enclosure:** Attached herewith are the rates of the aforementioned brokers and the portfolio of government securities.

**Surat Nagrik Sahkari Bank Ltd.**

Behind Geetanjali Cinema, Varachha Road, Surat – 395006

The meeting of the Bank's Board of Directors was held on Monday, 31/12/2001, at 4:30 PM in the bank's premises under the chairmanship of Hon'ble Shri B. M. Fudnawala Saheb. The following members were present:

- (1) Shri B. M. Fudnawala
- (2) Shri C. C. Shah
- (3) Shri S. P. Patel
- (4) Shri J. R. Gandhi
- (5) Shri D. R. Desai
- (6) Shri A. R. Contractor
- (7) Shri V. B. Shah
- (8) Shri V. L. Patel
- (9) Shri C. L. Shah
- (10) Shri B. C. Dalal
- (11) Shri P. C. Patel
- (12) Shri Khemchandbhai Shah (Invitee)

The leave of absence due to illness of Vice Chairman Shri M. N. Katargamwala, Director Shri J. C. Jariwala, and Shri R. D. Patel was approved.

**Resolution No. 1: Reading of the Minutes of the Previous Meeting**

The minutes of the board meeting held on 28/11/2001 were read, and the present meeting approved them.

**Resolution No. 2: Noting of Loans Sanctioned by Manager/Officers**

The loans sanctioned by the Manager/Officers from 01/11/2001 to 30/11/2001, based on the authority granted, are noted as follows. The said loans are inclusive of the branch:

Sr. No.	Type of Loan	Number	Amount (₹)
1	Gold Loan	2	20,500/-
2	Government Paper Loan	7	4,00,000/-
3	Personal Guarantee Loan	42	31,21,000/-
4	Hypothecation	1	25,490/-
5	Consumer Loan	13	3,82,226/-
6	Fixed Deposit (FD) Loan	36	17,84,700/-
7	Overdraft on FD	10	5,62,500/-
<b>Sub-Total</b>		<b>111</b>	<b>62,96,416/-</b>
8	Loans Sanctioned Based on Joint Officers' Authority (HP)	13	15,00,907/-
<b>Total</b>		<b>160</b>	<b>36,50,000/-</b>
<b>Grand Total</b>		<b>284</b>	<b>1,14,47,323/-</b>

### Interest Rates on Deposits Effective from 01/01/2002:

Sr. No.	Deposit Type	Interest Rate
1	Nagarik Samruddhi (30 days auto-renewal, maximum 2 years)	8%
2	30 days to 180 days	8%
3	181 days to 1 year	9%
4	1 year to 2 years	10%
5	2 years to 3 years	10.50%
6	Above 3 years	11.00%
7	Janata Deposit (₹ 100/- becomes ₹ 202.45/- in 78 months)	11.00%
8	Dhanadhara Deposit (₹ 100/- becomes ₹ 251.52/- in 102 months)	11.00%
9	Savings Account	5.00%
10	Nagarik Suraksha Certificate (₹ 3,377/- becomes ₹ 10,001/- in 10 years)	11.00%

Senior citizens above 60 years of age will receive an additional 1% interest on deposits for a term exceeding 1 year.

**Resolution No. 6: Noting the Appointment of Internal Auditor for the Year 2001-2002**

It was unanimously resolved to appoint Shri Ravindra N. Vepari as the bank's Internal Auditor for the year 2001-2002.

**Resolution No. 7: Consideration of Sub-Committee's Recommendations**

The matter was deferred for the time being, and the transactions carried out by the Fund Management Committee were noted.

**Resolution No. 8: Noting of Financial Statement as of 31/12/2001**

A statement showing the bank's approximate profit as of 31/12/2001 was presented and noted, as detailed below:

Sr. No.	Branch	Profit (₹)
1	Head Office	2,78,27,287/-
2	Bhagal Branch	10,51,401/-
3	Kamela Branch	35,02,348/-
4	Bhatar Branch	16,14,829/-
5	Adajan Branch	60,24,680/-
<b>Total</b>		<b>4,00,20,545/-</b>

True copy

Sd/- Illegible

Manager

Surat Nagrik Sahkari Bank Ltd.

H. O. Varachha Road, Surat.

**Surat Nagrik Sahkari Bank Ltd.**

Behind Geetanjali Cinema, Varachha Road, Surat – 395006

The meeting of the Bank's Board of Directors was held on Monday, 31/12/2001, at 4:30 PM in the bank's premises. A copy of the resolution is as follows:

**Resolution No. 7**

**Consideration of Sub-Committee's Recommendations**

The transactions carried out by the Fund Management Committee were noted.

For Surat Nagrik Sahakari Bank Ltd.

Sd/- Illegible

Manager

True copy

Sd/- Illegible

Manager

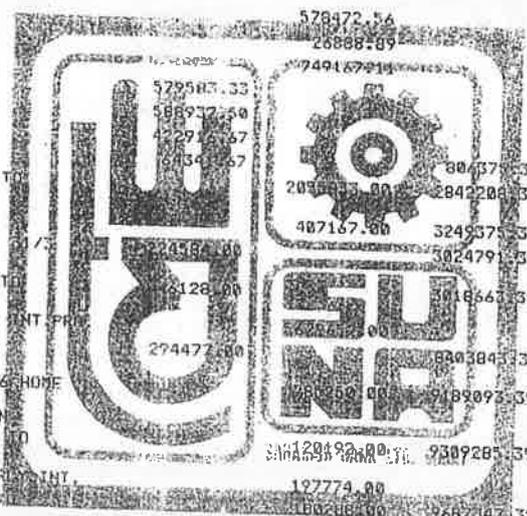
Surat Nagrik Sahkari Bank Ltd

H. O. Varachha Road, Surat.

SURAT NAGRIK SAHAKARI BANK LTD. HEAD OFFICE  
 01/04/2001 To 31/03/2002

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DATE	DESC.	DR.	CR.	BALANCE	DAYS	PRODUCT
	Opening Balance....B/F					
9/04/01	GOI 2012 11.032				18	
	01/10/01R/01/01 INT		321708.00	321708.00	7	2251956.00
26/04/01	GOI 2020 01/04/0201/04/2001					
	INT		56473.00			
	GOI 2020 01/04/0201/04 INT			434654.00	6	2607924.00
02/05/01	GOI 2014 INT 01/04/0208/04					
	GOI 2014 INT 01/04/0208/04		75833.00			
	GOI 2014 INT 29/10/0208/04		75833.00			
27/06/01	GOI 2012 01/01/02031/05			262500.00	31	26313420.00
	10.252 INT		512500.00			
	GOI 2012 INT HOME TRADE	512500.00				
	LTD HDFC BANK 322587			848820.00	16	13581120.00
03/06/01	GOI-2008 19.12.2000 TO					
	18.06.01		258006.00	1107626.00	9	9968634.00
27/06/01	GOI-2008 12.25					
	GOI-2008 12.10					
	GOI-2013 12.40					
	GOI-2020 10.70					
	GOI-2015 10.47					
	GOI-2014 10.5					
	GOI-2012 11.03					
14/08/01	GOI 2015 10.2.01 TO					
	11.8.01					
17/08/01	GOI 2015					
08/09/01	GOI 2014 29/10 TO					
	INT.REV.GL 499					
17/09/01	GOI 2012 1.10.00 TO					
	31.5.01 DIFF.					
03/09/01	1.4.01 TO 30.9.01 INT PRO					
	28.6.01 GOI.2013					
	PRE.EMOITIZE					
10/10/01	HDFC CHE.NO-256966 HOME					
	TRADE LTD GOI-2015					
	12/2/01 TO 11/8/01 INT					
22/10/01	GOI 2020 01.10.01 TO					
	21.10.01					
10/10/01	GOI 2014 HALF YEAR INT.					
	GOI 2020 22.4.01 TO					
	21.10.01					
11/01	GOI 2014 30.9.01 INT.					
10/12/01	GOI 2009 25.11.01 TO					
	6.12.01 INT.	116666.67		197774.00	32	316323884.48
	GOI 2010 12.11.01 TO					
	6.12.01 INT.	520833.33				
	GOI 2015 10.47 12.0.01 TO					
	6.12.01 INT.			1432752.50		
	GOI 2020 10.70 22.10.01 TO					
	6.12.01			660780.00		11349120.87
02/02	GOI 2017 8.07 106.5 15					
	CARDR	1210500.00				
	GOI 2009 7.00 5 CARDR					
	25.11.01 TO 20.2.02			836111.11		
	GOI 2010 7.5 10 CARDR					
	12.11.01 TO 20.2.02			2062300.00		13077235.00
03/02	1.4.01 TO 31.3.02 GOI					
	INT.PRO.			4757583.00		
	GOI 8.07 2017 15.1.02 TO					
	31.03.02 INT.REV.	2555500.00				
	22.6.2000 GOI 2014					
	INT.REV.GL 498	231875.00				
	GOI 2017 8.07 15.1.02 TO					
	20.2.02 INT.REV.			1210500.00		



SURAT NAGRIK SAHAKARI BANK LTD. HEA OFFICE

01/04/2001 To 31/03/2002

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DATE	DR.	CR.	BALANCE	DAYS	PRODUCT
TR TO GL	16217943.00			2	
	23546786.17	23546786.17		365	2236157300.71
Closing Balance-->	0.00	0			
	23546786.17	23546786.17			

Interest--> 0.00

For SURAT NAGRIK SAHAKARI BANK LTD.

*[Signature]*  
Offr. Incharge  
2/8/02





