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Udhana Police
Station

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Udhana
Police
Station

Received copy
in court on 28/11/25
Rajesh Ishwarbhai. Patel,
20, Meghdhanushya-1,
Dholeshwar Mahadev Road,
Near Randesan Metro Station,
Gandhinagar-382007.
Date: 06/06/2025

Certificate

To Whom It May Concern

It is to certify that following the request of the concerned Police officer of Udhana Police Station, Surat city, I, Rajesh I. Patel [B. A. - M. A. (English), Ph. D. in Translation], have translated the documents pertaining to the case registered with **Udhana Police Station vide CR No. 64/2002, CC No. 387/PW/2023 under IPC Section 406, 409, 420, 465, 467, 468, 471, etc** from Gujarati into English. The translation is as per my knowledge true and correct.



Rajesh Patel

Mob. No. 9824280551

Note: - 1. Since the case was registered 24 years ago, the documents are mostly handwritten, and most of the pages are readable, some are partially readable for various reasons such as poor handwriting, passage of time etc. However, I have tried my best in translating the said documents.



Udhana Police Station. ①

Received Procomt.
on 28/11/25

①

CRIMINAL CASE NO. 101878-2003



UDHANA POLICE STATION, SURAT 1st C. R. NO. 64/2002

I. P. C. SECTION- 406, 409, 420, 421, 422, 34

COMPLAINANT: GOVERNMENT OF GUJARAT

Vs.

ACCUSED: KETAN SHANTILAL SHETH

Urbana Ill
Station
Be

Vimal K. Vyas

Principal District & Sessions Judge,
District Court,
Surat (Gujarat) 395 007.



STD Code : (0261)
EPABX : 2651805-6-9-11
Fax : 0261 2651802-4
E-mail : dcourt-sut@gujarat.gov.in

Criminal O.W. No. 11875/2022
Judicial Branch,
District Court, Surat
Date : 20/10/2022

To
The Principal Judge,
Bombay City Civil and Sessions Court,
Fort, Mumbai - 400032.

Subject : Sending original Record & Proceeding of C.C. No.101878/2003,
C.C. No.9166/2002, C.C. No.174/2003 & C.C. No.100521/2003.

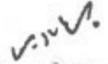
- Reference : 1) Order Passed by the Hon'ble Supreme Court of India in
Transfer Petition (Cri.) Nos.333-348 of 2021 dated
09-09-2022.
2) 18th A.C.J.M., Court, Surat, letter O.W. No.108/2022 dated
11-10-2022. (C.C. No.101878/2003)
3) 7th A.C.J.M., Court, Surat, letter O.W. No.139/2022 dated
11-10-2022. (C.C. No.9166/2002)
4) 6th A.C.J.M., Court, Surat, letter O.W. No.291/2022 dated
12-10-2022. (C.C. No.174/2003)
5) 9th A.C.J.M., Court, Surat, letter O.W. No.134/2022 dated
11-10-2022. (C.C. No.100521/2003)

Sir,

With reference to the subject noted above and in compliance with the
Order passed by the Hon'ble Supreme Court of India in Transfer Petition
(Cri.) Nos.333-348 of 2021 dated 09-09-2022, the original Record and
Proceedings of C.C. No.101878/2003, C.C. No.9166/2002, C.C. No.174/2003 &
C.C. No.100521/2003, pending in the above refer Courts of Ld. Additional
Chief Judicial Magistrate, Civil Court, Surat, District Surat are sent herewith.

Kindly acknowledge the receipt of the same.




(Vimal K. Vyas)
Principal District & Sessions Judge,
Surat.

Encl. : Original Record & Proceeding of Criminal Case No.101878/2003,
C.C. No.9166/2002, C.C. No.174/2003 & C.C. No.100521/2003.

O/W No.- 108 / 2022
18th Additional Chief Judicial
Magistrate, Surat. Room No.-1018,
New Court building, Athwalines, Surat.
Dtd-11-10-2022

To,
The Hon'ble Principal Judge Sir,
Bombay City Civil & Sessions Court,
Fort, Mumbai.

Through : **Hon'ble Principal District Judge, Surat.**

Subject : **Sending Original Record & Proceeding of Criminal
Case No. 101878 of 2003.**

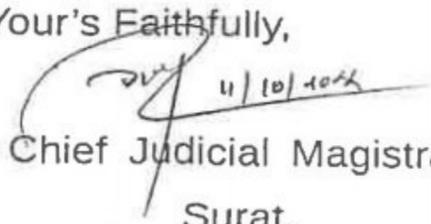
Reference: Transfer Petition (Criminal) No.(s) 333-348 of 2021 with
IA No.105293/2021- Stay Application order passed by
Hon'ble Supreme Court of India

Respected Sir,

With respect to subject and reference noted above, I am sending
herewith original R & P of **Criminal Case No. 101878 of 2003** as
per direction in above reference of Hon'ble Supreme Court in above
petition number which may kindly be accepted and needful to this
and obliged.



Your's Faithfully,


18th Additional Chief Judicial Magistrate,
Surat.

Encloser :Original Record & Proceeding of CC-101878/2003

Total Page No. 01 to 314.

Total Exhibit No. 01 to 03.

15

Sheet:

IN THE COURT OF 18th ADDL. Sr. CIVIL JUDGE & A.C.J.M., SURAT

CRIMINAL CASE NO. 101878/2003

UDHNA POLICE STATION- 1st, C. R. NO. 64/ 2002

COMPLAINANT:- GOVERNMENT OF GUJARAT

Vs.

ACCUSED:- KETAN SHANTILAL SHETH

I. P. C. SECTION - 406, 409, 420, 421, 422, 34

CASE REGISTERED ON- 21-01-2003

NEXT DATE- 21-10-2022



SR. NO	EXHIBIT	SUBJECT	PAGE NO.
1	...	ROZNAMA	1 TO 14
2	1	CHARGESHEET	15 TO 18
3	--	BODY IDENTIFICATION MARKS	19 TO 20
4	--	PHOTOGRAPHS OF ACCUSED	21 TO 22
5	--	copy of POLICE PAPERS (Xerox Paper?)	23 TO 144
6	2	UNSERVED SUMMONS WITH CLARIFICATION	145 TO 150
7	3	COPY OF SUPREME COURT WRIT D. NO. 19293 OF 2021	151 TO 172
8	--	PRODUCTION PAPERS	173 TO 264
9	--	BAIL APPLICATION & ORDER	265 TO 270
10	--	VAKALATNAMA	271 TO 272
11	--	BAIL PAPERS to Pg-273 300 original 312, 314 original	Pg-301 to 312 copy 273 TO 314 313

original copy
Pg 173 187
186 212
215, 216 217, 218
235, 260 261, 262
263, 264

Sachin
Judicial Clerk,
Additional Chief Judicial Magistrate's,
47th Court, Esplanade, Mumbai.

50

IN THE COURT OF 18th ADDL. Sr. CIVIL JUDGE & A.C.J.M., SURAT

CRIMINAL CASE NO. 101878/2003

UDHNA POLICE STATION- 1st, C. R. NO. 64/ 2002

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9	--	BAIL APPLICATION & ORDER	265 TO 270
10	--	VAKALATNAMA	271 TO 272
11	--	BAIL PAPERS to pg-275 300 original & 312, 313 original	pg. 273 to 312 copy 273 TO 314 313

original copy
Pg 173 to 187
186 to 214
215, 216 217 to 220
221, 222 223 to 224
263, 264 265 to 270

DATE: 10-10-2022

PREPARED BY

ASSISTANT
18th A.C.J.M. COURT
SURAT

18th Addl. Sr. Civil Judge &
A.C.J.M, Surat

12

IN THE COURT OF 18th ADDL. Sr. CIVIL JUDGE & A.C.J.M., SURAT

CRIMINAL CASE NO. 101878/2003

UDHNA POLICE STATION- 1st, C. R. NO. 64/ 2002

I. P. C. SECTION - 406, 409, 420, 421, 422, 34

CASE REGISTERED ON- 21-01-2003

COMPLAINANT :- GOVERMENT OF GUJARAT



Vs.

ACCUSED:- KETAN SHANTILAL SHETH

INDEX

SR. NO	EXHIBIT	Description	Original papers	Xerox papers	PAGE NO.
1	--	ROZNAMA	1 TO 14	-	1 TO 14
2	1	CHARGESHEET	15 TO 18	-	15 TO 18
3	--	BODY IDENTIFICATION MARKS	19 TO 20	-	19 TO 20
4	--	PHOTOGRAPHS OF ACCUSED	21 TO 22	-	21 TO 22
5	--	COPY OF POLICE PAPERS	-	23 TO 144	23 TO 144
6	2	UNSERVED SUMMONS WITH CLARIFICATION	145 TO 150	-	145 TO 150
7	3	COPY OF SUPREME COURT WRIT D. NO. 19293 OF 2021	151 TO 172	151 & 172	151 TO 172
8	--	PRODUCTION PAPERS	173 TO 186 & 215 TO 216 & 235 TO 260 & 263 TO 264	187 TO 214 & 217 TO 234 & 161 TO 262	173 TO 264
9	--	BAIL APPLICATION & ORDER	265 TO 270	-	265 TO 270

10	--	VAKALATNAMA	271 TO 272	-	271 TO 272
11	--	BAIL PAPERS	273 TO 300 & 313 TO 314	301 TO 312	273 TO 314 313

DATE: 10-10-2022

PREPARED BY

ASSISTANT
18th A.C.J.M. COURT
SURAT

18th Add.Sr.Civil Judge & ACJM,
Surat



	<p>3rd Addl. CJ and Judicial Magistrate, First Class Court, Surat.</p> <p>New No. 101878/2003</p> <p>Udhana I-CR No. 64/02</p> <p>CC No. 151/03</p> <p>The Government</p> <p>Vs.</p> <p>Ketan Kantilal Sheth, Mumbai</p> <p>IPC Section 406,409, 420, 421, 422, 34.</p>	
	Copy of the Rozkam	
24/03/2006	<p>The matter was produced today. The accused is present in the court. The APP / Complainant present. The matter is adjourned.</p> <p>Sd/- Illegible</p> <p>3rd Judicial Magistrate, (First Class), Surat.</p> <p>31/07</p>	<p>Next date</p> <p>04/04/06</p>
04/04/06	<p>The matter presented. The accused is present. The APP / Complainant present. The matter is adjourned to the next date.</p> <p>Sd/- Illegible</p> <p>3rd Judicial Magistrate (First Class), Surat. 31/7</p>	<p>Next date</p> <p>15/04/06</p>
	Criminal Case No. 151/03	
15/04/06	<p>The matter is presented. The accused is present. The APP / complainant present. The matter is adjourned to the next date.</p>	<p>next date</p> <p>25/04/06</p>

	Sd/- Illegible 3 rd Judicial Magistrate (First Class), Surat. 31/07	
25/04/06	The matter is presented. The accused is present. The APP / complainant present. The matter is adjourned to the next date. Sd/- Illegible 3 rd Judicial Magistrate (First Class), Surat. 31/07	09/05/06
09/05/06	The matter is presented. The accused is present. The APP / complainant present. The matter is adjourned to the next date. Sd/- Illegible 3 rd Judicial Magistrate (First Class), Surat. 31/07	Next date 23/05/06
23/05/06	The matter is presented. The accused is present. The APP / complainant present. The matter is adjourned to the next date. Sd/- Illegible 3 rd Judicial Magistrate (First Class), Surat. 31/07	Next date 06/06/06
	Criminal Case No. 151/03	
06/06/06	The matter is presented. The accused is present. The APP / complainant present. The matter is adjourned to the next date. Sd/- Illegible 3 rd Judicial Magistrate (First Class), Surat. 31/07	Next date 20/06/06
20/06/06	The matter is presented. The accused is present. The APP / complainant present. The matter is adjourned to the next date. Sd/- Illegible 3 rd Judicial Magistrate (First Class), Surat. 31/07	Next date 04/07/06

04/07/06	The matter is presented. The accused is present. The APP / complainant present. The matter is adjourned to the next date. Sd/- Illegible 3 rd Judicial Magistrate (First Class), Surat. 31/07	18/07/06
18/07/06	The matter is presented. The accused is present. The APP / complainant present. The matter is adjourned to the next date. Sd/- Illegible 3 rd Judicial Magistrate (First Class), Surat. 31/07	25/07/06
25/07/06	The matter is presented. The accused is present. The APP / complainant present. The matter is adjourned to the next date. Sd/- Illegible 3 rd Judicial Magistrate (First Class), Surat. 31/07 As per the order dated 21/12/2002 of Hon'ble District and Sessions Judge, the said matter has been transferred to the court of Chief Judicial Magistrate.	10/08/06
	Criminal Case No. 101878/2003 (Udhana)	
	By virtue of the order no. 82/2016 dated 16/01/2016 of the office of Hon'ble District Court, Surat, this matter has been transferred to this Court.	
12/05/06	The matter is received today. His advocate is present. The respondent present. The matter is adjourned for the summons of the accused. Sd/- Illegible	10/08/2016

	11 th Addl. Chief Justice and JMFC, Surat.	
	CC No. 101878/03 By virtue of the order of the office of Hon'ble District Court bearing No. 1060/16, dated 30/07/2016, this matter has been transferred. Sd/- Illegible 11 th Addl. Civil Judge and Judicial Magistrate, First Class, Surat.	22/08/16
	The said matter received through (unreadable), which has been received without examining or checking).	03/11/16
07/11/16	The matter presented today. The accused is not present. The APP is present. The advocate for the accused is present/not. The witness is present / not The summons be issued to the accused. The matter is adjourned. Sd/- Illegible 17 th Addl. Senior Civil Judge and JMFC, Surat.	05/01/17
05/01/17	The complainant is not present. The advocate is not present. The accused is absent. The matter is adjourned to issue summons to the accused. Sd/- Illegible 17 th Addl. Civil Judge and ACJM, Surat.	23/03/17
23/03/17	The matter presented today. The complainant is not present. Accused or the advocate not present.	Next date 11/05/17

	As Hon'ble Court is no leave, issue summons to the accused. Sd/- Illegible Addl. CC Judge.	
	CC/101878/03	
11/05/17	The matter presented. The complainant is present with advocate. The accused is absent. Issue summons to the accused. 17 th Addl. Civil Judge and ACJM, Surat.	13/07/17
13/07/17	As Hon'ble Court is engaged in physical verification, the matter is adjourned. Issue the summons to the accused.	05/10/17
05/10/17	The summons be issued to the accused. Issue the notice to the (Unreadable word).	23/11/17
23/11/17	The matter presented. The accused is not present. The APP is present. The advocate for the accused is present. Issue the summons to the accused. Issue the notice to (word unreadable).	22/12/17
22/12/17	The matter presented. The accused is not present. The APP is present. The advocate of the accused is present/ not. The matter is adjourned for the summons to the accused.	11/01/18
11/01/18	The matter presented. The accused is not present. The APP is present. The advocate of the accused is not present. Issue the summons to the accused.	15/03/18

	As the Judge is on leave in Hon'ble court, the matter is adjourned on issuing the summons to the accused.	
15/03/18	<p>The matter is produced. The APP is present.</p> <p>The accused is not present.</p> <p>As the summons issued to the accused earlier have returned without serving, kept with the case papers. Issue notice to the bailer /surety.</p> <p>The matter is adjourned on serving the notice to the bailer/ surety.</p> <p>Sd/- Illegible</p> <p>13th Addl. Senior civil Judge & ... Surat.</p>	26/04/18
26/04/18	<p>The matter presented today. The accused is not present. The advocate for the accused is not present. Issue notice to the bailer.</p> <p>The matter is adjourned on serving the notice to the bailer.</p> <p>Sd/- Illegible</p> <p>13th Addl. C. Civil Judge, and Jud. Meg. F.C., Surat.</p>	14/06/18
14/06/18	<p>The matter presented. The APP is not present.</p> <p>The accused is not present. As the Hon'ble Judge is on leave, the matter is adjourned for serving the notice.</p> <p>Sd/- Illegible</p> <p>Superintendent</p> <p>13th Addl. C. Civil Judge and JMFC Court, Surat.</p>	<p>Next date</p> <p>21/07/18</p>

21/07/18	As the accused cannot be traced, issue the notice to the bailer. Sd/- Illegible	24/08/18
24/08/18	The APP is present today. The notice could not be served on the bailer. The learned advocate for the bailer is present. (Unreadable words). Sd/- Illegible 13 th Addl. Sr. Civil Judge & ACJM, Surat.	29/09/18
29/09/18	The matter is presented. The APP is present. The Accused is not present. The advocate for the accused is present. The Hon'ble Judge is on leave. Therefore, the matter is adjourned for the accused to remain present in the Court. Sd/- Illegible Superintendent 13 th Addl. Senior Civil Judge, & ACJM, Surat.	30/10/18
30/10/18	The matter is presented. The APP is present. The accused is not present. The bailer is not present. Issue notice to the bailer. The matter is adjourned to serve the notice to the bailer. Sd/- Illegible 13 th Addl. Senior Civil Judge,	21/12/18

	& ACJM, Surat.	
21/12/18	<p>The matter is presented.</p> <p>The APP is present.</p> <p>The accused is not present. The Bailer is not present. Issue notice to the bailer.</p> <p>The matter is adjourned to serve the notice to the bailer.</p>	19/01/19
19/01/19	<p>Today no notice (unreadable).</p> <p>Sd/- Illegible</p> <p>13th addl. Senior Civil Judge and ACJM, Surat.</p>	04/10/22
04/10/22	<p>Exhibit no. 3</p> <p>Copy of the Writ No. 192931/21 of Hon'ble Supreme Court.</p> <p>The matter is to be transferred to Hon'ble Principal Judge, Bombay City Civil and Sessions Court, therefore, adjourned.</p> <p>Sd/- Illegible</p> <p>18th Addl. Senior and ACJM.</p>	21/10/22
<p>Sr. No. 4</p> <p>14.11.20022</p> <p>SC Transfer</p> <p>Petition No.</p> <p>333-348 /21</p> <p>District</p> <p>Court Surat</p> <p>CC No.</p> <p>101878/03</p>	<p>CORAM – HIS HONOUR THE SESSIONS JUDGE SHRI A. SUBRAMANIAM (CR No. 19)</p> <p>Accused No. 1 and 2 present.</p> <p>Accused No. 3 absent.</p> <p>Adv. Poonam Ankaleshwaria for accused No. 1 and 2 is present.</p> <p>Adv. 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</p>	

	<p>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.</p>	
--	--	--

Chargesheet**Police Station:** Udhana Police Station, Surat City, District; Surat.**Chargesheet No. 4/03 Date: 18/01/03****Address and occupation of the complainant/ informant:** Shri Svar Narayan,
Res. 63, Saurabh Society, Meera Bhagal Rander Road, Surat.**First Information Number: I-CR No. 64/2002, Date: 30/07/2002.**

Name and address of accused person sent up for trial, whether in custody /bail	Name and address of the accused person not sent up for trial, whether arrested or not arrested including the absconders (show absconders in rend ink).	Property (including weapons) found with particulars of where, when by and by whom found and whether forwarded to Magistrate	Name and address of witness	Charge or information name of office and circumstances connected with it, in concise detail and under what section of law charged
1	2	3	4	5
(1). Ketan KantiKetan Kantilal Sheth, age 40, Res. 193 Lalit Kutir, Gulmohar Cross Road No. 9,	(1). Sanjay Hariram Agarwal, Chairman and Executive Officer of Home Trade Ltd., Address: Juhu Shalimar, C.H.S.B., 7th Floor, Gulmohar Cross Road No. 10, Juhu, Mumbai. (2) Nand Kishor		(1). Complainant Shri R. Narayan, residing at Saurabh Society No. 63, Mota Bhagal, Rander Road, Surat.	IPC Section 406, 409, 420, 421, 422, 34. During the period from 05/03/2002 to date 29/4/2002, the accused

<p>J.V.P.D. Scheme, Andheri West, Mumbai 49, was arrested on 21/10/02 at 20:30 hours, and was produced before Hon'ble Court in time, and his police custody remand was obtained till 30/10/2002 and as the remand period was over, he has been sent to Hon'ble Court custody.</p>	<p>Shankarlal Trivedi, Secretary and Executive Director of Home Trade Ltd., Address: Dev Bhuvan, Second Floor, Room No. 32, Gajdar Street, Chira Bazar, Mumbai. (3) Subodh Bhandari (father's name unknown), Authorized Secretary of Home Trade Ltd., Address: 7034/B, Govind Complex, Sector 14, Vashi, Vubre, Mumbai. (4) Hiten Bhupendra Shah, Director of Home Trade Ltd., Address: 102, Gandhi Niwas, Ashok Nagar Road, Vakola, Santacruz, Mumbai. (5) Ramgopal (father's name unknown), Director of Home Trade Ltd., Address: Unknown. (6) Miyuki Sizuki, Director of Home Trade Ltd., Address: Unknown. (7) Rakesh Chandak (father's name and address unknown). (8) Manoj Ambalal Shah, Director of Home Trade Ltd., Address: Bellary Road,</p>	<p>(2). Witness Arvind Lallubhai Patel, Res. Shri Hari Nagar, 3, Udhana, Surat. (3). Dineshchandra Ramanlal Trivedi, Res. (Unreadable), Umara Road, SURat. (4). (Unreadable), Harisom Society, Surat. (5). Prashant Bhagatsinh (Unreadable), Paribraham Society, Surat. (6). M. Senu Madhavan, (Unreadable), Satyanagar Society, Udhana, Surat.</p>	<p>mentioned in column no. 1 and 2, the directors of Home Trade Company, in connivance with one another, visited TheUdhana City Bank and many other cooperative banks of Gujarat and Maharashtra States, enticed to make investment in the government securities in their company and made deals of Rs. With Udhana Citizen Co. O. Bank Ltd, Udhana, and then did not repay the said</p>
---	--	---	--

	<p>R.M.V. Extension, Bangalore. (9). Alan James Macmillan, associated with Home Trade Ltd., Address: 785 Castro Street (incomplete information). (10). Russell H. Locken Roger, Director of Home Trade Ltd., Address: 2 Timber Ho Terrace, Lofield, N.A. 01940, U.S.A. (11). Shashank Gopal Rande, Director of Home Trade Ltd., Address: 3/1, Radhakrishna Niwas, Ground Floor, Dagadi Wadi, S.K. Bole Road, Dadar (C.W.), Mumbai. (12). Vijay Himatlal Modi, Director of Home Trade Ltd., Address: 1/203, Amita Chambers, Botivalli Kumupavdi Road, Botivalli East, Mumbai. (13). Salil Dinakararay Gandhi, Director of Home Trade Ltd., Address: 2/13, Golden Coin Chamber, Navi Mumbai. (14). Shilpa Shah (father's name unknown), Address: 102, Gandhi</p>		<p>(7). (Unreadable) Dayaram Mistry, Res. (unreadable), Row House, Gate No. 3, beside Sahaj Super..., Anand Mahel Road, Surat. (8). Narendra Manubhai Patel, Res. 275, Gunj Avenue Apartment, Anand Mahel Road, Surat. (9). Bansi Mohanlal Fudhanabala, Res. (Unreadable), Varachha road, Surat. (10). Mehar Kekibhai Vaid, Res. (Unreadable),</p>	<p>amount to the bank and embezzled the money for their personal use and committed fraud and cheating with bank and committed the offence.</p>
--	--	--	--	--

	<p>Niwas, Ashok Nagar Road, Vakola, Santacruz, Mumbai. (15). Hiren Gada (father's name and address unknown). (16). Jagruti Ketan Sheth, Res. 193 Lalit Kutir, Gulmohar Cross Road No. 9, J.V.P.D. Scheme, Andheri West, Mumbai (17). Shri (Unreadable) man Mathew whose address is now known (18) Kean R. Mashkariya, whose address not known, (19). Neeraj Surti, Res. Surya Kuber, First Floor, Surya Shopping complex, Bharuch. (20) Parimal R. Shah, Proprietor of Parimal R. Shah & Co. Address: 1/20, Bakul Co-op., Lallubhai Park, Andheri West, Mumbai. (21). Dhananjay Hariram Agarwal (address unknown)</p>		<p>Shahpeer, Surat Nagarik Sahakari Bank, Varachha Road, Surat. (11). IO N. D. Zala, PSI, Udhana Police Station, Surat. (12). Shri V.I. Patel, PSI, Udhana Police Station, Surat, at present Dhanera Police Station, Sabarkantha. (13). IO Shri B. Z. Patel, PI, Udhana Police Station, Surat City.</p>	
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Note:-

(1). The First Information Report has been sent to the Hon'ble Court at the concerned time.

- (2). The face identification sheet and the photos of the accused are attached.
- (3). The copy to be provided to the accused is attached.
- (4). The search slip of the accused has been obtained.
- (5). The arrangement of the Prosecution has been made.
- (6). Further witnesses will be presented during the trial if required.
- (7). It is requested to provide the summary of the final disposal once the trial is completed.

Sd/- Illegible
(Investigating Officer)
Police Inspector
Udhana Police Station
Surat city

Dispatched with compliments to:-

Hon'ble 3rd Joint Civil Judge (Judi.) and Judicial Magistrate
First Class Court, Surat. Date: 18/01/2003 Time: 11:00 hrs.

Supplementary chargesheet was received from Surat Court, bearing NOs. ??4/2004 (2) 2033/2006 (3) 29845/2006 of the CR No. 64/2002. The main chargesheet was received from Surat Court bearing No. 101878/2003 is required.

(Unreadable) tried alongwith above supplementary chargesheet. Hence, the supplementary chargesheet be merged by adding (unreadable) of all person in this case.

Sd/-..... (unreadable)

(17)

ORDER BELOW EXHIBIT 1 IN CC 101878/2003

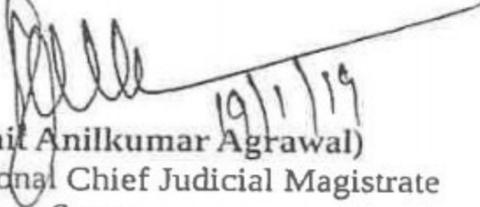
Heard the learned APP. Perusing the record of the present case, it transpires that the accused was released on bail at the time of registration of the offence. Afterwards, charge-sheet was filed and accordingly summons/warrants were issued for the presence of accused. It is evident from the *rojnama* that the present case is on serving summons/warrants to the accused since last one year. It seems to this court that the prosecution has failed to serve summons/warrants upon the accused and thus this court have left no option except to keep present file on Dormant board. Hence, in the larger interest of justice, I hereby pronounce the following order:

ORDER

1. The present case is kept on Dormant files as per Para 211 of Criminal Manual. Accordingly, case is to be registered in Dormant register and to be struck out from Monthly statements.
2. The bail-bond and the surety amount is hereby forfeited and Nazir is hereby directed to take appropriate action for the same.
3. NBW to be issued against the accused.



19/01/2019
Surat


(Romit Anilkumar Agrawal)
13th Additional Chief Judicial Magistrate
Surat.
Judge Code: GJ00933

True Copy
AM 68/4/25
Judicial Clerk,
Addl. Chief Judicial Magistrate,
37th Court, Esplanade, Mumbai.

Application on 10/03/2025
Received on 07/04/2025
Chall. pay free of cost. HRP
Dated 08/04/2025

Face Identification Sheet of the accused arrested in the limit
of Udhana Police Station

1. CR No. I-64/2002
2. Name of the arrested person: Ketanbhai Kantilal Sheth
3. Residing: No. 193, Lalit Kutir, Gulmahor Crossroad No. 9, JVPD scheme, Andheri, Mumbai.
4. Caste and occupation: Hindu Vaishnav Vaniya, Share Broker.
5. Sections: IPC 406, 409, 420, 421, 422, 34.
6. Marks on body: aged 40, height 5.8, solidly built, wheatish, round face, specs with eye numbers, operation marks below the right elbow and on right side.
7. Whether under arrest or on bail: Under arrest
8. Name and address of the relative of the accused if informed: Brother Nilesh Kantilal Sheth, Res. Garibdas Society, 3rd floor, JVPD scheme road no. 5, Vile Parley West, Mumbai-56.
9. Remarks: Arrested on date: 21/ (remaining portion unreadable).

Sd/- Illegible
Police (Unreadable)
Udhana Police Station

In connection with Udhana I-64/02 IPC 406,409, 420, 421, 422, 34, photos of accused- Ketan Kantilal Sheth, Res. 193, Lalit Kutir, Gulmahor Crossroad, Andheri, Mumbai.



10

To,
The Police Station Officer
Udhna Police Station
Surat City

I, Police Inspector, Udhna Police Station, Surat City, submits the following:

The complainant, Shri R. Narayan, residing at Saurabh Society No. 63, Mota Bhagal, Rander Road, Surat, has filed a complaint before me under IPC Sections 406, 409, 420, 421, 422, and 34 against the accused (1) Ketan Kantilal Sheth, residing at No. 193, Lalit Kutir, C.H.S., Third Floor, Gulmohar Cross Road, Road No. 9, Mumbai, and 21 other accused. The complaint is attached herewith. Kindly record it in the Station Diary, prepare a report under CrPC Section 157, and return it to us for further investigation.

Date: 30/07/2002

Sd/- Illegible
Police Inspector
Udhna Police Station
Surat City

Suchi Patra:

Udhna police station crime register no. 64/2002

IPC sections 406, 409, 420, 421, 422, 34.

Date of Crime: Between 05/03/2002 and 29/04/2002

Date of Crime Registration: 30/07/2002, 21:15 (P.I.), 21:20 (P.S.O.)

Place of Crime: in the Building of Udhna Citizen Co-operative Bank Limited,
Udhna Road No. 14, Udhna, Surat.

Accused:

- (1) **Sanjay Hariram Agarwal**, Chairman and Executive Officer of Home Trade Ltd., Address: Juhu Shalimar, C.H.S.B., 7th Floor, Gulmohar Cross Road No. 10, Juhu, Mumbai.
- (2) **Nand Kishor Shankarlal Trivedi**, Secretary and Executive Director of Home Trade Ltd., Address: Dev Bhuvan, Second Floor, Room No. 32, Gajdar Street, Chira Bazar, Mumbai.
- (3) **Subodh Bhandari** (father's name unknown), Authorized Secretary of Home Trade Ltd., Address: 7034/B, Govind Complex, Sector 14, Vashi, Vubre, Mumbai.
- (4) **Ketan Kantilal Sheth**, Director of Home Trade Ltd., Address: 193, Lalit Kutir, C.H.S., Third Floor, Gulmohar Cross Road No. 9, Mumbai.
- (5) **Hiten Bhupendra Shah**, Director of Home Trade Ltd., Address: 102, Gandhi Niwas, Ashok Nagar Road, Vakola, Santacruz, Mumbai.
- (6) **Ramgopal** (father's name unknown), Director of Home Trade Ltd., Address: Unknown.
- (7) **Miyuki Sizuki**, Director of Home Trade Ltd., Address: Unknown.
- (8) **Rakesh Chandak** (father's name and address unknown).
- (9) **Manoj Ambalal Shah**, Director of Home Trade Ltd., Address: Bellary Road, R.M.V. Extension, Bangalore.
- (10) **Alan James Macmillan**, associated with Home Trade Ltd., Address: 785 Castro Street (incomplete information).
- (11) **Russell H. Locken Roger**, Director of Home Trade Ltd., Address: 2 Timber Ho Terrace, Lofield, N.A. 01940, U.S.A.
- (12) **Shashank Gopal Rande**, Director of Home Trade Ltd., Address: 3/1, Radhakrishna Niwas, Ground Floor, Dagadi Wadi, S.K. Bole Road, Dadar (C.W.), Mumbai.
- (13) **Vijay Himatlal Modi**, Director of Home Trade Ltd., Address: 1/203, Amita Chambers, Botivalli Kumupavdi Road, Botivalli East, Mumbai.
- (14) **Salil Dinakararay Gandhi**, Director of Home Trade Ltd., Address: 2/13, Golden Coin Chamber, Navi Mumbai.

- (15) **Shilpa Shah** (father's name unknown), Address: 102, Gandhi Niwas, Ashok Nagar Road, Vakola, Santacruz, Mumbai.
- (16) **Hiren Gada** (father's name and address unknown).
- (17) **Dhananjay Hariram Agarwal** (address unknown)
- (18) **Jagruti Ketan Sheth**, Address: 193, Lalit Kutir, C.H.S., Third Floor, Gulmohar Cross Road No. 9, (J.V.P.D.), Mumbai.
- (19) **Kanan Mevavala** (father's name unknown), Address: Jayant Maram, Fifth Floor, opposite Wankhede Stadium, Marine Drive, Mumbai.
- (20) **Ketan R. Mashkariya** (address unknown)
- (21) **Neeraj Surti** (father's name unknown), Address: Surya Kuber, First Floor, Surya Shopping Complex, Bharuch.
- (22) **Parimal R. Shah**, Proprietor of Parimal R. Shah & Co. Address: 1/20, Bakul Co-op., Lallubhai Park, Andheri West, Mumbai.

Date: 30/07/2002

My name is R. Narayanan, age 49, occupation: service, residing at 63, Saurabh Society, Morabhagal, Rander Road, Surat. Telephone No. (Home): 2768891, (Bank): 8676960, 8790501.

I hereby declare in person and record my complaint as follows: I reside at the above-mentioned address with my family and have been working at The Udhna Citizen Co-operative Bank Ltd. since 1996. In 1996, I joined the bank as a Manager, and in 1997, I was appointed General Manager in the same bank. Since then, I have been serving as General Manager. Currently, our bank, The Udhna Citizen Co-operative Bank Ltd., has four branches, with the main branch located at Udhna Road No. 14. Additionally, there are branches at Paderara, Ring Road Udhna Darwaja, Dukalpoli Bhagal, and Nanpura Timliyawad. Our bank is a co-operative bank and operates as per the rules and regulations of the Reserve Bank of India.

As our bank's deposits exceeded 25 crores, it became mandatory to invest in government securities as per the Reserve Bank of India's guidelines. Therefore, we decided to invest funds accordingly.

In April 1999, two individuals, Ketan Kantilal Seth and Neeraj Surti, visited our bank. Ketan Seth resides at 193, Lalit Kutir (C.H.S.), 3rd Floor, Gulmohar Cross Road No. 9, Mumbai, and Neeraj Surti resides at Surya Quarters, First Floor, Surya Shopping Complex, Bharuch. They approached us, discussed the business of buying and selling government securities, and informed us that their companies, Ketan Seth & Company and Euro Asian Securities Limited, were involved in this business. Ketan Seth stated that he is a partner in Ketan Seth & Company and a director of Euro Asian Securities Limited, while Neeraj Surti is a representative of both companies. They claimed that both companies are members of the stock exchange and are authorized to trade government securities.

They also mentioned that they deal with several co-operative banks in Gujarat and Maharashtra and that their office is located at Infotech Park, Tower No. 3, 5th Floor, Vashi Railway Station Complex, Navi Mumbai. They presented documents such as (1) a certificate of membership from the National Stock Exchange, (2) company registration certificate, and (3) audited balance sheets to gain our trust. Based on their representations, we decided to purchase government securities through them.

With the approval of our bank's investment committee, we initiated transactions with Ketan Seth & Company for the purchase and sale of securities. We conducted four transactions worth Rs. 41, 93,812/- with Ketan Seth & Company and two transactions worth Rs. 1, 51, 27,913/- with Euro Asian Securities Limited at different times. These transactions were completed, and they earned our trust, leading us to continue doing business with them.

In January 2000, Ketan Seth, Sanjay Hariram Agarwal (residing at Juhu Shalimar, C.H.S. Limited, 7th Floor, Gulmohar Cross Road No. 10, Juhu, Mumbai), and Nandkishor Shankarlal Trivedi (residing at Devbhuvan, 2nd Floor, Room No. 32, Mazdoor Mohalla, Chirabazar, Mumbai) visited our bank. Ketan Seth introduced Sanjay Hariram Agarwal as the Chairman and Chief Executive Director of Home Trade Limited and informed us that Euro Asian Securities Limited had been renamed Home Trade Limited. They stated that Home Trade Limited is also a member of the National Stock Exchange and is fully authorized to trade government securities. They further claimed that the company's operations are highly efficient and managed by professional individuals, and that the company is endorsed by well-known personalities such as Shahrukh Khan, Hrithik Roshan, Sachin Tendulkar, and Priyanka Chopra. They presented necessary documents, including a National Stock Exchange membership certificate, company registration certificate, and audited balance sheets, to gain our confidence.

Based on their previous business dealings and representations, I, along with Prashant B. Patel (a computer supplier), visited Home Trade Limited's office in

Mumbai in January 2000. There, Ketan Seth introduced us to Sanjay Hariram Agarwal, Nandkishor Shankarlal Trivedi, Subodhbhai Bhandari, Mrs. Jagruti Ketan Seth, and Shilpaben Shah, among others. They requested us to conduct business with their new company, Home Trade Limited. Trusting their prior transactions and assurances, we decided to engage in transactions with their new company. Between February 2000 and March 2002, we conducted twelve transactions worth Rs. 12, 27, 48,512/- with Home Trade Limited. The company acted with malicious intent, gaining our trust with a criminal motive.

According to my knowledge, the following individuals hold positions such as Chairman, Secretary, Executive, Authorized Signatory, Director, Officer, and Chartered Accountant at Home Trade Limited:

- (1). Sanjay Hariram Agarwal, Chairman and Chief Executive Officer, residing at Juhu Shalimar, C.H.S. Limited, 7th Floor, Gulmohar Cross Road No. 10, Juhu, Mumbai, (2). Nandkishor Shankarlal Trivedi, Secretary and Executive Director, residing at Devbhuvan, 2nd Floor, Room No. 32, Mazdoor Mohalla, Chirabazar, Mumbai, (3). Subodh Bhandari, Authorized Signatory, residing at 704-B, Govind Complex, Sector No. 14, Vashi, Navi Mumbai, (4). Ketan Kantilal Seth, Director, residing at 193, Lalit Kutir (C.H.S.), 3rd Floor, Gulmohar Cross Road No. 9, Mumbai, (5). Hitendra Bhupendra Shah, Director, residing at 103, Gandhinivas, Ashoknagar Road, Vakola, Santacruz, Mumbai, (6). Shri Ramgopal, Director (father's name unknown, address unknown), (7). Miyuki Suzuki, Director (address unknown), (8). Rakesh Chandak, Director (father's name and address unknown), (9). Manoj Ambalal Shah, Director, residing at 3, Bellary Road, R.M.P. Extension, Bangalore, (10). Alan James McMillan, Director, residing at 785 Castro Street, Mountain View, CA 94041, USA, (11). Russell H. Bocken Roger, Director, residing at 2 Timber Hill Terrace, Layfield, NH 01440, USA, (12). Shri Shamshak Gopal Ranade, Director, residing at 3/1 Radhakrishna Niwas, Ground Floor, Dagadi Wadi, S.K. Bole Road, Dadar (C.W.), Mumbai, (13). Shri Vijay Himatlal Modi, Director, residing at 2/13 Golden Coin Chamber, Narai, Mumbai, (14). Shilpa Shah, residing at 102,

Gandhinivas, Ashoknagar Road, Vakola, Santacruz, Mumbai (father's name unknown), (15). Hiren Gada (father's name and address unknown), (16). Shri Dhananjay Hariram Agarwal (address unknown), (17). Mrs. Jagruti Ketan Seth, residing at 193, Lalit Kutir (C.H.S.), 3rd Floor, Gulmohar Cross Road No. 9, J.V.P.D., Mumbai, (18). Shri Kanchan Mewawala (father's name unknown), residing at Jayant Maram, 5th Floor, opposite Wankhede Stadium, Marine Drive, Mumbai, (19). Ketan R. Maskariya (address unknown), (20). Neeraj Surti (father's name unknown), residing at Surya Flats, First Floor, Surya Shopping Complex, Bharuch, who represented Home Trade Limited in all transactions with us and conducted business on their behalf in South Gujarat, (21). Parimal R. Shah, owner of Parimal R. Shah & Co., a Chartered Accountant who certified Home Trade Limited's books, created fraudulent accounts, and assisted, guided, and cooperated with the above-mentioned individuals in committing criminal acts, residing at 1/Bakul Co-op, Lallubhai Park, Andheri (West), Mumbai.

All the aforementioned individuals worked on behalf of Home Trade Limited in various capacities. Due to the trust and confidence they earned, on 27/02/2002, Ketan Seth, Shilpa Shah, Jagruti Seth, Kanchan Mewawala, and Neeraj Surti visited our bank and explained the Government Security Scheme No. 8.07% 2017, along with the benefits of investing in it. Based on their explanation, we decided to invest in this security. They agreed to sell us Government Securities worth Rs. 3, 00, 00,000/- (three crores) at 8.07% GOI-2017. We issued a cheque in the name of Home Trade Limited, drawn on HDFC Bank, Nariman Point, Mumbai branch, Cheque No. 648900 dated 05/03/2002, for Rs. 3,19,96,075/-, which was deposited in HDFC Bank's Athwa Lines, Surat branch. A contract note No. 7431 was issued for this transaction. They assured us that the physical delivery of the purchased government securities would be provided within a specified period (30 to 45 days). Despite the cheque being cleared, the physical delivery of the government securities was not provided by the aforementioned individuals of Home Trade Limited until 27/04/2002. We repeatedly demanded delivery over the phone after the deadline passed, but they provided excuses and

failed to deliver the securities. Finally, on 29/04/2002, we visited Home Trade Limited's office, but no responsible person was present. We learned that all the company's directors and officers had absconded after shutting down the company. Through various sources, we discovered that the aforementioned individuals, in collusion with each other, had committed criminal breach of trust and fraud worth crores of rupees with several co-operative banks in Gujarat and Maharashtra. They also failed to deliver the physical government securities as per the agreement with us, thereby cheating us of Rs. 3, 19, 96,075/-.

These individuals, in conspiracy with each other and with mutual consent, collected funds from various banks, including ours, with the common intent to siphon off public money abroad. They illegally transferred these funds to foreign accounts under different names through banks such as HDFC Bank Ltd., ICICI Bank Ltd., UTI Bank Ltd., and Bank of India, Mumbai. They also acquired benami immovable properties with the proceeds from these transactions. According to our information, they illegally acquired immovable property behind Rajpath Club, Bokhal village, Sarkhej, Ahmedabad, which was transferred to Surat Nagrik Sahakari Bank Limited. Additionally, details of their benami properties are available with the Mumbai Police Department and Janata Sahakari Bank Ltd., Fort Branch, Mumbai.

These individuals, in connivance with one another, formed various companies to invest funds in government securities, collected money from us and other entities, and illegally transferred it abroad through HDFC Bank Ltd., ICICI Bank Ltd., UTI Bank Ltd., and Bank of India, Mumbai, in the names of their relatives and others. They violated provisions of the Indian Penal Code and the Foreign Exchange Management Act. Prior to this, we had conducted transactions worth Rs. 14, 20, 70,237/- with these companies. Neeraj Surti and others frequently visited us to gain our trust and conduct business.

Thus, these individuals defrauded us of Rs. 3, 19, 96,075/- and acquired properties with the proceeds of fraud from co-operative banks in Gujarat and Maharashtra. With malicious intent, they disposed of these properties to prevent

their lawful creditors from recovering dues, committing illegal acts to evade repayment and flee the country. We request that their properties be seized, their passports be confiscated, and legal action be taken against them.

Our witnesses will be identified during the investigation, and the following individuals are also witnesses:

- (1). The complainant himself.
- (2). A person well-informed about the transactions of Accused No. 1's account at HDFC Bank Ltd., Nariman Point and Backbay Reclamation, Mumbai Branch.
- (3). A person well-informed about the transactions in the accounts of the accused at HDFC Bank Ltd., Nariman Point and Backbay Reclamation, Mumbai Branch.
- (4). Familiar persons from ICICI Bank Ltd., Nariman Point, Mumbai branch.
- (5). Familiar persons from UTI Bank Ltd., Fort, Mumbai branch.
- (6). Familiar persons from Janata Sahakari Bank Ltd., Fort, Mumbai branch.
- (7). Familiar persons from IndusInd Bank Ltd., Nariman Point, Mumbai branch.
- (8). Familiar persons from Bank of India, Stock Exchange Branch, Mumbai.
- (9). Familiar persons from Capital Market Branch, Fort, Mumbai.
- (10). Responsible persons from Ahmedabad Municipal Corporation handling city survey records and ownership details for Bopal village.
- (11). Familiar persons from Suchit Nagrik Sahakari Bank who acquired properties from the accused.
- (12). D.R. Trivedi, The Udhna Citizen Co-operative Bank Ltd., Surat.
- (13). Arvindbhai S. Patel, The Udhna Citizen Co-operative Bank Ltd., Surat.
- (14). Prashant B. Patel, residing at Rander, Surat, among others.

This is the fact of my complaint.

Sd/- Illegible

Before,

Page 329 of 540

Sd/- Illegible
Police Inspector,
Udhna Police Station, Surat City

I have received a copy of the complaint.

Sd/- Illegible

CHAITANYA JYOTHI MASKATI PLOT V2
SURAT DUMAS RD, SURAT - 395007

THE UDHNA CITIZEN CO-OP BANK LTD.
OPP. UDHNA ACADEMY SCHOOL,
UDHYOG NAGAR, UDHNA
SURAT 394 210.



STATEMENT DATE: 11.MAR 2002
NO : 041
ACCOUNT NUMBER: 53203 019
CURRENT A/C CO-OP BANK
CURRENCY: INDIAN RUPEES

STATEMENT FOR THE PERIOD DATED 11.MAR 2002

DATE	TRANSACTION DETAILS	REFERENCE	VALUE DATE	DEBIT	CREDIT	BALANCE
05.03.2002	BALANCE BROUGHT FORWARD CREDIT					
05.03.2002	CHECK PAID	648509	05.03.2002	500.00		33,964,862.54
	MICRIW CBS AHMDBAD 067					
	CHECK PAID	648641	05.03.2002	1,000.00		
	MICRIW CBS DELHI 067					
	CHECK PAID	648639	05.03.2002	1,000.00		
	MICRIW CBS DELHI 067					
	CHECK PAID	648638	05.03.2002	1,000.00		
	MICRIW CBS DELHI 067					
	CHECK PAID	662134	05.03.2002	2,500.00		
	MICRIW CBS AHMDBAD 067					
	CLG CHQ PD AHMEDABAD	648876	05.03.2002	5,000.00		
	CHECK PAID	648678	05.03.2002	10,282.00		
	MICRIW CBS AHMDBAD 067					
	CASH MANAGEMENT TXN		05.03.2002	15,060.00		
	CMS - 020305000001/BOD					
	CHECK PAID	648862	05.03.2002	15,737.00		
	MICRIW CBS CALCUTTA 067					
	CHECK PAID	662146	05.03.2002	19,700.00		
	MICRIW CBS RAJKOT 067					
	CHECK PAID	648694	05.03.2002	22,227.00		
	MICRIW CBS JALANDHAR 067					
	CHECK PAID	648882	05.03.2002	24,371.00		
	MICRIW CBS DELHI 067					
	INCOMING OLG TRANSFER	648900	05.03.2002		31,996,075.00	
	HOME TRADE					
	CASH MANAGEMENT TXN		05.03.2002		234,585.00	



Now you can pay your Direct Taxes including, Income Tax, Corporation Tax, Interest Tax, Wealth Tax, Gift Tax, Expenditure Tax at select HDFC Bank branches. To find an authorised branch closest to you call the Phonobanking number in your city or contact the nearest branch.

Contents of this statement will be considered correct if no error is reported within 30 days of receipt of statement.

Date: 01/08/2002

My name is Arvindbhai Lallubhai Patel, age 46, occupation: service, residing at 135 Harinagar No. 3, Udhna, Surat, originally from Indral, Tal. Sankheda, Dist. Vadodara.

On being asked, I state that I have been residing at the above-mentioned address for the last five years and have been serving as Assistant Manager at The Udhna Citizen Co-operative Bank Limited, Udhna Road No. 14, Main Branch, for the last five years.

Today, the officer showed me a complaint filed by our bank's General Manager, Shri R. Narayan, against No. 648900 S. Limited, 7th Floor, Gulmohar Cross Road No. 10, Juhu, Mumbai, and 21 other accused. The complaint pertains to handling all branch transactions of our bank, assigning tasks, and conducting financial transactions with other banks, for which we have the authority and act accordingly.

On 02/03/2002, our bank's General Manager, Shri R. Narayan, issued a cheque no. 648900 for Rs. 3, 19, 96,075/- with his signature and sent it to me for my signature. The cheque, drawn on HDFC Bank, Parle Point, Eighth Lines, Surat Branch, was signed by me. Along with the cheque, Shri R. Narayan had filled out a slip book. The cheque and slip book were handed over to Yogesh Hasmukhlal Kimavala, who serves as a peon at our bank, with instructions to deposit it at HDFC Bank, Parle Point, Eighth Lines, Surat Branch, in the account of Home Trade Limited. On 05/03/2002, the cheque was deposited at the aforementioned HDFC Bank, and Yogesh Kumar obtained a receipt signature on the counter slip and returned the counter book to me, which I verified.

Our bank has been engaged in buying and selling government securities with Home Trade Limited, Ketan Sheth & Company, and Euro Asian Company.

Transactions related to this have occurred previously. However, it was later discovered that Home Trade Limited, after conducting a transaction of Rs. 3, 19, 96,075/- with our bank, did not pay the amount and committed fraud and breach of trust with our bank. Decisions regarding the buying and selling of government securities are made by our bank's General Manager and finance members. I am presenting the cheque of Rs. 3, 19, 96,075/- from HDFC Bank and a xerox copy of the slip book, along with a xerox copy of the chequebook issued by HDFC Bank and details of the cheque written by the bank.

The above fact stated by me is true and correct.

Before me,
Sd/- Illegible
Police Inspector,
Udhana Police Station
Surat City

PATIENT

Date	Cheque No.	Cheque issued to	Amount of Cheque	Amount of Deposit	Balance
	648891	ABC Tax. Tenders	8505		
	648892	ABC Incorporation	14345		
	648893	Reliance Tex. Parts	15498		
	648894	Swadeshi Tex. Suttle.	22870		
	648895	The Geater Bombay Co.	8075		
	648896	RT Schoolam Industries	51525		
	648897	P. Nallvaral	18855		
	648898	Narmad. Pub. (I) Ltd	1000		
	648899	Mrs. Enterprises	5152 5152		
23-09	648900	Home Texas Ltd	3192075		
		Carried Forward			



HDFC BANK



92/4

92

17.0.
22/2/2002
21
2002

648851 TO 648950

CHEQUE BOOK



Date: 01/08/2002

My name is Dineshchandra Ramanlal Trivedi, age 43, occupation: service, residing at Atop Nagar Society, Bhatar Road, Surat, originally from Bhadrrol, Tal. Khanpur, Dist. Panchmahal, Tel. No. 3235627.

On being asked, I that I reside at the above-mentioned address with my family and have been serving as Deputy General Manager at The Udhna Citizen Co-operative Bank Limited, Udhna Road No. 14, for the last one year. Prior to this, I was working as a clerk at Bank of Baroda.

Today, you showed me a complaint filed by our bank's General Manager, Shri R. Narayan, against accused Sanjay Hariram Agarwal, who is the Chairman and Chief Executive Officer of Home Trade Limited, residing at Juhu Shalimar, C.H.S. Limited, 7th Floor, Gulmohar Cross Road No. 10, Juhu, Mumbai, and 21 other accused. Regarding this complaint, I state that my duty is to oversee the daily operations of the bank and to supervise the functioning of our bank's other branches. I am also responsible for acting as per the instructions of our General Manager, Shri R. Narayan, and managing all responsibilities of the bank in his absence. Our bank has four other branches: (1) Pandesara, (2) Ring Road, Udhna Darwaja, (3) Dukanpol Bhagal, and (4) Nanpura Timliyawad. All our bank operations are conducted as per the rules and regulations of the Reserve Bank of India. As our bank's deposits exceed 25 crores, it is mandatory to invest in government securities as per Reserve Bank guidelines. Accordingly, our bank's Chairman, Investment Committee members, and General Manager, Shri R. Narayan, decided to invest in government securities. In April 1999, Ketan Kantilal Sheth and Neeraj Surti visited our bank. Ketan Sheth resides at No. 193, Lalit Kutir (C.H.S.), 3rd Floor, Gulmohar Cross Road No. 9, Mumbai, and Neeraj Surti resides at Surya Flat, First Floor, Surya Shopping Complex, Bharuch. These

two individuals visited our bank in April 1999, as informed by our General Manager, Shri R. Narayan, other members, and bank records. Our bank initiated the buying and selling of government securities with Ketan Sheth and Neeraj Surti. I am aware of this through our General Manager and bank records. As Neeraj Surti and Ketan Kantilal Sheth frequently visited our bank, I know them. We know that Ketan Sheth is a partner in Ketan Sheth & Company and a director of Euro Asian Securities Limited. Neeraj Surti is a Chartered Accountant and a representative of both companies, which we are aware of. Both companies are members of the stock exchange, as per our General Manager and other bank members. Transactions for buying and selling government securities were initiated with them. At that time, these individuals provided certificates of National Stock Exchange membership, company registration certificates, audited balance sheets, etc., to our bank, gaining our trust. With the approval of our bank's Investment Committee members, transactions for buying and selling securities were started with Ketan Sheth & Company. Our bank conducted four transactions worth Rs. 41, 93,812/- with Ketan Sheth & Company at different times. Additionally, two transactions worth Rs. 1,51,27,913/- were conducted with Euro Asian Securities Limited, and these transactions were fully completed, earning the trust of our bank, as per our General Manager, Shri R. Narayan, and bank records.

Thereafter, in January 2000, Ketan Sheth, Sanjay Hariram Agarwal, and Nand Kishor Shankarlal Trivedi from Mumbai visited our bank. At that time, the name of Euro Asian Securities was changed to Home Trade Limited, and this company was also a member of the National Stock Exchange, as informed to our bank, according to our General Manager. Thus, our bank continued transactions with these individuals and the company. Lastly, our bank conducted a transaction of Rs. 3, 19, 96,075/- with Home Trade Limited. On 05/03/2002, our bank sent a cheque no. 648900 for Rs. 3, 19, 96,075/- to HDFC Bank, Parle Point, Eighth Lines, Surat Branch, through our bank's peon, Yogesh Kumar, for clearing. The cheque was passed and credited to Home Trade Limited's account. However, the

company did not deliver the securities that were to be provided to our bank. Despite repeated follow-ups by our bank for the delivery of these securities, no proper response was received. We also communicated via telephone through our bank, but no satisfactory reply was obtained. Finally, on 29/04/2002, General Manager Shri R. Narayan visited Home Trade Limited in Mumbai but did not meet any responsible officer, nor did he receive any proper response. To date, our bank has not received the government securities.

Above fact stated by me is true and correct.

Before me,
Sd/- Illegible
Police Inspector,
Udhana Police Station
Surat City

Date: 01/08/2002

My name is Yogeshkumar Mansukhlal Kimavala, age 25, occupation: service, residing at No. 116, Hariom Society, Katargam, Surat city.

On being asked, I state that I reside at the above-mentioned address and joined The Udhna Citizen Co-operative Bank Limited, Udhna Road No. 14 branch, on 08/10/2001, where I serve as a peon.

Today, you showed me a complaint filed by our bank's General Manager, Shri R. Narayan, against accused Sanjay Hariram Agarwal, who is the Chairman and Chief Executive Officer of Home Trade Limited, residing at Juhu Shalimar, C.H.S. Limited, 7th Floor, Gulmohar Cross Road No. 10, Juhu, Mumbai, and 21 other accused. Regarding this complaint, I state that I work as a sub-staff in the bank. My duties include handling bank drafts, delivering and collecting them from other banks, filing work in the bank, and performing tasks assigned by the bank officers.

On 02/03/2002, at our Udhna Citizen Co-operative Bank Limited, Road No. 14 branch, our General Manager, Shri R. Narayan, filled a slip for a cheque no. 648900 in the name of Home Trade Limited for Rs. 3,19,96,075/-. The cheque, signed by our Manager, Shri A.L. Patel, and General Manager, Shri R. Narayan, was given to me by Manager Shri Patel to deposit in the Home Trade Limited branch. On 05/03/2002, I went to HDFC Bank Limited, Eighth Lines, Parle Point branch, to deposit the cheque and slip. I deposited the cheque with Sheetalben, an employee at HDFC Bank, and received a receipt stamp on my duplicate counter book, which I returned to the bank after depositing. As per the instructions of our officer, this counter book was submitted. It has come to our knowledge that Shri Sanjay Agarwal and Ketan Sheth of Home Trade Company have committed fraud of Rs. 3, 19, 96,075/- with our bank.

Page 339 of 540

The above fact stated by me is true and correct.

Before me,
Sd/- Illegible
Police Inspector,
Udhana Police Station
Surat City

Date: 02/08/2002

My name is Prashant Bhagatsinh Patel, age 28, occupation: computer sales and service, residing at No. 7, Chitrakut Paribrahma Society, behind Vinod Stone Suppliers, Rander Road, Surat city, Tel. No. 2764448, 2766986, Office: 2691701.

On being asked, I state that I reside at the above-mentioned address. Near Navyug College, beside Vartman Apartment, in Room No. 6, there is an office named Rambo Infomatic where we engage in computer sales, purchases, and repairs.

Today, you read out a complaint to me filed by the General Manager, Shri R. Narayan, of The Udhna Citizen Co-operative Bank Limited, Udhna Udyog Nagar Branch, Surat, against (1) Sanjay Hariram Agarwal, who is the Chairman of Home Trade Limited, and 21 other individuals. Regarding this matter, I state that I visit The Udhna Citizen Bank for computer repairs and have also supplied them with computers, so I frequently visit the bank and know them well. In January 2000, I attended a technology exhibition at the World Trade Center in Mumbai along with Shri R. Narayan. From there, we both went to the Home Trade Company office opposite Vasai Railway Station. During a meeting there, attended by Shri R. Narayan and Home Trade Company representatives, I was introduced to Ketan Sheth, a Director of Home Trade, and Neeraj Surti, a representative of Home Trade, by Shri R. Narayan. I learned from Shri R. Narayan that Home Trade, through Ketan Sheth and Neeraj Surti, deals in government securities. It has also come to my knowledge that Home Trade Company committed fraud of Rs. 3,19,96,075/- with The Citizen Co-operative Bank Limited, Udhna, Surat.

Page 341 of 540

This is my statement, as stated by me, and it is true and correct.

Before me,

Police Inspector,
Udhana Police Station
Surat City

(96)

THE UDHNA CITIZEN Co-Op. BANK LTD
LIST OF DIRECTOR'S ADDRESS & TELEPHONE NOS.

✓ M. SETHU MADHVAN (CHAIRMAN)
FLAT NO-155, BLOCK NO-21
SATYANAGAR-1, UDHNA
PH-(O)-8750072, 8751228 (R)- 8679210
MOBILE- 98240-55417

SHASHIKANT C. GANDHI
6/1911, JADA KHADI, MAHIDHARPURA
PH- (O) - 7439137, 7451713 (R)- 7440080

HANSRAJBHAI A. GONDALIA
16, SUBHASH NAGAR, GHOD-DOD ROAD
PH-(O)- 8679520, 8679530

RAJESHBHAI A. VYAS
103, SHILP APT, MAKANJI PARK
NR. TIRUPATI HOTEL, NR. LOVEKUSH,
OP. MAKKAIPUL BRIDGE, ADAJAN ROAD
PH-(O)-3472747, 3476472 (R)-2687166

HIRACHAND M. SHAH
24, VINAY NAGAR SOCIETY, UDHNAGAM
UDHNA, SURAT
PH-(O)-8675638 (R)-3231151

✓ BHANUPRAKASH P. GUPTA
FLAT NO-590, BLOCK NO-48,
SHAHYOG APT, SATYANAGAR, UDHNA.
PH-(O)-8870072, 8871228 (R)-8675765, 8678717

USHAKANT S. ZAVERI
1/3386, ANAND DARSHAN APT,
8TH FLOOR, OLD COURT, GOPIPURA
SURAT.
PH-(O)-7425291 (R)-7438931

K. A. JOY
201, KRISHNA APT, B/H. DENA BANK
UDHNA, SURAT.
PH-(O)- 8677340 (R)-8677330

AMOLAKSHING BHATIA
49/611, SHAHYOG APARTMENT,
SATYANAGAR, UDHNA, SURAT.
PH-(O)-8674126 (R)-8675388

✓ BHARATBHAI S. PATIL (VICE-CHAIRMAN)
B-207, G. H. B. COLONY, PANDESARA
PH-(O)- 8692089, 8695271 (R)- 8691400
MOBILE- 98251-45230

PANNALAL S. BACHKANTWALA
HIMSON BUNGLOW, UMRA JAKATNAKA '
ATHWALINES, SURAT.
PH-(O)- 8552219 (R)-3668904

CHANDRAKANTBHAI R. GANDHI
NEHRU NAGAR SOCIETY, UMRA JAKAT NAKA,
ATHWALINES, SURAT
PH-(O)-7436317, 7434266 (R)-3666367

BHARATKUMAR K. LAIWALA
9/1179-80, BALAJI ROAD, SURAT.
PH-(O)-8311344, 8551348 (R)-7435197

✓ BATUKBHAI D. MISTRY
B/37, GATE NO-3, PAVITRA SOCIETY,
BHULKA BHAVAN ROAD, ADAJAN,
SURAT
PH-(O)-8750072, 8751892 (R)-2684861, 2691014
MOBILE- 98241-55463

P. R. RAVINDRAN NAIR
13/80, ISHVER NAGAR, SATYANAGAR
UDHNA, SURAT.
PH-(O)-8677656, (R)-8679576

✓ NARENDRABHAI M. PATEL
w/205, NEWS AVENUE APARTMENT, ADAJAN,
OPP. PANCHRATNA SOCIETY, BHULKABHAVAN
ROAD, SURAT.
PH-(O)-8672342, 8677200 (R)-2740128
MOBILE-98251-45210

JAYANT K. PANDYA
1005/B, PRATISHTHA TOWER, SARELAWADI,
GHOD-DOD ROAD, SURAT.
PH-(O)-8337256 (R)-2690014

R. NARYAN (CHIEF-EXECUTIVE)
63, SAURABH SOCIETY, MORA BHAGAL,
SURAT.
PH-(R)-2768891 MOBILE-98241-55462
(O)-8671333, 8676960

PURCHASE OF G-SEC SECURITIES FROM 01/04/1999 TO 30/04/2007
 THE UDHNA CITIZEN CO-OPERATIVE BANK LTD., UDHNA, GUJARAT.

SR.NO	DEAL DATE	DETAILS OF SECURITY	PHYSICAL SGL	RATE	FACE VALUE	PREMIUM	TOTAL VALUE	ACC.INT PAYABLE	TOTAL PAYABLE	NAME OF PROVIDER
1	23/04/99	11.5 FRM 2010	PHYSICAL ✓	93.80	1000000.00	-0.61	1500000.00	-11244.44	1488755.56	
2	23/04/99	12.5 FRM 2004	PHYSICAL ✓	98.00	770000.00	-1.44	768556.00	8363.54	774919.54	
3	23/04/99	15.0 EXIM 2007	PHYSICAL ✓	100.00	1330000.00	0.80	1348640.00	-12947.50	1327692.50	
4	23/04/99	11.5 FRM 2010	PHYSICAL ✓	93.00	620000.00	-4.60	586230.00	-399.31	585830.69	
5	26/05/09	11.5 FRM 2007	PHYSICAL ✓	97.00	3000000.00	-2.75	4825500.00	81350.32	4933950.32	
6	18/06/00	12.32 G01 2011	PHYSICAL ✓	101.20	10000000.00	1.70	10170000.00	23955.56	10193955.56	
7	28/12/99	11.83 G01 2014	PHYSICAL ✓	101.20	10000000.00	-1.10	10120000.00	124072.22	10254872.22	
8	02/02/00	10.25 G01 2012	PHYSICAL ✓	99.00	15000000.00	-1.00	14850000.00	269062.50	14369062.50	
9	26/02/00	10.25 G01 2012	PHYSICAL ✓	99.00	15000000.00	-1.00	14850000.00	308750.00	15200750.00	
10	01/06/00	10.79 G01 2015	PHYSICAL ✓	97.00	5000000.00	-1.00	4999000.00	53930.00	5052930.00	
11	09/06/00	10.79 G01 2015	PHYSICAL ✓	97.00	5000000.00	-1.00	4999000.00	29972.22	5028972.22	
12	18/07/00	11.5 FRM 2011	PHYSICAL ✓	101.20	4000000.00	1.20	4006000.00	1405.55	4020055.55	
13	22/07/00	10.7 G01 2020	PHYSICAL ✓	96.00	10000000.00	-4.00	9962000.00	273404.44	9872444.44	
14	08/12/00	11.5 G01 2011	PHYSICAL ✓	99.25	3000000.00	0.75	4962500.00	196450.33	5158950.33	
15	09/12/00	11.5 G01 2011	PHYSICAL ✓	99.25	3000000.00	0.75	4962500.00	198055.56	5160555.56	
16	12/04/01	10.7 G01 2020	PHYSICAL ✓	100.00	10000000.00	-0.65	10005000.00	309641.11	10654841.11	
17	02/04/01	11.5 FRM 2009	PHYSICAL ✓	103.25	10000000.00	3.25	10325000.00	341805.50	10666805.50	
18	04/05/01	11.5 FRM 2009	PHYSICAL ✓	103.25	10000000.00	3.25	10325000.00	341805.50	10666805.50	
19	06/06/01	10.25 G01 2021	PHYSICAL ✓	99.00	5000000.00	-0.20	4990000.00	17002.52	5007002.52	
20	12/06/01	10.25 G01 2021	PHYSICAL ✓	99.00	5000000.00	-0.20	4990000.00	21354.17	5011354.17	
21	15/06/01	10.25 G01 2021	PHYSICAL ✓	99.00	5000000.00	-0.20	4990000.00	21354.17	5011354.17	
22	22/01/02	9.40 G01 2012	SGL	111.00	5000000.00	11.30	5590000.00	17102.76	5761022.76	
23	22/01/02	9.20 G01 2011	SGL	111.00	10000000.00	11.00	11100000.00	52166.70	11152166.70	
24	25/01/02	8.07 G01 2017	SGL	100.25	20000000.00	0.25	20002000.00	67250.00	20069250.00	
25	11/02/02	11.5 FRM 2011	PHYSICAL	112.50	20000000.00	12.50	22500000.00	19005.55	22519005.55	
26	12/02/02	17.10 G01 2008	PHYSICAL	117.00	10000000.00	17.00	11700000.00	178158.89	11878158.89	
27	05/03/02	9.00 G01 2012	PHYSICAL	100.00	20000000.00	5.00	20500000.00	21407.00	20521407.00	
28	21/03/02	9.85 G01 2015	SGL	100.00	20000000.00	19.15	20000000.00	218196.55	20218196.55	
29	05/04/02	6.85 G01 2012	SGL	100.00	10000000.00	0.00	10000000.00		10000000.00	
30	05/04/02	6.85 G01 2012	SGL	100.00	10000000.00	0.00	10000000.00		10000000.00	
31	22/04/02	9.25 G01 2015	SGL	128.25	5000000.00	20.25	6012500.00	8200.32	6020700.32	
TOTAL					298332000.00		310571017.00	4510774.84	315081991.84	



Handwritten notes and signatures at the bottom of the page, including a signature and some illegible text.

COUNTER PARTY	BROKERAGE	DATE OF PAYMENT	DATE OF RECEIPT OF SECURITIES	REMARKS
KEITAN SMETH & CO. ✓			01/06/99	PHYSICAL
KEITAN SMETH & CO. ✓			01/06/99	CONVERTED INTO CERTIFICATE OF HOLDING
KEITAN SMETH & CO. ✓			01/06/99	CONVERTED INTO CERTIFICATE OF HOLDING
EURO ASIAN SECURITIES LTD. ✓			27/06/99	CONVERTED INTO SOL
EURO ASIAN SECURITIES LTD. ✓			11/07/99	CONVERTED INTO SOL
HOME TRADE LTD. ✓			01/02/00	CONVERTED INTO SOL
HOME TRADE LTD. ✓			15/04/00	SECURITIES SOLD OFF
HOME TRADE LTD. ✓			15/04/00	RS. 100 LACS SOL/RS. 50 LACS PHYSICAL
HOME TRADE LTD. ✓			05/08/00	CONVERTED INTO SOL
HOME TRADE LTD. ✓			05/08/00	CONVERTED INTO SOL
HOME TRADE LTD. ✓			02/08/00	CONVERTED INTO CERTIFICATE OF HOLDING
HOME TRADE LTD. ✓			02/01/01	CONVERTED INTO SOL
HOME TRADE LTD. ✓			02/01/01	SECURITIES SOLD OFF
HOME TRADE LTD. ✓			22/04/01	SECURITIES SOLD OFF
HOME TRADE LTD. ✓			04/05/01	CONVERTED INTO SOL
HOME TRADE LTD. ✓			26/04/01	CONVERTED INTO CERTIFICATE OF HOLDING
HOME TRADE LTD. ✓			05/03/01	CONVERTED INTO CERTIFICATE OF HOLDING
HOME TRADE LTD. ✓			08/10/01	CONVERTED INTO SOL
HOME TRADE LTD. ✓			08/10/01	CONVERTED INTO SOL
HOME TRADE LTD. ✓			10/01/02	CONVERTED INTO SOL
HOME TRADE LTD. ✓			22/01/02	CONVERTED INTO SOL
HOME TRADE LTD. ✓			22/01/02	CONVERTED INTO SOL
HOME TRADE LTD. ✓			25/01/02	CONVERTED INTO SOL
HOME TRADE LTD. ✓			16/02/02	CONVERTED INTO SOL
HOME TRADE LTD. ✓			18/02/02	CONVERTED INTO SOL
HOME TRADE LTD. ✓			PENDING	CONVERTED INTO SOL
HOME TRADE LTD. ✓			21/03/02	CONVERTED INTO SOL
HOME TRADE LTD. ✓			05/04/02	CONVERTED INTO SOL
HOME TRADE LTD. ✓			22/04/02	CONVERTED INTO SOL

* CONVERTED INTO HOME TRADE LTD.

TOTAL PURCHASE DURING THE PERIOD: 310371012.00
 TOTAL SALES DURING THE PERIOD : 103096250.00
 NET PURCHASES : 207274762.00

COUNTER PARTY WITH BRFAN-UP

1) KEITAN SMETH & CO.	4193812.00
2) HOME TRADE LTD.	169872500.00
3) GILTFDGE MGT. SECURITIES LTD.	55265000.00
4) IL & F9 LTD.	20650000.00
5) OTHERS	60390500.00
TOTAL	310371012.00



101,93, 955, 56
 19, 31, 958, 53
 51, 27, 910 = 89
 16, 98, 72, 500
 1, 11, 22, 913
 15, 47, 945, 87

Date: 03/08/2002

My name is M. Setu Madhavan, age 54, occupation: foundry business, residing at Block No. 21, Flat No. 155, Satya Nagar Society, Udhna, Surat city, Telephone No. Home: 8679210, Factory: 8751228.

On being asked, I state that I reside at the above-mentioned address with my family. I have been the Chairman of The Udhna Citizen Co-operative Bank, located at Road No. 14, Udhna Udyog Nagar, since its establishment. Additionally, I own a foundry named "Five Star" Casting Private Limited, located opposite Unn Jakat Naka, through which I conduct my business and sustain my livelihood. The Udhna Citizen Co-operative Bank was established on 04 February 1996.

Today, you showed me a complaint filed by our bank's General Manager, Shri R. Narayan, against accused (1) Ketan Kantilal Sheth, residing in Mumbai, and 21 other accused. Regarding this matter, I state that our bank has a total of 17 directors, who are divided into various committees. These committees include (1) Loan Committee, (2) Staff Committee, (3) Business Development Committee, (4) Investment Committee, and (5) Audit Committee, totaling five committees. The directors of these committees handle tasks related to their respective committees. Our bank has four other branches located at (1) Pandesara, (2) Ring Road, Udhna Darwaja, (3) Dukanpol Bhagal, and (4) Nanpura, Surat. Shri R. Narayan has been appointed as the General Manager of our bank and manages all five branches. He has also been granted certain powers. Our bank's Finance Committee consists of five directors: (1) myself, (2) Batukbhai Dayaram Mistry, (3) Dayaram Manubhai Patel, (4) Bharatbhai Patil, and (5) Bhanuprakash Gupta.

The task of this committee is to invest in government securities as per the deposits received by the bank, in accordance with the policies and regulations of the Government and the Reserve Bank of India, to purchase securities, and to sell them when profitable, holding meetings for these purposes.

In April 1999, Ketan Kantilal Sheth and Neeraj Surti visited our bank at Udhna Road No. 14 and held a meeting with General Manager Shri R. Narayan and the directors of the Finance Committee. They stated that they were there for the business of government securities. Ketan Sheth mentioned that he is a partner in Ketan Sheth & Company and a director of Euro Asian Securities Limited. Neeraj Surti is a Chartered Accountant and works as a representative for both companies, residing at Surya Flat, Surya Complex, Bharuch. They further stated that both companies are members of the stock exchange and have the authority to buy and sell government securities. They claimed to conduct business with most banks in Gujarat and Maharashtra and mentioned that their company's office is located at Infotech Park, Tower No. 3, Fifth Floor, Vasai Railway Station Complex, Navi Mumbai. They presented (1) a certificate of stock exchange membership, (2) a company registration certificate, (3) an audited balance sheet, and other documents to gain our trust. By making grand claims about buying and selling government securities, they convinced us to start transactions with them. Subsequently, transactions worth Rs. 41, 93,812/- and Rs. 1, 51, 27,913/- were conducted with them, which they fully completed with our bank. Thereafter, Ketan Kantilal Sheth and Neeraj Surti frequently visited our bank for business and held meetings, so I know them well.

In January 2000, Ketan Sheth, Sanjay Hariram Agarwal, residing at Juhu Shalimar, Gulmohar Cross No. 10, Mumbai, and Nand Kishor Shankarlal Trivedi, residing at Dev Bhuvan, Second Floor, Room No. 32, Chira Bazar, Mumbai, visited our bank. I met them, and Ketan Sheth introduced Sanjay Hariram Agarwal as the Chairman and Chief Executive Director of Home Trade Limited.

They informed me that Euro Asian Securities Limited had been renamed Home Trade Limited and that this company is also a member of the stock exchange, fully qualified to buy and sell government securities. They made grand claims, stating that the company is excellent, investing in it would yield significant profits, and that it is endorsed by celebrities like Shahrukh Khan, Sachin Tendulkar, Priyanka Chopra, and Hrithik Roshan. They showed a stock exchange membership certificate, audited balance sheet, and other documents to gain our trust and proposed starting transactions with Home Trade Limited. Our bank's General Manager, Shri R. Narayan, also visited the Home Trade office in Mumbai. By March 2002, our bank conducted 12 transactions worth Rs. 12, 27, 48, 51/- with this company.

On 27/02/2002, Ketan Sheth, Shilpa Shah, Jagruti Sheth, Kanan Kevavala, and Neeraj Surti visited our bank and explained the Government Securities Scheme No. 8.07% 2017, stating that investing in this scheme would yield significant profits. Trusting them, our bank finalized government securities worth Rs. 3, 00, 00,000/- (crore). A cheque for Rs. 3,19,96,075/- was sent to HDFC Bank, Eighth Lines, Parle Point Branch, and deposited in HDFC Bank, Nariman Point, Mumbai, which was cleared. However, we did not receive any government securities from Home Trade Limited. When we tried to contact Home Trade for investigation, no connection was established. General Manager Shri R. Narayan visited their office in Mumbai on 29/04/2002, but no responsible person was found, and it was learned that Home Trade Limited had absconded.

Therefore, the aforementioned accused, along with others—Subodh Bhandari, Hiten Bhupendra Shah, Ramgopal, Miyuki Suzuki, Rakesh Chandak, Manoj Ambalal Shah, Alan James Macmillan, Russell H. Locken Roger, Shashank Gopal Rande, Vijay Himatlal Modi, Salil Dinakaray Gandhi, Hiren Gada, Dhananjay Hariram Agarwal, Ketan Mashkariya, and Parimal Shah, all from Mumbai, and Neeraj Surti from Bharuch—committed fraud and breach of

trust worth Rs. 3,19,96,075/- with our bank, leading to this complaint filed by our bank's manager, Shri R. Narayan.

The above fact stated by me is true and correct.

Before me,
Sd/- Illegible
Police Inspector,
Udhana Police Station
Surat City

Date: 03/08/2002

My name is Batukbhai Dayaram Mistry, age 52, occupation: electrical contractor and business, residing at B-37, Pavitra Row House, Gate No. 3, beside Sahaj Super Stores, Anand Mahel Road, Surat city, Tel. No. Home: 2734861, Office: 8751228, 8750072.

On being asked, I state that I reside at the above-mentioned address and have been a Director of The Udhna Citizen Co-operative Bank, located at Road No. 14, Udhna Udyog Nagar, since its establishment on 04/02/1996. Our bank has a total of 17 directors, divided into various committees: (1) Loan Committee, (2) Staff Committee, (3) Business Development Committee, (4) Investment Committee, and (5) Audit Committee, totaling five committees. Setu Madhavan is the Chairman of our bank. I am a member of the Investment Committee and the Staff Committee. The Investment Committee has five members: (1) myself, (2) Setubhai Madhavan, (3) Bharatbhai Patil, (4) Narendrabhai Patel, and (5) Bhanu Prakash Gupta. The committee's task is to invest in securities as per the deposits received by the bank, in accordance with the policies and regulations of the Government and the Reserve Bank of India, to purchase securities, and to sell them when profitable. Our bank has four other branches: (1) Pandesara, (2) Ring Road, Udhna Darwaja, (3) Bhagal Dukanpol, and (4) Nanpura, Surat. All branches are managed from the main branch at Udhna Udyog Nagar. Shri R. Narayan has been appointed as the General Manager of our bank, overseeing all operations, and has been granted certain powers by the bank.

Today, you showed me a complaint filed by our bank's General Manager, Shri R. Narayan, against accused (1) Sanjay Hariram Agarwal, Chairman of Home Trade Limited, residing at Juhu Shalimar, C.H.S. Limited, 7th Floor, Gulmohar Cross Road, Mumbai, and 21 other accused. Regarding this complaint,

I state that in April 1999, Ketan Kantilal Sheth and Neeraj Surti visited our bank, introduced themselves, and discussed the buying and selling of securities with our General Manager, Shri R. Narayan. The General Manager informed the bank's Chairman and the Investment Committee members, facilitating a meeting with them. During the meeting, Ketan Kantilal Sheth stated that he is a partner in Ketan Sheth & Company and a Director of Euro Asian Securities Limited. Neeraj Surti, residing at Surya Complex, Bharuch, is a Chartered Accountant and a representative of the aforementioned companies. They claimed that both companies are members of the stock exchange, authorized to buy and sell government securities, and conduct business with cooperative banks in Gujarat and Maharashtra. Their company office is located at Infotech Park, Tower No. 3, Fifth Floor, Vasai Railway Station Complex, Navi Mumbai. They presented (1) a National Stock Exchange membership certificate, (2) a company registration certificate, (3) an audited balance sheet, and other documents to gain our trust. Making grand claims, they convinced our bank to start buying and selling government securities with them. Previously, transactions worth Rs. 41,93,812/- and Rs. 1,51,27,917/- were conducted with them, which they fully completed, earning our bank's trust. Thereafter, Ketan Kantilal Sheth and Neeraj Surti frequently visited our bank for business meetings, so I know them well.

In January 2000, Ketan Sheth, Sanjay Hariram Agarwal, residing at Juhu Shalimar, Gulmohar Cross No. 10, Mumbai, and Nand Kishor Shankarlal Trivedi, residing at Dev Bhuvan, Second Floor, Room No. 32, Chira Bazar, Mumbai, visited our bank. I met them, and Ketan Sheth introduced Sanjay Hariram Agarwal as the Chairman and Chief Executive Director of Home Trade Limited. They informed us that Euro Asian Securities Limited had been renamed Home Trade Limited, a member of the National Stock Exchange, fully qualified to buy and sell government securities. They made grand claims, stating that the company is endorsed by celebrities like Shahrukh Khan, Sachin Tendulkar, Priyanka Chopra, and Hrithik Roshan. They presented a stock exchange membership certificate, audited balance sheet, and other documents to gain our trust and

proposed continuing transactions with Home Trade Limited. Our General Manager, Shri R. Narayan, visited the Home Trade office in Mumbai. By March 2002, our bank conducted 12 transactions worth Rs. 12, 27, 48, 51/- with this company.

On 27/02/2002, Ketan Sheth, Shilpa Shah, Jagruti Sheth, Kanan Kevavala, and Neeraj Surti visited our bank and explained the Government Securities Scheme No. 8.07% 2017, detailing the benefits of investing in it. Trusting them, our bank finalized government securities worth Rs. 3, 00, 00,000/- (crore). A cheque for Rs. 3,19,96,075/- was sent to HDFC Bank, Eighth Lines Branch, and deposited in HDFC Bank, Nariman Point, Mumbai, which was cleared. However, we did not receive any government securities from Home Trade Limited. Unable to establish contact for investigation, our General Manager, Shri R. Narayan, visited Home Trade Limited's office on 29/04/2002, but no responsible person was found, and it was learned that Home Trade Limited had absconded.

Thus, the aforementioned individuals and others associated with this company committed fraud and deceit worth Rs. 3, 19, 96,075/- with our bank, leading to this complaint filed by our bank's manager, Shri R. Narayan.

The above fact stated by me is true and correct.

Before me,
Sd/- Illegible
Police Inspector,
Udhana Police Station, Surat City.

Date: 03/08/2002

My name is Narendrabhai Manubhai Patel, age 37, occupation: textile weaving, residing at W-205, News Avenue Apartment, Anand Mahel Road, Adajan, Surat city, Tel. No. Home: 2740128, Office: 8672342.

On being asked, I state that I reside at the above-mentioned address with my family and have been a Director of The Udhna Citizen Co-operative Bank Limited, located at Road No. 14, Udhna Udyog Nagar, since its establishment. The bank's Chairman is M. Setu Madhavan. Additionally, I own a textile factory named Textile at Udhna Road No. 6. Our bank has a total of 17 directors, divided into five committees: Loan Committee, Staff Committee, Business Development Committee, Investment Committee, and Audit Committee. The Investment Committee has five members: (1) myself, (2) Batukbhai Dayaram Mistry, (3) Setubhai Madhavan, (4) Bharatbhai Patil, and (5) Bhanu Prakash Gupta. The committee's task is to invest in securities as per the deposits received by the bank, in accordance with the policies and regulations of the Government and the Reserve Bank of India, to purchase securities, and to sell them when profitable. Our bank has four other branches: (1) Pandesara, (2) Ring Road, Udhna Darwaja, (3) Bhagal Dukanpol, and (4) Nanpura, Surat. These branches are managed from the main bank at Udhna Road No. 14. Shri R. Narayan has been appointed as the General Manager, overseeing all five banks' operations, and has been granted certain powers.

Today, you showed me a complaint filed by our bank's General Manager, Shri R. Narayan, against the accused, including Sanjay Hariram Agarwal, Chairman of Home Trade Limited, and 21 other accused. Regarding this complaint, I state that in April 1999, Ketan Kantilal Sheth and Neeraj Surti visited our main bank, introduced themselves, and discussed the buying and selling of government securities with our General Manager, Shri R. Narayan. The General

Manager informed the bank's Chairman and the Investment Committee members, facilitating a meeting. During the meeting, Ketan Kantilal Sheth stated that he is a partner in Ketan Sheth & Company and a Director of Euro Asian Securities Limited. Neeraj Surti, residing at Surya Complex, Bharuch, is a Chartered Accountant and a representative of both companies. They claimed that the companies are members of the stock exchange, authorized to buy and sell government securities, and conduct business with numerous cooperative banks in Gujarat and Maharashtra. Their company office is located at Infotech Park, Tower No. 3, Fifth Floor, Vasai Railway Station Complex, Navi Mumbai. They presented a National Stock Exchange membership certificate, company registration certificate, audited balance sheet, and other documents to gain our bank's trust. Making grand claims, they convinced our bank to start buying and selling government securities with them. Previously, transactions worth Rs. 41, 93,812/- and Rs. 1, 51, 27,913/- were conducted with them, which they fully completed, earning our bank's trust. Thereafter, Ketan Sheth and Neeraj Surti frequently visited our bank for business meetings, so I know them well.

In January 2000, Ketan Sheth, Sanjay Hariram Agarwal, residing at Juhu Shalimar, Gulmohar Cross No. 10, Mumbai, and Nand Kishor Shankarlal Trivedi, residing at Dev Bhuvan, Second Floor, Room No. 32, Chira Bazar, Mumbai, visited our bank. I met them, along with other Investment Committee members, during a meeting. Ketan Sheth introduced Sanjay Hariram Agarwal as the Chairman and Chief Executive of Home Trade Limited, stating that Euro Asian Securities Limited had been renamed Home Trade Limited, a member of the stock exchange, fully qualified to buy and sell government securities. They made grand claims, stating that the company is endorsed by celebrities like Shahrukh Khan, Sachin Tendulkar, Priyanka Chopra, and Hrithik Roshan. They presented a stock exchange membership certificate, audited balance sheet, and other documents to gain our trust and proposed continuing transactions with Home Trade Limited. Our General Manager, Shri R. Narayan, visited Home Trade's office in Mumbai.

By March 2002, our bank conducted 12 transactions worth Rs. 12, 27, 48, 51/- with this company, all of which were completed.

On 27/02/2002, Ketan Sheth, Shilpa Shah, Jagruti Sheth, Kanan Kevavala, and Neeraj Surti visited our bank and explained the Government Securities Scheme No. 8.07% 2017, detailing its benefits. Trusting them, our bank decided to invest Rs. 3, 00, 00,000/- (crore) in government securities. A cheque for Rs. 3,19,96,075/- was sent to HDFC Bank, Eighth Lines Branch, and deposited in HDFC Bank, Nariman Point, Mumbai, which was cleared. However, no government securities were received from Home Trade Limited. Upon investigation, no contact could be established. Our General Manager, Shri R. Narayan, visited Home Trade Limited's office on 29/04/2002, but no responsible person was found, and it was learned through inquiries that the company had absconded. Investigation confirmed this fact. Therefore, the aforementioned accused, along with Subodh Bhandari, Hiten Bhupendra Shah, Ramgopal, Miyuki Suzuki, Rakesh Chandak, Manoj Ambalal Shah, Alan James Macmillan, Russell H. Locken Roger, Shashank Gopal Rande, Vijay Himatlal Modi, Salil Dinakaray Gandhi, Hiren Gada, Dhananjay Hariram Agarwal, Ketan Mashkariya, and Parimal Shah, committed fraud, deceit, and breach of trust, causing a loss of Rs. 3,19,96,075/- to our bank, leading to this complaint filed by our bank's manager, Shri R. Narayan.

The above fact stated by me is true and correct.

Before me,

Police Inspector,

Udhana Police Station, Surat City.

Date: 10/08/2002

My name is Bansibhai Mohanlal Dudhnawala, age 54, occupation: textile weaving, residing at Nagrik Sahakari Bank, Varachha Road, Surat, Tel. No. 8952350, 3664936.

On being asked, I state that I am the Chairman of Nagrik Sahakari Bank, located behind Geetanjali on Varachha Road. Our bank was conducting transactions related to government securities with Sanjay Hariram Agarwal and Ketan Sheth of Home Trade Limited. Lastly, they failed to deliver government securities worth Rs. 16, 84, 40,658/- to our bank, committing fraud and deceit against us.

Regarding this matter, we have acquired land belonging to Shetrunjay Co-operative Housing Society, located near Bopal village in Ahmedabad, from a third-party guarantor of Home Trade Limited to recover our outstanding amount. There are legal issues if you wish to intervene in this property. As the property belongs to a third-party guarantor, I believe The Citizen Co-operative Bank Limited, Udhna, cannot intervene to recover its outstanding amount. Nevertheless, I will discuss this matter with our lawyer, Shri Lakshmi Punjara, as per your instructions. The current value of the land of Shetrunjay Co-operative Housing Society is approximately Rs. 22, 00, 00,000/-.

This is my statement, as written, and it is true and correct.

Before me,

Sd/- Illegible

Police Inspector,

Udhana Police Station, Surat City.

Date: 10/08/2002

My name is Maher Kekibhai Vaid, age 65, occupation: service, residing at Saiyedpura, Shahpur, Surat, employed at Nagrik Sahakari Bank, Varachha Road, behind Geetanjali Cinema, Surat city, Tel. No. 8548214.

On being asked, I state that I reside at the above-mentioned address and serve as the Manager of Nagrik Sahakari Bank, located behind Geetanjali Cinema on Varachha Road.

Today, you informed me about the fraud and breach of trust committed by Sanjay Hariram Agarwal and Ketan Kantilal Sheth of Home Trade Limited against our bank and The Udhna Citizen Bank. Regarding the land of Shetrunjay Co-operative Housing Society, located in Bopal village, Ahmedabad, with Survey Nos. 226, 227, and 229, measuring 28,531 square meters, our bank has acquired it from a third-party guarantor. The current market value of this land is approximately Rs. 22 crore. This property is not in the name of Home Trade Limited, so we will not allow The Udhna Citizen Bank to intervene for its outstanding amount. However, you may meet our bank's Chairman, Shri Bansibhai Dudhnawala, for detailed information on this matter.

Sanjay Agarwal and Ketan Sheth, Chairman of Home Trade Limited, Mumbai, have committed fraud and breach of trust, causing a loss of Rs. 16, 84, 40,658/- to our bank.

This is my statement, and it is true.

Before me,

Sd/- Illegible

Police Inspector,

Udhana Police Station, Surat City.

Dispatch No. 1916/2002

Police Inspector

Udhna Police Station

Date: 26/08/2002

Subject: Investigation visit to Bopal village (Ahmedabad) regarding Udhna Police Station Crime Register No. 64/02 under IPC Sections 406, 420, etc.

With reference to the above subject, it is stated that a case under Crime Register No. 64/02, IPC Sections 406, 420, etc., was registered at Udhna Police Station on 30/07/2002. In this case, the accused, including the Chairman of Home Trade Ltd. and other related individuals, have committed fraud and breach of trust amounting to Rs. 3,19,96,075/-.

We have come to know that in Chekhala village, Sanand Taluka, Ahmedabad District, there is land belonging to Shetrunjay Co-operative Housing Society, with Survey Nos. 226, 227, and 229, under the guarantor of Home Trade Ltd. Surat Nagrik Sahakari Bank Ltd., Varachha Road, Surat, has claimed possession of this land, while the remaining land is reportedly under the possession of a bank from Pune.

In this regard, you are directed to visit Chekhala village, Sanand Taluka, Ahmedabad District, for investigation and meet the relevant parties to ascertain the following:

- What is the total value of the land?
- Are any of the accused mentioned in the complaint members of Shetrunjay Co-operative Housing Society?
- How many total members does this society have?
- How much of the land is under possession by another party?

You are to meet the society's administrator, the concerned Talati, Mamlatdar, and other relevant officials, conduct a detailed investigation at the site, and submit a comprehensive report.

To,
N.D. Zhala
Police Sub-Inspector
Bhade ka Choki, Udhna Police Station
Surat City.

Ramesh Bhai Kantilal Shah,
Secretary, Shetrunjay Co-operative
Housing Society, Chekhala, Tal. Sanand,
Dist. Ahmedabad.

To,
The Commissioner,
Surat

I, Ramesh Bhai Kantilal Shah, state that:

The aforementioned society has been in our name for many years. It is under our ownership, and all documents, including the 7/12 extract, property card, etc., have been in the name of our society for many years. Neither Home Trade nor any of its officers have any share or investment in the land of this society. Currently, the land of the said society is in our possession. We, too, have been victims of the Home Trade scam. Regarding the two banks that sent requests to the Talati to register a lien on certain blocks of this land, we have raised objections. Additionally, a case related to the fraud committed by Home Trade and its officers against us is pending in the Sanand Court under Inquiry F.I.R. Case No. 17/2002. A copy of this criminal case has been provided to the investigating officer, Shri Zhala.

Shetrunjay Co. O. Ha. So. Ltd.,

Sd/- Illegible

Chairman Secretary Exe. Member

3

To
The Talati
Chekhala Village, Tal. Sanand
Dist. Ahmedabad

Subject: Regarding the imposition of lien rights on land with Survey Nos. 226, 227, 229, and 331 under your jurisdiction.

I, N.D. Zhala, Police Sub-Inspector, Udhna Police Station, Surat City, submits the following request report:

In connection with Udhna Police Station Crime Register No. 64/02 under IPC Sections 406, 409, 420, 421, 422, and 34, M/s Home Trade Ltd. and its directors have committed fraud of Rs. 3,19,96,075/- against Udhna Citizen Bank. From this amount, they have purchased land in Chekhala village belonging to Shetrunjay Co-operative Housing Society, with Survey Nos. 226, 227, 229, and 231. This land was acquired using the proceeds of the fraud. To take possession of this land, kindly provide details of the current ownership of the said land, including extracts of 7/12, 8A, and Village Form No. 6 (property card). Please ensure that this land is not transferred to any individual, institution, or firm until further notice.

Date: 28/08/2002

Sd/- Illegible
Police Sub-Inspector
Udhna Police Station
Surat City

Sd/- Illegible
Talati-cum-Mantri
Chekhala, Ta. Sanand.
Date:30/04/2002

To,
The Police Inspector,
Udhna Police Station.

Subject: Investigation regarding Udhna Police Station Crime Register No. 64/02 under IPC Sections 406, 409, etc.

Reference: Your outward No. 1916/02 dated 26/08/02

I, N.D. Zhala, Police Sub-Inspector, Udhna Police Station, respectfully submits the following report:

In connection with the above subject and reference, it is stated that in relation to Udhna Police Station Crime Register No. 64/02 under IPC Sections 406, 409, etc., I visited Sanand and Chekhala village for investigation. Upon contacting Shri Harassing Vaghela, the Talati of Chekhala village, it was learned that no land in Chekhala village is registered under Home Trade. However, land with Survey Nos. 226, 227, 229, 231, 232, and 234 is registered in the name of Shetrunjay Co-operative Housing Society Ltd. Extracts of 7/12, Village Form No. 8A, and Property Card No. 6 for these lands have been provided and are included in the annexure.

Survey No. 231 has a lien registered by Janata Sahakari Bank Ltd., Pune, for Rs. 8 crore, recorded under Entry No. 3507 dated 06/05/02.

Similarly, Survey Nos. 226, 227, and 229 have a lien registered by Surat Nagrik Sahakari Bank, Varachha Road, for Rs. 16,84,40,658.33, recorded under Entry No. 3512 dated 18/05/02.

Objection applications have been filed by members of Shetrunjay Society against both of the above entries in the village.

Since members of M/s Home Trade committed fraud with Shetrunjay Co-operative Society, they have filed a complaint against M/s Home Trade in the Sanand Court of the Judicial Magistrate First Class under Inquiry Case No. 17/02. A xerox copy of this complaint is included in the annexure.

Page 362 of 540

It has been learned that Shetrunjay Society has no connection with M/s Home Trade, and no transactions were conducted under any bank guarantee, as found from Bharatbhai. This is for your information.

Date: 31/08/02

Enclosed: Pages 1 to 19

Sd/- Illegible
Police Sub-Inspector
Udhna Police Station

Village Form No. 8-A

Village: Chekhala, Taluka: Sanand District: Ahmedabad

Name: Shetrunjay Co. O.Housing Society Ltd.

Account No. 20

Entry No of Sr. no. 6 or 7	Survey No and Sub- portion	Area Hec. Are.	Aakar OR Judi	Amount of Demand		
				Damage of Inami Land and Local Fund	Amount of Revenue of Inami Land	Edu. Cess
	Except Agriculture					
	226	1-65-92	7=81			
	229	3.64-21	14=62			
	227	3-99-94	16=19			
		8-70-07	38=62			
		83600	836			
(3147)	231	28531	285=40	Account No. 569		
(3148)	232	28429	284=30	" " "		
(3149)	234	58376	583=80	" " "		
(3150)						
		198936	1989=50	" " "		

30/08/02

Sd/- Illegible
Talati-cum-Mantri
Chekhala Gram Panchayat
Ta. Sanand

Village Form No. 6 Hakka Patrak

Village: Chekhala, Ta. Sanand, Dist. Ahmedabad

Sr. No. of the Entry No.	Type of Hakk	Mutated Survey No and Plot Portion	Signature or remand of the Examining Officer
3512	<p>Date: 18/05/02</p> <p>Surat Nagarik Sahakari Bank Ltd Liability/ Loans/Burdens.</p> <p>The land of the block mentioned in column no. 3 is running in the name of Shetrunjay Co. O. Ha. So. Ltd. at present. It has given Rs. 168440658.33 (Rupees sixteen crore eighty four lakh forty thousand six hundred fifty eight and thirty three paisa) as collateral (security/guarantee) and in this regard, the application and the Memorandum of Deposit of title Deed dated 08/05/2002 were presented and therefore, since the entry of the security was made in the other hakk, an entry in this regard has been made.</p> <p>Sd/- Illegible Talati-Cum-Mantri, Chekhala.</p> <p>As the dispute case is pending in Mamlatdar Office, Sanand, the decision is pending.</p>	<p>226</p> <p>227</p> <p>229</p> <p>(three)</p>	<p>Issue notices to the occupants.</p> <p>Sd/- 17/06/02 (Unreadable) Sanand</p> <p>(Unreadable)</p> <p>The objection application has been received. 17/06/02 As the objection application has been received, it be taken on the dispute register and send its report to the Taluka office. Sd/- Illegible 10/07/02 C. O. , Sanand</p>

Date: 30/08/02

Sd/- Illegible
Talati-cum-Mantri
Chekhala Gram Panchayat
Ta. Sanand

VILLAGE FORM NO 7 AND 12														
Local Name of Farm: Block No. 226 Survey No. : Part No.: Type of Tenure: NA (2621)							Village: Chekhala, Ta. Sanand Name of occupant: Kokilaben Ambalal Patel, (1648)							
Cultivable Land			Hector		Are		Guntha			(1147) Shetrunjay Co. O. Ha. So. Ltd., (2629).				
1.Jarayath (unirrigated)			1-65-92											
2.Bagayath (Horticulture)														
3.Kyari (Irrigated)														
Total			1-65-92											
Pot Kharaba Class (a) Class (b)			-		-		-							
Total			1-65-92											
Assessment, Judi or special Assessment... Water Part ...			Rs.7-81 paisa											
Name of Tenant or sub-tenant:											Other Rights: Liability / loan of Surat Nagarik Sahakari Bank (3512)			
Area:			Acre Hector		Guntha Are									
Amount of Tenancy: Rs. Paisa Since the Entry No. 3512 is disputed, the decision is pending.														
VILLAGE FORM NO-12														
Year	Name of Farmer	Season	Details of area of cultivation						Non-used and non-cultivate details		Source of Irrigation	Fruit and other trees and its nos.	Type of ploughing	
		Rainy	Chief Mix No.		Sub-mix & non- mix crops				Type	Area				
		Winter	Mix No	Area		Mix No	Area							
		Summer		Irrigated	Unirrigated		Irrigated	Unirrigated						
1	2	3	4	5	6	7	8	9	10a	10b	11	12	13	
2001	Shetrunjay co. Op. Ha. So. Ltd.		NA	16592	Square									
2002														

30/08/02 Sd/- Illegible

Talati-Cum-Mantri, Chekhala Gram Panchayat, Ta. Sanand.

VILLAGE FORM NO 7 AND 12																
Local Name of Farm: Block No. 227 Survey No. : Part No.: Type of Tenure: NA (2621)				Village: Chekhala, Ta. Sanand (1147) (1084)												
Cultivable Land		Hector		Are		Guntha			Name of occupant: Ramanlal Ambalal Patel, (1426) (2104) (1147) Shetrunjay Co. O. Ha. So. Ltd., (2631)							
1.Jarayath (unirrigated)		3-39-94														
2.Bagayath (Horticulture)																
3.Kyari (Irrigated)																
Total		3-39-94														
Pot Kharaba Class (a) Class (b)		3-39-94 -----							Other Rights: (In the security of Chekhala Society) (1496) (2609) (2056/68) Liability (loan) of Surat Nagarik Sahakari Bank. (3512)							
Total		3-52-08														
Assessment, Judi or special Assessment... Water Part ...		Rs.16-19 paise							Amount of Tenancy: Rs. Paise Since the Entry No. 3512 is disputed, the decision is pending.							
Name of Tenant or sub-tenant:													Area: Acre Hector Guntha Are			
Area:																
VILLAGE FORM NO-12																
Year	Name of Farmer	Season	Details of area of cultivation						Non-used and non-cultivate details		Source of Irrigation	Fruit and other trees and its nos.	Type of ploughing			
		Rainy	Chief Mix No.		Sub-mix & non-mix crops				Type	Area						
		Winter	Area		Area		Area									
		Summer	Mix No	Irrigated	Unirrigated	Mix No	Irrigated	Unirrigated								
1	2	3	4	5	6	7	8	9	10a	10b	11	12	13			
2001	Shetrunjay co. Op. Ha. So. Ltd.		NA	33994	Square											
2002																

30/08/02 Sd/- Illegible
Talati-Cum-Mantri, Chekhala Gram Panchayat, Ta. Sanand.

11

VILLAGE FORM NO 7 AND 12													
Local Name of Farm: Block No. 229 Survey No. : Part No.: Type of Tenure: NA (2621)						Village: Chekhala, Ta. Sanand (1147) (1084)							
Cultivable Land		Hector		Are		Guntha							
1.Jarayath (unirrigated)				3-64-21		Name of occupant: Ambalal Umeddas Patel, (1978) (1979) (1147) (Amrutlal Ambalal)							
2.Bagayat (Horticulture)													
3.Kyari (Irrigated)													
Total		3-64-21											
Pot Kharaba Class (a)				0-16-19		Shetrunjay Co. O. Ha. So. Ltd., (2630)							
Class (b)				-----									
Total		3-80-40											
Assessment, Judi or special Assessment Water Part ...		Rs.14-62 paisa											
Name of Tenant or sub-tenant:		Other Rights: (Chekhala Society Loan) (2056/72) (Bank of India, 589000, Bank of India, 24600? (2028) (2116) (2168) (156106) (2608) (2639) Loan of Surat Nagarik Sahakari Bank (3512)											
Area:		Acre Hector		Guntha Are									
Amount of Tenancy: Rs. Paisa		Since the Entry No. 3512 is disputed, the decision is pending.											
VILLAGE FORM NO-12													
Year	Name of Farmer	Season	Details of area of cultivation						Non-used and non-cultivate details		Source of Irrigation	Fruit and other trees and its nos.	Type of ploughing
		Rainy	Chief Mix No.			Sub-mix & non- mix crops			Type	Area			
		Winter	Mix No	Area		Mix No	Area		10a	10b			
		Summer		Irrigated	Unirrigated		Irrigated	Unirrigated					
1	2	3	4	5	6	7	8	9	10a	10b	11	12	13
2001	Shetrunjay co. Op. Ha. So. Ltd.		NA	36421	Square	30/08/02	Sd/- Illegible Talati-cum-Mantri Chekhala Gram Panchayat, Ta. Sanand						
2002													

VILLAGE FORM NO 7 AND 12														
Local Name of Farm: Block No. 231 Survey No. : Part No.: : NA 2-85-31				Village: Chekhala, Ta. Sanand (Ashvinkumar Baldevbhai) (1147) Kailashba Arjunsinh and Kokilaben (unreadable) and Vinitaben (unreadable) (3147) (2807) (2669) cancelled For and on behalf of Shetrunjay Co. Op. Ha. O. Ltd, Secretary Ramesh Kantilal (3147).										
Cultivable Land		Hector	Are	Guntha										
1.Jarayath (unirrigated)		2-85-31												
2.Bagayat (Horticulture)														
3.Kyari (Irrigated)														
Total		2-85-31												
Pot Kharaba Class (a) Class (b)														
Total		2-85-31												
Assessment, Judi or special Assessment...		Rs.11.44 paisa												
Water Part ...		Rs.85-31												
Name of Tenant or sub-tenant:				Other Rights: (Chekhala Society Loan) (2605) (2056/23) Janata Sahakari Bank Ltd., Puna loan (3507).										
Area:		Acre Hector	Guntha Are											
Amount of Tenancy: Rs. Paisa Since the Entry No. 3507 is disputed, the decision is pending.														
VILLAGE FORM NO-12														
Year	Name of Farmer	Season	Details of area of cultivation						Non-used and non-cultivate details		Source of Irrigation	Fruit and other trees and its nos.	Type of ploughing	
		Rainy	Chief Mix No.		Sub-mix & non- mix crops				Type	Area				
		Winter	Mix No	Area		Mix No	Area							
		Summer		Irrigated	Unirrigated		Irrigated	Unirrigated						
1	2	3	4	5	6	7	8	9	10a	10b	11	12	13	
2001	Shetrunjay co. Op. Ha. So. Ltd.		NA	28531	Square				30/08/02					
2002			Meter						Sd/- Illegible Talati-cum-Mantri Chekhala Gram Panchayat, Ta. Sanand					

VILLAGE FORM NO 7 AND 12													
Local Name of Farm: Block No. 232 Survey No. : Part No.: : NA (2898)				Village: Chekhala, Ta. Sanand (Rameshchandra Shivshankar) (1147) (Government non-used 7-39 3-22-74) (2932) [Kailashben Arjunsinh, Kokilaben and Vinitaben] 2-84-29 (3146) Sanand Taluka (Unreadable) Joint Agriculture Society, Sanand 7-39 3-22-74 For and on behalf of Shetrunjay Co. O. Ha. So. Ltd., Secretary Ramesh Kantilal (3148) 28429									
Cultivable Land		Hector	Are	Guntha									
1.Jarayath (unirrigated)		6-07-03											
2.Bagayath (Horticulture)													
3.Kyari (Irrigated)													
Total		-----											
Pot Kharaba Class (a) Class (b)													
Total		6-07-03											
Assessment, Judi or special Assessment...		Rs.34-62											
Water Part ...		284=30											
Name of Tenant or sub-tenant:				Other Rights: (1147) loan borrowed (1212)									
Area:		Acre Hector	Guntha Are										
Amount of Tenancy: Rs. Paisa Since the Entry No. 3507 is disputed, the decision is pending.													
VILLAGE FORM NO-12													
Year	Name of Farmer	Season	Details of area of cultivation						Non-used and non-cultivate details		Source of Irrigation	Fruit and other trees and its nos.	Type of ploughing
		Rainy	Chief Mix No.		Sub-mix & non- mix crops				Type	Area			
		Winter	Mix No	Area		Mix No	Area						
		Summer		Irrigated	Unirrigated		Irrigated	Unirrigated					
1	2	3	4	5	6	7	8	9	10a	10b	11	12	13
2001	Shetrunjay co. Op. Ha. So. Ltd.		NA	28429		Square		30/08/02		Sd/- Illegible Talati-cum-Mantri Chekhala Gram Panchayat, Ta. Sanand			
2002													

VILLAGE FORM NO 7 AND 12														
Local Name of Farm: Block No. 234 Survey No. : Part No.: : NA (Unreadable figure)				Village: Chekhala, Ta. Sanand (Rameshchandra Shivshankar) (1147) (Government non-used 7-39 3-22-74) (2932) [Kailashben Arjunsinh, Kokilaben and Vinitaben] 2-92-88 (2688) (1709) cancelled. For and on behalf of Shetrunjay Co. O. Ha. So. Ltd., Secretary Ramesh Kantilal (3149) (3150)										
Cultivable Land		Hector	Are	Guntha										
1.Jarayath (unirrigated)		5-83-76												
2.Bagayat (Horticulture)														
3.Kyari (Irrigated)														
Total		-----												
Pot Kharaba Class (a) Class (b)														
Total		5-83-76												
Assessment, Judi or special Assessment...		Rs.25.25												
Water Part ...		583-80												
Name of Tenant or sub-tenant:				Other Rights: (1212) (1247)										
Area:		Acre Hector	Guntha Are											
Amount of Tenancy: Rs. Paise Since the Entry No. 3507 is disputed, the decision is pending.														
VILLAGE FORM NO-12														
Year	Name of Farmer	Season	Details of area of cultivation						Non-used and non-cultivate details		Source of Irrigation	Fruit and other trees and its nos.	Type of ploughing	
		Rainy	Chief Mix No.		Sub-mix & non- mix crops				Type	Area				
		Winter	Mix No	Area		Mix No	Area							
		Summer		Irrigated	Unirrigated		Irrigated	Unirrigated						
1	2	3	4	5	6	7	8	9	10a	10b	11	12	13	
2001	Shetrunjay co. Op. Ha. So. Ltd.		NA	58376	Square				30/08/02					
2002			Meter						Sd/- Illegible Talati-cum-Mantri Chekhala Gram Panchayat, Ta. Sanand					

**In the Court of the Hon'ble Judicial Magistrate First Class, Sanand
Criminal Case No. /2002**

Complainant: Shaitrunjay Co-operative Housing Society Ltd.,
Through and on behalf of, its Secretary, Mr.
RameshKumar Kantilal Shah
Address: Village-Chekhala, Taluka-Sanand,
District Ahmedabad.

Versus

Accused:

- (1) Mr. Sanjay Agarwal, Chairman, Home Trade Limited
Address: Tower-4, 5th Floor, International Infotech
Park, Vashi, Navi Mumbai.
- (2) Mr. Ketan Sheth, Authorized Person of Home Trade
Limited. Address: As per (1)
- (3) Responsible Director / Responsible Officers of Home
Trade Limited to be identified during investigation.
- (4) Branch Manager and Responsible Officers of Janata
Sahakari Bank Ltd. - Address: 71/73, Botawala
Building, Alkesh Dinesh Modi Marg, Opposite
Beistock Exchange, Ground Floor, Fort, Mumbai-400
023.

- (5) Responsible Officers of Surat Nagrik Sahakari Bank Ltd. Address: Behind Geetajali Cinema, Varachha Road, Surat-6.
- (6) All others identified during investigation.

Subject: Complaint for offenses punishable under Sections 420, 465, 467, 468, 471, 120-B of the Indian Penal Code.

I, the Complainant, state the facts of my complaint as follows:

(1) I, the Complainant, are the Secretary of Shaitrunjay Co-operative Housing Society Limited, which is located on land bearing Block Nos. 226, 227, 229, 231, 232, 234 of Village Chekhala, Taluka Sanand, District Sub-District Ahmedabad. The Society is registered under the Gujarat Co-operative Societies Act with Registration No. Dh-16892 dated 15-10-1994. I have filed this complaint in my capacity as the Secretary of Shaitrunjay Co-operative Housing Society Ltd. and on the authority granted to us to file the complaint.

The Complainant, Shaitrunjay Co-operative Housing Society Ltd., owns and possesses a total of six blocks of land with a total area of 2,05,176 square meters. The details of the block numbers and the area of each are as follows:

Block Number | Area (in square meters)

- 1) 226 | 16,592
- 2) 227 | 35,208
- 3) 229 | 38,040
- 4) 231 | 28,531
- 5) 232 | 28,429

6) 234 | 58,376

Total | 2,05,176 sq.m.

The members of the Complainant, Shaitrunjay Co-operative Housing Society Ltd., have appointed me, the Complainant, Rameshbhai Kantilal Shah, as the Secretary by their choice and preference.

(2) The Accused No. 1, Home Trade Limited, whose registered office is located at Tower-4, 4th Floor, International Infotech Park, Vashi, Navi Mumbai, is represented by its Chairman, while Accused No. 2 is a responsible person associated with Home Trade Ltd. and its affiliated companies. Accused No. 1, as the Chairman of Home Trade, managed and continues to manage all business and administration of Home Trade, and the Ahmedabad office of Home Trade Ltd. was also operated under his guidance. Mr. Ketan R. Shah serves as the Vice President of the Western Zone of Home Trade Limited, with his office located at 301, Shitiratna, Panchvati Circle, Ahmedabad.

(3) I, the Complainant, as the Secretary of the Society, was informed by our close friend, Mr. Ashleshbhai Shah, in the third week of January 2002, that the Mumbai-based Home Trade Company was interested in purchasing large tracts of immovable property, i.e., lands, in villages around the city of Ahmedabad for the development of its business. Since our Society owns and possesses vast land, we discussed and deliberated with other members of the Society and agreed to negotiate the sale of the said land to Home Trade Company. On this matter, I, the Complainant, on behalf of and through other members of our Society, presented our proposal to Mr. Ashleshbhai Shah, resulting in a meeting being arranged in late January at 301, Shitiratna Building, Panchvati, with Mr. Ketan Shah, Vice President (Western Zone) of Home Trade. The meeting was attended by us, the Complainant, Mr. Shashikantbhai, and Mr. Ashlesh Shah. During the meeting, Mr. Ketan Shah represented that Home Trade Ltd., a Mumbai-based company,

intended to purchase lands around Ahmedabad. This corroborated the information we had previously received. In the meeting, we, the Complainant, provided details to Mr. Ketan Shah about the extent and location of the Society's land. At that time, Mr. Ketan Shah also stated that if we provided photocopies of the land documents, he would send them to the Mumbai office, and once approval was received from the Mumbai office, a meeting would be held in Mumbai with the Chairman and others. He further stated that the deal would be finalized only from the Mumbai office.

As per Mr. Ketan Shah's instructions, I, the Complainant, provided photocopies of the revenue records, N.A. permission, and other documents related to all the land owned and possessed by the Society to Mr. Ketan Shah the day after the meeting, and thereafter, we arranged for an inspection of the site.

(4) Shortly thereafter, Mr. Ketan Shah informed us over the phone that approval had been received from the Mumbai office, and a meeting had been arranged in Mumbai with the company's management to finalize the terms and conditions. Accordingly, at the specified time and as per their instructions, Mr. Shashikantbhai and Mr. Ashleshbhai Shah reached the registered office of Home Trade Company in Mumbai. During the meeting, Home Trade Ltd.'s Chairman, Accused No. 1, Sanjay Agarwal, along with his staff and Mr. Ketan Shah, were present. In the meeting, the Chairman of Home Trade, Accused No. 1, and senior staff provided information about the company's projects and expansion plans. Thereafter, video cassettes about Home Trade's projects were shown to Mr. Shashikantbhai and Mr. Ashleshbhai Shah. When Mr. Shashikantbhai, representing the Complainant Society, asked what Home Trade intended to do with such large lands, Accused No. 1 stated that for the company's expansion project, Home Trade was to receive low-interest loans from foreign and Indian institutions/banks, which could not be secured solely with the company's shares as collateral. Therefore, immovable properties were also required as collateral

security. At that time, it was stated in the meeting that a loan of 40 million dollars was expected from UTI, Zurich, and correspondence with UTI, Zurich was also shown. In this meeting, Accused No. 1 and other Home Trade officers stated that the Society's original documents would be required for verification, scrutiny, title clearance, and valuation by the company, and thus, the Society would need to hand over the original documents to Home Trade Limited.

(5) Subsequently, in the second week of March, Mr. Ketan Shah arranged another meeting at Home Trade Ltd.'s Mumbai office and at the Parla International Hotel in Mumbai to finalize the land sale and terms with Home Trade Ltd.'s management. The meeting was attended by Mr. Shashikantbhai, Mr. Ashleshbhai Shah on behalf of Shaitrunjay Co-operative Housing Society Ltd., and Accused No. 1 and other officers on behalf of Home Trade Ltd. During this meeting, Accused No. 1 and other Home Trade officers stated that their company would purchase the Society's entire land in phases. They also represented that Home Trade was a reputed and large company, stating that the company was spending a significant amount on advertising, with well-known celebrities like Sachin Tendulkar, Hrithik Roshan, and Shah Rukh Khan endorsing their advertisements. Relying on the representations made by Accused No. 1 and his company, the Complainant Society decided to provide the original documents related to the ownership of the Society's land to Home Trade Ltd. At this time, Accused No. 2 and other Home Trade officers also stated that all work related to the documents would be handled by Home Trade through their legal advisors. Additionally, they stated that the company needed to secure financial facilities to pay the consideration for the Society's land, and to determine whether financial institutions would accept the Society's documents, Home Trade had selected the land in Block No. 231. They further stated that once the transaction for Block No. 231 was successfully completed, the purchase process for the remaining blocks would be finalized.

At that time, with the consent of both parties, the rate for the Society's entire land was fixed at Rs. 75.70 per square meter, and the total price for Block No. 231 was fixed at Rs. 21,60,000/- (Twenty-one lakh sixty thousand). In this meeting, the officers present on behalf of Home Trade and Accused No. 1 also stated that to pay the agreed sale price to Shaitrunjay Co-operative Housing Society Ltd., Home Trade would arrange funds, and as an interim arrangement, the Society's land in Block No. 231 would need to be mortgaged, and the original documents would need to be handed over. A Memorandum of Understanding (MOU) to this effect was executed between Home Trade Ltd., Mr. Ketan Shah, and the Complainant, a copy of which is attached herewith.

In this meeting, Accused No. 1 and other officers also stated that during the mortgage of Block No. 231, Home Trade would provide a post-dated cheque for the sale price of Block No. 231, and the amount would be paid once the funds were received. They further stated that Mr. Ketan Shah would inform us about when to meet again for the mortgage and which documents needed to be prepared. Discussions regarding the representations made and matters discussed in this meeting were also held with the Society's members.

Thereafter, Mr. Ketan Shah visited us, the Complainant, along with Mr. Ashlesh Shah and provided a proforma for the resolutions to be passed by the Society. He also informed us that the Secretary's identity card would need to be brought when executing the mortgage deed. Subsequently, on 20-03-2002, a resolution was passed regarding the Deed of Equitable Mortgage and guarantee for the land in Block No. 231.

(6) On 01-04-2002, we, the Complainant, the Society's Chairman, and Mr. Ashleshbhai Shah traveled to Mumbai by plane using tickets provided by Home Trade and reached the Parla International Hotel, where Home Trade Ltd.'s officers and Mr. Ketan Shah took us. Mr. Shashikantbhai, based in Mumbai, was

also summoned there. After some time, a person arrived at our room, introduced by Mr. Ketan Shah as Mr. Ketan Sheth, the authorized person of Home Trade, Accused No. 2. At that time, Mr. Ketan Sheth, Accused No. 2, stated that the documents for the mortgage of Block No. 231 of Shaitrunjay Co-operative Housing Society Ltd. were to be executed that day.

At that time, in the presence of the Society's Chairman, Mr. Shashikantbhai, Mr. Ashleshbhai Shah, and others, they provided a cheque no. 494236 for Rs. 21,60,000/- (Twenty-one lakh sixty thousand) in the name of Shaitrunjay Co-operative Housing Society Ltd., drawn on HDFC Ltd., Nariman Point, Mumbai, as per the previously agreed sale price for Block No. 231. At that time, Accused No. 2, Mr. Ketan Sheth, and other Home Trade officers stated that it would take time for the bank to release the funds, so as previously mentioned, the cheque was post-dated, and the payment would be made once the funds were received. They further stated that the sale document for Block No. 231 would be executed, and thereafter, the consideration for the remaining blocks would be paid, and the sale documents for the remaining blocks would be executed. At that time, Accused No. 2 demanded the original documents related to the ownership of the Society's entire land and photocopies of our identity documents, as per the earlier representations. Relying on the earlier representations of Accused No. 1, the representations of Accused No. 2, and the credibility established by Home Trade Company, we, the Complainant, handed over all original documents related to the ownership of Shaitrunjay Co-operative Housing Society's entire land, along with photocopies of our Income Tax Permanent Account Number card, in the presence of the Society's Chairman and Mr. Ashleshbhai Shah, to Accused No. 2 and other employees. Shortly thereafter, another person arrived, introduced by Accused No. 2 and Mr. Ketan Shah as Mr. Bapat, the Manager of Janata Sahakari Bank Ltd. At that time, Accused No. 2 provided us with documents titled "Deed of Guarantee" and "Memorandum of Agreement of Equitable Mortgage" with

adhesive stamps, stating that we needed to sign these documents and hand them over to the present Manager of Janata Sahakari Bank Ltd. to obtain the funds.

The "Deed of Guarantee" and "Memorandum of Agreement of Equitable Mortgage" provided by Accused No. 2, which bore adhesive stamps, did not have the date, month, or amount typed. However, blank spaces were left for these details. These documents pertained to old Survey No. 352/1, Block No. 231, Chekhala, Taluka-Sanand, and both documents had Block No. 231 typed. At that time, Accused No. 2 and the bank manager stated that the documents would be submitted to the bank, and the date would be filled in at that time, with the amount filled as per bank regulations. Relying on the statements of Accused No. 2 and the bank manager from a reputed company like Home Trade, we, the Complainant, in the presence of the Society's Chairman, Mr. Shashikantbhai, and Mr. Ashleshbhai Shah, signed the "Deed of Guarantee" and "Memorandum of Agreement of Equitable Mortgage" documents related to the land in Survey No. 352/1, Block No. 231, Chekhala, on each page and next to the blank spaces, trusting the representations of Accused No. 2 and the Manager of Janata Sahakari Bank Ltd., Pune.

(7) In the first week of May 2002, news about Home Trade Company's fraudulent activities was published in daily newspapers. Consequently, we, the Complainant, and the Society's members contacted Mr. Ketan Shah by phone and met him in person to demand the return of the Society's original documents. He stated that he would inquire in Mumbai and arrange for the return of our documents. We repeatedly contacted Mr. Ketan Shah to retrieve the documents, and he stated that the documents were in Home Trade's office, which was sealed. Nevertheless, he would try to retrieve whatever documents were possible and return them to us. In the second week of May 2002, Mr. Ketan Shah sent back the original documents for Block Nos. 231 and 234 of Shaitrunjay Co-operative Housing Society Ltd. and stated that the remaining documents would be returned once received from

Mumbai. He further stated that Home Trade Ltd. was currently facing difficulties, which were political in nature, but the issues would be resolved soon, and we should not worry about our original documents.

(8) On 14-06-2002, we, the Complainant, received two separate notices under Section 135(D) dated 14-06-2002 from the Talati-cum-Mantri, Chekhala, stating that encumbrances had been recorded on the land of Shaitrunjay Co-operative Housing Society Ltd. and that any objections should be submitted within the stipulated time. One notice was for recording an encumbrance in favor of Janata Sahakari Bank Ltd., Pune, and the other was for recording an encumbrance in favor of Surat Nagrik Sahakari Bank Ltd., Surat. Upon reviewing the details of the notices, one notice pertained to an encumbrance of Rs. 8 crore on Block No. 231 in favor of Janata Sahakari Bank, and the other notice pertained to an encumbrance of over Rs. 16 crore on Block Nos. 226, 227, and 229 in favor of Surat Nagrik Sahakari Bank Ltd. on the land of Shaitrunjay Co-operative Housing Society Ltd. We were shocked upon seeing these notices because:

Neither I, the Complainant on behalf of Shaitrunjay Co. O. Ha. Society Ltd, nor any members of the Society Ltd. had, under any circumstances, created an encumbrance of Rs. 8 crore on Block No. 231 or mortgaged Block No. 231 to Janata Sahakari Bank Ltd., Pune, for Rs. 8 crore.

We, or any office-bearers or members of the Society, had not mortgaged or placed any of the Society's land in any blocks as security to Surat Nagrik Sahakari Bank Ltd., Surat.

(9) Upon receiving the notices under Section 135(D) from the Talati-cum-Mantri, we, the Complainant, the Society's Chairman, and another member, Mr. BharatKumar Bagdiya, immediately visited the office of the Talati-cum-Mantri, Chekhala, on 14-06-2002. We informed the Talati-cum-Mantri that we objected

to these entries and the encumbrances being recorded and conducted an inspection of all documents related to the notices received. During the inspection, it was revealed that the following documents had been sent by Janata Sahakari Bank and Surat Nagrik Sahakari Bank Ltd. to record the encumbrances, and some of these documents were found to be forged and created with fake signatures. Therefore, we raised objections. The documents submitted to the Talati-cum-Mantri, Chekhala, for recording the encumbrances and their details are as follows:

- 9(1) Documents and details sent by Janata Sahakari Bank Ltd., Pune, to the Talati-cum-Mantri, Chekhala:
- (i) "Memorandum of Agreement of Equitable Mortgage" dated 02-04-2002 (the blank space for the date was filled with "April," and the blank space for the amount was filled with Rs. 8 crore later).
 - (ii) "Deed of Guarantee" dated 02-04-2002 (the blank space for the date was filled with "April," and the blank space for the amount was filled with Rs. 8 crore later).
 - (iii) Resolution of Shaitrunjay Co-operative Housing Society Ltd. dated 20-03-2002 (regarding the execution of the Deed of Guarantee and Equitable Mortgage Deed).
 - (iv) Resolution of Shaitrunjay Co-operative Housing Society Ltd. dated 20-03-2002 (regarding providing a guarantee).
 - (v) Title and Search Report for Survey No. 352/1, Sub-Plot No. 231, Village Chekhala, dated 15-02-2002.

- (vi) 7/12 extract and Village Form No. 6 (Right Record) for Sub-Plot No. 231.
 - (vii) Opinion of Mr. Sandeep V. Marme, Advocate, dated 26-03-2002.
 - (viii) Legal Opinion of Mr. Prful K. Pathak, Advocate, dated 02-04-2002.
 - (ix) Letter from Mr. Sandeep V. Marme, Advocate, dated 11-04-2002.
 - (x) Letter from Janata Sahakari Bank Ltd. to the Talati-cum-Mantri, Chekhala, dated 30-04-2002.
 - (xi) Valuation Report by Mr. N.P. Parmar dated 14-02-2002.
 - (xii) Photocopy of the Secretary's Income Tax card.
- 9(2) Documents sent by Surat Nagrik Sahakari Bank Ltd., Behind Geetanjali Cinema, Varachha Road, Surat, to the Talati-cum-Mantri, Chekhala:
- (i) Letter dated 14-05-2002 from Surat Nagrik Sahakari Bank Ltd., Surat, to the Talati-cum-Mantri regarding the recording of a mortgage on land bearing Survey Nos. 226, 227, and 229.
 - (ii) Document dated 08-05-2002 titled "Memorandum of Deposits of Equitable Mortgage as Memorandum of Deposit of Title Deeds" typed on seven stamp papers, with only the words "Memorandum of" typed and the Memorandum of Equitable Mortgage typed from page no. 8.

(10) Upon reviewing the documents mentioned in paragraph 9(1) sent by the Branch Manager of Janata Sahakari Bank Ltd., Pune, to the Talati-cum-Mantri, Chekhala, and studying them, we realized that:

(A) In the documents mentioned in paragraph 9(1), serial nos. (i) and (ii), which were signed by me, the Complainant, without the date and amount filled, a huge amount of Rs. 8 crore and the date were maliciously added later. As per the representations made by Accused Nos. 1 and 2 and Home Trade officers, the Complainant, Shaitrunjay Co-operative Housing Society Ltd., was to obtain a facility of only Rs. 21,60,000/-, the agreed total price for Block No. 231, from the bank. Relying on the statements of the accused, I signed the documents mentioned in serial nos. (i) and (ii) without the amount and date. Thus, the accused, taking me into confidence, obtained my signatures on these two documents and, with malicious intent, colluded with the bank manager to obtain a large amount of Rs. 8 crore from the bank by mortgaging the Complainant's land in Block No. 231, using a false valuation and inflated price. We believe that the bank officers, to show that the loans/cash credits previously given to Home Trade were fully secured, colluded with Accused Nos. 1, 2, and other responsible officers of Home Trade, and filled a false amount in the two documents signed by us, the Complainant, as per the accused's representations, and the accused prepared forged documents. The documents mentioned in paragraph 9(1), serial nos. (i) and (ii), and those indicated by C and D in this paragraph, sent by Janata Sahakari Bank to the Talati-cum-Mantri, were created by the accused, as evident from the following facts and circumstances.

The "Memorandum of Agreement of Equitable Mortgage" dated 02-04-2002 and the "Deed of Guarantee" dated 02-04-2002 were created by Accused Nos. 1, 2, the bank manager, and others by taking the Complainant Society into confidence, stating that only a facility of Rs. 21,60,000/-, the total price for Block No. 231, was to be obtained from the bank, and the date and amount would be filled when

the documents were submitted to the bank as per bank regulations. Despite the amount space being left blank in the documents for this reason, the accused, knowing that the market value/purchase price of the land was fixed at Rs. 21,60,000/- (Twenty-one lakh sixty thousand) and a post-dated cheque for that amount was given, maliciously showed a higher value for Block No. 231 in both documents by obtaining a false valuation through a colluding valuer. They filled a large amount of Rs. 8 crore in both documents and submitted these forged documents to the bank, which were sent to the Talati for recording the encumbrance. Thus, the accused submitted these two forged documents to the bank and presented them as genuine to the Talati through the bank.

The fact that the amount and date were filled later in both documents is also evident from the following circumstances:

- In both documents, the word "2nd April" is handwritten on page no. 1.
- In the "Memorandum of Agreement of Equitable Mortgage" document, on page no. 2, in the first line of the clause, Rs. 8,00,00,000/- is written in figures, but due to lack of space, the full amount in words is not written; instead, '8' is written in figures and 'Crores' in words.
- In the "Deed of Guarantee" document, on the second page, Rs. 8,00,00,000/- is written only in figures, not in words.
- The accused gave the Complainant a post-dated cheque for only Rs. 21,60,000/- (Twenty-one lakh sixty thousand) for the price of Block No. 231.

(B) The Title and Search Report dated 15-02-2002 for old Survey No. 352/1, Block No. 231, Village Chekhala, mentioned in paragraph 9(1)(v), was obtained by the accused without informing the Complainant Society.

(C) The letter dated 30-04-2002 from Janata Sahakari Bank, mentioned in paragraph 9(1)(x), to the Talati-cum-Mantri shows that the bank manager was

aware that when the Secretary of Shaitrunjay Co-operative Housing Society Ltd. signed the Mortgage Deed and Guarantee Deed, the amount was not filled in both documents, and the amount was filled later. No information was provided to the signatory (the Complainant) that an amount of Rs. 8 crore was to be filled in both documents during the signing at the meeting. Despite this, the forged documents were used to request the Talati-cum-Mantri to record the encumbrance.

(11) Upon examining the letter dated 14-05-2002 and the document dated 08-05-2002 titled "Memorandum of Deposits of Equitable Mortgage as Memorandum of Deposit of Title Deeds" sent by Surat Nagrik Sahakari Bank Ltd., Varachha Road, Surat, to the Talati-cum-Mantri, Chekhala, mentioned in paragraph 9(2), and conducting a thorough investigation, it is clear that both these documents were maliciously created by Accused No. 1, the Chairman of Home Trade Ltd., Accused No. 2, and other officers, after Home Trade's fraudulent activities were exposed and the company was deemed insolvent. In collusion with officers of Surat Nagrik Sahakari Bank Ltd., they created false and forged documents on 08-05-2002 to show that the bank's loan amount was secured by immovable property. The fact that both documents are false and forged is evident from the following circumstances:

- The document dated 08-05-2002 was executed on seven stamp papers, but no detailed text is typed on these stamp papers. Only the following words are typed: 'Memorandum of' on page no. 1, 'of Deposits' on page no. 2, 'of Equitable' on page no. 3, 'Mortgage as' on page no. 4, 'Memorandum of' on page no. 5, 'Deposit of' on page no. 6, and 'Title Deeds' on page no. 7. The full text is typed from page no. 8 onwards. Normally, no document is prepared in this manner.
- This indicates that stamp papers were merely attached to the text of a falsely created document. These stamp papers were neither purchased by us, the Complainant, nor in the name of the Society.

- The document dated 08-05-2002 does not bear the signature of us, the Secretary of Shaitrunjay Co-operative Housing Society Ltd. The signature was forged by the accused or their officers by copying our signature from other documents they had.
- The seal affixed on the back of the document dated 08-05-2002 is not the Society's seal. The accused created or had a forged seal made, which is different from the seal used on the Society's resolutions previously sent to the accused.
- Despite the document dated 08-05-2002 being executed at the bank's behest and having a column for the bank's signature, no bank officer's signature is present.
- The document dated 08-05-2002 has no witness signatures.
- There are no initial signatures where corrections are made in the document dated 08-05-2002.
- In column 12 on page no. 11, regarding property-related documents, the date of the Society's resolution meeting, 20-03-2002, is handwritten, which is false and forged. No such resolution regarding the land mentioned in this document is recorded in the Society's books. It appears that this resolution was also falsely created by the accused, providing sufficient reason to believe so.
- We, the Secretary of the Society, have never appeared before a notary with the seal affixed on the document to date.
- The Complainant has never mortgaged the land in Block Nos. 226, 227, and 229 to Surat Nagrik Sahakari Bank Ltd., Surat, as security for Rs. 16,84,40,658.33.
- No consideration has been received for the land in Block Nos. 226, 227, and 229 by Shaitrunjay Co-operative Housing Society Ltd.

From the above circumstances, it is clear that the accused conspired together to deceive the Complainant, Shaitrunjay Co-operative Housing Society Ltd. As part of this conspiracy, they did not return the Society's documents, which were obtained through false representations and were supposed to be returned. They misused these documents to create false and forged documents with the intent to extinguish the rights of the Complainant over the owned land and sent these false

and forged documents, claiming the land was mortgaged, to the Talati-cum-Mantri, Chekhala, for recording the encumbrance.

We, the Complainant, have also learned that Accused No. 1, as the Chairman of Home Trade, has committed fraud worth crores of rupees with other individuals/financial institutions, and such news has been published in dailies and media.

(12) Thus, Accused Nos. 1 and 2, along with Home Trade's directors and other accused, conspired together and, after obtaining photocopies of the documents related to the land of Shaitrunjay Co-operative Housing Society Ltd., hatched a conspiracy to deceive the Society, extinguish its rights over the large area of land, and use the land to secure their company's debts through false documents. To execute this conspiracy, Accused Nos. 1 and 2, along with other Home Trade officers, made false representations in the presence of the Society's office-bearers and representatives, inducing the Complainant to hand over the original documents of Block No. 231 and other blocks. They created trust that Home Trade would first purchase Block No. 231 for Rs. 21,60,000/- and the remaining land in due course. By making false representations to obtain financial facilities from the bank to pay the agreed price of Rs. 21,60,000/- for Block No. 231 by mortgaging the land, Accused Nos. 1 and 2 and other responsible Home Trade officers, as part of the conspiracy, colluded with the Manager of Janata Sahakari Bank, Accused No. 4, and made false representations to obtain our signatures as the Secretary of Shaitrunjay Co-operative Housing Society Ltd. on the Mortgage and Guarantee Deeds without date and amount, stating that only a facility of Rs. 21,60,000/-, the agreed total price for Block No. 231, was to be obtained from Janata Sahakari Bank. Thereafter, Accused Nos. 1, 2, and Home Trade's responsible officers, in collusion with the Manager of Janata Sahakari Bank, Accused No. 4, filled a huge amount of Rs. 8 crore and the date in the "Memorandum of Agreement of Equitable Mortgage" and "Deed of Guarantee"

documents without the Complainant's consent or knowledge. Along with these documents in favor of Janata Sahakari Bank, they obtained a false and inflated valuation of the land in Block No. 231 through a colluding valuer, submitted the false valuation report and forged documents to Janata Sahakari Bank, and the Manager of Janata Sahakari Bank, Accused No. 4, sent these false and forged documents to the Talati, Chekhala, to record an encumbrance of Rs. 8 crore on the Complainant's land in Block No. 231, causing a false preliminary encumbrance to be recorded, attempting to extinguish the rights of Shaitrunjay Co-operative Housing Society Ltd. through false, forged, and fraudulent documents presented as genuine. Accused Nos. 1, 2, and Home Trade officers, in collusion with the Manager of Janata Sahakari Bank, Accused No. 4, sent false and forged documents to record the encumbrance on Block No. 231 to show that Home Trade's debt was secured against immovable property, executing the conspiracy. Furthermore, Accused Nos. 1, 2, and Home Trade's responsible officers, using the documents obtained from the Complainant, Shaitrunjay Co-operative Housing Society Ltd., through false representations, maliciously created a document dated 08-05-2002 claiming that the Complainant, as the Secretary of the Society, provided a Memorandum of Deposit of Title Deeds for Rs. 16,84,40,658.33 to Surat Nagrik Sahakari Bank Ltd., Varachha Road, Surat. They affixed a false and forged seal in the Society's name, forged our signature, and created a valuable security document with the assistance of the bank officers, Accused No. 5, to show that large fraudulent loans obtained earlier were secured. Knowing that this false and forged document was not executed by the Complainant, i.e., the Secretary of Shaitrunjay Co-operative Housing Society Ltd., the Manager or other employees of Surat Nagrik Sahakari Bank, Accused No. 5, recorded it in the bank's records and sent it to the Talati-cum-Mantri, Chekhala, as genuine to record the encumbrance on Block Nos. 226, 227, and 229, executing the conspiracy to extinguish the rights of the Complainant, Shaitrunjay Co-operative Housing Society Ltd., and committing fraud with our Society. Thus, all the accused have committed offenses under Sections 420, 465,

467, 468, 471, 120-B, alternatively 114 of the Indian Penal Code, and we humbly request that a case be initiated against the accused.

Our witnesses are as follows, and additional witnesses and evidence will be presented during the investigation:

- (1) I, the Complainant, myself.
- (2) Mr. Ashleshbhai Shah.
- (3) Mr. Ketan Shah.
- (4) Mr. Siddharthbhai Bagdiya, Chairman of Shaitrunjay Co-operative Housing Society Ltd.
- (5) Mr. Shashikantbhai Bagdiya.
- (6) Other members of Shaitrunjay Co-operative Housing Society Ltd.
- (7) Talati-cum-Mantri, Village Chekhala, Taluka-Sanand.

Date: /08/2002

Sanand.

Complainant

28/08/2008
Wednesday

To,
The Mamlatdar,
Sanand.

Subject: Regarding ordering the Talati to obtain copies of 7, 12 extracts and 8-A extracts of the land of Survey No. 226, 227, 229, 231 located in Chekhala village.

With respect, I, N. D. Zhala, Police Sub-Inspector, Udhna Police Station, Surat city, submits a request report that,

Udhna Police Station, Crime Register No. 64/2002, Indian Penal Code Sections 406, 409, 420, 421, 422, 34, and Umra Police Station, Crime Register No. 274/2002, in connection with which, Messrs. Hometrade and their directors have committed fraud of Rs. 8,59,65,655 from Nagrik Sahakari Bank located in Umra and Rs. 3,19,96,075/- from Udhna Citizen Bank located in Udhna, and have purchased land of Survey No. 226, 227, 229, 231 in the limits of Chekhala village. And have formed Shetrunjay Co-operative Housing Society. In connection with the aforementioned crime, we need to obtain necessary copies of 7 and 12 and 8-A extracts of the aforementioned survey numbers, and upon contacting Chekhala Talatishri, they state that this record has been sent to the Collector's office for computerization. Therefore, to obtain the necessary copies of the aforementioned survey numbers, an order is requested to go to the Collector's office and obtain them from Talatishri Chekhala and provide them to us.

Signature/- Illegible
Police Sub-Inspector, Udhna
Surat City

Outward No. 2010/2002

Police Inspector

Udhna Police Station

Date: 07/09/2002

To,
The Manager,
HDFC Bank,
Parle Point,
Athwa Lines, Surat City.

Subject: To provide information regarding Udhna Police Station
Crime Register No. 64/02 under IPC Section 406, etc.

I, Police Inspector, Udhna Police Station, Surat City, states the following
in connection with the above subject:

The Udhna Citizen Bank, Udhna, Surat, sent a cheque no. 648900, account
no. 0670053203029, amounting to Rs. 3, 19, 96,075/- in the name of Home Trade
Limited to your bank on 05/03/2002. Kindly provide the following information
by return post:

- (1). Where did the amount of Rs. 3, 19, 96,075/- go after being credited?
- (2). After the aforementioned amount was received at your branch, to which
bank and location was it transferred?
- (3). It has been learned that the amount was transferred to the HDFC Bank
branch located at Nariman Point, Mumbai.
- (4). Who withdrew this amount from your Mumbai HDFC Bank branch, or
how was this amount utilized?

Page 391 of 540

You are requested to provide the statement of such financial transactions and your bank's transaction details within 2 days without fail.

Sd/- Illegible

Police Inspector

Udhna Police Station

Surat City

THE MONEY HAS BEEN TRANSFERRED TO MUMBAI HOME TRADE A/C OF HDFC BANK, WORLI, SANDOT HOUSE, (Unreadable 3-4 words), FROM MUMBAI.

Sd/- Illegible

BIKARANTA G. SAMANTA B/52

To,
The Police Inspector,
Udhna Police Station,
Surat City.

Subject: Investigation in Maharashtra regarding Udhna Police Station
Crime Register No. 64/02 under IPC Sections 406, 420, etc.

Reference: Your letter no. 2364/02 dated 23/10/02

I, V.I. Patel, Police Sub-Inspector, Udhna Police Station, Surat City,
submits the following request report:

As per your order, I took the accused Ketan Kantilal Sheth, residing at Lalit Kutir, Gulmohar Cross Road, Mumbai No. 49, and conducted an investigation in Mumbai and Pune. The details of the investigation are as follows:

- (1) The investigation of cases filed against the accused Ketan Kantilal Sheth, main accused Sanjay Agarwal, and others in Maharashtra regarding Home Trade is being conducted by Police Inspector Shri Deshpande of the Maharashtra State CID Branch, Fort, Mumbai. They have seized all documents related to the accused and Home Trade and sealed the Home Trade company. The investigation details and evidence are with Deshpande Sahib. However, as he was in Gujarat for investigation, he could not be met, and thus, the information could not be obtained. A report was submitted on 24/10/02.
- (2) Home Trade Company has an account with HDFC Bank, Fort, Mumbai. The cheque of Rs. 3 crore from Udhna Citizen Bank was deposited in this bank. Upon requesting details from the bank, they informed that all details would be sent to Udhna Police Station within four to five days. A report was submitted to HDFC Bank on 24/10/02.

- (3) Home Trade Company has an account with Federal Bank, Fort, Mumbai. A report requesting details, including the bank statement, was submitted to Federal Bank, and they provided a detailed report with the statement, which is attached.
- (4) Home Trade Company also has an account (No. OD CC 5017) with Janata Sahakari Bank, Fort, Mumbai. A report requesting a copy of the statement and other details was submitted to the bank, and they provided a detailed report with the information.
- (5) As the State CID is investigating Home Trade's crimes, a report was submitted to obtain information regarding other accused, namely (1) Sanjay Agarwal, (2) Subodh Bhandari, (3) Mrs. Kanan Mevavala, (4) Neeraj Surti, (5) Nand Kishor Trivedi, etc., when they are located. Report dated 26/10/2002.
- (6) Home Trade Company is registered at the Sub-Registrar's office in Pune. A report was submitted to investigate who the members of this company are, and they informed that the details would be sent to Udhna Police Station within four to five days. Report dated 25/10/02.
- (7) A copy of the documents for the car (Fiat Uno) of accused Ketan Kantilal Sheth, registration no. MH 01 7718, was obtained. The car is in the possession of Maharashtra State CID.
- (8) The passport of accused Ketan Sheth, No. A 5934325, was seized by the CBI for investigation on 25/05/2002. A copy of it was obtained.
- (9) Accused Ketan Sheth owns a flat at Lalit Kutir No. 193, Gulmohar Cross Road No. 9, Andheri West, Mumbai No. 49. A copy of the agreement for this flat was obtained and is attached.
- (10) The office of accused Ketan Sheth's company, Giltedge Management Services Ltd., is located at No. 103, Liberty Apartment, Mumbai. The documents of this company were taken by Asian Paints Company under an order of the Mumbai High Court. A copy of these documents was obtained.

- (11) Upon investigating accused Shashank Rande, residing at 3/1 Radha Kishan Niwas, Ground Floor, Dagadi Wadi, A.B. Kale Road, Dadar West, Mumbai 28, he was found present. He is bedridden, with both kidneys non-functional, requiring frequent dialysis. A copy of the certificate from S.L. Hospital, Mumbai, where he is being treated, was obtained. He stated that he was shown as an Additional Director by accused Sanjay Agarwal.
- (12) Upon investigating accused Salil Dinakaray Gandhi, residing at 2/13 Kon Koin Chambers, Tardev, Mumbai, he was not found.
- (13) A search was conducted at the residence of accused Ketan Kantilal Sheth at Flat No. 193, Lalit Kutir, Andheri Road, and his office at Liberty Apartment No. 103, Vile Parle. No incriminating documents were found, as the Maharashtra State CID had already conducted a search. Seizure panchnamas for both locations were prepared.
- (14) Accused (1) Miyuki Sizuki, (2) Alan James Macmillan, (3) Russell H. Locken Roger, and (4) Dhananjay Agarwal are abroad and hold citizenship there.
- (15) Transactions (deals) conducted by Ketan Kantilal Sheth's companies—Giltedge Management Services, Giltedge Investment Banking Services Ltd., and Ketan Sheth & Company Ltd.—with Udhna Citizen Bank Ltd. were seized, and copies of the related documents were obtained.
- (16) Home Trade Company's office, located at Tower No. 3, Fifth Floor, Vasai, Mumbai, was legally sealed by the Nagpur CID Crime Branch on 27/09/2002. A statement was taken from the security watchman, Shri Raviraj Dashrath Pallai, residing at Kurla Navapada, Kamani 4/325, Bridge Gopal Floor, Mumbai.
- (17) Statement taken from accused Shashank Gopalbhai Rande, residing at 3/1 Radha Krishna Niwas, Ground Floor, Daganwadi, A.L. Kale Road, Dadar, Mumbai.

- (18) Upon investigating accused Nand Kishor, he was not found. A statement was taken from his father, Shankarlal Vardi Shankar Trivedi, residing at 3/A Pushpam Apartment No. 6, Khandubhai Desai Road.
- (19) Upon investigating accused Salil Dinakaray Gandhi, he was not found. A statement was taken from his father, Dinakarlal Motilal Gandhi, residing at 2/13 Gold Koin Building, Dadar, Mumbai.
- (20) Regarding the Home Trade Company office in Vasai, Mumbai, sealed by the State CID, a statement was taken from the security personnel, Raviraj Dashrath Pallai.
- (21) A newspaper cutting from The Times of India regarding Sanjay Agarwal.
- (22) Seizure panchnama of Ketan Sheth's residence and the panchnama of his Giltedge Company office.

The documents related to the investigation mentioned above are submitted herewith for your information.

Date: 27/08/2002

(V.I. Patel)
Police Sub-Inspector
Udhna Police Station
Surat City

Dispatch Number 3647/2006

Shri S. C. Gandhi,
Third Additional Civil Judge and
Judicial Magistrate First Class, Surat
Date: 14/09/2006

To,
The Superintendent,
District Jail,
Surat.

Subject: Regarding the production of the accused Ketan Kantilal Sheth of Udhna Police Station, Crime Register No. 64/02 before this court.

Reference: This court's letter No. 3121/06 dated 27/07/06

Sir,

With Jai Bharat, it is to be informed that, in this court, the accused Ketan Kantilal Sheth of Udhna Police Station, Criminal Register No. 64/02 (Criminal Case No. 151/03), his further production was to be made in the court of Honorable Chief Judicial Magistrate as per the referenced letter sent by this court to you, but due to administrative reasons, the production of the said accused Ketan Kantilal Sheth cannot be made before the Honorable Chief Judicial Magistrate, Surat, at the present stage. The accused Ketan Kantilal Sheth, in connection with Udhna Police Station, Criminal Register No. 64/02 (Criminal Case No. 151/03), for which a hearing was scheduled on 07/09/06, but they did not keep the accused present on that day. Therefore, it is necessary to make arrangements to keep him present before this court for the next hearing on 21/09/2006, and as per the above-

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referenced letter, the production of the accused Sanjay Hariram Agrawal of Udhna Police Station, Criminal Register No. 64/02 (Criminal Case No. 255/04) should be presented before the Honorable Chief Judicial Magistrate, Surat, as previously stated, and necessary arrangements should be made.

Sd/- Illegible

(S. C. Gandhi) 14/9

Third Additional Civil Judge and
Judicial Magistrate First Class, Surat.

Dispatch Number 3422/2006

Shri S.C. Gandhi
Third Additional Civil Judge and
Judicial Magistrate First Class, Surat
Date: 29/08/2006

To,
The Superintendent,
District Jail,
Surat

Subject: Production of accused Ketan Kantilal Seth of Udhna Police Station, Crime Register No. 64/02 before this court.

Reference: Letter No. 3121/06 dated 25/07/06 of this court.

Sir,

With Jai Bharat, it is to inform you that a letter was sent to you by this court for the production of accused Ketan Kantilal Seth of Udhna Police Station, Crime Register No. 64/02 (Criminal Case No. 151/03) before the court of the Hon'ble Chief Judicial Magistrate. However, due to administrative reasons, the production of the said accused Ketan Kantilal Seth before the Chief Judicial Magistrate, Surat, is not possible at this stage. Therefore, for the case of Udhna Police Station, Crime Register No. 64/02 (Criminal Case No. 151/03), the hearing of which was scheduled on 10/08/06 but could not take place due to the accused not being present in court owing to the devastating flood situation, it is necessary to make arrangements to produce the accused Ketan Kantilal Seth before this court on the next hearing date, 07/09/06.

Further, as per the aforementioned reference letter, make necessary arrangements to produce accused Sanjay Hariram Agrawal of Udhna Police Station, Crime Register No. 64/02 (Criminal Case No. 255/04) before the Hon'ble Chief Judicial Magistrate, Surat, as previously instructed.

Sd/- Illegible

(S.C. Gandhi)

Third Additional Civil Judge and
Judicial Magistrate First Class, Surat.

Sd/- Illegible

ASI 1184

Udhana PS

Dispatch Number 3305/2006

Shri S.C. Gandhi
Third Additional Civil Judge and
Judicial Magistrate First Class, Surat
Date: 17/08/2006

To,
The Superintendent,
District Jail,
Surat.

Subject: Production of accused Ketan Kantilal Seth of Udhna Police Station, Crime Register No. 64/02 before this court

Reference: Letter No. 3121/06 dated 25/07/06 of this court

Sir,

With Jai Bharat, it is to inform you that a letter was sent to you by this court for the production of accused Ketan Kantilal Seth of Udhna Police Station, Crime Register No. 64/02 (Criminal Case No. 151/03) before the court of the Hon'ble Chief Judicial Magistrate. However, due to administrative reasons, the production of the said accused Ketan Kantilal Seth before the Chief Judicial Magistrate, Surat, is not possible at this stage. Therefore, for the case of Udhna Police Station, Crime Register No. 64/02 (Criminal Case No. 151/03), the hearing of which was scheduled on 10/08/06 but could not take place due to the accused not being present in court owing to the devastating flood situation, it is necessary to make

arrangements to produce the accused Ketan Kantilal Seth before this court on the next hearing date, 24/08/06.

Further, as per the aforementioned reference letter, make necessary arrangements to produce accused Sanjay Hariram Agrawal of Udhna Police Station, Crime Register No. 64/02 (Criminal Case No. 255/04) before the Hon'ble Chief Judicial Magistrate, Surat, as previously stated.

Sd/- Illegible (17/08/06)

(S.B. Gandhi)

Third Additional Civil Judge and
Judicial Magistrate First Class, Surat

Dispatch Number 3119/06

Shri S.C. Gandhi
Third Additional Civil Judge and
Judicial Magistrate First Class, Surat
Date: 25/07/06

To,
The Hon'ble Chief Judicial Magistrate,
Chief Judicial Court, Surat.

Subject: Transfer of cases of Udhna Police Station, Crime Register No. 64/02 as per the order dated 21/12/02 of the Hon'ble District and Sessions Judge.

Sir,

With respect it is to inform you that in this court, a chargesheet has been filed by Udhna Police Station against accused Ketan Kantilal Seth under Crime Register No. 64/02 for offenses under IPC Sections 406, 409, 420, 421, 422, and 34. The amount involved in the misappropriation is Rs. 3,19,96,075/-. This case is pending in this court under Criminal Case No. 151/03.

Additionally, a supplementary chargesheet has been filed in this court under Udhna Police Station Crime Register No. 14/02 against accused Sanjay Hariram Agrawal for offenses under IPC Sections 406, 409, 420, 421, 422, and 37. The amount involved in the misappropriation is Rs. 3,19,96,075/-. This case is pending in this court under Criminal Case No. 255/04.

As per the order dated 21/12/02 of the Hon'ble District and Sessions Judge, Surat, pending criminal cases under IPC Section 420 involving misappropriation amounts exceeding Rs. 20,000/- are to be transferred to the court of the Hon'ble Chief Judicial Magistrate. Accordingly, both the aforementioned criminal cases, bearing numbers 151/03 and 255/04, have been forwarded to your court. You are requested to take charge of these cases. Further, it is requested to send a receipt acknowledging the receipt of these cases and their records to this court.

Yours faithfully,

Sd/- Illegible

(S.C. Gandhi)

Third Additional Civil Judge and
Judicial Magistrate First Class, Surat

Enclosures:

- (1) Original record of Udhna Police Station Crime Register No. 64/02
(Criminal Case No. 151/03)
- (2) Original record of Udhna Police Station Crime Register No. 64/02
(Criminal Case No. 255/04)

Dispatch Number: /2006

Shri S.C. Gandhi

Third Additional Civil Judge and
Judicial Magistrate First Class, Surat

Date: 25/07/2006

To,
The Superintendent,
District Jail,
Surat.

Subject: Production of accused Ketan Kantilal Seth and Sanjay Hariram Agrawal of Udhna Police Station, Crime Register No. 64/02 before the court of the Hon'ble Chief Judicial Magistrate.

Sir,

With Jai Bharat, it is to inform you that the cases of accused Ketan Kantilal Seth of Udhna Police Station, Crime Register No. 64/02 (Criminal Case No. 151/03) and accused Sanjay Hariram Agrawal of Udhna Police Station, Crime Register No. 64/02 (Criminal Case No. 255/04), who are currently in judicial custody, have been ordered to be transferred from this court to the court of the Hon'ble Chief Judicial Magistrate, Surat. Accordingly, the said accused are to be produced before the Hon'ble Chief Judicial Magistrate, Surat, for hearings commencing from 08/08/06.

Sd/- Illegible

(S.C.B. Gandhi)

Third Additional Civil Judge and

Page 405 of 540

Judicial Magistrate First Class, Surat

Copy with compliments to:

(1) Advocate Shri D.C. Zaveri

Surat District Bar Association, Surat

जा.क. 13417 / 2017
वरिष्ठ पुलिस निरीक्षक
कार्यालय, जुहू पुलिस थाना, मुम्बई
दिनांक : 15/12/2017

प्रति,

मा. ए. जे. जमानती वॉरंट/बिगर जमानती वॉरंट/नोटिस जारी
16th डिस्ट्रिक्ट कोर्ट, मुंबई जज डॉ. सुरत, गुजरात

विषय : सम्मन/जमानती वॉरंट/बिगर जमानती वॉरंट/नोटिस तामिल अहवाल
संदर्भ : अदालत केस क्रमांक Case No. CC 101878/2003
O.S. 406/409/420/438 IPC



महोदय,

उपरोक्त विषय व संदर्भ के अनुसार जुहू पुलिस थाना द्वारा पुलिस कर्मी
सम्बो/पोह/पोना/पोशि/सां.वि. अहवाल सादर करते हैं की, उपरोक्त संदर्भिय मुनाह
के फरयादी/पंच/ गवाहदार/जमानतदार/अपराधी नामक

केतन कांतीराव शाह
जानि 143 कृति कुहरि, मुम्बई रोड, मुम्बई, विन्डोवार्ड (वेस्ट) मुम्बई

इनपर मा. अदालतने सम्मन/जमानती वॉरंट/बिगर जमानती वॉरंट/नोटिस जारी किया है
और वह तामिल करणे के लिये जुहू पुलिस थानेको प्राप्त हुआ है।

उपरोक्त संदर्भाय सम्मन/जमानती वॉरंट/बिगर जमानती वॉरंट/नोटिस तामिल करणे के
लिये उपरोक्त दर्शाये फरयादी/पंच/ गवाहदार/जमानतदार/अपराधी इनके दर्शाये पतेपर जानेपर

वहाँ
का क्रेडिट बैंक या उदाहरित खेलायरी के खेलेहरी श्री गुलाजी
का मोबाईल नं. 9821628104 प्राप्त करके संपर्क किया तो
जानकारी प्राप्त हुई की करीब 6 महिने पहले खेलेहरी ने
केतन शाह का क्रेडिट बैंक क्रिया या धोर बंद आपुरान में
ने सतोष खेलायरी को खरीदा है। केतन शाह जब कदा
हते हैं उदने कारेमें श्री गुलाजी को कोई जानकारी
नी है।

उक्त अनती दर्शाये पते पर न मिलने के कारण
उन्हें सम्मन की तामिल की गयी है।

तामिल हुआ/ तामिल नहीं हुआ उपरोक्त संदर्भाकित सम्मन/जमानती वॉरंट/बिगर
जमानती वॉरंट/नोटिस अहवाल के साथ में जोडकर सादर किया जा रहा है।

उपरोक्त अहवाल जानकारी और अगली कार्यवाही के लिये सविनय सादर है।



आपका विश्वासू

[Signature]
वरिष्ठ पुलिस निरीक्षक,
जुहू पुलिस थाना, मुम्बई।



Handwritten notes in the right margin: '193 - m', '22-12-17', '284/17', and a circled signature '147'.



Case No.: CC 101878/2003

Fixed On : 22-12-2017

(See section 476)

FORM NO.1

(See section 61)

SUMMONS TO AN ACCUSED PERSON

To,

The Police Inspector,

JDHANA POLICE POLICE STATION, SURAT

FIR No.-1 - 64 / 2002

KETAN KANTILAL SHAH

193, LALITKUTIR GULMAHOR, CROSS ROAD, JUHU, WEST MUMBAI

WHEREAS your attendance is necessary to answer to a charge of **INDIAN PENAL CODE**

406, 409, 420, 421, 434

, you are hereby required to appear in person

(or by pleader, as the case may be) before the **A.J.Makwana**

of

16th ADDL. SR. CIVIL JUDGE & A.C.J.M. COURT on 22-12-2017

Herein fail not.

Dated, this 25-11-2017

Superintendent / Assistant

Address : ROOM NO. -1018. New Court Building . SURAT



HC/PSI/API/PI	HC/PSI
1) Enquiry & take necessary action	
2) Give written reply to the complainant	
3) Feasible method	
4) Necessary action and report	
12/12/12	Sr. Inspector of Police, Julia Police Station, Mumbai

J-281 / 24/04/17



Case No.: CC 101878/2003

149



Fixed On : 22-12-2017

(See section 476)
FORM NO.1
(See section 61)

SUMMONS TO AN ACCUSED PERSON

To,
The Police Inspector, *Cross Road Zuhu (W)*
UDHANA POLICE POLICE STATION, SURAT
FIR No.-1 - 64 / 2002

KETAN KANTILAL SHAH
193, LALITKUTIR GULMAHOR, CROSS ROAD, JUHU, WEST MUMABAI

WHEREAS your attendance is necessary to answer to a charge of **INDIAN PENAL CODE**
#06,409,420,421,434 , you are hereby required to appear in person

(or by pleader, as the case may be) before the **A.J.Makwana** of

16th ADDL. SR. CIVIL JUDGE & A.C.J.M. COURT on 22-12-2017 Herein fail not.

Dated, this 25-11-2017

Address : **ROOM NO. -1018,** **New Court Building**, **SURAT**
Superintendent / Assistant



HC/PSI/API/PI	
1) Enquire & take necessary action	
2) Give written reply to the complainant	
3) For Information	
4) Necessary action and report	
12/12/17	Sd. Inspector of Police, John Police Station, Mumbai

Exh-3

Outward No. 1175/2022

Chief Judicial Magistrate Court,

Surat.

Date: 04/10/2022

To,
18th Addl. Senior Civil Judge and ACJM,
7th Addl. Senior Civil Judge and ACJM,
6th Addl. Senior Civil Judge and ACJM,
19th Addl. Senior Civil Judge and ACJM,
Civil Court,
Surat.

Subject: Regarding the order of Hon'ble Supreme Court of India
TRANSFER PETITION (CRIMINAL) Nos. 833-348/2021
dated 09/09/2022.

Reference: D. No. 19293/2021/SCE-XVIA, dated 26/09/2022 of Hon'ble
Supreme Court of India, New Delhi.

Sir,

With regard to the above mentioned subject, this is to inform that as per the order of Hon'ble Supreme Court of India – TRANSFER PETITION (CRIMINAL) No. 833-348/2021 dated 09/09/2022, further process related to the Criminal case of your court be completed and send a report in this regard to this Court.

Sd/- Illegible

Chief Judicial Magistrate,

Chief Court, Surat.

Enclosed:

- (1) Original Writ: in the Court of 18th Addl. Senior Civil Judge and ACJM.
(REF: CRIMINAL CASE NO. 101878/2003 ARISING OUT OF FIR NO. CR NO. I-64/2002 dated 30-07-2002 registered at police station Udhana, Surat, Gujarat,
- (2) Zerox copy of the writ in the Court of 7th Addl. Senior Civil Judge and ACJM.: REF: CRIMINAL CASE NO. 9166/2002 ARISING OUT OF FIR NO. I-CR NO. 274/2002 DATED 02/07/2002 REGISTERED AT POLICE STATION UMRA, SURAT, GUJARAT,
- (3) Zerox copy of the Writ in the court of 7th Addl. Senior Civil Judge and ACJM (REF: CRIMINAL CASE NO. 174/2002 ARISING OUT OF FIR NO. CR NO. I-226/2002, DATED 30.08.2002 REGISTERED AT POLICE STATION RANDER, SURAT, GUJARAT.
- (4) ORIGINAL WRIT – IN THE COURT OF 9TH ADDL. SENIOR CIVIL JUDGE AND ACJM (ref. CRIMINAL CASE NO. 100521/2003 ARISING OUT OF FIR NO. 274/2002 DATED 06/08/2002 REGISTERED AT POLICE STATION VARACHHA, SURAT, GUJARAT.

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

Delivery Mode: Speed Post /
Most Urgent

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)

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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.
29/2002, DATED 13.06.2002 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)

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

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

(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)

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

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

(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)

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

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

(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)

12 THE COURT OF CHIEF JUDICIAL
MAGISTRATE,
AMRAVATI, MAHARASHTRA

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

(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)

13 THE COURT OF CHIEF JUDICIAL
MAGISTRATE,
PIMPRI, PUNE

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

(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
PIMPIRI, PUNE, MAHARASHTRA)

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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
THE STATE OF GUJARAT & ORS

VERSUS

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

... Respondent(s)

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

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

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

Ketan Kantilal Seth

.....Petitioner

VERSUS

064292

State of Gujarat & Ors.

..... Respondent(s)

With I.A. No. 134476 of 2021

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

ORDER

24/8/2021
Supreme Court of India

1. 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. 1-226/2002, 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;

- 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

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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. 2987/2002 dated 22.08.2002 registered at Police Station Jagatdal, 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;

- 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 adverting 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

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 as 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 one

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.

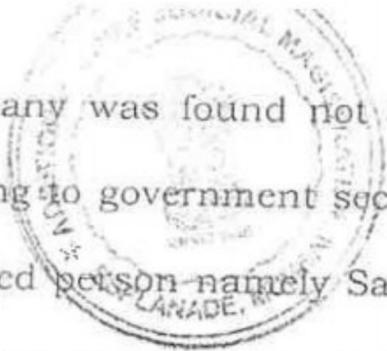
7. Per contra, the learned counsel for respondent has opposed the transfer petitions primarily on the ground that the transfer petitions have been filed belatedly. It has been contended that, High Court of Bombay vide order dated 24.06.2021 passed in Criminal Application No. 628/2014, directed the concerned 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

 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. Furthermore, 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

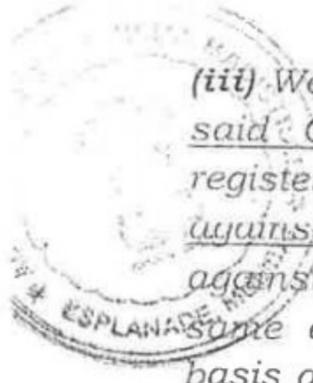
yet majority of the trials are pending at the initial stage. It wouldn't be out of place to mention that primary reason for such delay is the multiplicity of proceedings alongwith practical difficulties for the Trial Court to secure the presence of witnesses as well as accused for concluding the trial.

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:



" We direct that the trial in said C.C. No. 101/2002 (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....."



(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;

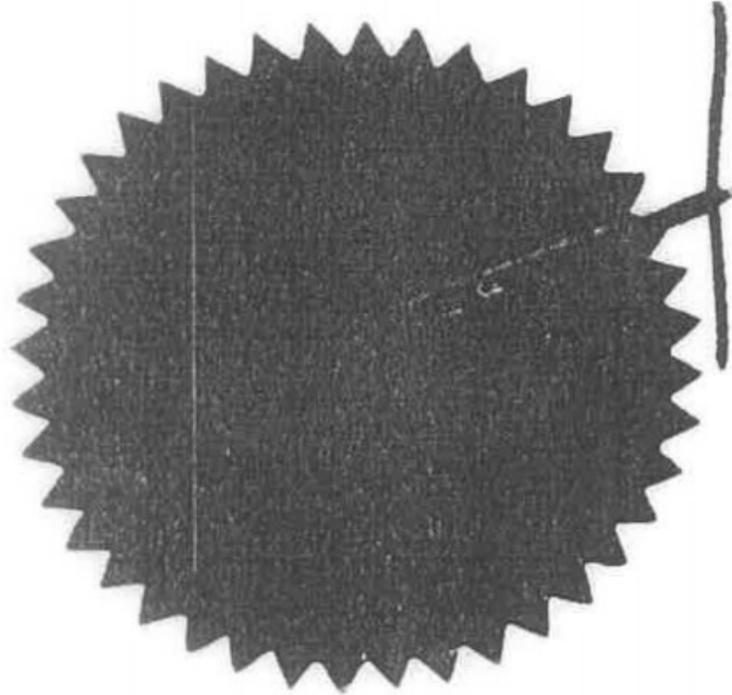
- c) it is further directed that the transferor courts shall immediately transmit the record of concerned cases to the Principal Judge, Bombay City Civil and Sessions Court, Fort, Mumbai - 400032, which should reach on or before 31.10.2022;
- d) all the accused in the concerned cases shall appear before 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

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

sdi-
.....J.
(J.K. MAHESHWARI)

New Delhi;
September 9, 2022.



6

To,
The Hon'ble Third Joint Civil Judge (Junior Division)
and Judicial Magistrate First Class,
Surat City

With Jai Bharat, this is a request report from the Police Inspector, Udhna Police Station, Surat City, stating that:

The accused, Ketan Kantilal Seth, aged 40 years, residing at 193 Lalit Kutir, Gulmohar Cross Road No. 9, J.V.P.D. Scheme, Andheri West, Mumbai 49, in connection with Udhna Police Station Crime Register No. 64/2002 under IPC Sections 406, 420, 409, 421, 422, and 34, was arrested on 21/10/02 at 22:30 hrs. He has been sent to your court's custody within the stipulated time for further proceedings. You are requested to take his custody.

Date: 22/10/02

Sd/- Illegible
Police Inspector
Udhna Police Station
Surat City

The accused and the warrant received.

Sd/- Illegible

Head Constable 1961 22/10/02

Remand explained to me.

Sd/- Illegible

To,
The Hon'ble Third Joint Civil Judge (Junior Division),
and Judicial Magistrate First Class,
Surat City.

Subject: Request for 14 days police custody remand of the accused

With Jai Bharat, the Police Inspector, Udhna Police Station, Surat City,
submits the following in connection with the above subject:

The accused, Ketan Kantilal Seth, aged 40 years, residing at 193 Lalit Kutir, Gulmohar Cross Road No. 9, J.V.P.D. Scheme, Andheri West, Mumbai 49, involved in Udhna Police Station Crime Register No. 64/02 under IPC Sections 406, 420, 409, 421, 422, and 34, was taken into custody from the Hon'ble Chief Judicial Magistrate, Surat, based on a transfer warrant. The accused was arrested on 21/10/02 at 20:30 hrs from the District Sub-Jail, Surat, and is being sent to your court's custody within the stipulated time for further proceedings. A separate custody report is included in the accompanying documents.

The facts of the case are as follows: The accused are involved in the business of government securities and are associated with a company named "HomeTrade Limited." The accused Ketan Kantilal Seth, along with 21 other co-accused, are linked to this company and conduct government securities business together. Previously, in 1999, the accused Ketan Kantilal Seth & Company and Euro Asian Securities Limited, along with accused Niraj Surati, met the complainant, Shri R. Narayan, General Manager of Udhna Citizen Co-operative

Bank, at the bank's Udhna branch. They informed him about their government securities business with the aforementioned company. The accused showed the complainant (1) a certificate of membership with the stock exchange, (2) company registration certificate, (3) audited balance sheet, etc., thereby gaining his trust. Consequently, the complainant began financial transactions with the accused, conducting four transactions worth Rs. 41,93,812/- with Ketan Seth & Company and transactions worth Rs. 1,51,27,913/- with Euro Asian Securities Limited, completing them fully and further earning the complainant's trust.

Subsequently, in January 2000, the accused and co-accused informed the complainant that Euro Asian Securities Limited had changed its name to Home Trade Limited and showed the same certificates as mentioned above. By 2002, the complainant had conducted 12 transactions worth Rs. 12,27,48,512/- with HomeTrade Limited. Later, the accused and co-accused named in the complaint visited the Udhna Citizen Co-operative Bank and explained a government securities scheme (8.07% 2017 scheme), enticing the complainant to invest. As a result, the complainant decided to purchase government securities worth Rs. 3,00,00,000/-. On 05/03/02, a cheque (No. 648900) dated 05/03/02 for Rs. 3,19,96,075/- from HDFC Bank, Nariman Point, Mumbai branch, was deposited in the HDFC Bank, Athwalines, Surat branch. The accused withdrew the funds from this cheque and misused them for personal purposes, thereby committing fraud and breach of trust with the Udhna Citizen Co-operative Bank, amounting to Rs. 3,19,96,075/-.

The police custody remand of the accused is required for the following reasons:

(1) The case involves fraud and breach of trust amounting to Rs. 3,19,96,075/-. It is necessary to investigate where this amount has gone, who withdrew it, from which bank account it was withdrawn, into which account it was deposited, which

accused deposited it, and whether it was used in any project. Documentary evidence and recovery of the amount are pending.

(2) There are 21 co-accused in this case whose involvement and extent of participation in the crime need to be investigated.

(3) Most of the accused are from Mumbai, one from Bharuch, one from Bangalore, and three hold U.S. citizenship. Their details need to be verified with the accused, who is well-acquainted with all of them, necessitating investigation in his presence.

(4) Documents from HDFC Bank, Nariman Point, Mumbai, and Fort, Mumbai branches are yet to be obtained.

(5) The accused has stated that HomeTrade Limited is registered in Pune, and evidence from this company needs to be collected.

(6) It has come to light during the investigation that the Maharashtra State CID Branch has seized all documents of HomeTrade Limited, which are yet to be obtained as evidence.

(7) Keeping the accused in custody will enable reaching the root of the crime, identifying other co-accused, and recovering the misappropriated amount.

(8) The accused is highly educated (B.Com, MBA) and the investigation of this case is likely to be time-consuming due to the involvement of 22 accused residing in different cities and the need to collect documentary evidence from various locations. Hence, a 14-day police custody remand is requested.

Therefore, after perusal of this report, it is requested to grant the 14-day police custody remand as sought.

Note: A copy of the case diary is enclosed.

Date: 22/10/2002

Sd/- Illegible

B.Z. Patel

Police Inspector

Udhna Police Station, Surat City

Udhna Police Station
Crime Register No.
64/2002 IPC Sections
406, 420, 409, 421,
422, 34.

Order Regarding Remand Application

The accused, Ketan Kantilal Seth, was produced before me today at 04:30 hrs. Upon inquiry, he stated that he has no complaints regarding assault or harassment by the police.

The submissions of Investigating Officer Shri B.Z. Patel were heard. He stated that the accused was taken into custody from the District Sub-Jail, Surat, based on a transfer warrant and was arrested on 21/10/2002 at 20:30 hrs.

His submission is that the accused and other co-accused are involved in the business of government securities and are associated with a company named HomeTrade Limited. The accused Ketan Kantilal Seth, along with 21 other co-accused, are connected and conduct government securities business together through HomeTrade Limited.

He further submitted that in 1999, the accused Ketan Kantilal Seth & Company and Euro Asian Securities Limited, along with accused Niraj Surati, met the complainant, Shri R. Narayan, General Manager of Udhna Citizen Co-operative Bank, at the bank's Udhna branch and informed him about their government securities business, thereby initiating transactions and gaining the complainant's trust.

He further submitted that in January 2000, the accused and co-accused informed the complainant that Euro Asian Securities Limited had changed its name to HomeTrade Limited and asked to continue transactions. By 2002, 12 transactions worth Rs. 12,27,48,512/- were conducted with HomeTrade Limited.

He further submitted that the co-accused named in the complaint and the present accused visited the Udhna Citizen Co-operative Bank and explained a government securities scheme (8.07% 2017 scheme), enticing the complainant to invest. Consequently, the complainant decided to purchase government securities worth Rs. 3,00,00,000/-. On 05/03/2002, a cheque (No. 648900) dated 05/03/2002 for Rs. 3,19,96,075/- from HDFC Bank, Nariman Point, Mumbai branch, was deposited in the HDFC Bank, Athwalines, Surat branch. The accused withdrew the funds from this cheque and misused them for personal purposes, committing fraud and breach of trust with the complainant. Police custody is required to ascertain who withdrew the amount, from which bank account it was withdrawn, into which account it was deposited, and which accused deposited the cheque. The present accused may not provide this information, but he knows the other co-accused, necessitating his custody for their investigation. Most co-accused are from Mumbai and are known to the present accused. One co-accused is from Bharuch, one from Bangalore, and three hold U.S. citizenship. These facts require the accused to be kept with the police for investigation.

Documents from Mumbai banks are yet to be obtained, which is not possible without the accused's presence. The company's registration needs investigation. In these circumstances, investigating with the accused is necessary to reach the root of the crime, recover the amount, and identify other co-accused. The accused is highly educated (B.Com, MBA), and complete investigation cannot be conducted even with his presence. Hence, a 14-day police remand is requested.

The learned advocate for the accused, Shri A.A. Sheikh, was heard. He submitted that the accused has been falsely implicated in this case. The accused is not a director of HomeTrade Limited and had resigned. He has no dealings with HomeTrade. The Udhna Bank has filed a complaint under the Negotiable Instruments Act. The case relies on documentary evidence, and the accused's presence is not required. The police can investigate without the accused's presence. HomeTrade Limited's documents have been seized by the CID.

Therefore, remand should not be granted, and the accused should be sent to judicial custody.

Considering the submissions of both parties, the case diary, and the remand application, a 14-day police remand has been requested. The accused needs to be taken to other locations such as Mumbai, Bangalore, etc. The co-accused also need to be investigated, which is not possible without the accused's presence. Further investigation regarding the recovery of the misappropriated amount is pending. The investigation cannot proceed without the accused's presence. If police remand is not granted, a proper and just investigation cannot be conducted, which would cause injustice to the complainant. Considering all these circumstances, the case diary, and submissions, it appears appropriate and reasonable to grant police custody to the accused. Accordingly, the following order is passed:

Order

The present police remand application is partially granted.

The accused, Ketan Kantilal Seth, is remanded to police custody until 28/10/2002 at 17:00 hrs. He must be produced before this court on time upon completion of the remand period.

Immediately a copy of this remand order shall be sent to the Hon'ble Chief Judicial Magistrate.

Sd/- Illegible

22/10/02

Advocate Letter

Ketan P. Reshamwala (Advocate)

Paresh N. Galiawala (Advocate)

Vipul J. Vaivala (Advocate)

102, Kshatriya Panch Bhavan,

Khandkuva, Begampura, Surat.

Phone No. 428451, 424565

In the Court of Hon'ble 3rd Joint Civil Judge of Surat

Udhana Police Station I-CR No. 64 of 2002

I, Ketan Kantilal Seth, resident of Surat, the accused in the above-mentioned case, hereby declare through this document that, for the purpose of representing me in the court, conducting the proceedings of the case bearing the aforementioned number, withdrawing the case, settling the matter, or referring it to arbitration, I have appointed Advocates Shri Ketan P. Reshamwala, Shri Paresh N. Galiawala, and Shri Vipul J. Vaivala as my legal representatives.

In witness whereof, I have affixed my signature on this 22nd day of October 2002.

Signature

[Ketan Kantilal Seth]

Witness:

Sd/- Illegible

ACCEPTED

Advocate for the Accused

Sd/- Illegible

22/10/02

Other pending cases

Outward No. UT/Rubaru/02
Surat District Jail Office
Sagrampura Ring Road, Surat
Date: 21/10/2002

To,
H.C. Shri Ramesh Lakshmiram,
Buckle No. 1861,
Udhna Police Station, Surat.

Subject : Handing over of the accused
Reference : Order No. 1181/02 dated 21/10/02 of the
Hon'ble Chief Judicial Magistrate, Chief Court,
Surat.

With reference to the above subject and order, it is informed that the accused, Ketan Kantilal Seth, involved in the preliminary case of Rander Crime Register No. 226/02 under IPC Sections 206, 209, 420, and others, is being handed over to you today in good physical and mental condition as per the referenced order for the case of Udhna Crime Register No. 64/02 under IPC Sections 406, 420, 409, 421, 422, and 34.

The said accused must be returned to this jail immediately upon completion of proceedings related to the above case. As the accused is involved in other pending cases here, he must not be handed over to any other authority or released outright. Please take special note of this.

Sd/- Illegible
Superintendent
Surat District Jail

Copy forwarded with compliments to:

- (1) The Hon'ble Judicial Magistrate First Class, Third Joint Court, Surat, for information.
- (2) The Hon'ble Chief Judicial Magistrate First Class, Chief Court, Surat.

To,
The Hon'ble Third Joint Civil Judge (Junior Division)
and Judicial Magistrate First Class,
Surat City

Subject: Request for additional 5 days of police custody remand for the
accused

With Jai Bharat, this is a request report from the Police Inspector, Udhna
Police Station, Surat City, stating that:

The accused, Ketan Kantilal Seth, aged 40 years, residing at 193 Lalit
Kutir, Gulmohar Cross Road No. 9, J.V.P.D. Scheme, Andheri West, Mumbai
49, involved in Udhna Police Station Crime Register No. 64/02 under IPC
Sections 406, 420, 409, 421, 422, and 34, was taken into custody from the District
Sub-Jail, Surat, based on a transfer warrant issued by your court from the custody
of the Hon'ble Chief Judicial Magistrate, Surat. He was arrested on 21/10/02 at
20:30 hrs and produced before your court within the stipulated time on
22/10/2002. A 7-day police custody remand was granted until 28/10/02, 17:00
hrs. Upon completion of the remand period, the accused has been sent to your
court's custody for further proceedings, and you are requested to take charge of
him. A separate custody report to this effect is included in the accompanying
documents.

The facts of the case are as follows: The accused are involved in the
business of government securities and are associated with a company named
"HomeTrade Limited." The accused Ketan Kantilal Seth, along with 21 other co-
accused, are linked to this company and conduct government securities business
together. In 1999, the accused Ketan Kantilal Seth & Company and Euro Asian
Securities Limited, along with accused Niraj Surati, met the complainant, Shri R.

Narayan, General Manager of Udhna Citizen Co-operative Bank, at the bank's Udhna branch and initiated government securities transactions. The accused showed the complainant (1) a certificate of stock exchange membership, (2) company registration certificate, (3) audited balance sheet, etc., thereby gaining his trust. Consequently, the complainant began financial transactions with the accused, conducting four transactions worth Rs. 41,93,812/- with Ketan Seth & Company and transactions worth Rs. 1,51,27,913/- with Euro Asian Securities Limited, completing them fully and earning the complainant's trust.

In January 2000, the accused and co-accused informed the complainant that Euro Asian Securities Limited had changed its name to HomeTrade Limited and showed the same certificates. By 2002, the complainant had conducted 12 transactions worth Rs. 12,27,48,512/- with HomeTrade Limited. Subsequently, the accused and co-accused named in the complaint visited the Udhna Citizen Co-operative Bank and explained a government securities scheme (8.07% 2017 scheme), enticing the complainant to invest. As a result, the complainant decided to purchase government securities worth Rs. 3,00,00,000/-. On 05/03/02, a cheque (No. 648900) dated 05/03/2002 for Rs. 3,19,96,075/- from HDFC Bank, Nariman Point, Mumbai branch, was deposited in the HDFC Bank, Athwalines, Surat branch. The accused withdrew the funds from this cheque and misused them for personal purposes, committing fraud and breach of trust with the Udhna Citizen Co-operative Bank, amounting to Rs. 3,19,96,075/-.

Additional 5 days of police custody remand for the accused is required for the following reasons:

- (1) The case involves fraud and breach of trust amounting to a large sum of Rs. 3,19,96,075/-. Recovery of this amount is pending.
- (2) Interrogating the accused regarding the above amount can reveal where it came from, where it was transferred, where it went, and how it was utilized.

- (3) The case involves 21 co-accused, and their investigation in collaboration with the accused is pending. Only three co-accused have been arrested so far. Investigating with the accused can provide information about the remaining co-accused and their properties.
- (4) The accused Niraj Surati, residing in Bharuch, has been absconding since committing the crime, and his investigation is pending.
- (5) The accused invested funds in land under the name Shetrunjay Co-operative Housing Society in Chekhala village, Sanand Taluka, Ahmedabad District, and this needs to be investigated.
- (6) The presence of the accused is essential for the investigation to arrest the remaining co-accused.
- (7) The accused is educated, cunning, and experienced, and does not reveal the truth.
- (8) Further interrogation with the accused can lead to the apprehension of co-accused and uncover the root of the crime.

Therefore, after reviewing this report, it is requested that an order be passed to grant the additional 5 days of police custody remand for the accused as sought.

Note: A copy of the case diary is included in the accompanying documents.

Sd/- Illegible
B.Z. Patel
Police Inspector
Udhna Police Station
Surat City

Udhna Police Station Crime
Register No. 64/2002 IPC Sections
406, 420, 409, 421, 422, 34

Order Regarding Remand Application

The accused was produced before me today upon completion of his remand. Upon inquiry, he stated that he has no complaints regarding assault or harassment by the police. The Investigating Officer's remand application seeks an additional 5 days of remand for the accused. The accused was previously granted remand until 28/10/2002. A remand application for an additional 5 days has been submitted today. The case diary has been reviewed.

The Investigating Officer's submission is that the case involves a large-scale breach of trust and fraud, and the amount is yet to be recovered. Further interrogation of the accused regarding the amount is pending to ascertain where it was used and where it went. The case involves 21 co-accused, of whom only three have been arrested. Investigating with the accused can provide information about the remaining co-accused and their properties. The accused Niraj Surati, residing in Bharuch, has been absconding since committing the crime, and his investigation is pending. Funds were invested in land under the name Shetrunjay Co-operative Society in Ahmedabad, which requires investigation. The accused's presence is necessary to arrest other co-accused. The accused is educated and cunning, and does not reveal the truth. Further interrogation with the accused can lead to the apprehension of co-accused and uncover the root of the crime. Hence, a request has been made for an additional 5 days of police custody remand.

The learned advocate for the accused was heard. He submitted that the accused has been in police custody for a considerable time and has provided all

known facts to the police. The accused was previously granted a 6-day remand, during which he disclosed all relevant information. Therefore, further police remand should not be granted, and the remand application should be rejected.

Considering the submissions of both parties, the remand application, and the case diary, a request for an additional 5 days of remand has been made. However, after reviewing both the case diary and the remand application, it is noted that the accused has already spent sufficient time in police custody and was taken to various locations, including Maharashtra. A 5-day remand was previously granted, and the need to visit Bharuch and Ahmedabad for further investigation justifies the necessity of the accused's presence. Therefore, it appears reasonable to grant additional remand for a shorter duration. Accordingly, the following order is passed:

Order

The police remand application is partially granted. The accused, Ketan Kantilal Seth, is remanded to police custody until 30/10/2002, 17:00 hrs. The accused must be produced before this court on time upon completion of the remand period.

Immediately this remand order shall be sent to the Hon'ble Chief Judicial Magistrate.

Sd/- illegible

28/10/02

Received the remand warrant of the accused. Received the custody of the accused.

Sd/- Illegible

28/10

I have been explained regarding the remand.

Sd/- Illegible

28/10/2002

To,
The Hon'ble Third Joint Civil Judge (Junior Division)
and Judicial Magistrate First Class,
Surat City

With Jai Bharat, this is a request report from the Police Inspector, Udhna Police Station, Surat City, stating that:

The accused, Ketan Kantilal Seth, aged 40 years, residing at 193 Lalit Kutir, Gulmohar Cross Road No. 9, J.V.P.D. Scheme, Andheri West, Mumbai 49, involved in Udhna Police Station Crime Register No. 64/2002 under IPC Sections 406, 420, 409, 421, 422, and 34, was taken into custody from the District Sub-Jail, Surat, based on a transfer warrant issued by your court from the custody of the Hon'ble Chief Judicial Magistrate, Surat. He was arrested on 21/10/02 at 20:30 hrs and produced before your court within the stipulated time on 22/10/02. A 6-day police custody remand was granted until 28/10/02, 17:00 hrs. Within this period, the accused was produced again, and an additional 2-day police custody remand was granted until 30/10/02, 17:00 hrs. Upon completion of the remand period, the accused is being sent to your court's custody for further proceedings. You are requested to take charge of him.

Date: 30/10/02

Sd/- Illegible
Police Inspector
Udhna Police Station
Surat City

To,
The Hon'ble Third Joint Civil Judge,
and Judicial Magistrate First Class,
Bahumali Building, 4th Floor, 'A' Block,
Surat Court, Surat.

Subject: Handing over of the accused based on Transfer Warrant
Reference: Transfer Warrant dated 28/10/02 from Judicial Magistrate
First Class, Anand Court, Anand

With Jai Bharat, this is a request report from V.J. Rawal, Police Sub-Inspector, L.C.B., Anand, regarding the above subject:

The accused, (1) Ketan Kantilal Seth, residing at 193, Lalit Kutir Co-operative Housing Society, 3rd Floor, Gulmohar Cross Road, 9 J.V.P.D., Mumbai 400049, involved in Udhna Police Station Crime Register No. 64/02 under IPC Sections 409, 406, 420, 120B, and 114, is currently in your judicial custody. A transfer warrant has been obtained as per the above reference to take custody of the said accused for the case of Vidhanagar Police Station, M. Case No. 29/02 under IPC Sections 420, 406, 465, 467, 468, 471, 120B, and 114.

We are engaged in the investigation of Anand Town Police Station Crime Register No. 6/02 under IPC Sections 408, 409, 465, etc. Additionally, we are required to attend a meeting convened by the Hon'ble Special I.G.P., which prevents us from personally coming to take custody of the accused.

It is requested that an order be passed to hand over the said accused, based on the transfer warrant, to H.C. Laljibhai Virabhai, Buckle No. 1198, L.C.B.,

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Anand, for the case of Vidhanagar Police Station, M. Case No. 29/02 under IPC Sections 420, 406, 465, 467, 468, 471, 120B, and 114.

Date: 01/11/02

Enclosure: Original Transfer Warrant

Sd/- Illegible

(V.J. Rawal)

Police Sub-Inspector

L.C.B., Anand

Transfer Warrant
(Under CrPC Section 267)

To,
The Hon'ble Third Joint Civil Judge (Junior Division),
and Judicial Magistrate First Class,
Bahumali Building, 4th Floor, "A" Block,
Surat Court, Surat.

It is requested that the accused, currently in your custody for Udhna Police Station Crime Register No. 64/02 under IPC Sections 409, 406, 420, 120B, and 114:

(1) Ketan Kantilal Seth, residing at 193, Lalit Kutir Co-operative Housing Society, 3rd Floor, Gulmohar Cross Road, 9 J.V.P.D., Mumbai 400049, is urgently required for production and case proceedings in connection with Vidhanagar Police Station M. Case No. 29/02 under IPC Sections 420, 406, 465, 467, 468, 471, 120B, and 114. Therefore, a transfer warrant is requested for this purpose.

You are hereby directed to transfer the accused, currently in your custody for Udhna Police Station Crime Register No. 64/02 under IPC Sections 409, 406, 420, 120B, and 114:

(1) Ketan Kantilal Seth, residing at 193, Lalit Kutir Co-operative Housing Society, 3rd Floor, Gulmohar Cross Road, 9 J.V.P.D., Mumbai 400049, to Shri V.J. Rawal, Police Sub-Inspector, L.C.B., Anand, who is investigating

Page 502 of 540

Vidhanagar Police Station M. Case No. 29/02 under IPC Sections 420, 406, 465, 467, 468, 471, 120B, and 114, based on this transfer warrant.

The accused will be returned after the completion of the investigation proceedings for the aforementioned case. Issued today, [date], under my signature and the seal of the court.

28/10/2002

Sd/- Illegible

Dispatch No. B2P 101/2002

Police Inspector

Udhna Police Station

Date: 07/08/2002

To,
The Hon'ble Third Joint Civil Judge (Junior Division),
and Judicial Magistrate First Class,
Surat City.

Subject: Request for issuance of an arrest warrant under CrPC Section
70 for the accused

With Jai Bharat, this is a request report from the Police Inspector, Udhna
Police Station, Surat City, stating that:

For the case of Udhna Police Station Crime Register No. 64/2002 under
IPC Sections 406, 409, 420, 421, 422, and 34, it is necessary to arrest the accused,
Niraj Surati, residing at Surya Flat, First Floor, Surya Shopping Complex,
Bharuch. Therefore, it is requested that an arrest warrant be issued under CrPC
Section 70.

Sd/- Illegible
Police Inspector
Udhna Police Station
Surat City

4

To,
The Hon'ble Third Joint Civil Judge (Junior Division)
and Judicial Magistrate First Class,
Surat City

Subject: Request for issuance of a transfer warrant for the accused

With Jai Bharat, this is a request report from the Police Inspector, Udhna Police Station, Surat City, stating that:

The accused, Subodh Bhandari, residing at No. 704-B, Govind Complex, Sector No. 14, Vashi, Navi Mumbai, involved in Udhna Police Station Crime Register No. 64/2002 under IPC Sections 406, 420, 409, 421, 422, and 34, is currently in the judicial custody of the Hon'ble Judicial Magistrate First Class, Valsad, at Valsad Jail, for the case of Valsad City Police Station Crime Register No. 119/02 under IPC Sections 467, 468, 420, and 120B. As the said accused is required for the investigation of the aforementioned case, it is requested that a transfer warrant be issued.

Note: The transfer warrant is requested to be issued in the name of Police Sub-Inspector Shri S.G. Parmar, Udhna Police Station.

Date: 07/01/2003

Sd/- Illegible
Police Inspector
Udhna Police Station
Surat City

Read the report. Issue the transfer warrant in the name of PSI Shri S. G. Parmar, Udhana Police Station. Date: 07/01/2003. Sd/- Illegible

Transfer Warrant

To,
The Hon'ble Judicial Magistrate First Class,
Valsad.

It is hereby informed that the accused, Subodh Bhandari, residing at No. 704-B, Govind Complex, Sector No. 14, Vashi, Navi Mumbai, involved in Valsad City Police Station Crime Register No. I. 119/02 under IPC Sections 467, 468, 420, and 120B, is currently in your custody at the jail.

The said accused, Subodh Bhandari, is required to be arrested for the case of Udhna Police Station Crime Register No. I. 64/02 under IPC Sections 406, 420, 409, 421, 422, and 34. Therefore, you are requested to hand over the accused, Subodh Bhandari, residing at Govind Complex, to Police Sub-Inspector S.G. Parmar, Udhna Police Station.

Upon completion of this case, the accused will be returned to your custody with police escort.

Issued today on 07/01/2003 under my signature and the seal of the court.

Sd/- Illegible

Judicial Magistrate First Class

To the Jail Superintendent,

The accused mentioned in the above margin has been released on bail by this court for the aforementioned offense. Therefore, you are directed to release the accused from your custody.

Date:

Sd/- Illegible

Judicial Magistrate First Class

To,
The Hon'ble Third Joint Civil Judge (Junior Division),
and Judicial Magistrate First Class,
Surat City.

Subject: Request for issuance of a transfer warrant for the accused

With Jai Bharat, this is a request report from the Police Inspector, Udhna Police Station, Surat City, stating that:

The accused, Sanjay Hariram Agrawal, aged 38 years, residing at 702, Kusum Apartment, 7th Floor, Sector No. 17, Vashi, Navi Mumbai, involved in Udhna Police Station Crime Register No. 64/2002 under IPC Sections 406, 409, 420, 421, 422, and 34, is currently in the judicial custody of the Hon'ble Chief Judicial Magistrate First Class, Surat, at Surat District Jail for the case of Varachha Police Station Crime Register No. 274/02 under IPC Sections 406, 420, 409, 465, 467, 468, 114, and 120B. As the said accused is required for the investigation of the aforementioned case, it is requested that a transfer warrant be issued.

Sd/- Illegible
Police Inspector
Udhna Police Station
Surat City

Issue Transfer Warrant as sought.

Sd/- Illegible
3rd Joint Civil Judge (Junior Division),
and Judicial Magistrate First Class,
Surat.

A

261

IN THE COURT OF JUDGE in chief Judge (1st) J.M.P. SURAT

TRANSFER WARRANT

Nama: Saecum Sangar Haliman Agawal
Valaska Police 2 274102
UIS 406.630.609.465 46
466.114.1200



To: The Chief Judicial Magistrate
Chief Court
S.M.

Where as the above named Saecum Sangar Haliman Agawal is in your court in Valaska Police station case 2 274102 UIS 406.630.609.465 46 466.114.1200.

The above named Saecum Haliman "Lama" who is Udhana Police station case 64102 UIS 406.609.600 461.422.36 is accused the charges against him

so you are requested to send over the above named Saecum Agawal to the P.I. by order of Udhana Police station to ~~appear~~ ~~proceed~~ ~~with~~ before me. Here in fact not.

Done under my hand and seal of this Court at 10th JAN 2023

[Handwritten signature]

4

To,
The Hon'ble Third Joint Civil Judge (Junior Division)
and Judicial Magistrate First Class
Surat City

Subject: Request for issuance of a transfer warrant for the accused

With Jai Bharat, this is a request report from the Police Inspector, Udhna Police Station, Surat City, stating that:

The accused, Ketan Kantilal Seth, residing at 193, Lalit Kutir (C.H.S.), 3rd Floor, Gulmohar Cross Road No. 9, Mumbai, involved in Udhna Police Station Crime Register No. 64/2002 under IPC Sections 406, 409, 420, 421, 422, and 34, is currently in the judicial custody of the Hon'ble Chief Judicial Magistrate First Class, Chief Court, Surat, for the case of Rander Police Station Crime Register No. 226/2002 under IPC Sections 406, 409, 420, 421, 422, 423, 465, 467, 468, 471, 114, 34, and 120B. As the said accused is required for the investigation of Udhna Crime Register No. 64/02, it is requested that a transfer warrant be issued.

Sd/- Illegible
Police Inspector
Udhna Police Station
Surat City

2

In the Court of Hon'ble 3rd Joint Civil Judge (JUDI) and Judicial First Class
Magistrate of Surat.

Udhana Police Station I-CR No. 64/2002

Criminal Miscellaneous Application No. /2003

Ketanbhai Kantilal Sheth, Hindu, aged 41, Occupation: Business, Res. Lalit
Kutir, JVPD Scheme, Andheri, Mumbai. Applicant.

The State of Gujarat Opponent

I, the applicant humbly pray that,

Application for Bail under Section 167(2) of the Code of Criminal
Procedure

The applicant-accused respectfully submits that:

The applicant-accused was arrested on 21/10/2002 in connection
with Udhna Police Station Crime Register No. 64/2002 under IPC Sections
406, 409, 420, 421, 422, and 34.

The applicant-accused was arrested on 21/10/2002 and produced
before the Hon'ble Court on 22/10/2002. The learned Magistrate of the
Hon'ble Court granted police custody remand for the applicant-accused
until 30/10/2002. Since then, the applicant-accused has been in judicial
custody.

As per the provisions of Section 167(2) of the Code of Criminal Procedure, the investigating officer is required to file a chargesheet in the Hon'ble Court within the stipulated time limit, i.e., 90 days from the date of arrest.

**In the Court of Hon'ble 3rd Joint Judicial Magistrate of Surat
Udhana Police Station I-CR No. 64/2002**

Applicant: Ketanbhai Kantilal Sheth,

Respondent: The State of Gujarat

Applicant is the resident of Lalit Kutir, JVPD Scheme, Andheri, Mumbai,
whose advocates of the said matter namely

Shri Vipul J. Vaivala, (B. Com. LLB)

Shri Ayaz Ahmad Shekh (MSc LLB)

Shri Anish K. Ghanchi (BCom LLB)

Shri Sunil D. Tailor (BCom LLB)

Shri Manish N. Rana (B. A. LLB)

Shri Ketan P. Reshamwala (BCom LLB)

Have been appointed by me to conduct the case on my behalf in the Court and
put signature on my behalf and to do all other related work of the case as my
advocates.

Put my signature todayon 21/01/2003 in witness thereof.

We are not the members of Advocate Welfare Fund.

1. Sd/- Illegible

2. .

3. ...

4. ...

5. ...

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Accepted

Sd/- Illegible Sd/- Illegible Sd/- Illebilbe Sd/- Illegible

Address:

Ayaz Ahmad Shekh

MSc LLB, Advocate

G-1, Iman Apartment,

Dhanbhura Road, Valsad.

Tel. O 56574

Res. 43539

To,
The Hon'ble Third Joint Civil Judge (Junior Division)
and Judicial Magistrate First Class,
Surat City

Udhna Police Station Crime Register No. 46/2002

Complainant: The State

Versus

Accused: Ketanbhai Kantilal Seth, Mumbai, Juhu

Subject: Request for extension of time to submit mirror entry in the interest of justice

With humble respect, the surety submits the following request to this Hon'ble Court:

In the above-mentioned case, it is respectfully requested that one additional date be granted in the interest of justice to submit the certificate of property

Prayer:

Kindly grant an extension of time to submit the Certificate of property for the above case.

Date: 22/01/2003

Surety

Sd/- Illegible (Ramubhai Devjibhai)

Sd/- Illegible

2

Advocate Letter

Ketan P. Reshamwala and Associates,
Advocates

101-102, 1st Floor, Shri Surat Kshatriya
Panch Bhavan, Khanda Kuva,
Begampura, Surat.

Phone (O): 2428451, 5594295 @ 2424565

In the Court of Hon'ble 3rd Joint Civil Judge (JUDI) of Surat

Criminal Case No. 168/2002

Udhana Police Station I-CR No. 64/2002

Complainant: The State of Gujarat

Vs.

Accused : Ketanbhai Kantilal Sheth

I, the below signatory, resident of Surat and surety of this matter.

I, the resident of Surat and the surety of the said matter, In the matter of the case bearing the aforementioned number, I, the undersigned, humbly appoint the following advocates to represent us before this Hon'ble Court, to conduct the entire proceedings of the said case, to submit or withdraw applications, to enter into settlements, to receive or present documents on our behalf, to obtain copies of court orders or judgments, to sign on our behalf as necessary, to manage all related matters, and, if required, to transfer the case to another advocate for further proceedings:

- Shri Ketan P. Reshamwala
- Shri Vipul J. Vaivala

- Shri Jignesh K. Patel
- Shri Yogesh N. Patel
- Shri Sanjay V. Dhariya
- Shri Vivek H. Bhatt
- Shri Jayesh P. Gavankar
- Shri Rajesh G. Patel
- Ms. Tejasvi S. Jand
- Shri Sonal R. Apay

We hereby appoint the aforementioned individuals as our advocates, and all actions taken by them in their capacity as our advocates shall be fully acceptable to us. Further, in the event of our failure to appear regularly, the said advocates shall have the right and authority, at their discretion, to withdraw from the case without any notice and without any liability, free from all responsibilities.

In witness whereof, I have affixed our signatures on this 13th day of September 2006.

Signature

Sd/- Illegible

(Manojbhai Dahyabhai Vyas)

Sd/- Illegible Sd/- Illegible Sd/- Illegible Sd/- Illegible
Advocates of the Surety

To,
The Hon'ble Third Joint Civil Judge (Junior Division),
Surat City

Udhna Police Station Crime Register No. 46/2002

Complainant: The State

Versus

Accused: Ketanbhai Kantilal Seth, Mumbai, Juhu

Subject: Request to accept new surety in place of the existing surety

With humble respect, we, on behalf of the accused, submit the following request to this Hon'ble Court:

In the above-mentioned case, we, on behalf of the accused, had filed an application to change the surety. The Hon'ble Court has passed an order on this application today. As per the said order, we, on behalf of the accused, present a new surety with ready solvency today. We humbly request the Hon'ble Court to accept the new surety.

Kindly accept the new surety presented on behalf of the accused in the above case.

Place: Surat

Date: 03/11/2006

Sd/- Illegible

Signature of the accused

Permission granted.

Sd/- Illegible 3/11

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To,
The Hon'ble Third Joint Civil Judge (Junior Division)
and Judicial Magistrate First Class,
Surat City

Udhna Police Station Crime Register No. 46/2002

Complainant: The State
Versus
Accused: Ketanbhai Kantilal Seth

Subject: Request for permission to change surety in the interest of justice

Affidavit

I, Ketan Kantilal Seth, Hindu by caste, aged approximately 45 years, engaged in business, residing at 193, Lalit Kutir, J.V.P.D. Scheme, Andheri, Mumbai, solemnly affirm on oath according to my religious beliefs as follows:

In the above-mentioned case, this Hon'ble Court passed an order on 22/01/2003 granting bail to me, the accused. In this case, Ramubhai Devjibhai, residing at 4/2057, Nanakwadi, Begampura, Surat, stood as my surety. However, due to a breach of condition, the mirror entry for the surety was not submitted. Furthermore, due to the devastating flood situation in Surat, my surety could not be located despite thorough searches and inquiries. Therefore, I, the accused, seek to provide a new surety along with the mirror entry.

I humbly request this Hon'ble Court to grant permission to change the surety in the interest of justice.

I understand that filing a false affidavit constitutes an offense.

Place: Surat

Date: 16/10/2006

Signature:

Ketan Kantilal Seth

Sd/- Illegible

Advocate for the accused

Sd/- Illegible

I/c (Unreadable) 16/10/2006

To,
The Hon'ble Third Joint Civil Judge (Junior Division)
and Judicial Magistrate First Class,
Surat City

Udhna Police Station Crime Register No. 46/2002

Complainant: The State

Versus

Accused: Ketanbhai Kantilal Seth

Subject: Request for permission to change surety and submit new surety with mirror entry in the interest of justice

With humble respect, we, on behalf of the accused, submit the following request to this Hon'ble Court:

In the above-mentioned case, this Hon'ble Court passed an order granting bail to the accused, and accordingly, the accused furnished bail in this Hon'ble Court. However, due to a breach of condition, the surety failed to submit the mirror entry. Due to the devastating flood situation in Surat, the surety could not be located at the provided address despite thorough searches and inquiries. Therefore, we humbly request permission to change the surety and allow the submission of a new surety along with the certificate of property in the interest of justice. Kindly grant permission to change the surety and allow the submission of a new surety with the mirror entry for the above case.

Place: Surat

Page 520 of 540

Date: 13/10/2006

Presented on 16/10/2006

Sd/- Illegible

(Ketan Kantilal Sheth)

Fix for hearing

Sd/- Illegible

Criminal Case No. 151/2003

Udhna Police Station Crime Register No. 64/2002

Order on Bail Application

1. The application of the applicant/accused to change the surety was heard. The arguments of the learned advocate, Shri K.P. Reshamwala, on behalf of the applicant were considered, and the application was duly noted. In connection with the application, the complaint and chargesheet against the applicant/accused were reviewed. The main submission of the learned advocate is that the applicant/accused had applied for bail under Section 167(2) of the Code of Criminal Procedure on 21/01/2003. The Hon'ble Court passed an order granting bail to the accused on furnishing a surety of Rs. 50,000/- and a personal bond of the same amount, subject to certain conditions. At that time, the applicant/accused applied for and was granted an extension to submit the solvency certificate and was released on bail. However, the current surety, Ramubhai Bhimjibhai, cannot be located, and due to the devastating flood in Surat, the whereabouts of the surety remain unknown. The applicant/accused seeks to change the surety and has submitted an affidavit stating that the surety cannot be found. Considering all these circumstances, the applicant/accused requests permission to change the surety.

2. Upon examining the arguments presented by the learned advocate, Shri Reshamwala, and the court records, it is evident that my predecessor had ordered the release of the applicant/accused on a personal bond and surety of Rs. 50,000/- . The applicant/accused was granted time to submit the solvency certificate, but to date, no solvency certificate has been submitted. The accused appeared before this court and stated that the previous surety could not be located, and due to this, they were unable to submit the solvency certificate. The accused has requested to

change the surety, citing the devastating flood in Surat as a reason for the surety's unavailability. Taking note of the flood situation in Surat, the claims of the applicant/accused can be relied upon. Furthermore, the primary purpose of bail is to ensure the presence of the accused, and when the applicant/accused has disclosed that the surety cannot be located and has supported this with an affidavit, it is just and reasonable to grant permission to change the surety under these circumstances. Accordingly, the final order is passed as follows:

Order

The application of the applicant/accused is hereby granted.

The applicant/accused is directed to furnish a new surety with solvency for Rs. 50,000/- (Rupees Fifty Thousand), upon which permission to change the surety is granted.

This order is pronounced today on the 3rd day of November 2006.

Date: 03/11/2006

Place: Surat

Sd/- Illegible (03/11/2006)

(S.C. Gandhi)

Third Additional Civil Judge and
Judicial Magistrate First Class, Surat

In the court of Hon'ble 3rd Joint civil Judge (JUDI) of Surat
Udhana Police Station I-CR No. 64/2002

Complainant: The Government

Vs.

Accused: Ketanbhai Kantilal Sheth,

I, Manojbhai Dahyabhai Vyas, aged 47, occupation: Business,
Res. S/E, 12, Quiz Quartz Apartment, near Gokul Raw House,
Athwalines, Surat.

I solemnly declare that the charge has been framed against accused Ketan
Kantilal Sheth under IPC Section 406, 409, 420, 421, 422, 465, and
Hon'ble Court has ordered to release him on the bail of Rs. 50,000/- and I
want to become his surety. I declare the following fact:

A	- Full name and address of the surety, and any other qualifications, if any: - How long have you been residing at the above address? - Annual rent of the residence: - Is the rent receipt in the name of the surety? - Business or trade: Service - Complete details of the place of business:	Name: Manojbhai Dahyabhai Vyas, S/E, 12, Quiz Quartz Apartment, near Gokul Raw House, Athwalines, Surat. Business
B	- Nature, extent, and share of the surety in the business: - Rent of the business premises: - Is the rent receipt of the business premises in the name of the surety?	

C	<ul style="list-style-type: none"> - If the surety is employed, the name and address of the employer: - Complete address of the place of employment: - Monthly salary and allowances: - Duration of employment: - If there is a Provident Fund in the name of the surety, the amount deposited: 	Sd/- Illegible (Photo)
D	<ul style="list-style-type: none"> - Complete details of the surety's house, location, value, share or interest of the surety, and whether there is any encumbrance on it: 	The certificate of property is attached herewith.
E	<ul style="list-style-type: none"> - If income tax has been paid in the last three years, details thereof: - Bank accounts: - Details of amounts currently deposited in each bank: 	
F	<ul style="list-style-type: none"> - How long has the surety known the accused? - Is the surety related to the accused? If yes, how? - Has the surety stood as surety for anyone else? If yes, their names, the amount of the bail, details of the court, the number of cases with the accused, and whether those cases are ongoing or concluded: - Has the surety ever had the bail amount forfeited? If yes: - Has the surety ever applied to stand as surety, and was it rejected? If yes, details thereof: - If the surety wishes to provide any additional details regarding their financial status or properties: 	Friend

H	I submit the following details in confirmation of the above statements: - Rent receipt of the residence - Ration card - Rent slip of the business premises - Partnership or other documents related to the business - Certificate from the employer where employed - Certificate of the amount deposited in the Provident Fund - Property documents - Municipal bills of the properties - Bank passbook - Income tax receipts - Any other proof, e.g., account statement, receipt of paid revenue, etc.	Certificate of property is submitted. The receipt of house tax has been submitted.
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I acknowledge the surety of Rs. 50,000/- of the above mentioned accused.

Date: 03/11/2006

Sd/- Illegible

The advocate in whose presence the Affidavit has been made is known to me

Sd/- Illegible

Signature of the identifying person

Shri Arunbhai D. Patel identified

Ketan Reshamwala

Before me,

Sd/- Illegible

3rd Judicial Magistrate (JUD) &

Ju. Ma. First Class, SURat.

Udhna Police Station Crime Register No. 64/2002

Surety Bond

Name of Surety: Manojbhai Dahyabhai Vyas

Address: A.S.I. 12, Kabir Quotes Apartment, Near Gokul Row House, Athwa Lines, Surat

I, the undersigned, individually or collectively, hereby declare and undertake that I/we stand as surety for the accused in the above-mentioned case. I/we guarantee that the accused, against whom charges have been framed, will appear before the court of the Judicial Magistrate First Class, Surat, or any other Magistrate conducting the preliminary inquiry, until the initial investigation of the offense is completed. If the case is transferred to the Sessions Court for trial, I/we undertake to ensure that the accused appears to answer the charges leveled against them. I/we further undertake to pay the Government a sum of Rs. 50,000/- (Rupees Fifty Thousand) in case of any default on my/our part.

This bond is executed on this day, [date], [month], [year] 200[].

Signature:

[Signature of Manojbhai Dahyabhai Vyas]

Conditions:

1. The accused shall not offer inducements, threats, or intimidation to the complainant's witnesses or attempt to tamper with the evidence.
2. The accused has submitted a pursis regarding their passport.
3. The accused shall not leave the jurisdictions of Gujarat and Maharashtra without the prior permission of the Hon'ble Court.

4. The accused shall report to Udhna Police Station every month between the 1st to 11th and 11th to 20th to mark their attendance.

Place: Surat

Date: 03/11/2003

Sd/- Illegible

Before me

Sd/- Illegible

3rd JU. C. J. (JD) &

JMFC, Surat

I know the surety

Sd/- Illegible

Udhna Police Station Crime Register No. 64/2002

**Bond and Surety Bond Before the Magistrate During Preliminary Inquiry
(Under Section 499 of the Code of Criminal Procedure)**

I, Ketan Kantilal Seth, resident of J.V.P.D., Mumbai, having been charged with an offense in the District of Surat and brought before the Judicial Magistrate First Class, Surat, or any other Magistrate conducting the preliminary inquiry, or, if required, the Sessions Court, and having been directed to furnish a bond for my appearance, do hereby undertake as follows:

I bind myself to appear daily before the court of the said Magistrate, or any other Magistrate conducting the preliminary inquiry, until the inquiry is completed. If the case is transferred to the Sessions Court for trial, I undertake to appear before the said court to answer the charges leveled against me whenever directed to do so. In case of any default in this regard, I bind myself to pay the Government a sum of Rs. 50,000/- (Rupees Fifty Thousand) as a penalty for my default.

Signature:

Conditions:

1. The accused shall not offer inducements, threats, or intimidation to the complainant's witnesses or attempt to tamper with the evidence.
2. A pursis regarding the accused's passport is attached herewith.
3. The accused shall not leave the jurisdictions of Gujarat and Maharashtra without the prior permission of the Hon'ble Court.
4. The accused shall report to Udhna Police Station every month between the 1st to 11th and 11th to 20th to mark their attendance.

Place: Surat

Date: 03/11/2003

Sd/- Illegible

Form of the Certificate of the Financial Status

(Any certificate older than one month will not be accepted.)

(1) Name: Manojkumar Dahyabhai Vyas

(2) Father's Name: Dahyabhai Vyas

(3) Residential Address: Revenue Survey No. 46 paiki Plot No. 9, Flat No. 12, Queen Apartment, Parle Point, Surat.

(4) Age: 42

(5) Occupation: Business

(6) Reason for requiring (money): For bail in court

(7) Does the person to whom the affidavit is issued have movable or immovable property or both types of property? -----

(8) If there is movable property, its approximate value and the reason for considering it: ---

(9) If there is immovable property:

(a) If (immovable property) is land:

a. Its area and location

b. Its size

c. (Its) market value

d. Is the land entirely owned by the person to whom this affidavit is issued? If it is not entirely owned by them, what portion is theirs, who are the other co-owners, and do they have any objection to present?

e. Is the land property of a joint Hindu family? If so, what portion is theirs, the names of the other co-owners, and do they have any objection to present? Own

(b) If (immovable property) is a house:

a. Where the house is located: Municipality Tax No. 36A-09-8991-0-001, Revenue Survey No. 46 paiki Plot No. 9, Flate No. Queen Apartmtn, Surat.

b. Its market value: Rs. 10,00,000/- (Rupees Ten Lakh)

c. Is the house entirely owned by the person to whom this affidavit is issued? If it is not entirely owned by them, what portion is theirs, the names of the other co-owners, and do they have any objection to present?

d. Is the house property of a joint Hindu family? If so, what portion is theirs, the names of the other co-owners, and do they have any objection to present?

Declaration on oath by the person to whom the Certificate is issued

I, Manojbhai Dahyabhai Vyas, age 42, occupation: Business, resident of Revenue Survey No. 46, Plot No. 9, Flat No. 12, Queen Apartment, Surat, solemnly affirm and declare that the property mentioned above is owned by me/in my possession, and the facts mentioned above are true and complete to the best of my knowledge and belief, and the immovable property mentioned above is free from encumbrances.

Date: 04/10/2006

(Signature)

Signature/- Illegible

Signed in the presence of

Sd/- Illegible

10. Report of the village officer of the place where the said property is located:

The applicant, Shri Manojbhai Dahyabhai Vyas, age 42, occupation: Business, resident of Revenue Survey No. 46, Plot No. 9, Flat No. 12, Queen Apartment, Surat,, possesses property worth Rs. 10,00,000/-, in figures: Rupees ten lakh full. He is capable and alive to stand as surety for Rs. 50,000/-, in figures: Rupees Fifty Thousand.

11. Opinion of the officer issuing the certificate:

It is hereby certified that Shri Manojbhai Dahyabhai Vyas, age 42, occupation: Business, resident of Revenue Survey No. 46, Plot No. 9, Flat No. 12, Queen Apartment, Surat, is capable and alive to stand as surety for Rs. 50,000/-, in figures: Rupees fifty thousand, as of today.

Issuing Officer's Seal

Register No. 1681/06

Place: Surat

Date: 04/10/2006

Sd/- Illegible

Mamlatdar, Surat city.

Note: If the details requested in items 8, 9, and 10 cannot be easily recorded against them, they should be written on separate papers and attached by the issuing Mamlatdar, with a note made against the relevant paragraph regarding the action taken.

To,
The Hon'ble Third Joint Civil Judge (Junior Division)
and Judicial Magistrate First Class,
Surat City

Udhna Police Station Crime Register No. 64/2002

Complainant: The State

Versus

Accused: Ketanbhai Kantilal Seth

Subject: Request regarding the submission of passport details

With humble respect, I, on behalf of the accused, submit the following request to this Hon'ble Court:

In the above-mentioned case, our passport has been seized by Officer Shri Deshpande of the Mumbai CBI Branch Court, Mumbai. We request that this fact be noted by the Hon'ble Court. Kindly take note of the seizure of the accused's passport by the Mumbai CBI Branch Court for the record of this case.

Place: Surat

Date: 03/11/2006

Sd/- Illegible

Recorded

Sd/- Illegible

3rd Jt. C. J. (JD) &

JMFC, Surat

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PRODUCTION MEMO

- 1. Case No. : RC 4 (E)/2002.
- 2. Date & Place : 25.05.2002 & Mumbai
- 3. Received By : Smt. Jagruti Ketan Sheth
W/o. Sh. Ketan K. Sheth
- 4. Handed over By : Sh. Sandeep Mehra, PI
Inspector of Police,
CBI, BS & FC, Mumbai.
- 5. Place : Office of C. of Police
CBI, BS & FC, Mumbai.

Description of Documents

Passport of Sh. Ketan Kantil Sheth bearing No. A15974335 issued by Regional Passport Office, Mumbai, dt. 13.7.1998.

Item 1 only

Handed Over By

Jagruti Sheth
SMT. JAGRUTI KETAN SHETH
W/O. SH. KETAN K. SHETH
MUMBAI

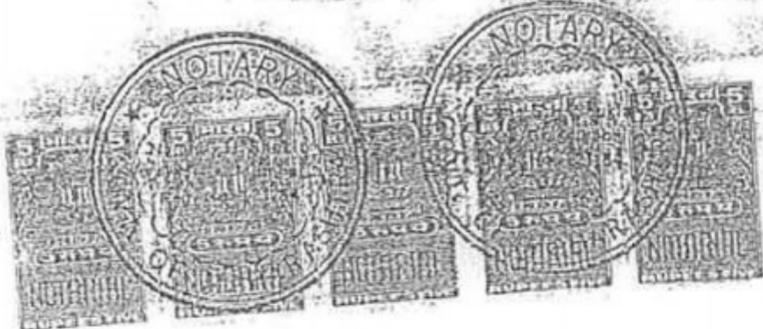


(Sandeep Mehra)
INSPECTOR OF POLICE
CBI, BS & FC, MUMBAI

TRUE COPY
ATTESTED BY ME

G. H. SHUKLA
NOTARY GREATER MUMBAI

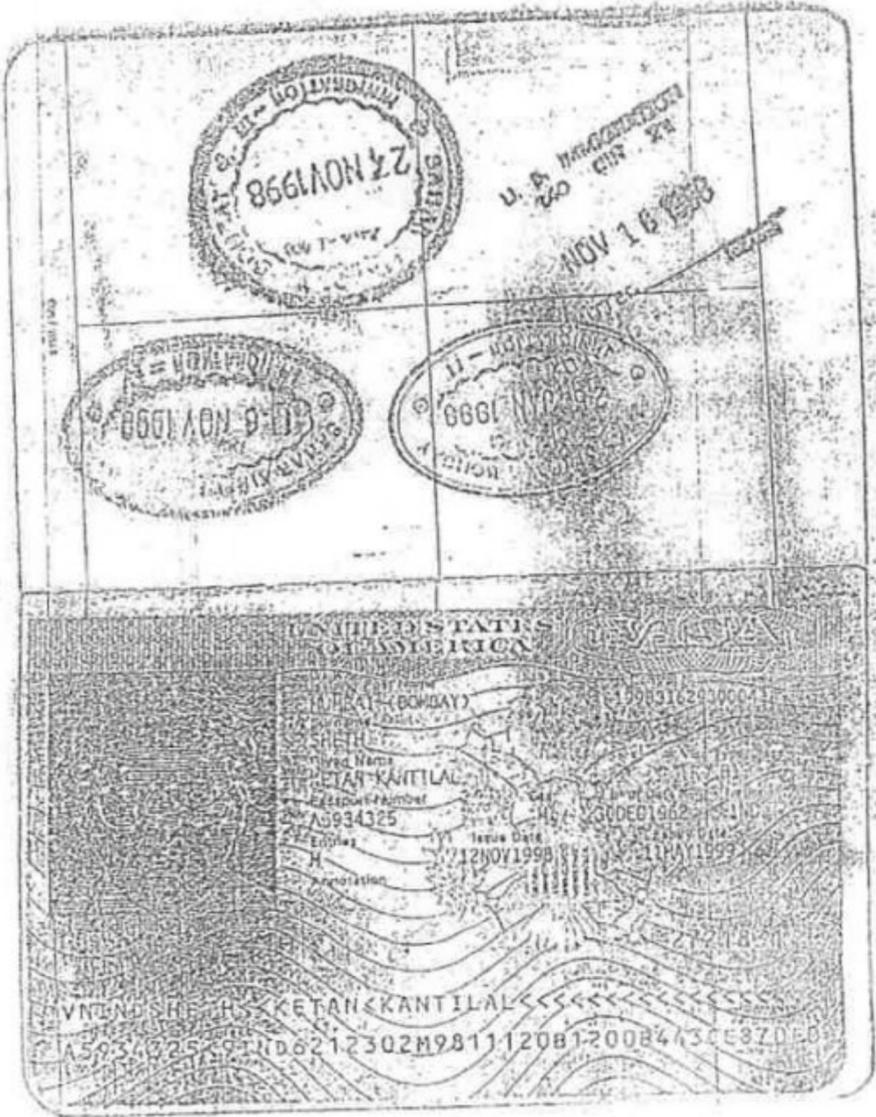
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12-93 LALIT KOTIA 3RD
FLOOR J.V.P.O SCHEME
ANDHERI (W)
MUMBAI-58



... (To be filled in by the applicant) ...
... (Particulars of children included in the passport ...
... (Date of Birth ...
... (This annex contains 25 pages ...

3

311

GUJARAT STATE Driving Licence

31779402G-05 01/08/2005

Name: **VYAS MANOJKUMAR**

Address: **DAHYABHAI QUEEN COTTAGE APT SOMNATH ROAD, SURAT 395007**

Date of Birth: **29/09/1959** Ref: **G-05-05-3669/MS 24840**

is licensed to drive MC EX50CC WI GR, Valid for other than Transport Vehicles from 24/07/2005 to 24/07/2008

Valid for Transport Vehicles from 24/07/2005 to 24/07/2008

LMV-30-09-80 AR

M. S. Vyas

Form 7

DUPLICATE

Seen

[Signature]

3rd Lt. C.J. (I.D.) A.
I.M.T.C. Surat

[Signature]



