

COURT OF THE CHIEF JUDICIAL MAGISTRATE, WARDHA

Regular Criminal Case No. 3384 / 2002

Exhibit No. 98 onwards

Relating to the present matter, Regular Criminal Case No. 573/2002 under Section 420 of the Indian Penal Code (State vs. Sanjay Agarwal) is pending before the Court of the Ld. Chief Judicial Magistrate, Wardha. Since the original documents essential to the complainant are in Regular Criminal Case No. 573/2002, pursuant to the order dated 08.12.2005 at Exhibit No. 201 on the application of the complainant, a letter bearing Exhibit No. 208 was sent to the Ld. Chief Judicial Magistrate, Wardha for requisitioning the original documents. In that regard, vide Exhibit No. 210, Mr. Prajwal Prabhakar Thul, Junior Clerk, was appointed to bring the said original documents to this case.

Therefore, based on the original documents and the certified copies in this matter, the examination-in-chief of the complainant on oath is conducted through Advocate Shri P.B. Tawari as follows:

My name is Rajan Chandrashekhar Salpekar, Age - 75 years, Occupation - Retired, Residing at presently Thane. I have filed my affidavit of evidence on record. My affidavit is shown to me now, it bears my signature. The contents therein are true and correct. It is at Exhibit No. 98.

In the present case, as per list Exhibit No. 102-A, pursuant to Document No. 5, Cheque No. 695187 for the amount of Rs. 1,28,12,500/- was given to us (complainant) by Accused No. 1 on behalf of Accused No. 2. The certified copy of the said cheque has been filed on record. The original copy brought by Mr. Thul (Exhibit No. 411) was verified with the copy as per Document No. 5 on record. It is the same. It is being given Exhibit No. 211. The return memo of the said cheque has been filed as Document No. 6, and its original copy (Exhibit No. 412) was verified with the certified copy in this case. It is the same. It is being given Exhibit No. 212. In relation to the said cheque, the certified copy of the cheque deposit receipt is on record as Document No. 7. Its site copy (Exhibit No. 413) was verified with the certified copy in this case. It is the same. It is being given Exhibit No. 213.

In the present case, as per list Exhibit No. 102-A, pursuant to Document No. 8, Cheque No. 695186, for the amount of Rs. 26,75,15,270/- was given to us (complainant) by Accused No. 1 on behalf of Accused No. 2. It bears the signature of Accused No. 1. The certified copy of the said cheque has been filed on record. The original copy brought by Mr. Thul (Exhibit No. 414) was verified with the copy as per Document No. 8 on record. It is the same. It is being given Exhibit No. 214. The return memo of the said cheque has been filed as Document No. 9, and its original copy (Exhibit No. 415) was verified with the certified copy in this case. It is the same. It is being given Exhibit No. 215. In relation to the said cheque, the certified copy of the cheque deposit receipt is on record as Document No. 10. Its site copy (Exhibit No. 416) was verified with the certified copy in this case. It is the same. It is being given Exhibit No. 216.

In the present case, the complainant had given money to the accused for obtaining government securities/replicas. In that regard, Accused No. 1 on behalf of Accused No. 2 had given us a contract note. Its original copy (Exhibit No. 417) was verified with the certified copy in this case. It is the same. It is being given Exhibit No. 217. The said original contract note was seized by the police from me. It bears my signature as the seizing person.

In the present case, other documents as per list Exhibit No. 102-A were verified with the original documents brought by Mr. Thul, and as they were the same as stated by the witness, they have been given the following exhibit numbers:

Sr. No.	Original Exhibit / Nature of Documents	Nature of Documents (Translated)	Exhibit Number Assigned
12	405	Certified copy of agreement dated 24.02.2001	218
13	409	Letter given on behalf of Accused No. 2 dated 16.03.2001	219
14	410	Letter given on behalf of Accused No. 2 dated 08.03.2001	220
15	406	Letter given by Wardha DCC Co-op Bank to Chief Accountant, Mah. State Co-op Bank dated 16.03.2001	221
17	409	Letter given by Accused No. 2 for various transactions dated 28.03.2001	222
18	394	Fax given by Wardha DCC Co-op Bank to Chief Accountant, Mah. State Co-op Bank dated 16.03.2001	223
19	395	Fax given by Wardha DCC Co-op Bank to Chief Accountant, Mah. State Co-op Bank dated 16.03.2001	224
20	407	Letter given by Accused No. 2 with signature of Accused No. 1 to Wardha DCC Co-op Bank dated 21.03.2001	225
21	396	Letter given by Wardha DCC Co-op Bank to Ketan Sheth, Director of Accused No. 2, dated 30.03.2001	226
22	397	Letter given by Wardha DCC Co-op Bank to M.S. Co-op Bank dated 30.03.2001	227
20	408	Letter given by Accused No. 2 with signature of Accused No. 1 to Wardha DCC Co-op Bank dated 19.04.2002	228

Sr. No.	Original Exhibit / Nature of Documents	Nature of Documents (Translated)	Exhibit Number Assigned
24	398	Letter given by Wardha DCC Co-op Bank to Accused No. 1 dated 02.07.2001	229
25	399	Letter given by Wardha DCC Co-op Bank to M.S. Co-op Bank dated 04.09.2001	230
26	400	Letter given by Wardha DCC Co-op Bank to Accused No. 2 dated 17.09.2001	231
27	401	Letter given by Wardha DCC Co-op Bank to Accused No. 2 dated 04.01.2002	232
28	403	Letter given by Wardha DCC Co-op Bank to Accused No. 2 dated 15.03.2002	233
02	513	Written complaint made by complainant against the accused given under my signature. The contents therein are true.	234
01	-	First Information Report Crime No. 110/2002 registered on the basis of written complaint made by complainant against accused. Its printed copy.	235
03	390	Seizure panchanama dated 26.04.2002	236
04	391	Seizure panchanama dated 06.05.2002	237
-	-	Site copy of demand notice of cheque amount to accused dated 24.04.2002	238
-	-	Original postal receipt regarding sending of said notice to Accused No. 1 & 2	239 & 240
102-B / 03	-		241

Sr. No.	Original Exhibit / Nature of Documents	Nature of Documents (Translated)	Exhibit Number Assigned
		Envelope regarding notice sent to Accused No. 1 of Exh. 238 returned back	
102-B / 03	-	Envelope of Exh. 241 was opened before the Court	242
-	-	Copy of notice therein was shown to the witness. It is the same. It bears the signature of advocates.	-
102-B / 04	-	Original acknowledgement receipt regarding receipt of notice of Exh. 238 by Accused No. 2 through Accused No. 1	243
-	-	Certified copy of Aadhaar/ Identity card of witness	245 (Exh. 244 alongside)

Notice was also sent to the other directors of Accused No. 2. The contents in the documents regarding the correspondence and other transactions held in relation to the above-mentioned accused are true and correct. The notice at Exhibit No. 238 bears the signature of the complainant's advocate Shri A.B. Choudhary. The contents therein on behalf of the complainant bank are true and correct as per my statement. The amount of the said cheques has not been received by the bank till today. The amount of the cheques in the present matter has been given taking into account the interest accrued up to the last day of our transaction. The complainant bank invested such a huge amount because higher interest was being received in government securities and it was to be received by us quarterly. If such amount was invested in fixed deposits, the interest rate therein was lower. With a view to getting higher profit for the bank, the said amount was invested through the accused.

Examination-in-chief completed.

Matter kept for cross-examination of the witness.

Wardha

Date: 18.12.2005

Accepted post-hearing,

(M. R. Chavan (Hivrale))
Judicial Magistrate, First Class,
(Court No. 2), Wardha.