

IN THE COURT OF THE I ADDL CHIEF
METROPOLITAN MAGISTRATE BANGALORE

CC No. 12078-2006

Deposition of	:	V.S. D'Souza	CW:69
Father's Name	:	Shaw D'Souza	PW:11
Age	:	68 years	
Occupation	:	Retired as DCP Crimes Bengaluru City.	
Residence	:	HBR Layout, Nagavara, Bengaluru.	

Duly Sworn on 10.06.2022.

Examination in Chief by Sr. APP:

From 2002 to 2007 I was working as Asst. Commissioner of Police of Frazer Town, Bengaluru. Commercial Street police station was under my jurisdiction. On 10.06.2003 as per memo DCP, East Bengaluru I took over investigation of Cr. No. 101/2003 of Commercial Street police station from CW68. I noticed that CW68 has registered the case and issued FIR. I have verified complaint and FIR. Complaint is already marked as Ex.P1 and now I see FIR in said case, it is marked as Ex.P152 (The said document is partly torn. Office to keep it in safety cover). CW68 has signed both documents. On 11.06.2003 I

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issued notice to Manager Legal of Amanath Co-operative Bank by name Mohammed Sami Ullah i.e., CW44 u/sec. 91 of Cr.P.C. On 20.06.2003 CW44 produced Sl. No. 1 to 50 files as per Annexure-1, Sl. 1 to 8 files as per Annexure -2, official details of A1 to 3 as per Annexure – 3, details of properties of A1 to 3 as per Annexure – 4, details of various false accounts along with investigation and inspection report as per Annexure – 5, RBI investigation report and Internal investigation report, By-laws book of the bank, list of Board of Directors, letter of Mr. Devananad Pai as per Annexure – 6. I have seized and reported seizure of said documents to court as per PF No. 56/2003 and obtained permission to retain said documents. Now I see said PF it is marked as Ex.P153 and signature of witness marked as Ex.P153(a).

On 21.06.2003 I issued another notice u/sec. 91 Cr.P.C. to CW44 to produced Internal Audit Report, Co-operative Audit Report, Reserve Bank Audit Report. on

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same day after service of notice, CW44 produced brief writeup about bank and audit revelations.

On 23.06.2003 CW44 produced RBI Inspection Reports, Statutory Audit Report. I have seized said document as per PF No. 60/2003. Now I see said PF it is marked as Ex.P154 and signature of witness marked as Ex.P154(a). On same day I have recorded statement of one Nagaraj Gupta - Asst. Director of Amanath Co-operative Bank.

On 25.06.2003 CW44 produced the bank SB account details of A1 to 3. On same day I have recorded statements of CW2.

On 27.06.2003 I issued one more notice to CW44 u/sec. 91 of Cr.P.C. to produced following documents -

1. Copy of communication made to Amanath Bank between February 2003 to June 2003 by RBI, Bengaluru.
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Copy of board minutes or sub-committee minutes regarding these accounts,

3. List of non performing accounts as on 31.03.2002 and as on 31.03.2003 as informed to RBI if any related to above accounts,

4. Information as to whether any of such non performing accounts are related to relatives of Directors.

5. The minute book regarding the proceedings of meeting held by President and Board Members of Amanath Co-operative Bank,

6. Record pertaining to board meetings from 1998 to March 2003 in original.

7. Statement containing of questionable account opened and closed as per Annexure no. 1.

8. List of accounts utilized for closing the questionable accounts as per Annexure No.2.

On 01.07.2003 I have examined and recorded statements of CW34, CW4 and CW3.

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On 03.07.2003 I issued another notice to Nagraj Gupta Asst. Director of said bank u/sec. 91 Cr.P.C. to produce the original of documents of Audit Inspection.

On 09..07.2003 said Nagraj Gupta produced documents mentioned in PF No. 62/2003, which are said to have been given to him by bank. I issued another notice u/sec. 91 Cr.P.C. to CW44 as he failed to produce documents as per earlier notice. Thereafter I have made periodical efforts to trace out Accused persons who were absconding.

On 23.07.2003 I have issued a letter to Regional Passport Office, Bengaluru to furnish passport details of Accused persons if any. On 28.07.2003 as per memo of Director General of Police I handed over further investigation of the case to CW70 – K.S.Mohan Dy.S.P. COD. I have obtained acknowledgment by handing over case records and documents collected by me during my

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investigation. I can identify seized documents under above PFs.

At this stage further chief examination of witness is deferred as per request of learned Special PP. for want of documents.

(Typed to my dictation in open Court).

R O I & A C

I ACMM, Bengaluru.