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Witness recalled an duly sworn on 05.08.2023.

Cross-Examination by Sri KAB for accused :

I had received the written memo on 10.06.2003 from DCP - East Dvn. I have handed over the said memo to the CID. I am aware that normally registration of the FIR will be from the higher officers. It is not necessary to verify whether the parties are individuals or institutions. It is true to suggest that, in FIR the Complainant is Dr. Mumtaz Ahmed Khan. It is true to suggest that, before the investigation we verify the FIR. It is true to suggest that, in Ex.P1 on the right side of the top the date has been hand written and Witness volunteers that the date is altered. I have not called the Complainant. Witness volunteers that I was incharge of this case for a period of one month. I had enquired CW68 about whether he has collected any resolution and other materials of the Complainant. On 11.06.2003 upto 28.07.2003, I have verified the case files and also partially investigated the matter. I do not know whether the Legal manager of the Complainant was called at the time of receiving complaint. I am being a IO and need not take any permission from the court during investigation to summon the documents. I have issued the notice to Legal Manager to produce what all the documents required for investigation. Initially, I have sent notice to Complainant to produce the document, but as he told that legal manager, is the authorized person, but I have not issued direct notice to the higher officials. After I securing the

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document form CW44 I verified the same with the list produced by CW44, thereafter I seized and also obtained the signature of CW44 to the PF 56/2003. I have handed over the entire documents to the IO for further investigation. The said documents were not covered and sealed. I had summoned the document from CW44 only for a particular disputed period. I have drawn the seizure mahazar of PF No. 56/2003. I have given the endorsement for receipt of the said documents. I had informed the higher officials of the Complainant over a phone about the seizure of said documents. After I receiving the document, the Complainant has not verified the same thing in my presence. It is false to suggest that, the Legal Manger was not the custodian of the said document. It is true to suggest that, certain documents will be in the custody of particular person who is incharge of said documents. I had also summoned certain document to Nagaraj Gupta, who was the incharge of documents. I have not gone there to personally to collect document, but I had issued summon to CW44 and one Nagaraj Gupta to produce the documents. Except PF there is no other reference of the receipt of the documents. I do not remember the document which I received, belongs to which type account. What made you to summon the document on 20.01.2003, for the same witness answers that the said document were required for the investigation, so I summoned it. The previously produced document were insufficient therefore I summoned it second time. Now I do not remember the internal audit report and co-

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operative audit report and other document which were secured time belongs to which year. I had summoned the documents on 26.07.2003, as the previous document were insufficient and also I have taken the assistance of legal cell. I have not made endorsement of verification on documents. It is false to suggest that, I had not recorded the statement of CW2, 3, 4 and 33 at my instance. CW44 informed me that certain document are with Nagaraj Gupta, therefore on 03.07.2003 had summoned him to produce the document. Unless I go through the records I cannot specifically say for which year of audit I had summoned for Nagaraj Gupta. I have not obtained any explanation from the higher official of CW44 when he failed to produce certain documents as I sought for. I have given written intimation to our higher authorities about handing over the case file to CW70 for further investigation of this case. Now I see the entire file of a/c in respect of OD Account. Ex.P155 was not given to me in a sealed cover. It is true to suggest that, in Ex.P155 to Ex.P274 the name of the Accused is not appearing. Witness volunteers that I suspect them to be fictitious names. I have verified Ex.P155 to P274 in respect of whether they have been sanctioned with the prior permission of board of Directors. It is false to suggest that, I have not at all received Ex.P155 to P274 during my investigation, therefore I have not made any endorsement on those documents in respect of verification of the same. I do not remember what was the position of Mr. Nagaraj Gupta during my investigation. It is false to suggest

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that, as he was not holding any position he has not produced any document to me. It is true to suggest that, in the list of witness filed along with the charge sheet the name of Nagaraj Gupta is not appearing.

Re-Examination : Nil

(Typed to my dictation in open Court).

R O I & A C

I ACMM, Bengaluru.