IN THE COURT OF THE I ADDL CHIEF METROPOLITAN MAGISTRATE BANGALORE

CC No. 12078/2006

Deposition of	:	**Thammaiah M.K.**	**CW:74**
Father's/ Husband's Name	:	**Khushalappa**	**PW:12**
Age	:	**57 years**	
Occupation	:	**Addl. SP, Hassan**	
Residence	:	**Hassan**	

Duly Sworn on 21.02.2024.

Examination in Chief by Sr. APP:

From 10.08.2003 to 20.03.2004, I served as PI, FS COD, Bengaluru. I was designated as Asst. IO to the IO as per the order of SP, COD. On 28.09.2003, I along with IO executed a search mahazar at the house of A2. I can identify A2. Witness identified the said mahazar same is marked as Ex.P 275 and his signature as Ex.P. 275a. During the mahazar we seized two seals forcity computer, proprietor seal which is in english, signature on the blank papers, Income and Domicile Certificate of A2.

On 27.08.2003, I was also part of search mahazar conducted at A1 house. On 19.08.2003 I recorded the statement of CW4. On 04.09.2003, I recorded the statement of CW5. On 06.09.2003 I recorded the statement of CW6.

On 16.09.2003, I recorded the statement of CW7. On 17.09.2003, I recorded the statement of CW8 and 9. On 18.09.2003, I recorded the statement of CW13. On 19.09.2003, I recorded the statement of CW14, 15, 17, 18, 19. On 22.09.2003, I recorded the statement of CW20. On 23.09.2003, I recorded the statement of CW21 and 22. On 24.09.2003, I recorded the statement of CW24, 25, 26, 27. On 29.09.2003, I recorded the statement of CW28, 29, 30. On 23.09.2003, I recorded the statement of CW23. On 30.09.2003, I recorded the statement of CW31. On 01.10.2003, I recorded the statement of CW32. On 13.10.2003, I recorded the statement of CW39. On 14.10.2003, I recorded the statement of CW40. On 18.10.2003, I recorded the statement of CW41, On 21.10.2003, I recorded the statement of CW43, 44, 45. On 28.11.2003, I recorded the statement of CW46.

On 03.01.2004 as per SP's order I took up this case from CW70 I continued the investigation. I issued the notice to Rehman Khan CW53. On 13.02.2004, I sent the notice to Branch Manager, Bank of Baroda, KG Road Branch regarding Pay order No. 003841 dated 31.03.1998 for Rs. 75 lakhs and Pay order No. 003840 dated 31.03.1998 for Rs. 75 lakhs and Pay order No. 003842 dated 31.03.1998 for Rs. 50 lakhs. These pay orders issued in favour of Al-Ameen Housing Development Company Ltd. The said account was in the Bank of Baroda, KG Road Branch.

On 16.02.2004, CW53 appeared before me and I recorded the statement in which he stated that he is not having the knowledge of the above said account. On 21.02.2004, CW53 once again appeared before me and I enquired about 3 OD Accounts No. 10358 of KH Traders, No. 10359 of National Enterprises, No. 10360 of Classic Traders and he denied the knowledge of these accounts. On 01.03.2004, I issued a notice to Amanath Co-operative Bank to hand over the unclaimed postal covers sent to respective addressees which are in respect of bogus accounts. On 06.03.2004, the Legal manager of Amanath Co-operative Bank appeared before me and produced covering letters with 45 pay orders which were used by the Accused to purchase land in HSR Layout. I seized the same and inserted in PF 40/2004. The said letter issued by Legal Manager, Amanath Co-operative bank same is marked as Ex.P 276. the endorsement and signature of witness is marked as Ex.P 276a. On the same day, CW43 replied to my notice and produced 42 registered postal envelopes which were returned back to the bank as unclaimed, as the addressee mentioned were bogus. Total 42 envelopes and acknowledgement are all together are marked as Ex.P. 277. 6 postal acknowledgements are all together are marked as Ex.P. 278. The Amanath Bank also provided the details to whom the said letters are served and not served. The said details seized in PF 41/2004 and said documents are marked as Ex.P. 279.

On 08.03.2004, I enquired CW53 I took his sample handwritings in 15 sheets. On the same day, the Branch Manager, Bank of Baroda Sri K.S. Yadayal in response to my notice dated 21.02.2004 produced the pay orders in 003841, 003840 and 003842 dated 31.03.1998 total amount of Rs. 2 Crores. These pay orders were remitted to current A/c No. 70540 on 02.04.1998 in the name of Al-Ameen Housing Development Company Ltd. They also produced available documents along with pay orders i.e. covering letter dated 08.03.2004, original account opening form of above said account, original MOA of Al-Ameen Housing Development Company Ltd., certified account statement from 06.05.1997 to 12.04.1998 i.e. date of last transaction, original challan through which above said pay orders were deposited to current accounts, original cheque No. 444636 for Rs. 2 Crores was transferred to M/s. Amanath Cooperative Bank on 03.04.1998. The above documents were seized in the presence of witnesses Sri Panduraga and M.S. Satyaprakash. The signature of witnesses were also taken on documents which are inserted in PF 44/2004 and reported the same to Hon'ble Court. On perusal of above said DD's the same were originated from Over draft A/C No. 10358 of KH Traders, 10359 of National Enterprises, 10360 of Classic Traders. On verifying the Cheque No. 444636, it was signed by CW53. Even in the account opening form and MOA also bears the signature of CW53. MOA also contains the names of CW1, Athik Ahmed, S.S, Peran, Abdul Gafar Azid Athif, Ziaulla Sheriff, Chidor as Directors of Bank. Analysis of these 3 OD accounts it reveals that the said amount of Rs. 2 Crores has been transferred from 3 bogus accounts to Al-Ameen Housing Development Company Ltd, bank of baroda, KG Road.

On 03.04.1998, Rs. 3 Crores transferred back to Amanath Cooperative bank, but to whose account it has been transferred is not gathered as the documents were already destroyed. Even the documents pertaining to 3 pay orders are also destroyed by the bank, so as to not leave a trace. However one document was seized inserted in PF 109/2003 dated 26.09.2003 in Sl. No. 1 pay order issuing register in sub bracket 2 from 31.03.1998 to 31.12.1998, the said document, it is appearing about the issuance of above said pay orders. The said documents and documents mentioned in the PF 44/2004 has not been submitted along with the charge sheet. On 08.03.2004, I took the sample signatures of A1 and A2 in presence of witnesses. On 20.03.2004, as I was transferred then I handed over the file to CW75.

(At this stage, for want of properties and documents, further chief is deferred)

(Typed to my dictation in open Court).

R O I & A C

I ACMM, Bengaluru.