

**EVIDENCE AS PER SECTIONS 272 AND 277 OF THE CODE OF THE  
CRIMINAL PROCEDURE, 1973**

**P. W. No.01 on oath for the prosecution.**

**Name** : Hastimal Jain, S/o. Nathmal Jain.

**Age** : 62 years. **Occupation** : Gold Business.

**Address** : Presently at Sumit Bhumi Avenue, Ganesh Galli, 9<sup>th</sup> Floor, Block No.901, Lalbaug, Mumbai.

**Examination-in-chief by Ld. APP Mr. V. N. Mulgir. for the State :-**

01. The accused No.02 is absent. Ld. Adv. for the accused filed application Exh.No.35 for exemption.

02. In the year 2015, I was doing joint family gold business in the name and style as Shree Keshriya Jewellers at Ronak Bhavan, Zaveri Bazar, 2<sup>nd</sup> Floor, Room No.05. My brother Narendra Jain and Jaychand Jain are proprietors of the business. We were doing business at Bhiwandi by name Sethiya Jewellers. We were doing the business of selling necklace (*mangalsutra*) and bangles manufactured through labours. We had employed Mitesh Jain and Vikram Jain in our shop at Shree Keshriya Jewellers.

03. Mitesh Jain is present in the Court today. I identify him. Subhash Jain is my friend and he is uncle of Mitesh Jain. Subhash Jain requested me to employ Mitesh Jain in my jewellers. I accepted his request and employed Mitesh Jain in our shop. I had given my shop to Mitesh Jain for whole management. Mitesh Jain was taking jewellery from our shop and was going out at Bangalore to sell it. He was giving back us cash or golden biscuits after return to Mumbai.

04. There was function at my house in Mumbai, Gujarat and Rajasthan during January 2015 till 28.02.2015. I had delivered key of the locker to Mitesh Jain on 15.01.2015 to manage whole business. When I delivered key of locker to Mitesh Jain at that time in the locker there were 12 golden biscuits of 100 gram each and cash of Rs.5,00,000/-. We were in his contact over telephone from 15.01.2015 to 18.02.2015. He was giving us details of transactions till 18.02.2015 through telephone. On 19.02.2015, his mobile was switched off. We returned back to Mumbai from Rajasthan on 28.02.2015. We enquired about him at his home and with his relatives. He was not found anywhere. We then lodged report with the police. Now, I am shown First Information Report, it bears my signature, its contents are true and correct, it is marked as Exh.No.37.

05. I went to my office and checked the locker. I found that, 1200 gram biscuits and cash of Rs.5,00,000/- was not there. I enquired in the market with Mandeo Bullion from whom we had purchased 500 gram gold. Mandeo Bullion came to me to collect payment of 500 gram gold at that time I told them that, I did not receive gold. They told me that, Mitesh Jain has received 500 gram gold from them. Mitesh Jain had taken 680 gram mangalsutra from our labourers. Police could recover only 22 gram through Mitesh Jain. When police arrested Mitesh Jain, we went to Bangalore with him. Mitesh told us that, he has given whole ornaments to the accused No.02 Suraj Khatri. I have only once seen Suraj Khatri. I can identify him, if shown to me. Today, he is not present in the Court.

06. I had lodged complaint with the police for recovery of our golden ornaments and other articles.

Chief-examination over.

(Cross-examination is deferred till next date due to recess).

As per request of Ld. APP for the prosecution and Ld. Adv. for the accused the evidence is being uploaded on the CIS system.

R.O.A.C.

Sd/-

(Subhash L. Phule)

Judicial Magistrate (First Class)  
28<sup>th</sup> Court, Esplanade, Mumbai.

Date : 24.02.2026.

Place : Mumbai.