ಸಾಕ್ಷಿಯನ್ನು ಕರೆಯಿಸಿ ಪ್ರಮಾಣೀಕರಿಸಲಾಯಿತು. ದಿನಾಂಕಃ 16.11.2024.

ಪಾಟೀ ಸವಾಲುಃ ವಾದಿ ಪರ ಶ್ರೀ ಪಿ.ಎನ್.ಎಸ್. ವಕೀಲರಿಂದಃ

ನಾನು 6ನೇ ಪ್ರತಿವಾದಿ ಕಂಪನಿಯಲ್ಲಿ ಮುಖ್ಯ ಕಾನೂನು ವಿಭಾಗದಲ್ಲಿ ಅಧಿಕ್ಷಕರು (Head of legal complaince) ಎಂದು ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದೇನೆ. ನಿಡಿ-1ರಂತೆ ಕಂಪನಿ ನನಗೆ ಈ ದಾವೆಯಲ್ಲಿ ಸದರಿ ಕಂಪನಿ ಪರವಾಗಿ ಸಾಕ್ಷ್ಯ ನೀಡಲು ಅಧಿಕಾರ ಪತ್ರ ನೀಡಿರುತ್ತದೆ. ಈ ದಾವೆ ಹಾಕಿದಾಗಿನಿಂದ ನಾನು ದಾವೆಯಲ್ಲಿ ಹಾಜರುಪಡಿಸಿದ ಎಲ್ಲ ದಾಖಲೆಗಳನ್ನು ನೋಡಿರುತ್ತೀರಾ ಎಂದು ಕೇಳಿದ ಪ್ರಶ್ನೆಗೆ, ಸಾಕ್ಷಿ ನಾನು ಯಾವ ದಾಖಲೆಗಳನ್ನು ಸ್ವಿಕರಿಸಿರುತ್ತೇನೆ ಆ ದಾಖಲೆಗಳನ್ನು ಮಾತ್ರ ನೋಡಿರುತ್ತೇನೆ ಎಂದು ನುಡಿಯುತ್ತಾರೆ. ಈ ದಾವೆಯಲ್ಲಿ ನಾವು ನಮ್ಮ ಕಂಪನಿಯಲ್ಲಿ ಯಾವುದೇ ರೀತಿಯಾದ ಹಣ ಹೂಡಿಕೆ ಮಾಡಿಲ್ಲ, ಆದರೆ ಸ್ಟಾಕ್ ಎಕ್ಷಂಜ್‌ದಲ್ಲಿ ಸದರಿ 1ನೇ ಪ್ರತಿವಾದಿ ಗಂಡ ಹೂಡಿಕೆ ಮಾಡಿರುತ್ತಾರೆ, ಆಕಾರಣ ದಾವೆ ನಮ್ಮ ವಿರುದ್ಧ ಕಾನೂನಿನ ಅಡಿಯಲ್ಲಿ ನಿಲ್ಲುವುದಿಲ್ಲ ಎಂದು, ನಾವು ಪ್ರತಿವಾದ ಪತ್ರ ಸಲ್ಲಿಸಿರುತ್ತೇವೆ.

It is true to suggest that Rambabu is our cliant. It is false that, Rambabu has invested the amount through our company, witness volutarily deposed that the defendant No.6 provided platform for Rambabu to access stock exchange to trade in security.

It is true that there was order of atthement of Rupees. It is true that our company has preferred a writ petition against the order of this court for attachment of the above said Rs.1,84,33,241.87 before the Hon'ble High Court of Karnataka. I do not know that what was the amount attached by this court. It is true that the Hon'ble High Court of Karnataka has directed to our company to deposit an amount of Rs.1,84,33,241.87 as per order dated 10.07.2014. It is true that as per the direction of the Hon'ble Court our company has deposited the above amount in the State Bank of Hyderabad Aland Branch. It is true that the above amount is belongs to husband of defendant No.1 by name Venkata Rambabu.

It is suggested that with whom the said amount was lying, the witness deposed that the amount was lying to the credit of Mr. Rambabu in a separate clint bank account maintained by the defendant No.6. While depositing the above mentioned amount as ordered by the Hon'ble High Court our company has taken consent of defendant No.1 who is wife of Rambabu. Whether our company has entered the name of defendant No.1 in trading account which is in the name of Ramababu witness deposed that it cannot be done in accordance with law. It is true to suggest that the defendant No.1 says that whatever amount is in the defendant No.6 trading account she has no concerned with the said amount and also it may be paid to the plaintiff bank. It is true to suggest that our company has not preferred any appeal against the order passed by the Hon'ble High Court.

It is false that the amount which was deposited in the SBH Branch Aland is belongs to the plaintiff bank. Our company has produed the trading account number of

Ramababu in this case. I do not know in which bank the above mentioned amount was lying, witness voluntarily deposed that he will go through the records and he tell the same. Our company has taken details of the bank amount and particulars of the trading account. Our company has produced the details of bank amount and particulars of trading account before this court.

Ex.D2 to Ex.D12 and other documents which has been marked on behalf of plaintiff bank those are pertaining to trading account. Our company has not produed the bank statement of clint bank account as it is common for all our company clints, witness voluntarily deposed that our company has produced only statements of account of Mr. Ramababu. It is true that Ex.D6 document is not bank statement. I did not remember to which bank the said Ramababu had transfered money. I will give on next date of bank account where the money was received.

It is false that the Ramababu has transfered the amount from his account to transferee bank and our company invested the money in the name of Ramababu. Mr. Ramababu himself invested the said amount in the securities market through the stock exchange. It is false that the Ramababu has transferred the amount about 22 crores to the transferee bank, witness volutarily deposed that the said Ramababu has transferred an amount of Rs.20.5 crore.

It is not true to suggest that on the advise of our company the Ramababu has invested the amount in the stock exchange market. Our company is stock broker company we provide platform to access stock exchange to pruchase shares and securities. It is true to suggest that the said transferee bank account (**clint bank account**) is under controll of our company. It is true to suggest that our company operate the transferee bank account (**clint bank account**) to meet the securities obligation of Ramababu to stock exchange. It is true to suggest that our company is aware about how much money come from Ramababu and how much is sent to stock exchange for investiment by Ramababu.

It is true to suggest that our company has suspected while investing the Ramababu on a huge amount in the stock exchange market, witness voluntarily deposed that our company has intimated on 12.02.2013 to Financial Inteligence Unit. Though our company has suspected at the time of investing the amount by the Ramababu but it has not been informed Ramababu and his employer, witness voluntarily deposed that it is not permissible under law. At the time of investiment of Ramababu in the stock exchange market out company has collected all the particulars of the Ramababu, witness voluntarily deposed that our company collect the information as per application of SEBI. Whether any response from **FIU**, witess deposed that there was no response. Whether our company confirmed any money londering, witness deposed that there is a suspicious transaction and therefore, our company report a suspicous transaction report to FIU.

It is not true to suggest that as per the PMLA Act if any one suspect money londering he should stop transaction. Though our company has suspected about transaction in the year 2013 why your company did not stop the further transaction of Ramababu, witness deposed that as per the SEBI circular on PMLA does not allow to our company to stop transaction as it would amounts to tipping up. It is false to suggest that there is a provison in the PMLA Act that if there is suspecious transaction then the further transaction shall be stopped. I will produce SEBI circular on the next date of hearing. Our company will not claiming any amount which has been deposited in the plaintiff bank as per the direction of the Hon'ble High Court. It is true to suggest that whatever amount transferred from the transferee bank by Ramababu is not belongs to our company. I know that the said Ramababu has commited sucide after committing the fraud, but I do know about fraud committed by Ramababu. I do not know after the institution of the suit from the plaint our company has came to fraud committed by Ramababu, witness voluntarily deposed that its only allegation of plaintiff bank. I do not know at the instace of plaintiff bank there was a CBI inquiry with regard to fraud committed by Ramababu, witness voluntarily deposed that our company has submitted the documents related to trading account of Ramababu on the basis of CBI letter. It is true to suggest that till the date the legal heris of deceased Ramababu not approached our company.

It is true to suggest that the LRS of Ramababu not asked our claimed any amout from our company or from the transferee bank. It is false to suggest that at the instance of our company the Ramababu has invested the amount. It is true to suggest that whatever amount invested in the stock exchange security market was effected by Ramababu in his name. Whatever amount deposited by the Ramababu was towards purchase and sale of secirities by himself. In general the amount invested by person claim back that amount himself only subject to market condition.

(At the request of counsel for plaintiff further cross examination is deferred.)

(ತೆರೆದ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ನನ್ನ ಉಕ್ತ ಲೇಖನದಂತೆ ಬೆರಳಚ್ಚು ಮಾಡಲಾಯಿತು.)

ಓ ಹೇ ಕೇ ಸರಿ ಇದೆ

ಹಿರಿಯ ಸಿವಿಲ್ ನ್ಯಾಯಾಧೀಶರು,
ಆಳಂದ.