

GOVERNMENT OF KARNATAKA
DEPOSITION SHEET

IN THE COURT OF PRL CIVIL JUDGE & JMFC HOSAPETE

CC No.831-2014

PW.4 CW. 1

Name of the witness : Sangeeta
Husband name : Nishant
Age : 39 years
Occupation : IDBI bank
Residence : Bengaluru

Duly sworn on 24-02-2020

Examination in chief by : Sri. APP

From 2012 to 2014 I worked as Manager at IDBI bank station road Hospet.

Seizer Panchnama is shown to the witness. He identifies his signature on it. Panchnama is marked as Ex.P-1. Signature of the witness is marked as Ex.P-1 (a).

on 02-03-2013 I put my signature on Ex.P 1 in bank.

On 02-03-2013 cheque bearing no. 157198 came to our bank for clearing , the cheque was passed for Rs. 51,00,000/- dt 22-02-2013 infavor of SR trading corporation limited. After the cheque was passed, when the client at Kolkatta on receiving sms came to know that he had not issued any cheque for Rs. 51,00,000/-, same was

informed by the claimant to IDBI bank at Kolkatta. The kolkattta branch official called me and informed about it. They informed that it is a fraud case. I called HDFC bank branch manager Girish / CW6 and told him to stop the payment. CW-6 informed that the client manjunath is waiting for receiving the payment. The payment was stopped and same was reversed. I have given statement to this effect.

(At this stage APP seeks permission of the court to treat the witness as hostile. Perused the case records, as witness is deposing against the statement, he is treated as partly hostile)

Cross examination by : learned APP.

It is true to suggest that 12-08-2013 in between 12.00 to 1.00 Pm police conducted seizure panchanama and seized 1 cheque in my presence. I can identify the cheque seized. Same is marked as EX.P.2.

Cross examination by : Counsel for the accused

It is a customer command under banking law to pay the payee on the cheque. Witness states that on receiving sms the bank officials were alerted. It is true to suggest after verify the signature, same will be cleared for payment. There is no dispute of signature on the cheque. Witness states that there was forgery. In the bank we maintained specimen signature card of the customers, for the purpose of imitation. Witness states that the signature was perfect. It is true to suggest the person putting the cheque for collection will put it along with collection slip and the counter foil will be issued the said person and the other part will be retained in the bank and the

same will be attached to the cheque. It is true to suggest on the basis of the said documents we can ascertain the details of the person who presented the cheque for collection. Witness states that on the said document there will be details to which account the amount has to be deposited. On bearer cheque we also obtained signature of the persons presenting it for collection, behind the cheque. On EX.P.2 there is no signature behind the cheque. As EX.P.2 is account payee cheque, there is no signature behind the cheque. There was no SR trading corporation account maintained in our bank. Dolphin infra tower limited is the account holder in Kolkatta branch. It is true to suggest before passing the cheque, specimen signature of Kolkatta bank can be verified. I passed the cheque Ex.P.2. I verified the specimen signature before passing the cheque. I did not feel that there was imitation on verifying the specimen signature. Witness states that there was alteration in the account number on the cheque. The said alteration is not visible with naked eyes and it is not material alteration. It is true to suggest under banking law the cheq can not be appsed if there are alterations. Witness states that as the alterations are not visible to the nacked eyes, same could not be identified. I have stated about the alteration in my statement. It is false to suggest that I have not given statement before the police. I gave my statement in the bank and the same was reduce to writing.

On the instruction with our manager, I was secured for panchanama. There were other officials and publics in the spot. We maintained reports regarding the cheques present at for

collections. The police did not seek for such reports and pay in slip. I stated the contents of panchanama. It is false to suggest that I am deposing falsely before the court on the directions of Kolkatta client even though the accused has not committed any offence. I did not verify about the owners of SR trading corporation. It is false to suggest that I am deposing falsely before the court to save some other persons. I have not seen the accused. I do not remember if the police gave any endorsement for having seized the cheque. Witness states that there is endorsement to that effect in the out word register of the bank. It is false to suggest that I am deposing falsely to that effect.

Re-Examination : Nil.

(Typed to my dictation in the open court, corrected and then signed by me)

R.O.I. & A.C.

PRL CJ HOSPET

