

299 of the Cr.P.C.

PW. 2 on oath :-

C.C. No.28/PW/16

Exh.12/3

In view of order passed below Exh.24, witness is recalled for further examination in chief.

Further Examination-in-chief by Ld. APP Mr. Rakesh Tiwari for the State :-

2 (Learned APP has sought permission to confront the CD Exh.21 to this witness. Permission is granted in the interest of justice. The CD is now being played in open court with the aid of Dell USB DVD drive provided by the computer section in a manner visible to the witness, the open court including learned APP).

3 Account statement of the informant, Certificate under Section 65 (B) of the Indian Evidence Act issued and signed by me, copy of complaint of the informant filed in the bank are shown to me. The contents therein are correct. Those are marked at **Exh.26 to 28.**

4 Now, I am shown the footages more particularly dated 17.06.2014 Tuesday from 12:44:36 to 12:47:23 related to the informant which are now played before me. I can identify the informant, since he is our regular customer. The person who entered from 12:47:23 to 12:47:47 and again re-entered from 12:48:25 to 12:50:02 seems to be the suspect who committed the mischief in question i.e. cheating. It is visible that at about 12:49:41 he withdrew cash and left. Prior to it, he pressed ATM number pad multiple times.

5 Now, I am shown the footage/image/pic from inbuilt cam which was captured at about 12:38:55 on 17.06.2014 would indicate the



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informant and suspect. This pic is from the inbuilt camera attached to the ATM machine itself. Whereas, the CCTV which was attached in the room would indicate footages and therefore timing may defer.

Further examination in chief deferred till recess.

R. O. A. C.



(V.B. Gulve-Patil)

Date : 19.01.2026

Judicial Magistrate First Class
20th Court, Mazgaon, Mumbai.

P.W. 2 on oath :-

Further Examination-in-chief by Ld. APP Mr. Rakesh Tiwari for the State :-

6 I am an authorized person to have access and get the data from CCTV footage, ATM inbuilt camera. The contents of the Certificate under Section 65 (B) of the Indian Evidence Act are true and correct. The signature thereon are mine. The CCTV camera, ATM inbuilt camera were in working condition at that time. No manipulation or tampering have been done to the images, CCTV footages which are retrieved from the system. The amount was withdrawn from Byculia (W) station ATM of our branch.

(CD opened, played again taken out from the CD player instrument and kept it in the case proceeding in an envelope [Exh.21] which is sealed before leaned APP and Noted).

The witness has been examined under section 299 of the Code of Criminal Procedure. The accused is absent on repeated calls. Hence, noted.

R. O. A. C.



(V.B. Gulve-Patil)

Date : 19.01.2026

Judicial Magistrate First Class
20th Court, Mazgaon, Mumbai.