

**C. W. No.1 M.D. Jamil on oath :-**

**C.C. No. 672/SS/2016**

**Exh.94/35**

**Further Cross-examination by Advocate Mr. Jayesh Kanani for the accused :**

66 It is true to say that there is no reference of the agreement dated 26.09.2011 executed between the complainant and accused no.1, in the complaint.

**Question** Did it happen that the agreement dated 26.09.2011 was not preserved in the record of complainant ?

**Answer** The agreement dated 26.09.2011 i.e. one copy was preserved with the complainant and other copy of the same was delivered to accused no.1.

I do not recollect whether we do not have documentary evidence to indicate that the copy of the agreement dated 26.09.2011 was delivered to accused no.1. I do not recollect whether I have seen the documentary proof in the records of the complainant to indicate that the copy of agreement dated 26.09.2011 was delivered to accused no.1. I do not recollect whether the original of the agreement dated 26.09.2011 was delivered to accused no.1 and the copy of the same was preserved by the complainant.

**Question** You have never seen the original of the agreement dated 26.09.2011 in the records of the complainant ?

**Answer** I have checked in the records of the complainant, but could not find it.

67 **Question** 268872 shares of Glodyne Techno Serve Ltd received by the complainant were standing in whose name ?

**Answer** The Glodyne Techno Serve Ltd's shares were pledged to the complainant.

(the witness has repeatedly answered the same sentence as noted above in response to the repeated question which was asked above).

**Question** Whether the share certificate of Glodyne Techno Serve Ltd received by the complainant bore the name of any shareholder ?

**Answer** Anand Sarnayak. We did not receive the share certificate. It was pledged to the complainant.

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It did not happen that the complainant presumed the pledging of the shares though the same were not given by Anand Sarnayak. It is true to say that without execution of any document, shares of any company cannot be pledged.

**Question** Whether Ajay Bharatiya or Gyanprakash Sinha have prepared any document with regard to pledging of 268872 shares of Glodyne Techno Serve Ltd on behalf of the complainant company ?

**Answer** One pledge agreement was prepared and signed by Gyanprakash Sinha.

I have to check whether no such pledge agreement was executed in 2011 or thereafter. I do not recollect whether Gyanprakash Sinha has prepared any other document with regard to 268872 shares of Glodyne Techno Serve Ltd.

68 It is true to say that the complainant has not paid any amount to accused no.1 on 27.03.2012. The witness volunteers that the amount was paid in 2010. I have to check whether any document in relation to pledge of the shares of Glodyne Techno Serve Ltd was executed between accused no.1 and the complainant in the year 2010. The complainant company did receive documents on 27.03.2012 from Anand Sarnayak. The witness volunteers that several documents were received. Said documents were received alongwith covering letter. I have to check whether such covering letter is available in the records of the complainant. The witness volunteers that if available, I can bring it on next date. I do not recollect whether the complainant received any document with regard to Dmat account of Anand Sarnayak on 27.03.2012. The witness volunteers that however said details are available in pledge agreement dated 27.03.2012. I



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don't want to say that whatever documents received from Anand Sarnayak on 27.03.2012 were referred in the pledge agreement. It is true to say that me personally did not receive any document on behalf of the complainant from Anand Sarnayak on 27.03.2012. It is true to say that prior to 27.03.2012, 268872 shares of Glodyne Techno Serve Ltd were already received by the complainant. The witness volunteers that those were pledged in 2010. It is not true to say that as on today, we don't have any document to prove that those shares were received as a pledge in 2010. Pledge/Hypothecation Form is said document. I have to check whether the original of said form is available in the records of the complainant. The witness volunteers that xerox is available with me right now. The figure of 268872 shares is not mentioned in the document which was received by us in 2010. The witness volunteers that said number is not mentioned in one form. Approximately 7-8 forms were received by the complainant from Anand Sarnayak with regard to 268872 shares.

69            On 28.09.2011, 50-60 thousand shares were returned to Anand Sarnayak.

*Learned advocate representing the accused submits that he is pre-occupied in second half and still require further time for cross-examination. The witness has answered on few questions that he would check and revert. Both learned advocates have prayed for next date and hence, as per their request and consent of the witness further cross-examination is deferred in the interest of justice.*

R.O.A.C.



(V.B. Gulve-Patil)

Date : 12.09.2025

Judicial Magistrate First Class  
20<sup>th</sup> Court, Mazgaon, Mumbai.