

DEPOSITION OF WITNESS
(Chapter XXIII Code of Criminal Procedure)

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, CHENNAI

C.C.No.09/2023

PROSECUTION WITNESS No. PW.1

Name : Mr. Harish kumar

Solemnly affirmed in accordance with provisions of Act X of 1873 on the 05th day of March, 2025.

Accused is present.

As per the order of this court in CrI.MP No. 1/2025 dated 22/02/2025, PW1 is recalled for the purpose of chief continuation.

Chief Continuation :-

In my earlier examination held on 16/08/2024 I have marked P2, P3, P4, P5 and P6 but I have not produced and marked Sec.65 (B) Certificate and certificate u/s. 2 (8) of Bankers book of evidence Act. All these said documents were downloaded by me from the computer systems maintained by the bank. The datas in respect of those documents were stored in the centralized server. Therefore, Now I produce 65 (B) Certificates dated 21/08/2024 and request that the same may be marked as Ex.P 29. The certificate u/s.2 (A) r/w s.2(8) of Bankers book evidence act in respect of Ex.P2, P3, P4, P5 and P6 may be marked as Ex.P.30. I was working in the bank when Ex.P2 to P6 were downloaded and Ex.P29 and P30 certificates were certified.

(The Learned counsel for the defence objected to mark Ex. 29 as it is not in consonance with Sec.65(B) (4) of IEA. Subject to the said objection Ex.P29 is marked. The certificate issued u/s.2 (A) r/w Sec. 2(8) of Bankers book evidence act is marked as Ex.P 30)

Cross Examination :-

This is the first time I am giving Sec.65(B) Certificate before the court of law. I know the purpose for which the said certificate is given. I am not aware that the purpose of Sec.65(B) Certificate is to give full particulars about the computer systems from which digital evidence is extracted. The format for the said certificate is given by bank. I have not received any requisition from Enforcement Directorate to produce Sec.65(B) certificate before this court. (Witness adds that at the time of my earlier examination, the 65(B) certificates issued by AGM was attempted to mark through me, but it was objected by the defense. Therefore the said 65(B) certificate was not marked. The Court itself clarified that I can issue Sec.65(B) certificate and therefore the certificate was issued by me). I deny the suggestion that I deleted the name of AGM and substituted my name in his place and issued Ex.P 29 certificate. It is correct that Ex.P29 certificate does not reveal the particulars of the computer from which the datas were collected. I deny the suggestion that Ex.P29 certificate is nothing but mere reproduction of Sec.65(B). Ex.P2 is statement of account for the period

from 01/07/2013 to 16/12/2021. It is correct that I joined the said branch only in the year 2019. It is correct that I am not aware as to who has fed the said information in to the computer and in which computer the said information were fed but the bank has introduced core banking solutions long back and we were using the said core banking solutions in our branch and therefore i believe that it is immaterial that who has fed the information and which computer it were fed. I have not stated in Ex.P29 about the core banking solutions. I have not mentioned about the centralized server in Ex.P29. I have mentioned in Ex.P29 certificate that I have downloaded account statements from the computer system installed at City Union Bank. I deny the suggestion that Ex.P29 certificate issued by me is not valid in law. I deny the suggestion that i can not certify in respect of the transactions happened when I was not joined the branch. I have not obtained any certificates from anybody relating to working condition of the computers out of which evidence were produced.

Re-Examination : - NIL

Typed to my dictation in my presence and hearing and under my personal dictation and superintendence and interpreted to the witness in the presence of the accused and admitted and signed by the witness to be correct.
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Principal Judge
