

Date : 03.09.2024

C.C.No.09/2023

PW1 - Shri. Harishkumar

(Accused produced through VC).

Cross Examination - continuation :

(Witness Voluntarily appeared in person for cross examination – continuation)

Q: I put it to you that in Ex.P8, Foil No. 506222824, there was no denomination at the backside ?

A: Yes.

Q: I put it to you that in Ex.P9, S.No. 8, dated 12.03.2015 you have stated that there are denominations ?

A: Yes. That is why the then branch manager has submitted denomination reconciliation statement.

Q: I put it to you that there are differences between the originals and copies furnished under 207 Cr.P.C in Ex.P7, challan no. 606594893. Is it correct ?

A: Yes. In the original it was handwritten with pencil and in the copy a seal was affixed.

Q: In Ex.P7, Challan no. 606594893, the backside of the original challan there was no question mark though in the copy of the document there was a question mark. Is it correct ?

A: Yes.

Q: I put it to you that, you are not the officer who put the question mark ?

A: No. I was the officer who put the question mark.

Q: In Ex.P8, Challan no. 606593063, dated 28.10.2016, there is no denomination and question mark at the backside of the original challan. Is it correct ?

A: Yes.

Q: I put it to you that the challans in the year 2016 were marked by you with the question mark in 2021. Is it correct ?

A: I have submitted the copy of the Cash Deposit slips along with my covering letter on 28.02.2022.

Q: In Ex.P8, Challan no. 606594183, dated 28.10.2016, there is no denomination and question mark at the backside of the original challan. Is it correct ?

A: Yes

Q: In Ex.P8, Challan no. 606595558, dated 28.10.2016, in the front page of the original challan quantum of Rs. 4 Lakhs has been mentioned in words and in numbers. Is it correct ?

A: Yes.

Q: In Ex.P8, Challan no. 606595558, dated 28.10.2016, in the backside of the original challan quantum of Rs. 25 Lakhs has been mentioned in numbers. Is it correct ?

A: It is mentioned in the denomination column.

Q: In Ex.P7, Challan no. 606595558, dated 28.10.2016, in the backside there are certain write ups in the column of drawee bank and it does not find place in Ex.P8 copy. Is it correct ?

A: Yes.

Q: The said write ups were not written by you. Is it correct ?

A: Yes.

Q: Who has written those write ups ?

A: I think it might have been written by the then branch manager Mr. Punithan.

Q: I put it to you that you do not know that when those write ups have been made ?

A: Yes.

Q: I put it to you that there are differences between the originals produced before the court and copies produced by you to the department. Is it correct ?

A: I deny the suggestion but there are only few differences like write ups at the backside of the challan.

Q: In Ex.P8, Challan no. 408004625, dated 23.11.2016, the quantum of Rs. 5 lakhs has been mentioned in words and numbers. Is it correct ?

A: Yes.

Q: At the same time, In Ex.P8, Challan no. 408004625, dated 23.11.2016, the quantum of Rs. 10 lakhs has been mentioned in the backside. Is it correct ?

A: Yes.

Q:Therefore the quantum mentioned in the front side does not match with backside of the challan. Is it correct ?

A: Yes.

Q: In Ex.P8, Challan no. 20135287178, dated 11.09.2017, there was a over writing in the date. Is it correct ?

A: Yes.

Q:In Ex.P8, Challan no. 501709194, dated 14.09.2017, in the frontside of the challan the quantum has been mentioned as Rs. 5 Lakhs in words and numbers but at the backside it was mentioned as Rs. 15 Lakhs. Is it correct ?

A : Yes.

Q: I put it to you that there are differences between the originals produced before the court and copies produced by you to the department. Is it correct ?

A: I deny the suggestion but there are only few differences like write ups at the backside of the challan.

Q: In Ex.P8, Challan no. 401303890, dated 07.03.2018, in the frontside of the challan the quantum has been mentioned in words and numbers as Rs. 31000 but at the backside it was mentioned as Rs. 69,000. Is it correct ?

A: Yes.

Q: In Ex.P8, Challan no. 501340077, dated 15.03.2018, in the frontside of the challan the quantum has been mentioned in words and numbers as Rs.50,300 but at the backside it was mentioned as Rs. 1,51,000. Is it correct ?

A: Yes.

Q: Ex.P7 original challan, Challan no. 501340077 there were write ups in pencil but it was not found in the copy of the challan Ex.P8. Is it correct ?

A: Yes.

Q: In Ex.P8, Challan No. 501592727 dated 21.06.2018, Rs. 80,000 has been written and there after striked out. Is it correct ?

A: Yes. But the amount has been correctly mentioned in words.

Q: In Ex.P8, challan number and 701869038, dated 20.04.2019, in the front side it was written as Rs. 5 lakhs and the backside it was written as Rs. 10 lakhs. Is it correct ?

A: Yes.

Q: You have not produced the original challan number 501222616, dated 31.10.2019, challan number 701869038, dated 20.04.2019. Is it correct ?

A: Yes.

Q: The original and copy of Ex.P10 Challan are shown to me. The backside of the original challan is not found in the copy. Is it correct ?

A: Yes.

Q: In Ex.P10 , Challan No. 45198645, dated 18.07.2013 in the front side it was written as Rs. 50,000 and the backside it was written as Rs. 1 lakh. Is it correct ?

A: Yes.

Q: In Ex.P10, Challan No. 204749, dated 14.03.2014, the cash deposit is shown as Rs. 30,000 but in the write up behind the challan it has shown as Rs. 1,05,000. Is it correct ?

A: Yes.

Q: This write up was not done by you. Is it correct ?

A: Yes

Q: The write up was not there when you have circulated the document to the department. Is it Correct ?

A: Yes.

Q: This write up would have been done by Mr. Punithan. Is it correct ?

A: Yes.

Q: Any additional write ups are not permissible in the originals. Is it correct ?

A: Yes. Everything has been mentioned only in pencil for giving clarity to the court.

Q: In. Ex.P10, Challan no. 600314629, dated 12.09.2014, there is no denomination on the backside of the challan, but there is a write up in addition in the copies given to the department. Is it correct ?

A: Yes.

Q: In Ex.P10, 700343254, dated 13.12.2014, there is a write up in addition in the copies given to the department. Is it correct ?

A: Yes.

Q: In Ex.P10, challan no. 50642424, dated 12.03.2015, there is a write up in addition in the copies given to the department. Is it correct ?

A: Yes.

Q: In Ex.P10, challan no. 401331668, dated 07.03.2018, there is a write up in addition in the copies given to the department. Is it correct ?

A: Yes.

Q: In.Ex.P10, Challan no. 501350698, dated 15.03.2018, there is a write up in addition in the copies given to the department. Is it correct ?

A: Yes.

Q: In.Ex.P10, Challan no. 5021660726, dated 30.08.2018, there is a write up in addition in the copies given to the department. Is it correct ?

A: Yes.

Q: In.Ex.P10, Challan no. 302170555, dated 16.10.2018, there is a write up in addition in the copies given to the department. Is it correct ?

A: Yes.

Q: In.Ex.P10, Challan no.201520766, dated 22.04.2019, there is a write up in addition in the copies given to the department. Is it correct ?

A: Yes.

Q: I suggest that in the above multiple challans you have not written the write ups and hand written. Is it correct ?

A: Yes.

Q: I put it to you that you do not know or you are not sure that the write ups are corrected or written by Mr. Punithan, Post circulation to the department ?

A: I am not sure.

Q: Can you tell the court that how long the counter foils will be kept by you ?

A: Generally it is 10 years.

Q: Is it correct to say that you are maintaining those records for all the accounts in your bank ?

A: Yes.

Q: Any circular or procedure issued by RBI to maintain those records for 10 years. Is it correct ?

A: I am not sure about the exact provision but there are bank policies.

Q: I put it to you that the records or foils would have been destroyed post 3 years of maintenance ?

A: No.

Q: I put it to you that whether you have maintained any register for the custody of these challans or foils ?

A: No such register has been maintained. Generally before destruction it will be entered in the destruction register.

Q: Can you produce such destruction register from your bank ?

A: I have to verify whether there are destruction registers available in the bank at present.

Q: I put it to you that, Account no. 510909010047549 in City Union Bank is available in Ex.P4 ?

A: Yes.

Q: In Ex.P4, the date of closure of Account No. 47549 is mentioned as 24.01.2017 ?

A: Yes.

Q: I put it to you that there cannot be any deposit in the said account post closure. Is it correct ?

A: Yes.

Q: I put it to you that it has been mentioned that the deposit has been made post closure of the account and therefore the statement might be wrong ?

A: I do not know what has been stated in the complaint.

Q: I put it to you that in Ex.P9, Reconciliation statement, S.No. 5. A/c no. 0089109000176596 has been mentioned. You do not know who has opened the said account ?

A: Yes.

Q: I put it to you that you have not produced any KYC documents in connection with Nanthana Investments ?

A: Yes.

Q: I put it to you that in Ex.P9, the credit of Rs. 2,35,000 is no way connected to the accused ?

A: I do not know. It is a cash withdrawal.

Q: I put it to you that in Ex.P9, S.No. 28, it has been mentioned as sankari plastics withdrawal for Rs. 80,000. You do not know about the details of sankari plastics account ?

A: We have furnished only the account number and the statement of accounts evidencing that Rs. 80,000 has been withdrawn.

Q: I put it to you that, you have not produced KYC and other details of sankari plastics ?

A: Yes.

Q:I put it to you that, the sankari plastics is no way connected to the account of the accused. Is it correct ?

A: I do not know.

Q: I put it to you that, in Ex.P9, Page 13, the list of Green channel transactions has been prepared only for this case ?

A: Yes.

Q: I put it to you that, you have not produced the foil challans belongs to Nirmala. Is it correct ?

A: Yes

(At request of the counsel for the accused, the cross examination is adjourned)

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.

Principal Judge