

Date : 05.09.2024

C.C.No.09/2023

PW1 - Shri. Harish kumar

(Accused produced through VC).

Cross Examination - continuation :

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

Q: I suggest that you have not produced the statement of the accounts in respect of the' A/c.No. 510909010047549 in Ex.P4. S.No. 7 ?

A: I have produced the said statement of accounts with enforcement directorate but I am not aware that whether the said statement has been produced before this court or not.

Q: Is it correct to say that the statement of the accounts in respect of the' A/c.No. 510909010047549 has not been marked through you ?

A: Yes.

Q:I put it to you, you have not even aware of the quantum of the statement to that period in respect of the' A/c.No. 510909010047549. Is it correct ?

A: Yes

Q: Whether any letter or document pertaining to A/c no. 089109000181192 has been marked through you ?

A: It has been marked in Ex.P9.

Q: There is no reference in this letter with regard to A/c no. 089109000181192. Is it correct ?

A: Yes. But in the annexure, the account statement with respect to A/c no. 089109000181192 has been mentioned in S.No. 33.

Q: In S.No. 33 is only with regarding to a sum of Rs. 5 Lakhs deposited to that account. Is it correct ?

A: Yes

Q: I put it to you, apart from this, there is no other statement or letter has been marked through you. Is it correct ?

A: No. Along with the said statement of accounts, various other statements were also marked through me.

Q: You have not produced any document or letter of Enforcement directorate requesting the statement of accounts in respect of Nirmala. Is it correct ?

A: Yes.

Q: You have not produced any document or letter of Enforcement directorate requesting the statement of accounts in respect of Shanmugam. Is it correct ?

A: Yes.

Q: Can you explain the transaction of Rs. 16,08,588 referred in Ex.P2, dated 09.10.2015 ?

A: It is a NEFT debit transaction.

Q: I put it to you that it is a NEFT transaction in favour of Anaimalai toyota, coimbatore. Is it correct ?

A: I cannot answer the question with the available documents in hand.

Q: There is a transaction in Ex.P2, dated 16.09.2017, for Rs. 20,00,059 and also for Rs. 5,00,030. Is it correct ?

A: Yes.

Q: I put it to you that there is no other transaction in the name of One Raja Senthoo Pandian except the above said two transactions . Is it correct ?

A: I cannot answer the question with the available documents in hand.

Q: In Ex.P2 – letter, you have stated that you have annexed, KYC, Account opening form but those documents have not been marked through you. Is it correct ?

A: Yes.

Q: In Ex.P2 statement, is from the year 2013 to 2022. You will not able to say that computers from which the statement has been downloaded is in good condition for the overall period. Is it correct ?

A: I cannot say.

Q: Ex.P3, account has been opened for the expenses of election. Is it correct ?

A: I cannot answer the question with the available documents in hand.

Q: Ex.P4, account has been opened for the expenses of election. Is it correct ?

A: I cannot answer the question with the available documents in hand.

Q: I put it to you, Ex.P5 account is the loan account statement of the accused. Is it correct ?

A: Yes.

Q: Can you specify to which loan it belongs to ?

A: It is a vehicle loan.

Q: I put it to you that PAN details and name of the depositor are mandatory for deposit as per RBI Guidelines. Is it correct ?

A: No, It is not mandatory. Even as per the Guidelines of RBI, shown to me in the court “ Anybody depositing more than Rs. 50,000 in cash in their bank account has to submit a copy of PAN Card in case the bank account is not seeded with PAN”.

Q: Therefore as a branch manager, you have not insisted for PAN card if the PAN number is already seeded with the account. Is it correct ?

A: Yes.

Q: Ex.P7, Challan No. 205993, dated 14.03.2014, at the backside it is mentioned as Rs. 1,05,000 which is not credited to the account no. 203794. Is it correct ?

A: To an extent of Rs. 40,000 has been credited to account of 203794 as mentioned in the front page of the challan

Q: Ex.p7, Challan no. 600315993 dated 12.09.2014, the quantum mentioned behind the challan has not been credited into to the account in 203794. Is it correct ?

A: To an extent of Rs. 15,000 has been credited to account of 203794 as mentioned in the front page of the challan

Q: There is no explanation sought from you to explain the details of the credited amount in account no. 203794. Is it correct ?

A: Yes.

Q: Can you say to the court the list of cashiers and clerks from the year 2013 to 2022 ?

A: I am able to say the cashiers and clerks from the period 2019 to 2022.

Q: Will you able to furnish such list before the court if necessary ?

A: Yes.

Q: I put it to you, that apart from EX.P1 to Ex.P11 documents, you have produced documents like, KYC, Account opening forms, statement of accounts, etc., with the Enforcement directorate. Is it correct ?

A: Yes.

Q: I suggest that Ex.P7 and Ex.P10 challans were created in the year 2022 ?

A: I deny the suggestion.

Q: I put it to you that, you have created statement of accounts, challans at the request of enforcement directorate ?

A: I deny the suggestion.

Q: I put it to you that in page no. 355,357,359,361,363,365,367,369,371,373,375,377,379,381,382,383,384,385, 386,387,388,389,390,391,392, there were no signatures of the managers, clerks, cashiers, managers and also clerks and cashiers ?

A: In general, in all the challans it is usual to obtain the signatures of passing officers, Clerks / Cashiers. In the above said challan either cashiers or clerks and / or passing officers have signed.

Q: In Ex.P8, Challan no. 701869038, dated 20.04.2019, the appended signature belong to manager. Is it correct ?

A: No. It is not my signature.

Q: You will not be able to say that who had signed in the said challan ?

A: Yes.

Q: In Ex.P8, Challan no. 501222616, dated 31.10.2019, the appended signature belong to manager. Is it correct ?

A:No. No manager has signed in it.

Q:You will not be able to say that who had signed in the said challan ?

A: Yes.

Q:Ex, P10, challan no.501312392, dated 28.02.2019, there is a signature appended above manager column and you have not signed in it. Is it correct ?

A: Yes.

Q: There are no other signature other than the manager in the said challan. Is it correct ?

A: Only the passing officer has signed in it.

Q: I suggest that you had interaction with the complainant before giving evidence and based on which you are deposing ?

A: I deny the suggestion. My evidence is based on the receipt of summons from the court and on the basis of documents.

Q: The court summons has been received by you in chennai. Is it correct ?

A: No.

Q: I suggest that, the evidence given by you in chief examination is false and frivolous and for such statement you will be liable to be prosecuted ?

A: I deny the suggestion.

Re-Examination :

The account statement produced by you have been taken by print out from the computers used by me. In Ex.P7 and Ex.P10 challans at the backside, the different amount has been mentioned in the denomination column from the front page. If cash is deposited for multiple accounts the total amount would be mentioned in one of the challan at the backside and that is why there is a difference between front and back page of the challans. In ordered to explain the same denomination reconciliation statements have been submitted.

Cross 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
