

DEPOSITION OF WITNESS

(Chapter XXIII code of Criminal Procedure)

In the Court of XI Additional Special Judge for CBI Cases

(CBI Cases Relating to Banks and Financial Institutions)

Chennai - 600 001.

Calendar Case : C.C. No.6/2006
Deposition of witness for : PW-27 (LW-29)
Name of the witness : Mrs.K.S.Jayamangalam
Father's name : Mr.D.Sudhakaran
Age : 54 years
Occupation : II ADJ, Arakonam, TNSJ
Address : No.35, Annai Indhira Nagar, Jeeva
Matriculation School, Kainoor Village,
Arakonam-631005.

Solemnly affirmed in accordance with the provisions of Oaths Act, 1969
(Central Act 44 of 1969) on the 17th day of November 2025.

(A5 present. A3 company rep. by A5 and A6. A4, A8, A9 Charge abated. A7 Split up
in CC No.07/2018. Other accused absent. Petition u/s.317 CRPC filed and allowed).

Chief Examination :

Now, I am Additional District Judge, Arakonam, Ranipet District.
During 2005, I was XX Metropolitan Magistrate, Egmore, Chennai. I
received proceedings from the Chief Metropolitan Magistrate, Egmore,
Chennai on 28.06.2005 to record the confession statement of accused
Tr.Muralidharan and Subramanian in connection with RC No.6(A)/2004.

Accordingly, I issued summons to said accused Tr.S.Muralidharan and Subramanian to appear before me on 05.07.2005 at about 12.00 PM. Then they were produced on 05.07.2005 at about 12.00 PM and 12.45 PM respectively.

S.Muralidharan was produced at 12.00 PM. The first day proceedings started regarding this accused. All the staffs, Advocates and the public were sent out from the Court Hall. All the doors and windows were closed. To assist me, Mr.Shankar, Junior Assistant alone was present in the open Court Hall. I ensured that no Police officer was present either inside the Court Hall or outside the Court premises. I ensured that the proceedings could not be seen by anyone, outsider. After following due procedure, I have commenced the proceedings at about 12.00 PM. I asked the accused as to for what purpose he has been produced and before which Court he has appeared. I asked the accused as to whether he was tortured or compelled by the Police officials to give the confession statement. I also asked him whether he was willing to give his statement on his own will without any compulsion. After obtaining necessary answers from the accused that he was neither tortured or compelled to given statement and also if he gave any statement it will be used against him and he will be treated as prosecution witness and he will not be pardoned. After explaining all the pros and cons of the proceedings, what he was going to give before me on that day and after explaining all the procedures to him and if he gave statement, based on which he told that he was willing to give the confession statement. I have also told him that he was not bound to give the said confession statement. If he makes so, it will be used against him. After recording his

statement, I gave time to rethink and directed to produce him on the next day ie. 06.07.2005. Accordingly, on 6.07.2005 at about 11.30 AM, he was produced before me. After following the due procedures which I already deposed in the foregoing paragraphs, I ensured that no police officer was present inside and outside the Court Hall. I started commencing the proceedings at about 11.30 AM. I asked the accused as to whether he rethink the statement what he told on 5.07.2005 and whether he was met by any police officers or he was compelled by anyone to give the statement. For which he answered that he was not compelled either by the police officer or by any individual. Thereafter once again, I have reiterated the statement which he intent to give and he was not bound to give the statement and if he makes so, it will be used against him. And again I have told him that if he gives statement he will not be treated as an Approver and he will not be pardoned by the prosecution. Thereafter, I asked him whether he was willing to give statement after informing all the above said warnings, the accused voluntarily gave his willingness to give statement. Before commencing his statement, I gave him 5 minutes time. After that, I started recording his confession statement at about 11.45 AM. Whatever, the said accused has deposed, I have recorded the same in the presence of the accused in his own language and completed the proceedings. After recording the same, I have explained the statement recorded by me and read over to him. After going through the same, he has admitted the contents and put his signature in my presence. I gave the mandatory certificate in terms of Sec.164(4) CRPC. The

confession statement of Muralidharan was already marked in CC No.11/2006 as Ex.P149 along with proceedings.

On the same day, P.Subramanian was produced at 12.40 PM. The first day proceedings started regarding this accused. All the staffs, Advocates and the public were sent out from the Court Hall. All the doors and windows were closed. To assist me, Mrs.Nirmala, Copist alone was present in the open Court Hall. I ensured that no Police officer was present either inside the Court Hall or outside the Court premises. I ensured that the proceedings could not be seen by anyone, outsider. After following due procedure, I have commenced the proceedings at about 12.45 PM. I asked the accused as to for what purpose he has been produced and before which Court he has appeared. I asked the accused as to whether he was tortured or compelled by the Police officials to give the confession statement. I also asked him whether he was willing to give his statement on his own will without any compulsion. After obtaining necessary answers from the accused that he was neither tortured or compelled to given statement and also if he gave any statement it will be used against him and he will be treated as prosecution witness and he will not be pardoned. After explaining all the pros and cons of the proceedings, what he was going to give before me on that day and after explaining all the procedures to him and if he gave statement, based on which he told that he was willing to give the confession statement. I have also told him that he was not bound to give the said confession statement. If he makes so, it will be used against him. After recording his statement, I gave time to rethink and directed to produce him on the next day ie.

06.07.2005. Accordingly, on 6.07.2005 at about 11.30 AM, he was produced before me. After following the due procedures which I already deposed in the foregoing paragraphs, I ensured that no police officer was present inside and outside the Court Hall. I started commencing the proceedings at about 1.00 PM. I asked the accused as to whether he rethink the statement what he told on 5.07.2005 and whether he was met by any police officers or he was compelled by anyone to give the statement. For which he answered that he was not compelled either by the police officer or by any individual. Thereafter once again, I have reiterated the statement which he intent to give and he was not bound to give the statement and if he makes so, it will be used against him. And again I have told him that if he gives statement he will not be treated as an Approver and he will not be pardoned by the prosecution. Thereafter, I asked him whether he was willing to give statement after informing all the above said warnings, the accused voluntarily gave his willingness to give statement. Before commencing his statement, I gave him 5 minutes time. After that, I started recording his confession statement at about 1.00 PM. Whatever, the said accused has deposed, I have recorded the same in the presence of the accused in his own language and completed the proceedings. After recording the same, I have explained the statement recorded by me and read over to him. After going through the same, he has admitted the contents and put his signature in my presence. I gave the mandatory certificate in terms of Sec.164(4) CRPC. The confession statement of P.Subramanian was already marked in CC No.11/2006 as Ex.P150 along with proceedings. After recording the confession statements from

the above accused, I have sent to the concern court the entire records under the covering letter. The certified copy of 164 CRPC statement of Muralidharan is marked as **Ex.P63 (8 sheets)**. The certified copy of 164 CRPC statement of Subramanian is marked as **Ex.P64 (10 sheets)**.

Cross Examination by A1:

Both accused were produced before me by Mr.P.Rudhramurthy, ASI, CBI. I recorded in the first day proceedings as to whether Police met him when he was produced from the Jail. For which, he answered Police did not examine him. I could not recollect as to whom I entrusted both the accused after the first day preliminary proceedings. I have not recorded specifically whether the two accused have met amongst themselves before being produced before me. I also recorded in the first day proceedings of both the accused that they will not be remanded to police custody, if they do not give confessions. I also recorded in my proceedings as to when both the accused were first arrested by the police. In the light of my recording that both the accused were arrested earlier by the police combined with the fact that they have been produced before me and in the light of the Hon'ble Supreme Court Judgment, I have not recorded specifically as to under what type of custody they were before being produced before me. I have not recorded any specific and special reasons for recording the statement of accused in the closed Court hall. Both the accused were issued summons on 04.07.2005 and they appeared before me on 05.07.2005 and find the summons pertaining to Subramanian. In the confession statement of Muralidharan in the first day proceedings, for the question as to

whether any police met you before being brought to the Court from the prison, I have myself struck out the word 'from prison' with my initials. I cannot now recollect as to on the basis of what information, I struck down the word 'brought from the prison'. In both the proceedings, I nowhere asked the accused whether they were on bail. Accused Subramanian has taken a stand and stated that I have done certain acts unknowingly. I deny the suggestion that I am not satisfied myself about the voluntary nature of confession of both the accused produced before me but mechanically recorded their statements on the request made by the police. I never had an opportunity to see the requisition given by the CBI police officer, requesting for recording the confession of both the accused. At present, I am not able to see the covering letter by which I have forwarded the confession statements recorded by me and as such I cannot now recollect and tell as to which Court, I have forwarded the said confession statements.

(Learned Counsel for A2 adopts the cross examination of A1).

Taken down before me in the open court
read over to the witness and
acknowledged by him/her to be correct.

17.11.2025 XI Additional Special
Judge for CBI Cases.

