Calendar Case : C.C. No. 46/2015
Deposition of witness for : PW-4 (LW-01)
Name : Mr.Sandeepan Das Gupta
Date :20.04.2023

Solemnly affirmed in accordance with the provisions of Act X of 1873 on this the 20th day of April 2023.

A1, A2 and A6 present. Charge against A3 and A5 abated. A4 absent. Petitions U/s.317 Cr.P.C. filed and allowed

Continuation of Chief Examination:

Mr. Venkataraman(A2) approached Central Bank of India, Mylapore seeking credit facility on the footing that State Bank of India, Bokaro had issued Letter of Credit for 1,54,27,126/- (One Crore Fifty Four Lakh Twenty Seven Thousand one hundred and twenty six) and submitted loan application.

On 20.06.2014, we received copy of the L.C. allegedly issued by State Bank of India, Bokaro Steel City Branch through Courier. Immediately we sent letter and Mail to SBI, Bokaro Steel City Branch seeking confirmation as to the issuance of L.C.

In reply under the fake mail the issuance of LC was confirmed and to the same effect a letter allegedly from SBI Bokaro Steel City was received by our Branch. Initially we believed the mail and the letter allegedly sent by SBI Bokaro Steel City, but at the later stage only we came know that they are fake. As a routine formality, we sent the first bill submitted for discounting by the Venkataraman (A2) to SBI Bokaro Steel City to verify with the purchaser as to receipt of goods and genuineness of transaction.

We received confirmation as to receipt of goods by the purchaser through the SBI, Bokaro Steel City Branch. However, we later came to know that the purchaser is fake. After confirmation we inspired confidence on the party and transaction. So we sent our recommendations to our Regional Office permit to discount the bill against LC. The Regional Office as a part of their processing had counter checked the genuineness of the LC and purchaser and came to know that everything was fake. They came to know that the LC was never issued by SBI Bokaro Steel City Branch and the purchaser was also not genuine. Therefore the Regional Office declined the discounting of bill. The **tagged file in connection with the above transactions which includes fake LC, our correspondences and bill** presented for discounting **is Ex.P8 (53 Sheets)**

The loan was processed by Regional Office and by T.A. Sridhar at branch level. **The deposit account opening form, cuurent account opening form of M/s. Exim focus and connected annexures are Ex.P9 (13 Sheets)**. The **account statement of M/s. Exim focus for the A/c.No.3149256113 from 01.10.2011 to 01.07.2015 is Ex.P10 (12 Sheets).**

The account statement of M/s. Exim focus from 01.01.2012 to 31.03.2012 is Ex.P11 (07 Sheets).

The account statement of M/s. Exim focus from 01.04.2012 to 31.07.2012 is Ex.P12 (11 Sheets).

The account statement of M/s. Exim focus from 01.08.2012 to 31.10.2012 is Ex.P13 (15 Sheets).

The account statement of M/s. Exim focus from 01.11.2012 to 31.12.2012 is Ex.P14 (09 Sheets).

The account statement of M/s. Exim focus from 01.01.2013 to 31.03.2013 is Ex.P15 (08 Sheets).

The account statement of M/s. Exim focus from 01.04.2013 to 30.06.2013 is Ex.P16 (13 Sheets).

The account statement of M/s. Exim focus from 01.07.2013 to 30.09.2013 is Ex.P17 (09 Sheets).

The account statement of M/s. Exim focus from 01.10.2013 to 31.12.2013 is Ex.P18 (07 Sheets).

The account statement of M/s. Exim focus from 01.01.2014 to 31.03.2014 is Ex.P19 (08 Sheets).

The account statement of M/s. Exim focus from 01.04.2014 to 30.06.2014 is Ex.P20 (02 Sheets). The above statements relates to the Account Number 3148994479 and 3149256113 of M/s. Exim focus.

The account statement of M/s. Exim focus for the account no. 3148998178 from 01.01.2012 to 31.12.2012. is **Ex.P21 (9 Sheets).** The account statement of M/s. Exim focus for the account no. 3148998178 from 01.01.2013 to16.02.2015. is **Ex.P22 (26 Sheets).**

The account statement of M/s. Exim focus for the account no. 3042285247 from 01.01.2013 to16.02.2015. is **Ex.P23 (02 Sheets)**. The account statement of Mr. Ayub Khan for the account no. 1275596476 from 01.01.2013 to16.02.2015 is **Ex.P24 (04 Sheets).**

The account statement of Mr. Dinesh Kumar T.S. for the account no. 1275596465 from 01.10.2011 to 01.07.2015 is **Ex.P25 (8 Sheets).** The account statement of Mr. T.S. Sridhar (A1) and Revathy and Dhivya for the account no. 3146255226 from 01.10.2011 to 01.07.2015 is **Ex.P26 (5 Sheets).**

The account statement of M/s. Quintessence for the account no. 3105560372 from 01.02.2011 to 31.12.2011 is **Ex.P27(11 Sheets).** The account statement of M/s. Quintessence for the account no. 3105560372 from 01.01.2012 to 24.12.2012 is **Ex.P28(05 Sheets)**. The M/s.Quintessence and M/s. Exim focus are sister concerns. Originally M/s. Exim focus having its account with Indus Ind Bank. The said account was taken over by our Branch. While taking over M/s. Exim focus, the sister concern M/s. Quintessence was having account and credit facility to the tune of Rs. 60 lakh with us.

The account statement of M/s. Exim focus for the account no. 3175385013 from 01.04.2012 to 19.10.2015 is **Ex.P29(05 Sheets).** The Valuation Report dated 21.11.2014 by the panel valuer Mr. R.S. Babu for the property situated in Kanchipuram District along with forwarding letter and guideliness issued by Central Government with reference to the procedure for the valuation of Eco- sensitive property is **Ex.P30 (65 Sheets).**

The Valuation Report dated 21.11.2014 by the panel valuer Mr. R.S. Babu for the property situated in Villivakkam Chennai along with forwarding letter and enclosures is **Ex.P31 (12 Sheets).** The Valuation Report dated 13.08.2013 by the panel valuer Mr. V. Balasubramaniam (A4) for the same property situated in Villivakkam Chennai is **Ex.P32 (14 Sheets).**

The Valuation Report dated 13.08.2013 by the panel valuer Mr. V. Balasubramaniam(A6) for the same property situated in Kanchipuram District is **Ex.P33 (10 Sheets).**

The Valuation Report dated 06.05.2010 by the panel valuer Mr.P.Shanmugavel and associates for the same property situated in Kanchipuram District is **Ex.P34 (10 Sheets).** The Valuation Report dated 06.05.2010 by the panel valuer Mr.P.Shanmugavel and associates for the same property situated in Villivakkam, Chennai is **Ex.P35 (9 Sheets)**

The Valuation Report dated 06.05.2010 by the panel valuer Mr.P.Shanmugavel and associates for the property situated in Pammal, Tambaram, Chennai with Plot No 109 is **Ex.P36(10 Sheets).** The Valuation Report dated 06.05.2010 by the panel valuer Mr.P.Shanmugavel and associates for the property situated in Pammal, Tambaram, Chennai with Plot No. 204 is **Ex.P37 (13 Sheets)**

All the above four properties were given as security by M/s. Exim focus to Indus-Ind Bank. While taking over the liability only two properties namely Villivakkam property and Kanchipuram property was taken as security. At the time of taking over the M/s. Exim focus account, the concerned Processing Officer even had raised his concern as to diluting the security. However finally two property alone were taken as security.

A tagged file containing copy of the Office orders made between 21.09.2012 and 29.09.2015 is **Ex.P38(40 Sheets).** Copy of the loan policy details in a bound book (amended up to 28.03.2013) s **Ex.P39 (160 Sheets)**

A file containing loan application, process note, legal opinion, assets liability statement, other documents and communications by the party is **Ex.P40 (253 Sheets)**

The borrower Mr. S. Venkataraman (A2) visited our Branch and Regional Office on many occassions including the processing of LC and I can identify him. He is present today at the Court. (A2 Venkataraman is present in the Court today and he was identified by the witness)

The borrower had diverted considerable part of his facility extended by the Bank. The details of which is mentioned in my complaint. CBI examined me.

Cross Examination on behalf of the accused:

At request, adjourned