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.46/2015
Deposition of witness for	: PW 4
Name	: Mr.SAndeepan Das Gupta

Solemnly affirmed in accordance with the provisions of Oaths Act, 1969 (Central Act 44 of 1969) on the 22nd day of November 2024

A2,A4,A6 present. A3,A5 Charge abated. A1 absent Petition U/S.317 CRPC filed and allowed.

Cross examination continuation of A2:-

In Ex.D1 there is no reference to give Police Complaint against the accused. There is no record to show that I have intimated the head office, Mumbai about my police complaint given against A2. It is incorrect to say that the Central Office, Mumbai not thought fit for lodging the complaint against the party. There is no communication from the Regional office to Mylapore Branch in respect of Ex.D1. There is no query raised by Regional Office in respect of compliance certificate dt.1.10.2013 (Ex.P41) received from Mylapore Branch. It is incorrect to say that Regional office has no objection on the compliance certificate and that is why they did not raise any query. I am shown with L.D.25 containing the page No.92 which is letter dt.27/6/2012 of Regional Office. The entire file with consent of learned public prosecutor is marked as **Ex.P42 series.** At page No.92, in the letter, there is no mention of the query regarding the valuation of the properties as well as dilusion of the collateral security while taking over the account from the Indus Ind Bank. In this letter it is mentioned that stocks available in cold storage maintained by the party at Trichy. In Page No.150 in Ex.P41, it is the letter dated 30/4/2014belongs to Mylapore Branch addressed to M/s.Exim Focus insisting to route all the transactions through C.C.Account. Inmy 161 CRPC statement I have stated thus:- " Regional office will sanction the loan based upon recommendation and if they seem it fit for sanction". It means that the Regional Office will process the loan proposal independently and apply their mind before they sanction loan facilities. It is correct to say that the questioned loan were sanctioned by the Regional Office after applying their mind and observing the formalities. It is also correct to say that the Regional office will process the loan independently. I am unable to recollect as to whether the Regionaloffice has raised query regarding the legal opinion and valuation report submitted to the quesioned loans. In my 161 CRPC statement I have stated that the facilities granted to the M/s.Exim Focus are secured by primary security consisting of Hypothecation of Stocks and Book debts/ Export Bill purchase /discounted /negotiated sent for collection. I have not stated in the 161 CRPC statement about the collateral securities. I am shown with a circular of RBI /2012-13/74DBOD No.DIR. BC.6/4.2.002/2012-13 dated July 2, 2012. It is marked as **Ex.D2.** (72 pages taken out from the official website along with 65-B Certificate self certified). (It is marked with objection of learned public prosecutor). As per this circular in Page No.48, Export credit limit should not be denied merely on the grounds of non availability of collateral security. In this case, few properties were taken for collateral security. It is incorrect to say that in this case the loans were sanctioned based only on the primary securities (stocks, books of debts and Export bill purchase and etc.,)and not based on the collateral security. I have been shown Ex.P30 and P31 which are the valuation reports regarding the property situated at Karikili village, Kancheepuram and Flat situated at Villivakkam, Chennai both dated 21/11/2014. I have not obtained any independent valuation reports from the other panel vauler before lodging my complaint dated 27/11/2014 for the difference in the valuation. I have not obtained any legal opinion before filing complaint regarding the encumbrance of the property. I am showing with LD122 relating to the LIC Policy and its assignments and Bajaj Allianz. The entire file is marked as **Ex.P43 (L.D.122 to 131)** with the consent of the learned Public Prosecutor. It is correct to say that there was a condition of Regional Office for the assignment of LIC policies. There are 3 LIC policies in L.D.122 and there is another one policy by name Bajaj Allianz. A2 availed loan facilities against on the LIC Policies. But not against the Bajaj Allianz due to waiting period for availing loan. The loan proceeds availed by the party against LIC Policy were credited in his account no.3141862892 maintained by him in Mylapore Branch. In the Bank statements, the reference of LIC is available. (Accounts statement is availabile in L.D.No.31 at Page No.27 as per the defence side case copies).It is incorrect to say that there is no violation of loan conditions imposed by the Regional Office. Apart from loan proceeds there are other receipts are availabile in the statement of account Ex.P18 pertaining to account no.3148994479 for the period 2013 in the name of M/s.Exim Focus mainatined by the Mylapore Branch. I deny the suggestion that A2 Venkatraman had purchased properties from various persons Nagarathinam, Arokiya rani and others out of his own funds received as credit in his account and further I deny that it was not purchased out of the loan proceeds. During the investigation I have stated in my statement that Mylapore branch received L.C dated 19/6/14 purportedly issued by SBI, Bokaro Branch, Jarkand of Rs.1,54,27,126/-.Further I have stated that Mylapore Branch also received scanned copy of L.C in our Mail Address bmchen0877@centralbank.co.in purportedly sent by SBI,Bokaro Branch through official mail address sbi.06546@sbi.co.in. Further I have stated that we informed and delivered the terms and conditions of the LC to Venkatraman -A2 then on 27/6/2014 Venkatraman came to our branch with Bill of Exchange, invoices, delivery challan and transport receipt and requested for discounting of the bills. I am showing with

L.D.No.153 which is already marked as Ex.P8. I deny that I have processed the L.C. dated 19/6/2014 for Rs.Rs.1,54,27,126/- as branch head of the Mylapore Branch without getting any approval from Regional Office. I have stated in my 161 CRPC statement thus:-

"we sent the above documents through Blue Dart courier to SBI for acceptance by Parikrama Trading Company for whom they issued the L.C and negotiating by them on Venkatraman insistance we called ph.no.0654 2326232 SBI on 30/6/2014 asking for confirmation of the acceptance of L.C and negotiating by them. Somebody attended the call and to sometime for informing the Fate of LC. After 10 to 15 minutes one call came to us and confirmed that the LC was accepted and negotiated by SBI. They also told that scanned copies of accepted LC would come shortly to our mail. After receiving the mail we took out a print out of the accepted L.C and as requested by Venkatraman we approached our Regional office on the same day (i.e) on 30/6/2014 for discounting of the L.C. in the meantime we tried calling ph.no.0654 2326232 multiple times for asking when they are going to send the original accepted L.C physically..... The physical copy of the accepted L.C came to our office on 7/7/2014. "

On 30/6/2014 myself and my Manager went to Regional Office with all paper and documents for bill discounting. Thereafter, we had returned back to the branch. Then the Deputy Regional Manager on the same day called me and infromed me to come Regional office regarding discussion of questioned L.C.My Manager and Assistant Manager went to the Regional office. At that time I went to clinic to meet a Doctor after 6.00 P.M. The Regional office asked me to investigate about the all aspects of the said (fake) L.C. I did not go to SBI, Bokaro Branch to ascertain whether the fake L.C or not. I have lodged complaint after five months only on 27/11/2014. I advised my Manager not to convey to Venkatraman the above development and asked him to tell them that their L.C cannot be discounted that day. I suggest you that on 21/11/2014 the Regional Office directed one Santhanakrishnan to conduct internal investigation in respect of M/s.Exim Focus with your branch, I could not remember it. I suggest to you that you were working in North Region of India and you have vast contacts with bank officials and customers, Yes. I suggest to you that taking advantage of your experiencein banking you only arranged letter of credit from SBI, Bokaro Branch for Parikrama Trading Company from your source, I completely strongly denying. I suggest to you that, that was the reason for informing your Manager Mr.Hari not to inform the party about the inquiry finding of the Regional Office regarding the L.C and you wanted to sort out the issue regarding the L.C from the source which you have arranged /brought the L.C, I strongly denied. I deny the suggestion that I were the party to the L.C; that I were involved in arranging the L.C; that I have intentionally not lodged the criminal complaint immediately after knowing the nature of L.C; that when the Regional office directed the officer Mr.Santhanakrishnan to carry out internal investigation in respect of M/s.Exim Focus on 21/11/2014, I have lodged the complaint only on 27/11/2014 in order to escape from the clutches of the law even before the completion of internal investigation by Santhanakrishnan on 29/11/2014. I deny the suggestion that I did not go to the Regional Office on 30/6/2014 despite of direction from Regional office to come personally on anticipating questions from the Regional office about my personal involvement/overtacts for arranging the L.C and that I have falsely quoted the reasons that I was fell in sick. I deny the suggestion that I somehow managed the CBI for not adding M/s.Parikrama Trading company to whom favour LC was issued in order to avoid my implication in arranging the L.C for M/s.Parikrama Trading Company in SBI, Bokaro Branch. I deny the suggestion that I have suppressed true facts and my personal overtacts in arranging the LC from SBI, Bokaro even in the absence of any approval from the R.O to process the

L.C after the subject account became NPA and conveniently filed complaint and made the innocent persons to face the trial.

<u>Re-examination:</u> Nil.