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	: PW4 (LW12)
Name	: Sandeepan Das Gupta

Solemnly affirmed in accordance with the provisions of Oaths Act, 1969 (Central Act 44 of 1969) on the 13th day of December 2024

A2,A4,A6 present.A1 absent Petition filed and allowed. A3 and A5 Charge abated.

Cross examination by A4 in person.

I lodged complaint alleging offences of Cheating and misappropriation of Public Funds and attempt to defraud the bank by presenting forged letter of credit in the matter of M/s.Exim Focus. The purported forged letter of Credit came to light on 30/6/2014. During my tenure after coming to the notice of fake L.C in the account details observation in the account was made during the time only all these alleged offences came to light. I have sent report to the higher authorities. I am not able to remember the date of report, but it was sent after observing the irregularities. My report was sent by Regional Office to Central Office on 12/11/2014. It is Regional Office only delayed in sending report to Central Office. During the period of four months after the incident of fake L.C I had numerous tele communications with Regional office and physical meeting also. I cannot give the explanation for the delay for which Regional office alone has to explain. It is incorrect to say that there is no specific mention in the complaint about the enhanced sanction of Rs.900 lakhs with the same existing collateral securities the value of which was stated to be inflated. It is incorrect to say that I have purposefully avoided to specific mention of the sanction/enhancement by RLCC. My draft complaint was approved by the Regional office and then sent to CBI. It is incorrect to say that the Regional Office had deleted the adverse portion made against them and then sent to CBI. I dont know whether the Regional Office failed to monitor the end use of the loan amount. The enhanced facility was sanctioned by RLCC on 20/8/2013 and it became NPA on 15/5/2014 within just 9 months of sanction. It comes under Quick mortality. Regional office ought to have taken some measures to save the account from becoming NPA. It is correct to say that Regional Office had overlooked the existence of the overdue PCFC with MCB while conveying the sanction of Rs.900 lakhs. Mr.Devanathan (the person who carries out cross examination)had no role in the sanctioning of the enhanced limit by RLCC. Misuse of the funds for which loan was given brought to the notice of the borrowers in number of times. In the matter of purported fake LC the letter/consignment was received by Mylapore Branch from SBI, Bokaro Steel City Branch through Blue Dart couriers. The Branch had also on two instances despatched communications through Blue Dart Courtiers. The branch has not carried out any investigation on the service of Blue Dart couriers and everything was conveyed to the CBI for investigation. It is correct to say that A4 had no role in the alleged fake LC and account becoming NPA.

Cross examination of A2 with reference to L.D.41.

During the earlier cross examination I was questioned about the document No.41 based on the accused copy. Now the Original is available for my perusal. The L.D.41 is marked as **Ex.D3 (50 sheets).** It has reference of the LIC transactions.

Cross examination of A6 in person

I am not able to remember as to whether a request letter was issued to the valuer for submitting valuation report of the properties situated at Karikili village and Villivakkam. To avail enhancement loan, the valuation report will be obtained. In normal course, 3 years gap is necessary between the existing loan and the enhancement loan.

Before 3 years, if necessary, the valuation report can be obtained. I am not sure whether Thiru Balasubramani(A6) has issued valuation certificate for the enhancement of the loan within 22 months gap from the previous valuer's report. The quantum of loan will be decided depends upon the scheme to scheme irrespective of valuation report. According to Ex.P32 adn Ex.P33 the valuation was at Rs.6.05 Crores. The enhanced loan was sanctioned at Rs.9 Crores. It is incorrect to say that the loan was given only based on the exports orders. There is no mention of A6's name in the loan sanction order and also not in the final enhancement sanction order. Earlier valuation report given by A5 Thiru Krishnamurthy has been referred to in the final enhancement sanction. It is incorrect to say that A6's name has been unnecessarily mentioned in the CBI statement even though the enhanced sanction order was not given based on his valuation report.