

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.06/2006
Deposition of witness for : PW-26 (LW-28)
Name of the witness : Mr. D.Arul Raj
Father's name : Mr. Duraisingh
Age : 70 years
Occupation : Retired as PDJ, Theni, TNSJ
Address : No.27, First Main Road, Sairam Nagar,
Medavakkam, Chennai-100.

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 :

I joined as Civil Judge in 1992 and retired as PDJ, Theni in 2014. During
2005, I was Additional Chief Metropolitan Magistrate, Egmore, Chennai. The
Inspector of Police, CBI, ACB, Chennai submitted a petition before learned Chief
Metropolitan Magistrate, Egmore, Chennai-8 u/s 306 CRPC praying to give Tender
of Pardon to Thiru S.Ramachandran, S/o. Late D.Sanjeevi, an accused in

connection with RC No.3(A)/2004, ACB, Chennai. The Hon'ble CMM directed and nominated me for the purpose of giving Tender of Pardon to this accused as per proceedings in ROC No.1716/2005-D dated 26.07.2005. The above accused namely S.Ramachandran had given confession statement before XXI Metropolitan Magistrate on 12.07.2005. Learned Magistrate recorded his confession statement and submitted the proceedings to the learned Principal Sessions Judge (CBI Cases), Chennai where the FIR was pending. On receipt of the order passed by the learned CMM in ROC No.1716/2005-D dated 26.07.2005, I took this matter on file in CrI.MP No.2262/2005 and issued summons to the accused S.Ramachandran, directing him to appear before me on 05.08.2005 at 3.00 PM. I called for the original confession statement made by S.Ramachandran from the VIII Principal Special Judge Court (CBI Cases) and since the same was not received by ACMM Court, I proceeded with the certified copy of the confession statement of said accused issued by the Court for CBI cases. The said accused appeared before me on 05.08.2005 at about 3.00 PM. After completion of formalities, the accused S.Ramachandran was examined by me at about 3.45 PM. During the enquiry, I read over the copy of the confession statement made by the said accused S.Ramachandran before XXI MM Court on 12.07.2005. In the above confession, the accused made disclosure of the circumstances within his knowledge relating to the offence and to every other persons concerned in the commission of the offence

thereof. He admitted that the confession statement made by him before the learned XXI MM was voluntarily and also he admitted that before recording his confession statement, he was explained and cautioned that he was not bound to make a confession and if he did so, it may be used as evidence against him. After knowing the consequences, he voluntarily confessed his acts towards the commission of the offence before learned XXI Metropolitan Magistrate. He also assured and gave undertaking that he will adduce evidence during the time of trial according to the confession statement made before the learned XXI Metropolitan Magistrate and he will disclose the whole of the circumstances within his knowledge relating to the offence and to every other person concerned. He also knew that if he deposes as against confession statement and suppress the real fact or false evidence, he will be prosecuted by the complainant. He also knew that the Tender of Pardon granted to him is on condition of his making a full and true disclosure of whole circumstances within his knowledge relating to the offence and to every other person concerned, whether as Principal or Abettor in the commission of the offence thereof. He also knew if he does not comply with the conditions, he will be prosecuted for his offence also. If the accused is Principal or Abettor in the commission of the offence, he will make a full and true disclosure during trial. The matter was u/s 306(2) CRPC. I considered that if Tender of Pardon is granted in favour of the accused, it will help to prove the case of the prosecution during trial. Hence, on condition of

his making full and true disclosures of the whole circumstances within his knowledge relating to the offence and to every other person concerned, whether as principal or abettor in the commission of the offence thereof, I as Additional Chief Metropolitan Magistrate granted Tender of Pardon to the accused S.Ramachandran u/s 306(1) CRPC. The proceedings received from CMM dated 26.07.2005 is marked as **Ex.P60 (1 sheet)**. My proceeding dated 05.08.2005 is marked as **Ex.P61 (4 sheets)**. Order regarding the Tender of Pardon passed in CrI MP No.2262/2005 dated 05.08.2005 with respect to S.Ramachandran is marked as **Ex.P62 (2 sheets)**.

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.

