

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.27/2015
Deposition of witness for : PW31
Name : B.Venkatramani
Father's Name : C.Balasubramaniam
Address for Communication : No.4 Door No.4, 77th Street, 16th Avenue,
Ashok Nagar, Chennai-600 083.

Village :
Taluk :
Calling : Consulting Engineer
Religion & Caste :
Age : 56 years, Mobile No.9340072281

Solemnly affirmed in accordance with the provisions of Act X of 1873
on this the 18th day of February, 2021.

Chief Examination.

I am a consulting Engineer and property valuer and Emapanel valuer various banks in Chennai including Central Bank of India. Normally for valuing the property either the Branch Manager or officer of the bank or the clients directly referred by the bank approach me for valuation of properties During September 2013, a client named Manikandan referred by Central Bank of India, Mylapore Branch approached me for valuing property at Vandalur. As per the procedure, I asked for the Title documents, patta and FMB Sketches. The person Who approached me he took me to the site. He showed one vacant piece of land abutting one street called Erikarai street in

Vandalur. It was an open site but for demarkation in one side. Since the property was not properly demarkated, I was not in a position to measure the property . Then I took some photographs noted down the width of the road, type of development in that area and such aspects and I came back. Then we started working on the preparation of the report, we found some anamolies in the boundries, as compared to the title deed (Settlement Deed), legal opinion and site observation and the CMDA Map for the particular area. I also realised some photographs that I took in a Camera got erased. So to clarify myself about the anamolies in the boundaries and to take the photograph in the site and went again myself . During the second inspection also, I was not able to get a clarity about the boundaries and the anamolies. So I went to CMDA to confirm the Survey Number is mentioned in the Map is correct and whethere there is an acquisition proceeedings in that area and to confirm with that there is any restriction on development due to proximity of Vandalur Forest on the other side of the road. Again I asked CMDA about the restriction on the development potential of the property because it is situated close to the lake. (Erikarai Street). I got the clarifications that there are no restrictions . Still the point of boundaries not tallying was bothering me. So I asked the client to get a certificate from the VAO that the said property (Survey.NO.185) is indeed situated abutting the Erikarai Street. After few days, they got the VAO certificate and a copy of the FMB where the road was also marked. So on the strength of these papers and clarifications from CMDA I worked out the possible development in that site. (E.g) Apartments, approved layouts, small industries and so on. I had also clarified from CMDA that it is not the Govt.Land. So I worked out the value of the property assuming all the details, documents and site identification given by the client as perfect and correct. However as a matter of abundant caution I made some remarks/qualification in the report to the following effect.

a) Since the boundaries were not tallying with CMDA Map, I had requested the bank to refer the papers back to the Advocate for verification with parent document and other documents.

b) I had also mentioned that the above steps is very important from the point of view of E.M/R.M. creation . I had also mentioned that my report is subject to the satisfactory resolution of the boundary related issues.

I gave the report to the client who approached in person to me for identification and valuation of the subject property. As a matter of our routine practice my office had sent the soft copy of the report in PDF format to the concerned branch, the Central Bank of India, Mylapore Branch, Chennai, on the next day.

During investigation of this case, the Inspector of Police,CBI has approached me for collecting my office copy of such valuation report and other documents received by me pertains to the property at Vandalur subject matter of Central Bank of India, Mylapore Branch. The office copy of my report dated 23/9/2013 uploaded by me in the system for sending a copy by E.Mail to the Central Bank of India,Mylapore Branch certified by me along with covering letter, along with copy of FMB Register and certificate issued by VAO,Vandalur, Copy of CMDA Map were marked together as Ex.P166 series (D.No.230 and 231)(25 sheets). The valuation was done by me on behalf of Mr.G.Vijay No.42 Sri Sairam Complex, 100ft Bypass Road, Velachery. On the 1st page of my valuation report, I made a specific note that the boundaries are not tallying with the documents and also advised the bank to get the legal opinion before accepting the same for creating E.M.The same thing I repeatedly observed the above defects at Page No.9 of my report and Para No.28(ii) and I had also mentioned in the VAO Certificate given by the client that the road arrangement mentioned in the VAO FMB Sketch said to be issued by VAO, Vandalur Village dt.18/9/2013 is not tallying with the actual

site inspected by me as shown by the client.

Now I am shown Ex.P13, a purported copy of my valuation report dt.23/09/2013 available in Ex.P166. Ex.P13 is not the original valuation report issued by me pertains the property in Survey No.185, New Suvery No.185/1, NO.2. Vandalur Village, Chengalpattu Taluk, Kancheepuram District dated 23/09/2013 report meant for Central Bank of India, Mylapore Branch.

Ex.P13 is a xerox copy and the report wlhich I originally given to the client named G.Vijay and in Ex.P13 a name of the client is mentioned as one Mr.Pradhan No.1 Kurinji Street, Fathima Nagar, Valasaravakkam, Chennai . I have not issued any valuation report to the said Pradhan. Ex.P13 is also missing the specific note made by me regarding the discrepancies in the boundaries , discrepancies of the road available in the FMB Sketch. My observations originally made in my valuation report at Page No.9was also manipulated in Ex.P13. The seal and signature of myself put by me in my original valuation report at page No.11 of my report is the same available in Ex.P13. The remaining sheets in Ex.P13 are fabricated and Ex.P13 is not the original report issued by me to the Central Bank of India, Mylapore Branch.

Now I am shown the valuation report dt.23/09/2013 bears my signature which I originally issued to G.Vijay for the said property at Vandalur. The signature availale in the said belongs to me. The said document is marked as Ex.P167 (D.No.229) (8sheets) . In Ex.P167 there were manipulations for changing the name of the client, my observations at Page No.2 and 9 by way of pasting extra sheet bits.

Now I am shown the copy of my valuation report pertains to the property at Vandalur issued by me to G.Vijay with all enclosures and the same is now marked is Ex.P168 series (21 sheets) (D.No.228).

I sent Ex.P166 series in PDF format to Central Bank of India, Mylapore

Branch on 24/9/2013 at 5.56 p.m. from my Mail.I.D to the Mail I.D of the Branch Manager, Central Bank of India, Mylapore Branch, " bmchen0877@centralbank.co.in" on sending of the mail, I have not received any clarification or queries from the branch. For valuing the said property, the client name Manikandan has issued me a cheque being the prescribed valuation fee. I have been examined by CBI in this regard.

Cross Examination : A1 to A4 and A6: No cross.

Cross examination by A5.

During CBI enquiry, I was enquired the statement was reduced in writing and I went through the statement and accepted it. I admitted that I was shown a wrong property and I was cheated. I dont remember that it was stated in the CBI enquiry that a wrong valuation report altogether for different property without verifying the survey number was given by me.

Question. Normally the procedure adopted by the bank that the valuation report to be sent only by post not in hand delivery?

Answer. There is no such practice. The bank ask us to send the valuation directly or give it to the client or they come and collect depending on the urgency.

Question. What is the proof to show that the 2nd time you visited the site for preparing valuation?

Answer. As far as 2nd visit concerned, I enclosed the photograh concern in the original report. The issue of boundaries is not still clear. Hence in the report I advised the bank to refer the matter to the panel advocate.

Question. Have you given any written letter to CMDA for verification?

Answer. No. Enquiry was orally made in the Reception counter where the planner is sitting; he refers the documents and drawing and gives the reply which is mentioned in the report.

Question . Likewise when you have been examined by CBI, did you give any

extract of the Mail sent by you to the branch?

Answer. I don't remember.

Question. I put it to you that you have not taken any photograph of the site, the photographs were taken by the other valuer, that is why you are not able to account for it?

Answer. The photographs were indeed taken by me in the 2nd time and annexed with my report.

Question. During police enquiry, you have stated you have only verified the photographs taken by the other valuer who is also a professional expert presuming that he will not commit any error by identifying the property and you believe the photographs taken by the other valuer and gave the report?

Answer. I deny it. The reason is that I do not even know the other valuer valued the property at least for a year after my report was given.

Question. Did you verify the boundaries as per the legal opinion?

Answer. The boundaries were verified and found to be incorrect which is mentioned in two different parts of the report; that is why I asked the bank to refer the matter back to the advocate.

Question. Whether did you directly communicate or sent your comments to Chief Manager, Mylapore Branch?

Answer. No I did not send any separate communications other than the valuation report which exhaustively deals with these points.

Question. Regarding tampering, fabrication of the said report was not said earlier in your report but you have chosen to say now that your report was tampered?

Answer. It is incorrect to say that I did not tell this to the police because by the time they called me I was informed by Central Bank of India, Regional office who called me for confirmation as to whether I had issued the said valuation report. When I went there, concerned AGM shown me one

valuation report purportedly from me and asked me whether it was my report. since I did not know the background of the issue at the point of time I asked him to show me the report. He showed me the report where the name of the client was one Mr. Pradhan. Then in two pages I could notice that there was big blank space which we never leave in our reports. I told him I go back to my office check my data base and called him. I came back I verified the concerned report and I found my original report mentioned the name of the client as one G. Vijay of Velachery. In the places of the report where I saw blank space I had mentioned my points regarding the anomalies in the boundaries and had requested the bank to refer the matter to the advocate. I also saw the mail I had sent attaching the said report it was sent on 24/9/2013.

Question . I put it to you Regional office, Central Bank of India advised you before CBI enquiry to say all these details?

Answer. I deny.

Question. I put it to you that you met the Regional office, AGM, you have been advised to state all these details in respect of meeting, fabrication of the documents, sending Emails were advised to you by them now?

Answer. I deny.

Question. I state that you have not verified the property, nor visited the property based on the other valuation report, you have prepared a table report and very conveniently not following the rules of the bank, you have handed over a report to the client?

Answer. I deny.

Re-examination. Nil

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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.27/2015
Deposition of witness for : PW32
Name : B.Basheera
Husband's Name : Ahamed
Address for Communication : No.9/22 Abdul Kalam Nagar, Gandhi Nagar
East, Achirupakkam, Madurantakam Tk.

Village :
Taluk :
Calling : Tahsildar (Retired)
Religion & Caste :
Age : 63 years, Mobile No.99945409463

Solemnly affirmed in accordance with the provisions of Act X of 1873 on this the 18th day of February, 2021.

முதல் விசாரணை.

நான் தமிழ்நாடு வருவாய்த்துறையில் துணை ஆட்சியராக பணிபுரிந்து 2016ல் பணி ஓய்வு பெற்றேன். 2015-ஆம்ஆண்டு நான் செங்கல்பட்டு தாலுக்கா வட்டாட்சியராக பணியாற்றினேன். சிபிஐ ஆய்வாளர் கேட்டுக்கொண்டதன் பேரில், எங்கள் வட்ட அலுவலக பதிவேடுகளிலிருந்து Patta Transfer Register No.320/20075/1734/1417-20, பட்டா மாறுதல் மனு எண்.320/2008, பட்டா எண்.868 மற்றும் பட்டா எண்.1007 என்னால் சான்றளிக்கப்பட்ட நகல்கள் வழங்கப்பட்டது. அவைகள் அ.சா.ஆ.169 வரிசை (4 தாள்கள்) (டி.நெ.262) அது வழங்குவதற்கு முகப்புகடிதம் அ.சா.ஆ.170 (ஒரு தாள்) (டி.261)

எங்கள் அலுவலக பதிவேடுகளின்படி Patta Transfer Register No.320/

20075/1734/1417-20, கோப்பில் புதுபாக்கம் கிராமம் புல எண்.95/7ல் உட்பிரிவு செய்யப்பட்டு ராதாகிருஷ்ண நாயுடு மகன் ரஜியா, சம்பத்ராணி, ரதிகலா, ரவி மற்றும் ராஜு ஆகியோர் பெயர்களில் பட்டா வழங்கி உட்பிரிவு செய்யப்பட்டுள்ளது. அந்நிலம் நஞ்சை நிலமாகும்.

எங்கள் அலுவலக பதிவேட்டின்படி பட்டா எண்.868 செங்கல்பட்டு வட்டம், வண்டலூர் கிராம புல எண்.193/ஏ /1/ஏ6 என்ற நிலத்திற்காக குருநாத பிள்ளை மகன் முனியாண்டி என்பவருக்கு பட்டா வழங்கப்பட்டுள்ளது.

எங்கள் அலுவலக பதிவேட்டின்படி பட்டா எண்.1007 செங்கல்பட்டு வட்டம், வண்டலூர் கிராம புல எண்.185,73/1ஏ1 என்ற நிலத்திற்காக ஸ்ரீனிவாச அய்யர் மகன் வரதராஜ அய்யருக்கு பட்டா வழங்கப்பட்டுள்ளது.

தற்போது என்னிடம் காட்டப்படும் அ.சா.ஆ.40 பட்டா எங்கள் அலுவலகத்திலிருந்து வழங்கப்படவில்லை. அதில் காணப்படும் எங்கள் அலுவலக முத்திரை மற்றும் கையெழுத்துக்கள் எங்கள் அலுவலகத்தை சார்ந்தது இல்லை. எங்கள் அலுவலக பதிவேட்டின்படி பட்டா எண்.868 செங்கல்பட்டு வட்டம், வண்டலூர் கிராம புல எண்.193/ஏ /1/ஏ6 என்ற நிலத்திற்காக குருநாத பிள்ளை மகன் முனியாண்டி என்பவருக்கு பட்டா வழங்கப்பட்டுள்ளது. அ.சா.ஆ-40ல் காணப்படும் சர்வே நெம்பர் மாறியுள்ளது.

அ.சா.ஆ.40ல் காணப்படும் Patta Transfer Register No.320/ 2008-2009 என பதிவிடப்பட்டுள்ளது. அது எங்கள் அலுவலகத்தை சார்ந்தது இல்லை. எங்கள் அலுவலக பதிவேட்டின்படி Patta Transfer Register No.320/ 20075/1734/1417-20, கோப்பில் புதுபாக்கம் கிராமம் புல எண்.95/7ல் உட்பிரிவு செய்யப்பட்டு ராதாகிருஷ்ண நாயுடு மகன் ரஜியா, சம்பத்ராணி, ரதிகலா, ரவி மற்றும் ராஜு ஆகியோர் பெயர்களில் பட்டா உட்பிரிவு செய்யப்பட்டுள்ளது. அந்நிலம் நஞ்சை நிலமாகும்.

அ.சா.ஆ.40ல் காணப்படும் புல எண்.185/1 தவறானது. எங்கள் அலுவலக பதிவேட்டின்படி புல எண்.185ற்கு உட்பிரிவு செய்யப்படவில்லை. இப்புலம் பட்டா எண்.1007 என்று தாக்கலாகியுள்ளார். அது ஸ்ரீனிவாச அய்யர் மகன் வரதராஜ அய்யர் பெயரில்

தாக்கலாகி உள்ளது. எங்கள் அலுவலகத்தில் வட்டாட்சியர் மட்டும் தான் வாரிசு சான்றிதழ் வழங்கமுடியும் அ.சா.ஆ.37ல் தலைமையிடத்து துணை வட்டாட்சியரும், வட்டாட்சியரும் சேர்ந்து சான்று வழங்கியதாக உள்ளது. அது அ.சா-ஆ.37 எங்கள் அலுவலகத்திலிருந்து வழங்கப்பட்டதல்ல. இது சம்மந்தமாக என்னை சிபிஐ அதிகாரிகள் விசாரித்தார்கள்.

Cross Examination : A1 to A4,A5 A6: No cross.