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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 : PW34 (LW20)
Name : Shri Ebenezer Inbaraj
Father's Name : David Perumal
Age :50
Occupation : Advocate and Insolvency Professional
Address for communication : No.4 Krupa Apartment, Pachaiyappa's Hostel
Road,Chetpet, Chennai.31.

Solemnly affirmed in accordance with the provisions of Oaths Act, 1969 (Central Act 44 of 1969) on the 13th day of February 2025.

(A5 present. A3 Charge abated. A6 Split up in C.C.No.8/2024 Others absent filed 317 CRPC Petition and allowed)

Chief Examination:

I have been practicing as an Advocate and Insolvency Professional since December 2017. I joined in Central Bank of India during July 2012 as a Scale-II Law Officer. I resigned my job during August 2017 and got relieved on 31.10.2017. While I working in Central Bank of India, I have been posted for Asset Recovery branch as a Law Officer to oversee and managing the recovery. My Senior

Regional Manager vide letter dated 26/5/2014 directed me and Chief Manager K.Santhanakrishnan to investigate into the finance allowed by the Mylapore Branch to M.D.Bricks and M.D.Corporation. Accordingly we conducted investigation and submitted a report dated 3/6/2014 to the Senior Regional Manager. The said report is having my signature along with Chief Manager K.Santhanakrishnan. The said report along with enclosure is marked as **Ex.P174 (Entire file)**.

Mahendran and Murgan are the partners of M.D.Bricks and M.D. Corporation. Murugan executed Memorandum of Deposit of Title deeds dated 11/12/2013 and 24/1/2014 and the same were already marked as Ex.P34 and Ex.P35. As per the MODT, they have deposited 21 documents. Out of which two settlement deeds and one Partition Deed. The Partition Deed dated 30/11/1955 which is registered as Document No.109/1956 certified copy of the Partition Deed is available in Ex.P174. Alleged Settlement deed 4/5/1988 which was alleged to register with SRO, Tambaram in respect of land admeasuring 1Acre 40 cents comprised in S.No.185 of Vandalur Village, Chengalput Taluk. which was submitted one of the documents to support the title of Mortgagor Murugan during execution of MODT which is already marked as Ex.P.45. It was shown the above settlement deed was registered as D.No.388/1988 at SRO, Tambaram. We tried to obtain certified copy of Settlement Deed Document No.388/1988 we were informed by SRO, Tambaram, Vandalur Village jurisdiction was changed to Guduvancheri village in the year 1986 itself. Therefore settlement deed in respect of S.No.185 of Vandalur Village is not possible at SRO, Tambaram. We come to the conclusion that the settlement deed which is shown to us D.NO.388/1988 is a fake document. Further we obtained certified copy of D.No.388/1988 from SRO, Guduvancheri that was related to some other property.

I have taken the Patta from the E.Services Portal in respect of S.No.185 of Vandalur Village and Patta No.1007 was not sub divided as claimed by the Mortgagor Murugan in his MODT. The said patta stands in the name of Varadarajan. Murugan has submitted manual patta bearing No.868 issued Tahsildar, Chengalput in the name of Karpagam, W/o Murugan. The said manual Patta bearing No.868 had spelling mistakes in the seal of Tahsildar. I came to conclusion that the manual patta produced by Murugan is a fake document. Manual Patta is already marked as Ex.P40. Further there is no sub division in S.NO.185 of Vandalur Village. It was stated that Karpagam W/o.Murugan has executed a Settlement Deed in favour of Murugan in respect of 1 Acre 40 cents comprised in S.No.185 of Vandalur Village which was registered as Document No.8637/2008 and in the Settlement Deed even though she claimed titled derived to her through her ancestor and in support of her claim she produced the alleged Settlement Deed in D.No.388/1988 which was found to be a fake document and there by the Settlement Deed also even though registered as document in SRO, Guduvancheri did not pass any title to Murugan in respect of S.No.185 of Vandalur Village. Therefore as far as the tile in respect of S.No.185 of Vandalur Village is concerned Murugan did not have any title and created a MODT to secure the loan advanced by the Mylapore Branch with the help of Fake documents. Our investigation finding in respect of the title of the land secured to the loan is from Page No.16 to 19 of my report in Ex.P174. I along with Chief Manager K.Santhanakrishnan visited the said property we were accompanied by branch staff Mr.Hari and he shown the place and upon the enquired near by Tea stall and found that the property was not in S.No.185 but it was S.No.152. The S.No.185 lies in the middle of Vandalur Village Map. S.No.152

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found in the corner of Vandalur Village Map. In this aspect I was examined by CBI officials.

(The learned Advocate for Accused are not ready for cross examination and adjourned to 7/3/2025.)