

DEPOSITION OF WITNESS

(Chapter XXIII code of Criminal Procedure)

In the Court of Principal Special Judge for CBI Cases

VIII Additional City Civil Court, Chennai – 104.

Calendar Case } **C.C.No. 6/2019**

Deposition of witness { Prosecution **PW: 8** (LW 29)

Name : Mr. C.Asok Kumar

Father's Name : Mr. K. Chithambaram Achary

Address : No.40, Thazhiapuram Street, Vadasery, Nagercoil

Profession : Retired SBI officer

Age : 64 years

Solemnly affirmed in accordance with the provisions of Act X of 1873 on this the 19th day of September, 2022.

Chief Examination:

I retired as Manager (Operations) from SBI, ADB, Tirunelveli Branch on 30.04.2018. From 2016 till my retirement I was working in the same Branch in same designation. The document shown to me is the receipt memo dated 08.05.2017 by which I have handed over 11 documents mentioned therein to CBI in the capacity of Manager in charge of the Branch, as the Branch Manager was on long leave during the said period and the same is now marked as **Exhibit P.16 through PW 8 (one sheet)**. The document (L.D.65) shown to me is the agricultural term loan application of Mr. K. Santhanakumar bearing loan account no.30694677502, reminder for repayment of loan amount dated 09.02.2010, hypothecation agreement entered between Mr. K. Santhanakumar and SBI, ADB, Tirunelveli Branch, guarantee agreement executed by A. Muthulakshmi, KYC documents of K. Santhanakumar and A. Muthulakshmi and project proposal submitted by Mr. K. Santhanakumar for obtaining the agricultural term loan. The said loan account opening form along

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Principal Special Judge for CBI Cases, Chennai

with aforesaid enclosures are marked as **Exhibit P.17 series** through **PW 8** (36 sheets). The document (L.D.66) shown to me is the spiral bind of project report submitted by Mr. K. Santhanakumar for the purpose of availing agricultural term loan and the same is now marked **Exhibit P.18 series** through **PW 8** (35 sheets). The document (L.D.67) shown to me is the legal opinion for the property documents submitted by Mr. K. Santhanakumar and A. Muthulakshmi and the same is now marked **Exhibit P.19** through **PW 8** (10 sheets). The document (L.D.68) shown to me is the original withdrawal slip dated 27.02.2009 by which Mr. K. Santhanakumar has withdrawn Rs.2,90,000/- from his agricultural term loan account and the same is now marked as **Exhibit P.20 through PW 8 (one sheet)**. The document (L.D.69) shown to me is the original pay in slip dated 28.03.2009 of Rs.1,05,000/- by Mr. K. Santhanakumar in his SB account no.30552573117 and the same is now marked as **Exhibit P.21 through PW 8 (one sheet)**. The document (L.D.70) shown to me is the original pay in slip dated 23.02.2012 by which Mr. K. Santhanakumar has paid Rs.1,00,000/- to his agricultural term loan account and the same is now marked **Exhibit P.22 through PW 8 (one sheet)**. The document (L.D.71) shown to me is the original debit slips dated 17.07.2013 by which a sum of Rs.77,464/- has been debited from the SB account no. 30552573117 of Mr. K. Santhanakumar for the purpose of making payment to his agricultural term loan account. The said original debit

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slips dated 17.07.2013 is now marked **Exhibit P.23 through PW 8 (one sheet)**. The document (L.D.72) shown to me is the original pay in slip dated 17.07.2013 for the closure of agricultural term loan account no.30694677502 of Mr. K. Santhanakumar for a sum of Rs.77,464/- and the same is now marked as **Exhibit P.24 through PW 8 (one sheet)**. The document (L.D.73) shown to me is the original Form – A submitted by Smt. Muthulakshmi dated 28.02.2009 for the mortgage of the property towards the agricultural term loan availed by Mr. K. Santhanakumar and the same is now marked as **Exhibit P.25 through PW 8 (one sheet)**. The document (L.D.74) shown to me is the note submitted by RMRO (Field Officer) of SBI, request letter dated 17.10.2013 of Mr. K. Santhanakumar, requesting for return of original sale deeds and documents mortgaged for agricultural term loan after repayment of the loan amount, no due certificate issued by SBI, ADB Branch regarding the closure of agricultural term loan availed by Mr. K. Santhanakumar, envelope cover along with visiting card of Mr. A. Paramasivan and the request letter sent by Smt. Muthulakshmi for issuing no due certificate. The aforesaid documents are marked as **Exhibit P.26 through PW 8 (ten sheet)**. Exhibit P.17 to Exhibit P.26 were handed over by me to CBI under receipt memo in Exhibit P.16. The document (L.D.75) shown to me is the forwarding letter sent by me to the Superintendent of Police, CBI dated 23.03.2017 in the capacity of Manager in charge of the Branch, as the Branch Manager was on long leave during the said period by which I have forwarded the statement of accounts of

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SB account as well as the agricultural term loan account of Mr. K. Santhanakumar and account opening form of SB account no.30552573117 of Mr. K. Santhanakumar. The letter dated 23.03.2017 is now marked as **Exhibit P.27 through PW 8 (one sheet)**. The document shown to me is the certified copy of account opening form of SB account no.30552573117 opened in the name of Mr. K. Santhanakumar on 04.11.2008 along with KYC documents and the same is now marked as **Exhibit P.28 through PW 8 (ten sheets)**. (The counsel for defence objected to mark this document on the ground of xerox copy for which PP for CBI replied that the admissibility and relevancy of this document can be decided by only Court. With objection of the defence, this document is permitted to mark). The document shown to me is the certified copy of statement of accounts of agricultural term loan account no.30694677502 stands in the name of Mr. K. Santhanakumar along with the certificate under section 65-B of the Indian Evidence Act and the same is now marked as **Exhibit P.29 through PW 8 (three sheets)**. As per Exhibit P.17 and Exhibit P.29, the agricultural term loan sanctioned for the aforesaid account was Rs.3,45,000/-. On 27.02.2009, a sum of Rs.2,90,000/- has been withdrawn from the said loan account and the entire amount including the interest has been repaid by the customer and closed the said loan account on 17.07.2013. The document shown to me is the certified copy of statement of accounts of SB account no. 30552573117 of

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Principal Special Judge for CBI Cases, Chennai

Mr. K. Santhanakumar along with certificate under section 65-B of the Indian Evidence Act and the same is now marked as **Exhibit P.30 through PW 8 (thirteen sheets)**. As per Exhibit P.30, on 25.02.2010, a sum of Rs.25,000/- has been deposited as cash at SBI, Vapi Industrial Branch, On 10.03.2010, a sum of Rs.25,000/- has been deposited as cash at SBI, University Campus Branch, On 24.03.2010, a sum of Rs.25,000/- has been received as credit through Internet Banking from Paramasivam Mama account no.30651478143. Further on 17.07.2013, a sum of Rs.78,000/- has been deposited in the account as cash by self for the purpose of closure of agricultural term loan and on the same date, Rs.77,464/- has been debited from the SB account and transferred to the agricultural term loan account no.30694677502. Apart from the above, there are various credit transactions by way of self cash deposits into the said SB account. CBI examined me in this regard.

Cross Examination :

I know the facts of the case. CBI officials informed me that Paramasivan is an IA & AS officer having disproportionate case and through Mr. Santhanakumar he had done transactions. On perusal of Exhibit P.16 to Exhibit P.30, I do not find that Mr. A. Paramasivam had submitted application form for opening of account or availed any loan or repaid the loan amount. I was examined by Mr. L.S. Padmakumar and recorded my statements on 25.03.2017 and 08.05.2017. There is no documents found in Exhibits P.16 to Exhibit P.30 requesting me to hand over the documents to

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Principal Special Judge for CBI Cases, Chennai

Mr. Padmakumar. As per the documents available Exhibits P.16 to Exhibit P.30 it is seen that the Bank has properly scrutinized the loan documents and given loan to Mr. Santhanakumar. Even before I joined the Branch, these transactions has taken place. During my enquiry, CBI does not disclose what is the relationship between Mr. Santhanakumar and Smt. Muthulakshmi and they did not produce any documents regarding the same. As per Exhibit P.17 deed of guarantee at page no.8, it is signed by Smt. Muthulakshmi from pages 8 and 9. Similarly the Bank has obtained guarantee agreement from Smt. Muthulakshmi towards the loan amount borrowed by Mr. Santhanakumar. Exhibit P.17 also as a proposal for horticultural project and it stands in the name of individuals Mr. Santhanakumar and Smt. Muthulakshmi. The viability of the project was ensured, recommended and sanctioned by the Bank officials and confirmed by the Branch Manager on 26.02.2009. The project report of Mr. Santhanakumar on which basis the loan was sanctioned in Exhibit P.18. During my enquiry at CBI, I did not find any irregularities or illegality with the transactions pertaining to Mr. Santhanakumar vide Exhibit P.16 to Exhibit P.30. During my investigation, CBI authorities did not ask for the details pertaining to Exhibit P.30 page no.8 for the day 24.03.2010 regarding transfer of Rs.25,000/- from account no.0030651478143. Section 65-B Certificate found in Exhibit P.30 and Exhibit P.29 did not disclose the date, the system and by whom the data was retrieved. I was not

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Principal Special Judge for CBI Cases, Chennai

the nodal officer in charge of the system when Exhibit P.29 and Exhibit P.30 was retrieved. I deny that at the behest of CBI and as per request, I handed over documents to them.

Re – Examination :

Question: Who is the authorized person having overall management and control over the computer systems maintained in SBI, ADB Branch, Tirunelveli during 2017 ?

Answer: The Branch Manager has the overall management and control over the systems maintained in the Branch and I was working as Manager in charge during 2017.

Re – Cross Examination :

The entire computer systems of SBI is governed by the Systems Managers who is stationed at Belapur, Mumbai. On the date of my service, I was only Manager In charge and the Branch Manager was Mr. Kalaikumar.

Sd./

Signature of witness

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