

**BEFORE THE HON'BLE ADDITIONAL CHIEF METROPOLITAN  
MAGISTRATE (E.O.I), EGMORE, CHENNAI-08.**

**Present: Tmt. S. Hermies, B.A, M.L., D.H.R.,  
Additional Chief Metropolitan Magistrate (E.O.I)**

Friday, this the 04<sup>th</sup> day of December, 2020

**EOCC.NO. 179/1985**

Name of the Complainant The Chief Commissioner (Admn.) & Commissioner of  
Income Tax, TamilNadu-I, Chennai - 34.  
(Amended as per order in memo dated 10.12.2020)

Name of the accused A.1. N.K. Mohnot (1st accused in original complaint)  
A.2. N. Mani (6th accused in original complaint)  
A.3. V. Sundarraj (15th accused in original complaint)  
A.4. V. Dhanalakshmi (16th accused in original  
complaint)  
**(A.4 Died and Charge abates)**  
A.5. A.C. Dhandapani (17th accused in original  
complaint)  
A.6. Harakchand P. Jain (19th accused in original  
complaint)

**Name of the accused in Original Complaint:**

A.1. M.K. Mohnot,  
Flat No.65, Bhaiya Complex,  
No.286, P.H. Road,  
Madras-7.  
A.2. P.P. Das and Sons (HUF),  
rep. by Kartha  
Pachandas Mohnot,  
No.16, Ramanan Road,  
Madras-79.  
A.3. Pachandas Mohnot,  
No.16, Ramanan Road,  
Madras-79.

A.C.M.M. (E.O.I)

A.4. Sanjay Prakash Mohnot,  
Flat No.65, Bhaiya Complex,  
No.286, P.H. Road,  
Madras-7.

A.5. Anjay Prakash Mohnot,  
Flat No.65, Bhaiya Complex,  
No.286, P.H. Road,  
Madras-7.

A.6. N. Mani,  
No.3, Kachaleeswarar Garden,  
I Lane, George Town, Madras-7.

A.7. A. Ramani.  
No.28, Subramania Mudali Street,  
Madras-7

A.8. M.A. Subhan,  
No.13, Grama Street,  
Madras-7.

A.9. Kumudini Subhan,  
No.13, Grama Street,  
Madras-7.

A.10. Prakash Chand K. Jain,  
No.18, Arunachala Mudali Street,  
Madras-79.

A.11. Meena Kumari. M  
Flat No.65, Bhaiya Complex,  
No.286, P.H. Road,  
Madras-7.

A.12. Hema Mohnot,  
Flat No.65, Bhaiya Complex,  
No.286, P.H. Road,  
Madras-7.

A.13. Belinda Knight B. Rodrigues,  
No.64B, Alex Nagar,  
M.M. Colony, Madras-51.

A.14. M.M. Jagadeesan,  
No. 17, Saravana Perumal Street,  
Purasawakkam, Madras-7.

A.15. V. Sundarraj,  
No.37, Bharathi Steet,  
Bharathi Nagar, Madras-32.

A.16. V. Dhanalakshmi,  
No.37, Bharathi Steet,  
Bharathi Nagar, Madras-32.

A.17. A.C. Dhandapani,  
No.4, Nandy Street,  
Purasawakkam, Madras-7.

A.18. S.K. Bhandari,  
No.115, Choolai High Road,  
Madras-112.

A.19. Harakchand P. Jain  
No.115, Choolai High Road,  
Madras-112.

A.20. N.M. Bijlani,  
No.134, Temple Road, Kilpauk,  
Madras-10.

Date of filing 23.02.1985

Date of Last Hearing 19.11.2020

Date of Judgment 04.12.2020

A.C.M.M. (E.O.I)

Charge against accused U/s. 277 of Income Tax Act r/w 120 (B) IPC, U/s. 277 of I.T Act r/w 109 IPC, 468, 380 of IPC, u/s. 419 r/w 511 of IPC, U/s. 420, 201 of IPC and Sec. 277 of Income Tax Act.

Plea of the accused Pleaded not guilty.

Findings of the Judge The accused 1 and 15<sup>th</sup> accused (3<sup>rd</sup> accused) are found guilty. The accused 6 (2<sup>nd</sup> accused), 17 (4<sup>th</sup> accused) and 19 (6<sup>th</sup> accused) are not found guilty.

Details of Judgment In the result, the 1<sup>st</sup> accused Mohnot and 3<sup>rd</sup> accused Sundarraj are found guilty for the commission of offence u/s. 277 of Income Tax Act r/w 120 (b) of IPC and Sentenced to undergone rigorous imprisonment for 4 years each and shall pay a fine of Rs. 1,00,000/- (One Lakh only) each and in default to undergo S.I for 3 months each.

The 1<sup>st</sup> and 3<sup>rd</sup> accused are found guilty for the commission of offence u/s. 468 of IPC and Sentenced to undergone rigorous imprisonment for 3 years each

A.C.M.M. (E.O.I)

and shall pay a fine of Rs. 5,000/- (Five Thousand Only) each and in default to undergo S.I for 3 months each .

The 1<sup>st</sup> and 3<sup>rd</sup> accused are found guilty for the commission of offence u/s. 419 of IPC and Sentenced to undergo rigorous imprisonment for 2 years each and shall pay a fine of Rs. 5,000/- (Five Thousand Only) each and in default to undergo S.I for 3 months each.

The 1<sup>st</sup> and 3<sup>rd</sup> accused are found guilty for the commission of offence u/s. 420 of IPC and Sentenced to undergo rigorous imprisonment for 3 years each and shall pay a fine of Rs. 5,000/- (Five Thousand Only) each and in default to undergo S.I for 3 months each .

The 1<sup>st</sup> accused is found guilty for the commission of offence u/s. 277 of Income Tax Act and Sentenced to undergo rigorous imprisonment for 4 years and shall pay a fine of Rs. 4,00,000/- (Four Lakhs Only) and in default to undergo S.I for 3 months.

Total Fine amount Rs.6,30,000/- (Six Lakhs Thirty Thousand Only)

A.6, A.17 and A.19 are not found guilty.

A.C.M.M. (E.O.I)

The offence u/s. 201, 380 and 511 of IPC are not proved.

(\* Name deleted and amended as per order in memo dated 07.12.2020)

The punishment imposed shall run concurrently. The period of detention undergone by the accused if any is hereby set of u/s. 428 of Cr.P.C

The case coming on 19.11.2020 for the final hearing before me in the presence of the Tr. L. Muralikrishnan (\*) Special Public Prosecutor for the complainant and M/s. Lakshmi Priya Associates Counsel for the accused A.1, A2 and A.6 and Mr. Angamuthu, counsel for A3 and A.5 and upon hearing the argument and upon perusing the records and having stood over for consideration till this day, this court deliver the following.

### **JUDGMENT**

The case arose out of a complaint been filed by the complainant, the Chief Commissioner of Income Tax (Administration) and Commissioner of Income Tax at the instance of the Commissioners of Income Tax of wages Division in Tamilnadu, Bombay and Trivandrum, in whose Jurisdiction the offence under the Income Tax Act have been committed. The case of the prosecution is that the 1<sup>st</sup> accused is an Income Tax practitioner having office at Raman Road, Madras-79 and the 2<sup>nd</sup> accused is one P.P.Das and Sons, HUF represented by Kartha Panchandas Mohnot consisting of 1<sup>st</sup> accused and other members arrayed as A1, A3,A4,A5,A11 and others. A.6, A.7 and

A.C.M.M. (E.O.I)

A.13 are employed in Mohnot and Company which is a proprietary concern owned by the 1<sup>st</sup> accused Mohnot. A.14, A.15, A.16 accused were employed in Madras Race Club and all other accused arrayed in the complaint alleged to have conspired to commit offence along with the 1<sup>st</sup> accused. The specific case of the prosecution is the Horse race and intervenue races could be held by Madras Race club at Madras and Ooty and the Jactpot winners would be paid at a deduction of T.D.S. initially temporary T.D.S certificate will be issued to the winner and subsequent to remittance in the Central Government Account, original T.D.S certificate would be sent through Registered Post with acknowledgment due by entering the particulars in a register maintained in this regard. In case the T.D.S certificate is lost an application has to be made for issuance of duplicate certificate to the Jackpot winners. It is the further case of the prosecution that the 1<sup>st</sup> accused Mohnot the Chartered Accountant along with other accused entered into a conspiracy between January 1979 to June 1981 and obtained duplicate as well as original T.D.S certificates from the Madras Race Club with the aid of A.14 to A.16 accused and also with the aid of other accused have created false, fake and fabricated documents and had filed return of income to several Jackpot winners with false statements and declaration before various Income Tax officers in Tamilnadu, Trivandrum and Bombay and also cheated them by personation. The officials were deceived and induce to pass assessment order granting refund. Search warrants were issued by the Commissioner of Income Tax to search residential and official premises of the 1<sup>st</sup> accused and the Bank Locker in the

A.C.M.M. (E.O.I)

name of 4<sup>th</sup> accused for which the 1<sup>st</sup> accused was the ostensible agent. Several incriminating documents were seized during search. It is the further case of the prosecution that the 1<sup>st</sup> accused on the strength of duplicate T.D.S. and in some cases with original T.D.S conspired with other accused and had filed return of income in the name of jackpot winners/assessee by forging the signatures and fabricating documents creating bogus firms, fake certificates, filing affidavit and represented before the Income Tax officials with the fake Power of Authority and deceived the officials by cheating them induce them to past assessment orders and in several cases got refund orders which were encashed by creating spurious accounts in various Banks with fictitious address and thereby impersonating depositors. Cognizance taken and charges framed for the offence u/s. 277 of Income Tax Act, r/w 120 (B) IPC, U/s. 277 of I.T Act r/w 109 IPC, 468, 380 of IPC, u/s. 419 r/w 511 of IPC, U/s. 420, 201 of IPC and Sec. 277 of Income Tax Act. Since some of the accused were at large warrant issued by this court could not be executed the case had been splitup on several occasion and the trial proceeded only against 6 accused of the original case which is at hand. They are arrayed as 1 to 6<sup>th</sup> accused herein. They are the 1<sup>st</sup> accused M.K. Mohnot (1<sup>st</sup> accused in the original complaint), 2<sup>nd</sup> accused N. Moni (6<sup>th</sup> accused in the original complaint), 3<sup>rd</sup> accused V. Sundaraj (15<sup>th</sup> accused in the original complaint), 4<sup>th</sup> accused V. Dhanalakshmi (16<sup>th</sup> accused in the original complaint), 5<sup>th</sup> accused Dhandapani (17<sup>th</sup> accused in the original complaint) and 6<sup>th</sup> accused Harokchand Jain (19<sup>th</sup> accused in the original complaint). The 4<sup>th</sup> accused V.

A.C.M.M. (E.O.I)



Dhanalakshmi is no more and the court record would disclose abatement charge against the so only the 5 accused are in picture. As such charges have been framed against the accused for the offence u/s. 277 of I.T. Act r/w 120 (b) IPC, u/s. 277 of I.T Act, r/w 109 of IPC, 468, 380 of IPC, 419 r/w 511 of IPC, Sec. 420 of IPC, u/s. 201 of IPC and also 277 of Income Tax Act against 1<sup>st</sup> accused. After examination of witnesses cognizance was taken and charges were framed for the offence u/s. 277 of Income Tax Act r/w120 (B) IPC, U/s. 277 of I.T Act r/w 109 IPC, 468, 380 of IPC, u/s. 419 r/w 511 of IPC, U/s. 420, 201 of IPC and Sec. 277 of Income Tax Act.

**2. The case of the prosecution in brief is as follows:**

Pw.1 S. Sendamarai Kannan is one of the Assistant Director of Inspection (Investigation) in the office or Deputy Director of Inspection (Inspection) Income Tax Department, Madras and who deposed that he is the Investigation officer in this case. A.1 is an Income Tax pratitioner at Madras. A.2 is Hindu undivided family represented by A.3 the father of A.1. A1, A3 to A.5, A.11 and A.12 are members of the H.U.F and A.2 is income tax assessee confisting of those 6 persons A.4, A.5 are Twin brothers and younger brother of A.1. A.6 was employee under A.1 in A.1's profession as Income Tax practitioner under the name and style as Mohnot and Company. A7 was also employee in A.1's office. A.8 was a friend of A.1 and A.9 is wife of A.8. A.10 was another friend of A.1. A.11 is mother of A.1 and A.12 is wife of A.1. A.13 lady was employee in A.1's office situate then in 16, Ramanan Road, Madras-79. A.14 was Accounts Manger of Madras Race Club where A.15 was clerk

A.C.M.M. (E.O.I)

and A.16 is mother of A.15 while A.17 was store keeper in that club. A.18 was a friend of A.1 A.19 was another friend of A.1.A.20 was another friend of A.1 There was a criminal conspiracy commencing of January 1979 and continued upto June 1984 and in that conspiracy all the 20 accused participated Horse racing was being conducted by Madras Race Club. Publicly but then by purchasing tickets. The winners are paid the winnings by Race Club deducting Income Tax at source and issuing temporary T.D.S certificate to be followed by final T.D.S certificates later sent by registered post to the winners from the name and address in the carbon copy of temporary T.D.S certificate issued on the date of race itself. In the temporary T.D.S certificate issued under carbon process signature of ticket holder was taken during payment. A.1 got the particulars of winners of large amounts in getting through A.14, A.15, A.17 who were employed in Madras Race Club. A.1 prepared letters forging winners signatures and bought duplicate T.D.S certificates on the ground that original T.D.S certificate were lost with the continuance of A.14, 15 and 17. A.1 obtained duplicate T.D.S certificates, out of which for only 9 evidence presentable by a complaint could be gathered. A.1 also managed to get original T.D.S certificates before they should be registered post the actual winners out of which only 5 evidence presentable by a complaint could be gathered. Out of the 14 T.D.S certificates narrated above for 7 certificates encashment of refund was successfully accomplished to the tune of Rs.1,89,038/-. For the remaining 7 certificates refund encashment could not be accomplished. A.1 obtained, by tracing the specimen

A.C.M.M. (E.O.I)

signature of winners from the carbon copies of temporary T.D.S certificate issued by Madras Race Club. A.1 prepared false Income Tax return for such winners of large amounts in the race and would file with T.D.S certificates before respective I.T.Os for real T.D.S certificates and for duplicate T.D.S certificates would file with some other I.T.Os, claiming that race winners had changed their address. In certain cases A.1 used to create fictitious firms with certain number of race winners as partners and claim refund of T.D.S on behalf of such fictitious firms A.1 would represent before I.T.Os as if he is authorised by such refund claiming Income Tax return filed individuals or firms as the case may be. A.1 completion of assessment on such false I.T. returns filed, A.1 obtained refund order from Income Tax officers in the names of the individual winners or in the name fictitious firms created by A.1 for certain winners as the case may be along with such false income tax returned in the names of winners A.1 used to file power of attorney or Vakalat, statement of account indemnity bond, form for claim for refund of R.D.S amounts. During assessment proceedings A.1 received bearing notices on behalf of the winners, represented them in hearings before income tax officers and either A.1 or A.6 used to get refund orders. After obtaining refund orders, fictitious bank accounts would be opened in the names of winners were opened in some cases and in certain other cases made false endorsement or refund orders in favour of some one else. A.2 H.U.F had bank account had endorsed refund orders in certain cases were encashed through A.2's bank account shared by members after that H.U.F In the name of A.4 a bank locker

A.C.M.M. (E.O.I)

was booked with continuous power of authority in favour of A.1 to operate it Bank of Rajasthan, Sunkurama Chetty Street Branch, Madras-1 that bank locker number is 27. A.5 was partner in fictitious firm by name Asoka Traders which firm had bank account in bank of Rajasthan, Sunkurama Chetty Street, Madras-01 and through that bank account certain refund orders were encashed. A.6 employee under A.1 received refund order in the case of M. Manickam personally. A.6 went to I.T.O Villupuram and filed false I.T. returns filled up by A.6 in respect of some winners. A.7 employed under A.1 had written the account books for fictitious firm Hasan and Company wherein A.7 had been shown as paid salary as account out of that firm. Similarly, A.7 had written the accounts of the fictitious firm Nagasubbiah and Company. A.8 introduced a fictitious person as winner srinivasan to the Canara Bank Kelly's Branch to open account furnishing A.8's own address for that srinivasan. A.9 wife of A.8 had issued false certificate for obtaining refund order from Income Tax officer Trivandrum for winner N.S. Purushothaman as if he was employed in A.9's fictitious concerned M.S.Exports consultants, Trivandrum-10. A.10 introduced to Bank of Baroda Purasawakkam branch a fictitious person as winner M. Rajan to open account. For false I.T. Return for Srinivasan before I.T.O City circle IV (4), Madras. A.11 mother of A.1 is member of A.2 H.U.F which has bank account and monier realised by refund orders encashed through A.2's bank account was also scared by A.11 as a member of that H.U.F. A.12 wife of A.1 is also coparcener of A.2 H.U.F and she also shored the realisations through A.2 of refund orders encashed. A.13 lady employee of

A.C.M.M. (E.O.I)

A.1 filled up certain false I.T returns for winners. A.14 was officer Manager, Madras Race Club and was in custody of temporary T.D.S certificates issued to winners. A.15 subordinate to A.14 issue of the lady A.16. A.15 was paid through his mother A.16 for which A.16 had issued receipts. A.15 also helped A.14 to give information to A.1 regarding winners of large amounts in races. A.16 mother of A.15 and she had received Rs.6,182/- on behalf of A.15 and A.16 had issued receipts for them. A.17 former store keeper of Madras Race Club and the temporary T.D.S certificates were kept with him A.17 had helped to trace the signatures of winners for such temporary T.D.S certificates in connivance with A.14 and A.15. In income Tax assessment proceedings at Bombay for winner K. Natarajan, a statement of account signed by A.18 was enclosed to I.T. as if A.18 return left money to that winner and it was repaid had been filed in Income Tax assessment proceedings at Madras for winner M. Rajan statement of Account signed by A.18 was enclosed to I.T return as if A.18 last money to that winner and it was repaid. A.19 wrote a letter to Madras Race Club claiming as winner M. Rajan and seeking of original T.D.S certificate, Certificate returned back by post to the Madras Race Club, That letter gives address for winner M. Rajan as A.19's address. A.20 had issued 2 encashment certificates for winner S.Srinivasan for assessment years as employed under A.20 to get encashment of refund of T.D.S. amount. On 25.11.1983 3 search warrants were issued for search of A.1's residence at Flat.No.65, Bloiya Complex, No.286, Purasawakkam High Road, Purasawakkam, Madras-7. A.1's Income Tax practitioner officer Mohnot and company, at No.16,

A.C.M.M. (E.O.I)

Raman road, Madras-79 and bank locker No.27 in the name of A.4 for which there was continuous power of operation in favour of A.1 at Bank of Rajasthan, Sunkurama Chetty Street, Madras-1. Ex.P.1 dated 25.11.1983 is photo copy of search warrants issued by Commissioner of Income Tax, Tamil Nadu IV for search of A.1's residence. Ex.P.2 dated 25.11.1983 is similar photo copy of search warrant for search of A.1's office. Ex.P.3 dated 25.11.1983 is original similar search warrant for search of A.4's locker No.27 in Bank of Rajasthan, Sunkurama Chetty Street, Madras-1. All the above 3 searches were conducted simultaneously on 26.11.1983 by separate teams of Income Tax official and he was the authorised officer for search of A.1's residence. During search of A.1's residence he found the original Income Tax file of City Circle IV(6) Madras in respect of assessee S.M. Balu Chettiar there and it is M.O.1. He seized M.O.1 with other documents as described under a parasame with annexures photo copy of which is Ex.P.4 dated 26.01.1983. During the middle of search and before drawing up of Ex.P.4. He examined A.1's wife A.12 and recorded her statement in English. as she is conversant with English. Ex.P.5 dated 26.11.1983 is that statement of A.12 in English signed by A.12 and countersigned by him. Ex.P.6 dated 26.11.1983 is photo copy of A.9's statement. Ex.P.7 dated 26.11.1983 is that 2nd statement in English of A.5 signed by A.9 and countersigned by him. The 2 persons who instructed A.1's residence search by him are R.Giridhara Gopal and Shamsul Aribin and they are cited effectively as witness. No.6 and 7 in the complaint. He got letters from those 2 that M.O.1 Income Tax file was found in A.5's bed room in an

A.C.M.M. (E.O.I)

almirrah. Ex.P.8 and Ex.P.9 dated 26.11.1983 are those 2 respective search witnesses letters obtained by him. Ex.P.10 dated 26.11.193 is that 2nd statement of A.1. He served copy of Ex.P.4 of A.1 and he signed in that Paralosama in token of receipt of copy of Ex.P.4 by him. Witness L. Srinivasan, then Assistant Director of Inspection (Investigation) Madras, conducted simultaneous search of A.1's office in the presence of A.1, A3 and he handed over the records to mi on completion of A.1's office search was over. During search of A.1's, A.3 and he handed over the records to me on completion of A.1's officer search was over. During search of A.1's office A.1 was examined by witness L. Srinivasan, who recorded A.1's statement in English signed by A.1 and countersigned by witness L. Srinivasan. Ex.P11 dated 26.11.1983 is the 1st statement of A.1. Ex.P.12 dated 26.11.1983 is A.4's 1st statement. Ex.P.13 dated 26.11.1983 is photocopy of parolarma with annexures for search of A.1's office by witness L. Srinivasan, witness L. Gurunathkrishnan. He prepared a Panchanama dated 26.11.1983 which has been marked in Ex.P.14. He examined A.4 before seizure regarding ownership of that locker and A.4 admitted ownership of that locker and he recorded A.4's statement in English signed by A.4 and countersigned by him. Ex.P.15 dated 24.01.1984 is that 2nd statement of A.4. He examined A.1 about that locker and its contents and recorded A.1's 3rd statement in English signed by A.1 countersigned by him which has been marked in Ex.P.16 dated 24.01.1984. Ex.P.17 dated 24.01.1984 is the Panchanama for emptying the contents of the locker. Ex.P.18 dated 24.01.1984 is the Panchanama with annexures for seizure at A.1's residence of the

A.C.M.M. (E.O.I)

contents of that locker. Ex.P.19 dated 22.02.1982 is the application of A.4 for that locker. Ex.P.20 dated 26.04.1982 is the continuous letter of authority by A.4 to Bank of favour of A.1 had affixed his signature as continuous letter of authority holder to operate on that locker No. 27. Inside that locker there was a small envelope which has been marked in Ex.P.21. Inside Ex.P.21 enclosure, there were 13 slips of traced a signature of Race winners which have been marked in Ex.P.22 series. That small envelope also contained cash receipts dated 18.02.1982 for Rs.2,000/- issued by A.16 which has been marked in Ex.P.23. Cash receipt dated 20.03.1982 for Rs.4,182/- issued by A.16 which has been marked in Ex.P.24. Savings Passbook for account in the name of witness N.S. Purushothaman with Trivandrum Co-operative Urban Bank Limited, Trivandrum which has been marked in Ex.P.25. Cheque book for Ex.P.25 account and it was seized from that locker which has been marked in Ex.P.26. Savings Passbook for account in the name of witness Bellie with Trivandrum Co-operative Urban Bank Limited, Trivandrum which has been marked in Ex.P.27. Cheque book for Ex.P.27 account which has been marked in Ex.P.28. Cheque book of Bank of Baroda Purasawalkam Branch, Madras-7 which has been marked in Ex.P.29. Current account passbook with Canara Bank, Broadway Branch, Madras in the name of A.2 which has been marked in Ex.P.30. Cheque book for Ex.P.30 account it was also seized from that locker, which has been marked as Ex.P.31. Savings bank pass book with Bank of Rajasthan, Sunkurama Chetty Street Branch, Madras in the name of A.10 which has been marked as Ex.P.32. Cheque book for Ex.P.32 account it was

A.C.M.M. (E.O.I)



also seized from that locker, which has been marked as Ex.P.33. In the same locker, some blank printed letter heads were found and seized. Ex.P.34 series (31 sheets) are those letter heads. 68 sheets of blank General Stamp papers of various denominations were seized and which have have marked as Ex.P.35 series (68 sheets). In the same locker, a blank cover was found and seized which has been marked as Ex.P.36. Paying in slip for Rs.100/- open dated 01.10.1982 which has been marked as Ex.P.37. Ex.P.25 Bank's intimation for receipt of I.T. refund voucher for Rs.6,487/- on S.B.I, T.V.M. received for realisation was found and seized which has been marked as Ex.P.38. Ex.P.39 paying in slip dated 01.10.1982 issued from Ex.P.27 Bank for opening Ex.P.27 current account in the name of witness Bellie was found and seized. In the same locker, Ex.P.40 intimation dated 01.10.1982 for receipt by Ex.P.27 bank of I.T refund voucher drawn on State Bank of India, Trivandrum for Rs.5,998/- is also not posted but appear to hand delivered. In the same locker typed copy of internal audit objection of I.T. department for I.T refund claimants Ms. Nagasubbiah and Company, Madras and Ms. Babu and Company, Madras and typed undated copy has been marked as Ex.P.41. R. Sampathkumar with signatue of that payee on the reverse of that cheque and signatue of A.3 on behalf of A.2 and Ex.P.49 undated requisition for cheque book for Ex.P.30 account were found and seized unde Ex.P.17 Panchanama. Ex.P.48 cheque in favour of B. Sampath kumar is written by A.1. In the same locker signed undated 3 blank cheques relating to Ex.P.28 current account were found and they were seized and they are Ex.P.50 series (3 cheques). In the same

A.C.M.M. (E.O.I)

locker, Ex.P.51 cover with "Hotel Luciya Continental, East fort, Trivandrum-395 023" printed on it was found and seized and it is Ex.P.51 and A.1 stayed in that hotel. Ex.P.52 bougs salary certifiante issued by A.18 to witness P. Jeyachandran. Ex.P.53 statement of Income for witness P. Jeyachandran. Ex.P.53 statement of Income for witness P.Ramachandram with writings by A.1 under it. Ex.P.54 office copy covering letter dated 18.05.1982 by A.1's officer in respect of filing I.T. return for witness P. Jeyachandran for accounting year 1980-1981. 3 cheques and cheque book requisition form are Ex.P.42 series.Ex.P.44 counterfoil of paying in challan dated 13.05.1983 for Rs.40,000/-Ex.P.45 counterfoil of paying in challan dated 26.05.1983 for Rs.2794/- Ex.P.45. Ex.P.46 dated 07.11.1981 outward bills collection counterfoil in respect of Ex.P.30 current account. Ex.P.47 dated 18.01.1982 outward bills collection counterfoil in respect of Ex.P.30 current account. Ex.P.48 dated 20.01.1982 cheque inrespect of Ex.P.30 current account for Rs.5000/- in favour of Ex.P.55 dated 06.05.1982 acknowledgment by I.T.O, Salary Circle II (4), Madras for receipt of I.T return for assessment year 1980-1981 for witnesses P. Jeyachandran were found seized. Thiru. P. Jeyachandran to clam Income Tax refund with Special survey circle Madras were found and they were seized and they are Ex.P.56 Income statement, Ex.P. 57 Expenses statement and Ex.P.58 acknowledgment for receiving that Income Tax return by Income Tax Officer Special Survey Circle, Madras. In the same locker some pronotes were found and they were also seized as listed in page 2 of Ex.P. 18 detailed Panchanama and they were returned to A1 under his acknowledgment.

A.C.M.M. (E.O.I)

Amongst those pronotes one pronote for Rs. 1 and half lakhs for lending by Asoka Traders of which A5 is a partner. In the same locker Jewelleries weighting 835 gms gold were found and seized but returned to A1 on bank guarantee. In the same locker some other documents were also found which are not marked in this case but they were detailed in Ex.P. 18 detailed Panchanama dated 24.01.1984. Under Ex.P.4 Panchanama in the search of A1's residence Ex.P. 59 Saving Pass Book in the name witness T.M.Subramahiam with Bank of Thanjavur Egmore Branch was also seized.

A5 living with A1 is partner of Asoka Traders and during search of A1 is residence counterfoil of cheque book of Asoka Traders with Bank of Rajasthan Limited was found and seized and it is Ex.P. 60. In A1's residence vouchers with 3 slips noting the expenditure for A6 going to Villupuram on various dates personally to file Income Tax returns at Villupuram were found and they are Ex.P. 61 series and they were seized. In A1's residence Air Tickets for travel to and fro from Madras to Trivandrum and vice versa by A1, A8 separately and sometimes together were found and seized under Ex.P. 4. Ex.P.62 is Air Ticket dated 18.07.1962 to A8 for trip from Trivandrum to Madras. Ex.P. 63 is Air Ticket dated 25.09.1982 to A1 for trip from Madras to Trivandrum Ex.P. 64 is Air Ticket dated 25.09.1982 to A8 for trip from Trivandrum to Madras. Ex.P. 65 is Air Ticket dated 02.09.1982 to A8 for trip from Madras to Trivandrum Ex.P. 66 is Air Ticket dated 22.09.1982 to A7 for trip from Madras to Trivandrum back. Ex.P. 67 series dated 11.10.1982 are Air Tickets to A1 and A8 for trip from Trivandrum to Madras. Ex.P.68 series dated 22.10.1982 are Air

A.C.M.M. (E.O.I)

Tickets to A1 3

and A8 for trip from Trivandrum to Madras. Ex.P.69 dated 18.07.1982 is Air Ticket to A1 for trip from Trivandrum to Madras corresponding to Ex.P. 62 of A8. A1, A8 stayed in Hotel Luciya Continental Trivandrum during their trips to Trivandrum and one such bill with receipt for payment to that hotel was found in A1's residence and seized under Ex.P.4. Ex.P. 70 series dated 25.09.1982 are the Hotel Bill and receipt for payment for stay of A1 and A8 in Hotel Luciya Continental, Trivandrum. In A1's residence counter files of cash and bills paying in slips of Bank of Rajasthan Limited for account no. 526 of Asoka Traders of which A5 is partner were seized and they are Ex.P. 71 series(38). In A1's residence the day book for the period from 5.4.1978 to 31.03.1979 with corresponding ledger for fictitious partnership firm M/s Nagasubbiah and Company Madras were found and they were seized under Ex.P. 4 that day book is Ex.P. 72 and that ledger is Ex.P. 73. In A1's residence the day book for the period from 01.06.1978 to 31.05.1979 of fictitious firm Madras. Hassan and Company Tindivanam and corresponding ledger were found and seized and they are respectively Ex.P.74 and Ex.P.75. Ex.P. 72 to Ex.P. 75 account books are in the handwriting of A7 and for that handwriting Expert's opinion obtained and because A9 had appeared before me on behalf of A1's office. I am also acquainted with A7's handwriting. Witness L. Srinivasan, who searched A1's office on 26.11.1983 forwarded the documents seized from there to me. In A1's office Ex.P. 76 cheque dated 23.09.1983 drawn by Asoka Traders was found seized and sent to me.

A.C.M.M. (E.O.I)

Ex.P. 76 cheque is drawn by A5 who had signed it as drawer. In A1's Office A1's "Take Home Notes pad was found and seized and it is Ex.P. 77 in which A1 in his own hand had written as I item. Income Tax cases pending the name of M/s Hassan and Company with general Index number as G.I 1304-H. Ex.P. 78 in the file relating to that issue of original refund order to witness M. Manickam. Ex.P. 79 dated 11.02.1982 is application to the Madras Race Club for issue of a duplicate T.D.S. in favour of witness M. Manickam in respect of the some Jackpot winning by him on 27.05.1979. The I.T. refund order issued on strength of duplicate T.D.S. in the name of witness M. Manickam had been alleged by endorsed in favour of A2 and encashed for Rs. 15,756. Ex.P. 82 and 83 respectively dated 23.02.1982 and 25.02.1982 are paying in for bill collection obtained from Canara Bank, Broadway branch which reveal that this I.T. refund order for Rs. 15,756 drawn on Reserve Bank of India was put in for collection with the account of A2. That Banker's extract is Ex.P. 84 major portion of those 2 I.T.R.O's created on 25.02.1982. A2 operated by A4 by Ex.P. 85 cheque dates 27.02.1982 for Rs. 69,500/- and A4 received that cash as per his signature with endorsement on the reverse of Ex.P. 85 cheque. Witness M. Manickam was examined on 20.02.1984 by Income Tax Official witness E. Srinivasan and Ex.P. 86 statement was obtained. Ex.P. 87 is photo copy of witness M. Manickam with his signature on its reverse and it was taken for his examination under Ex.P. 86 statement. Ex.P. 88 and 89 disclose witness M. Manickam never resided in that address, which building is owned by witness Dr. Hemalatha. Ex.P. 90

A.C.M.M. (E.O.I)

dated 28.02.1984 is that statement of A1 to me. Ex.P. 91 dated 27.05.1979 is the carbon copy with Madras Race Club for the temporary T.D.S. certificate for Rs. 17,726 issued to witness M. Manickam and it contains the signature of witness M. Manickam therein as Jackpot winner. Ex.P. 92 is the file for witness P. Jeyachandran for his serving I.T. refund order of Rs. 8,483 on the original T.D.S. for Rs. 13,687 for his winning. Jackpot on 16.06.1979 in Madras Race Club. Ex.P. 93 dated 16.06.1979 is carbon copy of temporary T.D.S. certificate issued by Madras Race Club to witness P. Jeyachadran and Ex.P. 93 contains witness P. Jeyachandran's signature as Jackpot winner. Ex.P. 94 application dated 25.03.1982 was prepared and signed for prosecution on 30.03.1982 at Madras. Ex.P. 95 file Ex.P. 56 acknowledgment by I.T. Department for filing that return was found in the bank locker and seized under Ex.P. 18 detailed mahazar. The filing of that I.T. return under same serial number is entered in register of Income Tax returns received at page 28 and the page 28 in that register in Ex.P. 96. Another I.T. return in the name of witness P. Jeyachandran was filed for this same winning before I.T.O. Salary circle b ward Trivandrum on 30.09.1982 and that I.T. file is Ex.P. 97. Ex.P. 98 series are the original sheet the arrival register of occupants of rooms in Hotel Lusiya Continental Trivandrum. It shows A1 was occupant in that hotel on 24.08.1982, 30.09.1982 and 21.10.1982. This Ex.P. 98 was sent to me with Ex.P. 99 covering letter dated 19.11.1984 by my colleague witness G.S. Kuruh from Trivandrum. I.T. return for that bogus firm was filed enclosing bogus document (i.e.) Trial balance profit and

A.C.M.M. (E.O.I)

loss account, profit and loss appropriation account, copy of capital accounts of the 9 partners, statement of total income of the firm and for Income Tax purpose, from no. 30 claiming refund of Rs. 57,372. That I.T. file for 1980-1981 is Ex.P. 100. For the accounting year ending 31.05.1983 was filed by A1 on bogus firm. Hassan and Company wherein verification at page 2 purports to contain the signature of witness M. M. Hassan Kuthur but it is a forged signature. That I.T. return is contained in Ex.P. 101 file of I.T.O. Villupuram. On 30.07.1984 and witness P. Jeyachandran not be examined inspite of many summons to him to his Ennore address that statement dated 30.07.1984. On 30.07.1984 and witness P. Jeyachandran could not be examined inspite of many summons to him to his Ennore address that statement dated 30.07.1984 by witness S. Natesan is Ex.P.102 and his photo copy encashed to that statement is Ex.P.103. He examined witness M.M. Hasan Kuthouseon 21.07.1984 in his office and Ex.P.104 is the typed statement signed by him with him when that Ex.P.105 is photo copy taken of him with Pw.1 when that Ex.P.104 statement was obtained on 21.07.1984. Ex.P.100 and 101 I.T. files witnesses A. Subramaniam respectively on 30.07.1984 and 25.07.1984 and obtained their statements which are respectively Ex.P.106 and Ex.P.107. Their respective photo copies are Ex.P.108 and Ex.P.109 . Ex.P.110 dated 15.03.1982 is assesment order for witness M.M. Hasan Kuthose for th accounting year ending 31.03.1979 assesment year 1979-1980. Witness A. Subramaniam filed original T.D.S certificate for race on 01.05.1979 and got for accounting year ending 1979-1980 assesment year 1980-1981 assesment

A.C.M.M. (E.O.I)

order dated 06.03.1981 for which file is Ex.P.111 for which duplicate T.D.S filed and refund claimed. Witness S. Natesan filed T.D.S. certificate for race held on 29.09.1979 and got for the accounting year ending 1979-1980 assessment year 1980-1981. Assessment order dated 24.06.1980 under Ex.P.112. I.T return file for assessment year 1980-1981 for witness S. Subramaniam before I.T.O. Salary, circle, B-ward, Trivandrum is Ex.P.113. A.1 in his own hand writing applied to Race Club Madras by Ex.P.114. letter dated 25.09.1982. Purporting to be request by witness S.Subramaniam Ex.P.115 letter dated 02.04.1982 was sent to Madras Race club for duplicate T.D.S certificate for Rs.17.678/- for race held on 27.05.1979 and that duplicate T.D.S certificate issued on 05.04.1982 is Ex.P.100 file. Purporting to be request by witness A. Subramaniam Ex.P.116 typed letter dated 22.09.1983 typed in A.1's office typewriter was sent to Madras Race Club. Duplicate T.D.S certificate for Rs.11,282/- for race held on 01.05.1979 and Ex.P.117 typed reminder letter dated 28.09.1983. On 03.09.1983 under Ex.P.118 and 119 and those signatures in those 2 cheques tally with signature of V. Jayapal in Ex.P.117 reminder letter. Ex.P.118 and Ex.P.119 cheques were got from that bank. Purporting to be request by witness S. Natesan Ex.P.120 typed letter dated 01.04.1982.Ex.P.121 and Ex.P.122 respectively dated 14.01.1979 and 01.05.1979 are counter foils of temporary T.D.S certificate issued by Madras Race Club respectively to witnesses M.M. Hasan Kuthose and A. Subramaniam. A.8 in certain 6 documents seized in A.1's residence on 26.11.1983 and those 6 documents are Ex.P.123 series. Ex.P.125 in letter received on 21.05.1982

A.C.M.M. (E.O.I)



by Madras Race Club purporting to be from witnesses T.M. Subramaniam requesting for issue of duplicate T.D.S for Rs.6986/- and Ex.P.125 letter is in the handwriting of A.1 in respect refund already issued in Ex.P.124 file that duplicate T.D.S issued on 22.05.1982. Ex.P.126 file shows refund order for Rs.5028/- was sent by Registered post acknowledgment due which was received by V.Jaipal namely A.1's employee. In Bank of Thanjavor, Egmore Branch S.B Account was opened on 29.10.1983 as if opened by witness T.M. Subramaniam. Ex.P.127 is that application form with address of A.8 for that applicant's address for that S.B. Account opening Rs.10 was deposited and Banker;s part of that remittance chalan dated 29.10.1983 for S.B. Account No.1631 is Ex.P.128. The refund order for Rs.5028 was deposited on 29.10.1985 for collection as per Ex.P.129 Banker's part of Bill collection chalan. A.1 fills up Ex.P.130 withdrawal slip dated 09.11.1983 for Rs.4900/- from that S.B. Account purporting to be signed by witness T.M. Subramaniam for withdrawl and on the reverse. He wrote on 07.04.1984 to witness T.M. Subramaniam in respect of this T.D.S matter and office copy of that letter is Ex.P.131. Ex.P.132 dated 14.04.1984 is reply letter by witness T.M. Subramaniam to Ex.P.131. He wrote to that witness Mr. J. Muthan on 01.09.1984 under the original of Ex.P.133 and he sent Ex.P.134 reply dated 08.09.1984. Ex.P.135 letter dated 14.09.1984 from witness K.C.Rajabather, Principal of that Senior Secondary School. Ex.P.136 dated 15.12.1982 is counterfoils of temporary T.D.S certificate issued by Madras Race Club to that M. Rajan and it certains his signature. Ex.P.137 letter. purporting to be emanating from that M. Rajan

A.C.M.M. (E.O.I)

furnishing for him A.19's address itself. I.T file for assessment year 1983-1984 for M. Rajan is Ex.P.139. S.B. Account 6589 was opened on 01.10.1983 in Bank of Baroda Purasawakkam branch in the name of M. Rajan as per Ex.P.140 application. Ex.P.141 application countersigned by that branch Manager witness V. Srinivasan. The refund order for Rs.48,691/- was put for realisation in that S.B. account 6589 on 04.10.1983 as per Ex.P.142 bill collection chalan. Ex.P.143 dated 08.10.1983 is self cheque for Rs. 45,000/- encashed. Ex.P.144 dated 10.10.1983 is cheque to A.12's proprietary concern Hindustan Electronics for Rs.3690/- encashed through clearing house on 17.10.1983. Ex.P.145 is that statement at page 2 for question 2 witness. Witnesses Mrs. A.L. Noorjahan the introducer for S.B Account No. 6589 under Ex.P.141 was examined on 11.04.1984 by me in English in presence of her father and her statement recorded signed by her father and her statement recorded signed by her and countersigned by her father and himself and that statement is Ex.P.146. He examined on 16.04.1984 A.10 in his shop at D.No. 7, Muthiah Mudali Street, Madras-79 and recorded his statement signed by him and countersigned by his brother Jogilal and himself and that statement is Ex.P.147. He examined Advocate cum Notary Public Witness D. Radhakrishnan on 26.09.1984 and the typed statement recorded from him is signed by him on both pages countersigned by him on both pages and that statement is Ex.P.148. Ex.P.149 dated 27.09.1984 is officer copy of his letter to A.1 by registered post acknowledgment due directing A.1 to produce before M. Rajan. Ex.P.150 reply letter dated 11.10.1984 claiming that he have no authority to direct A.1

A.C.M.M. (E.O.I)

to produce client. Ex.P.151 dated 28.08.1984 is office copy of that summons by him to M. Rajan. Ex.P.152 to Ex.P.154 are 3 returned register postal covers addressed to M. Rajan to the 3 available addresses. He sent a letter on 20.10.1984 through his Inspector to that intimation for which office copy is Ex.P.155. Ex.P.156 dated 25.10.1984 is the reply received for Ex.P.155. He sent Income Tax Inspector witness S. Muthurajan to enquire from owner of D.No.13, Grama Street, Madras and got Ex.P.157 report of his dated 26.07.1984 enclosing a letter dated 26.07.1984 from that owner witness M.A. Rahman, which is Ex.P.158. I.T return enclosures was filed before Income Tax officer, Direct Refund Circle, Madras-6 Ex.P.159 is I.T. file. Ex.P.160 letter dated 27.04.1984 with enclosures (photo copies) by that Bank's Branch Manager addressed to him in reply to his letter dated 26.04.1984. Entire I.T. file is Ex.P.161. He issued on 24.09.1984 summons under the original of Ex.P.162 to A.13 calling upon her u/s.131 of Income Tax Act to appear before him for examining her on 01.10.1984 and she sent Ex.P.163 reply dated 01.10.1984 stating that she is not appearing. He issued on 28.08.1984 summons under the original of Ex.P.164 to A.20 calling upon him u/s. 131 of Income Tax Act to appear before me for examining him on 01.10.1984 and he did not appear. Instead A.1 sent Ex.P.165 letter dated 31.08.1984 refreshing appearance by A.7, A.8, A.9, A.10, A.20 and 2 others. He sent under the originals of Ex.P.166 rejoinder dated 01.09.1984. I.T return is filled up by A.13 Ex.P.167 is that entire I.T file for assessment year 1980-1981. Income Tax inspector witness A.C. Joseph was sent to 31, Arumugam Street, Madras-1 to verify

A.C.M.M. (E.O.I)

existence of S. Srinivasan covered by Ex.P.167 I.T file. He submitted Ex.P.168 report dated 26.04.1984 that there is not such person in that address. Witness N.M. Nagarajan of Ramnad Town furnishing to Race Club temporary address at Madras won Jackpot in Madras Race Club for race held on 14.01.1979 and obtained T.D.S certificate for Rs.28,412/- for which he got refund order from I.T.O, Circle-I (2) Karaikkudi and that file is Ex.P.169 for assessment year 1979-1980. Ex.P.170 is that I.T. file combining Ex.P.169 and Ex.P.170 winners of jackpots with 2 others bogus firm by name Nagasubbiah and company was formed and its day book and ledger for year ending 31.03.1979. Ex.P.41 unauthorised copy seized relate to Internal audit objection memo with office note to Income Tax officer Internal Audit Madras under Ex.P.171 dated 19.04.1982 by Income Tax, Assistant witness S. Sridharan. Ex.P.172 and Ex.P.173 respectively dated 14.01.1979 and 25.03.1979 are the counterfoils with Madras Race Club of temporary T.D.S certificate respectively issued to witnesses N.M. Nagarajan and K.N. Subbiah. A.1 wrote in his own hand writing under Ex.P.174. dated 21.12.1981 a letter to Madras Race Club purporting to be from witness K.N. Subbiah seeking duplicate T.D.S certificate for his jackpot win on 25.03.1979. K.N Subbiah claiming that duplicate T.D.S issued was lost by concerned I.T.O office and claiming another duplicate T.D.S certificate and that letter is Ex.P.175. Ex.P.176 letter dated 11.02.1982 by witness Samisubramaniam to M/s. Nagasubbiah and Company I.T.O., City Circle IV (7), Madras urging, that duplicate T.D.S certificate for the Jackpot win on 14.01.1979. In the name of witness N.M.

A.C.M.M. (E.O.I)

Nagarajan Ex.P.177 letter dated 21.12.1982 was sent to Madras Race Club seeking issue of duplicate T.D.S certificate for the Jackpot win 14.01.1979. Ex.P.178 typed letter dated 12.02.1982 typed in A.1's officer typewriter was sent to Madras Race Club in the name of witness N.M. Nagarajan seeking another duplicate T.D.S certificate and refreshing to Ex.P.176 letter dated 11.02.1982. Ex.P.179 undated is counterfoil for issue of refund order for Rs.54,405 for assessment year 1979-1980 by 7th Income Tax officer city Circle IV, Madras in favour of M/s. Nagasubbiah and company. That refund order for Rs.54,405 was deposited for collection in current account no.5785 of A.2 on 25.02.1982 by A.6 under Ex.P.180 Bank Bill collection challan of Canara Bank, Broadway Branch. On 26.03.1984 he examined witness N.M. Nagarajan whose statement Ex.P.181 was recorded signed by him countersigned by him. On 26.04.1984 he examined witness K.N. Subbiah whose statement Ex.P.182 was recorded by him signed by him. Proprietor of Bharathiram and company no.188, N.S.C Bose Road cited as witness NO.93 in the complaint gave Ex.P.183 letter dated 13.07.1984. Income Tax Inspector witness T.C. Velu was sent to K. Subramania Pillai, 3 Badrian Street, Madras-1 and from that stationery merchant he got Ex.P.184 letter dated 13.07.1984. Ex.P.185 is that entire file of that Income Tax office. K. Natarajan was examined by him colleague Assistant Director of Inspection (Investigation) witness N. Srinivasan on 12.03.1984 and Ex.P.186 is his statement. He examined after summons by him that jackpot winner K. Natarajan on 15.10.1984 and Ex.P.187 is the statement recorded from him signed in his presence and countersigned

A.C.M.M. (E.O.I)

by him. There after that jackpot winner died. Ex.P.188 dated 09.03.1984 is office copy of the summons issued by him. Ex.P.189 dated 02.10.1979 is counterfoil of temporary T.D.S certificate issued by Madras Race Club to that K. Natarajan and Ex.P.189 contains the signature of that K. Natarajan. On 05.12.1981 in the name of that K. Natarajan Ex.P.190 letter was sent to Madras Race Club seeking duplicate T.D.S certificate for his jackpot win on 02.10.1979. Ex.P.191 were filed by I.T.O. Bombay. Ex.P.192 dated 27.09.1984 is officer copy of his summons to A.18 to the common address for A.18, A.19 namely No.115, Choolai High Road, Madras-112. Ex.P.193 dated 05.10.1984 letter purporting to be from A.18 was received seeking for A.18's appearance before me, who did not appear even later before me. He addressed under the under the original of Ex.P.194 a letter dated 24.07.1984 to that Bhgawandas and got reply. In respect of further correspondence to Bhagawandass to trace A.18, he got from A.1 Ex.P.195 letter dated 21.08.1984. Special Survey circle I (10) Bombay, he issued summons u/s. 131 of I.T Act to A.19 under the original of Ex.P.196 dated 27.09.1984 and A.19 did not appear before him at all. Ex.P.197 is that I.T file for assessment year 1982-1983 purporting to be for witness N.S. Purushothaman. Ex.P.25 current account was opened on 01.10.1982 as per Ex.P.198 application form purporting to be signed by witness N.S. Purushothaman. Ex.P.199 is specimen signatures card for that current account. Ex.P.198 and Ex.P.199 are written by A.1. On 22.10.1982 Ex.P.200 self cheque was drawn and encashed in Ex.P.25 current account for Rs.4,500/-. He issued summons u/s. 131 of Income Tax Act to A.8 under the

A.C.M.M. (E.O.I)

original of Ex.P.201 dated 28.08.1984 through Income Tax Inspector and it was served on A.8's wife A.9. On 28.04.1984 my colleague witness G.S. Kurup then A.D.I. Trivandrum examined witness N.S. Purushothaman on his request and recorded his statement and sent it to me which is Ex.P.202. He filed his I.T return dated 31.12.1982 as he is business man before I.T.O ward Trivandrum and he got a refund order dated 20.10.1983 for Rs. 4030/- that I.T file Ex.P.203 for the assessment year 1982-1983. Ex.P.197 and Ex.P.203 I.T files were called for by him from Trivandrum and obtained. Ex.P.204 dated 05.06.1981 is that registered post acknowledgement returned postal cover with postal acknowledgment addressed to witness N.S. Purushothaman. Ex.P.205 dated 28.11.1981 is the postal acknowledgment returned to Madras Race Club, Guindy, Madras-32. A.1 prepared I.T return for getting refund of that T.D.S amount and filed on 30.09.1982 that return dated 27.09.1982 in the name of witness Captain B. Bellie under Ex.P.206 file. Ex.P.207 dated 01.10.1982 is specimen signature cards for opening that current account in the name of witness B. Bellie alleged by containing his specimen signature cards for opening that current account in the name of witness B. Bellie. Ex.P.208 dated 01.10.1982 is that current account opening application form in the name witness Bellie.Rs.6000/- was drawn on 22.10.1982 by means of self cheque purportedly signed by B.Bellie and that cheque leaf is Ex.P.209. Witness Captain B. Bellie was addressed by him on 19.04.1984 under the original Ex.P.210. Ex.P.211 dated 08.05.1984 is the reply received from Witness Major B. Bellie. He wrote another letter to witness Major B.Bellie on

A.C.M.M. (E.O.I)

16.05.1984 under the original of Ex.P.212 for which he sent Ex.P.213 reply dated 24.05.1984. He wrote another letter to witness B. Bellie on 28.06.1984 under the original of Ex.P.214 for which he sent reply under the original Ex.P.215 dated 11.07.1984. He wrote another letter on 04.08.1984 to witness B. Bellie under the original of Ex.P.216 for which he sent Ex.P.217 reply dated 27.08.1984. The Bank Manager for Ex.P.25 P.27 accounts witness Srimathi Sarada Mony was examined on 16.08.1984 by witness G.S. Kumar, his colleague at Trivandrum and Ex.P.218 for her statement. Ex.P.219 dated 15.06.1982 is letter written and signed by witness Major B. Bellie to Madras Race Club. He examined witness S.T. Abdul Aleem, Assistant Secretary, Madras Race Club and his statement recorded in his presence by Inspector and signed by that Assistant Secretary is Ex.P.220. He again examined witness S.T. Abdul Aleem, Assistant Secretary, M.R.C and got his statement recorded before me and signed by him Ex.P.221 is that second statement of his. Ex.P.222 is search warrant dated 05.09.1984 was issued in his favour. Ex.P.223 and Ex.P.224 dated 06.09.1984 is the statement recorded in his presence in tamil and signed by A.16 in all the 7 pages and countersigned by him at each page. Ex.P.225 dated 06.09.1984 is that typed statement and signed in all the 10 pages by A.14 countersigned by him at each page. On 22.10.1984 in his office A.17 was examined by him with the aide of his office typist and Ex.P.226 typed statement dated 22.10.1984 was got from A.17 signed by A.17 in all the 4 pages by A.17 and countersigned by me at each page. Ex.P.227 is one of the documents sent to hand writing expert for comparison of this

A.C.M.M. (E.O.I)



admitted hand writing and signature of A.1 with the other documents purporting to contain A.1's handwriting or signature of both. Ex.P.228 is that undertaking letter to him by A.1 in his own hand writing signed by him Ex.P.228 was also sent to hand writing expert for facilitating comparison with other questioned documents. Ex.P.229 dated 12.05.1984 is a type letter signed by A.1 addressed to me and it was also sent to hand writing expert. Ex.P.230 dated 29.02.1984 is a letter written and signed by A.6 to him and it was also sent to hand writing expert. Out of those 63 sheets 12 sheets signed by A.6 which are Ex.P.231 series. 13 sheets signed by A.13 which are Ex.P.232 series are vouchers for salaries received by them from A.1's office. Ex.P.233 is office copy of his first letter dated 08.10.1984. Ex.P.234 dated is the handwriting expert's report by witness K. Ramakrishnan. Ex.P.235 dated 01.12.1985. Ex.P.236 dated 03.01.1985 authorisation in favour of the complainant issued u/s. 279 of the Income Tax. Ex.P.237 dated 07.01.1985 is authorisation in favour of the complainant issued u/s.27 of the Income Tax by Miss. Usha Savara, Commissioner of Income Tax, Bombay city X to prosecute the offence u/s.277 of Income Tax Act against A.1 and A.14 to A.19. Ex.P.238 dated 13.02.1985 is authorisation in favour of the complainant issued u/s.279 of the Income Tax by Commissioner of Income Tax, TamilNadu V, Madras-34 to prosecute the offence u/s.277 of Income Tax Act against A.1, A.5 to A.7 and A.14 to A.17. Ex.P.239 dated 21.01.1985 is authorisation in favour of the complainant issued u/s.279 of the Income Tax by K.V. Rajan, Commissioner of Income Tax, TamilNadu III to prosecute the offence u/s.277 of Income Tax Act

A.C.M.M. (E.O.I)

against A.1, A.4 and A.14 to A.17. Ex.P.240 dated 16.02.1985 is authorisation in favour of the complainant issued u/s.277 of the Income Tax by Tr. Parthasarathy, Commissioner of Income Tax, TamilNadu IV, to prosecute the offence u/s.277 of Income Tax Act against A.1, A.3, A.5 to A.8, A.10 to A.15, A.17, A.18 and A.20. Current account opening form dated 04.01.1982 is Ex.P.241. Ex.242 is the specimen signature card signed firstly by A.18 and fourthly by A.5 as partners of that firm. Ex.P.243 dated 04.01.1982 is the partnership letter furnished to that bank by the firm signed by all the 4 partners. Ex.P.244 dated 04.01.1982 is the authorisation to that bank by this firm signed by all the 4 partners. Ex.P.245 is the bankers extract for that current account no.526 of the firm Asoka Traders for the period from 04.01.1982 to 30.12.1982. Ex.P.246 dated 19.02.1982 is the cheque like Ex.P.76 cheque drawn on Ex.P.241 bank by this firm Asoka Traders and signed on behalf of the firm by A.5. For the period 04.06.1978 to 26.03.1981 Madras Race Club had maintained Ex.P.247 register for issue of T.D.S certificate for horse race and intervenue betting winners. On 04.10.1979 at Madras Race Club presumably with forged T.D.S certificate and obtained refund order no.450817 for Rs.58,866/- and counterfoil of that refund order drawn on Reserve Bank of India is Ex.P.248. That refund order was encashed by Asoka traders in Ex.P.241 bank by putting that I.T. refund order was collection as per bills collection slip Ex.P.249 dated 18.02.1982. Ex.P.250 dated 19.04.1982 is Internal Audit objection memo by witness S. Sridharan aforesaid in respect of this assessment u/s.143 (3) of I.T.Act. Ex.P.251 is undated typed copy of second page of Ex.P.250 and

A.C.M.M. (E.O.I)

Ex.P.251 was found in A.4's bank locker as continuation of Ex.P.41 relating to the firm Nagasubbiah and Company. Ex.P.252 dated 14.06.1984 is office copy of his letter to A.5 sent by registered post acknowledgment due for which there was no reply. He sent under the original of Ex.P.254 with cover opened. So I lodged complaint on 18.08.1984 under the original of Ex.P.255 to Post Master General Madras-2 for which there was no reply. He sent his Inspector G. Muthurajan to ascertain from Registrar of firms Madras as whether Nagasubbiah and company and Baby and Company are registered with him as partnership firms and he refused to reply unless proper procedure is followed. I.T.O, circle I (5), Madras-34 sent an undated letter to him that there is no file in the name of Asoka Traders in his office though Nattu Pilliar Koil Street, Madras-1 comes under his jurisdiction and that letter is Ex.P.256. The original T.D.S certificate for witness B. Bellie did not reach him while that original T.D.S certificate for him and had been filed in Ex.P.206 I.T. file. Even duplicate T.D.S certificate issued to him did not reach him and hence witness B. Bellie could not apply for refund of that T.D.S amount. The original T.D.S certificate respectively in Ex.P.159 and 161 I.T. files for witness S. Srinivasan and witness S.Srinivasalu had been returned unserved by post and endorsements "as Returned" in page 19 for former in page 61 for later had been erased in Ex.P.247 T.D.S register of Madras Race Club. During his investigation, he came to know that A.1 had savings bank account in Bank of Rajasthan Ltd., Sunkurama Chetty Street, Madras. That S.B. account number is 1232. He issued summons and got from that bank manager all the

A.C.M.M. (E.O.I)

available credit slips and withdrawal slips relating to that S.B. Account No.1232 of A.1. Ex.P.270 series relate to the year 1982 and Ex.P.271 series relate to the year 1983 of A.1's S.B.account in that bank. Summons to Pw.8 was sent by him under the original of Ex.P.272 dated 30.07.1984 and it was served on Pw.8 on 30.07.1984 and Pw.8's acknowledgment for such service was obtained with signature by Pw.8 himself in Ex.P.272. The duplicate T.D.S certificate issued in the name of Pw.2 and contained in Ex.P.80 I.T file was taken delivery by A.6 on 13.02.1982 who had signed with date at the remarks column of entry for race dated 27.05.79. at the top of page 47 in Ex.247 register. Pw.2 M. Manickam is a Jackpot winner on 27.05.1979 at Race Club. He deposed that, He got the original T.D.S certificate by post. He applied for refund in respect of it through his advocate witness A. Krishnamurthy vide Ex.P.78 file and got refund order and encashed it. He has signed Income Tax return, the power and enclosure account statements in Ex.P.78 file. He had also signed the copy notice u/s. 148 in token of receipt of the original. From 1964 without interruption, he continue to reside in D.No.5, A. Kasa Street, Mannurpet, Madras-50. He never had my address or residence at D.No.54, Mulla Sahib Street, Madras-1. He do not know Income Tax Practitioner M.K. Mohnot (A1) Ex.P.80 file is shown to the witness. The signatures in Ex.P.80 file purporting to be M. khzpf;fk; are not his signatures. Ex.P.91 temporary T.D.S certificate is signed by him as Jackpot ticket holder for receipt of cash of Rs. 49,285/- minus T.D.S Rs. 17,726. Ex.P.79 application for duplicate T.D.S certificate was not sent by him and the signature in Ex.P.79 purporting to be his

A.C.M.M. (E.O.I)

signatures is not his signature. Ex.P.86 dated 20.02.1984 is statement by him and it also contains his signature at each page and it contains 10 specimen signatures of him at page 9 and it contains at page 10 one left thumb impression of him. Ex.P.87 photo copy of him contains on the reverse his signature. After applying for refund on 01.05.1980 under Ex.P.78 I.T. file. He did not apply for refund of that T.D.S with duplicate T.D.S certificate in 1982 under Ex.P.80 I.T file. Pw.3 is an Advocate practising on the Income Tax side and he deposed that he approached to him to get refund producing original T.D.S certificate in his favour. He gave him Vakalat and he got the refund order for him as per Ex.P.78 file. I.T return and account statements in Ex.P.78 file were signed by Pw.2 in his presence. Pw.4 is a Chartered Accountant practising at Madras from 1974 onwards. He deposed that, witness P. Jeyachandran of Nettukuppam produced the original T.D.S certificate issued by Madras Race Club in his favour and gave him power and requested him to get refund order for him for that T.D.S deduction. He got the refund order for him vide Ex.P.92 I.T. file. Pw.5 N.M. Nagarajan is a Jackpot winner at Madras Race Club on 14.01.1979 and Rs. 28412/- was deducted as T.D.S. He applied for refund of it and got I.T. refund order vide Ex.P.169 I.T file of Karaikudi and encashed it. He had signed the temporary T.D.S certificate issued by Madras Race Club for which carbon copy is Ex.P.172 as Ticket holder. He is native of Karaikudi. He has not been this witness K.N. Subbiah till today when I saw him for the first time in this court. He was not partner of alleged firm Nagasubbiah and company on 26.03.1984. Pw.1 examined him and recorded his

A.C.M.M. (E.O.I)

statement and got his signatures and that statement is Ex.P.181. He did not apply for duplicate for that T.D.S certificate or sent reminder for its issue and Ex.P.177 and 178 do not contain his signature. The signature as "N.M.Nagarajan" under serial No.1 in page 1 of Ex.P.22 series is not his signature. Pw.6 K.N. Subbiah is a Jackpot winner on 25.03.1979 at Madras Club and Rs. 32, 363/- was deducted T.D.S out of that Jackpot amount. He had also won some other Jackpots in Madras Race Club races. Ex.P.170 is his I.T file where in that T.D.S amount was adjusted in the assessment order passed in his favour. He had signed that I.T. return and connected papers. He did not apply for issue of duplicate T.D.S certificate for his Jackpot won on 25.03.1979. The signature in Ex.P.74 letter is not him. On the other hand, he had signed the temporary T.D.S. certificate issued him by Madras Race Club for which carbon copy is Ex.P.173. On 26.04.1984 Pw.1 examined him and his statement was recorded and signed by him in all pages and that statement of him is Ex.P.182. Signature under serial No.8 at Page 2 of Ex.P.22 series is not his signature. Until he met today Pw.4 in court today he had not known him before. He was partner with Pw.5 as Nagasubbiah and Company. Pw.7 M.M. Hassan Kuthoose is a Jackpot winner on 14.01.1979 in Madras Race Club T.D.S deducted was Rs. 28,412/- for that win. He got original T.D.S certificate from Madras Race Club and filed I.T. return before I.T.O. City Circle-I (6) Madras and got the refund order and encashed it. His auditor for getting that refund was Tr. Mohamed Syed having office at Thamby Chetty Street, Madras-1. Ex.P.110 is that assesment order issue to him, which he

A.C.M.M. (E.O.I)

handed over to Pw.1 during investigation. He was not a partner of alleged firm Hassan and company of Tindivanam and he did not apply for duplicate T.D.S and he did not apply for refund with aid of duplicate T.D.S as partner of that alleged firm Hassan and Company. Ex.P.121 is carbon copy of temporary T.D.S certificate issued to him and it contains his signature as Ticket holder. Ex.P.114 application for duplicate T.D.S was not sent by me and signature therein is not my signature. The signature importing to be him in Ex.P.100 and 101 I.T. files are not his signatures. He do not know the eight persons alleged to have been partners with me in that alleged firm Hassan and company covered by Ex.P.100 and 101 I.T files. He do not know Income Tax practitioner M.K. Mohnot (A1). On 21.08.1984 Pw.1 examined him and obtained his signatures in Ex.P.104 Typed statement. He had signed in each page Ex.P.104 statement. Ex.P.105 is photo copy of him with Pw.1 taken on Ex.P.104 date. Pw.8 A. Subramanian is a Jackpot winner on 01.05.1979 in Madras Race Club and Rs. 11,282/- and who deposed that he was deducted out of his winnings as T.D.S. He applied for refund of that T.D.S and got refund order vide Ex.P.111 file and encashed it. Ex.P.122 is carbon copy of temporary T.D.S certificate issued to me and it contains his signature as Jackpot Ticket holder. He did not apply for duplicate T.D.S certificate and Ex.P.116 and Ex.P.117 purporting to contain my signatures are not hie. He was not partner with eight others in the alleged firm Hassan and company of Tindivanam. He did not apply for refund of T.D.S. as partner of alleged Hassan and Company and the signatures purporting to be him in Ex.P.100 and Ex.P.101 I.T. files are not his

A.C.M.M. (E.O.I)

signatures. On 30.07.1984 Pw.1 examined him and Ex.P.106 statement was recorded in Tamil signed by him at each page. Ex.P.108 is his photo copy taken on Ex.P.106 date. He do not know Income Tax practitioner M.K.Mohnot (A1). Pw.9 T.C. Velu was an Income Tax Inspector then under Pw.1. and who deposed that A.1 as oral directions of Pw.1. He contacted Manager of Proprietary concern K. Subramania Pillai, No.3, Badrian Street, Madras-1 note book manufacturers who directed him to wrapper printer Bharathi Ram and Co. Proprietor, No.188, N.S.C Bose Road, Madras-1. He examined him and got Ex.P.183 letter enclosing model wrapper paper like those on Ex.P.72, 73 note books. He got from Manager of K. Subramania Pillai note book manufacturer Ex.P.184 letter. He produced Ex.P.184, 183 with enclosure to Pw.1. Pw.10 G.S. Kurup was an Assistant Director of Inspection Income Tax, Trivandrum and who deposed that on request by Pw.1. He got Ex.P.203 I.T. files relating to witness N.S. Purusothaman as well as Ex.P.197. I.T file purported to have been presented on behalf of N.S. Purusothaman from concerned. I.T.O offices. On 28.04.1984 he examined witness N.S. Purusothaman and Ex.P.202 is his statement written by himself and signed by him in each page in his presence and he had counter signed in Ex.P.202 at the end. He contacted Hotel Iuceya Continental Est Fort, Trivandrum-23. He got the charge sheet relating to check in ledger sheets for arrival inmates relates to. S.Nos.9943 to 9955, S.Nos. 9956 to 9967, S.Nos. 9795 to 9807, S.Nos.9808 to 9820, S.Nos. 10613 to 10625 and S.Nos. 10626 to 10639 infounder by him. Those 6 sheets are Ex.P.98 series which he sent to Pw.1 with my covering letter

A.C.M.M. (E.O.I)



Ex.P.99. He got from Pw.1 Ex.P.257 letter dates 27.07.1984 and he made enquiries through him staff and sent Ex.P.258 reply dated 06.08.1984. He contacted Trivandrum Co-operative Urban Bank Limited Trivandrum at the behest of Pw.1 and got Ex.Ps. 198 to P.200 in respect of the Bank account opened in the name of witness N.S. Purusothaman and got Ex.P.207 to 209 in respect of the Bank account opened in the name of witness B. Bellie. He examined Assistant Secretary of that bank witness Srimathi Saradhamini on 16.05.1984 and got her statement recorded under Ex.P.218 in which she had signed in each page. He traced Ex.P.97 I.T. file purporting to be of witness P. Jeyachandran and got it from I.T O.B ward Salary Circle Trivandrum and sent it with my covering letter Ex.P.259 dated 12.07.1984 to D.D.1 Madras the immediate superior of Pw.1. Pw.11 S. Natesan was a Jackpot winner on 29.09.1979 at Madras Race Club and he deposed that on intevenue betting for Horce races held on that date at Mysore Rs.15,429 was deducted as T.D.S out of that Jackpot winning by him. He applied for refund of that T.D.S before I.T.O Kancheepuram who after adjusting Major part of that T.D.S towards income Tax due by him gave refund order for Rs. 2,037/- vide Ex.P.112 file. All the signatures in Ex.P.112 file as by him are his signatures. He did not apply for duplicate T.D.S certificate and signature purporting to be that of him insuch application Ex.P.120 is not his signature. He was not partner in Hassan and Company of Tindivanam and the alleged to other 8 partners in that Hassan and Company are not known to him at all. The signatures purporting to be mine in Ex.P.100 I.T file are not his signatures. On 13.07.1984 I.T.O Kancheepuram

A.C.M.M. (E.O.I)

witness D.Clensa Kesavaln examined and his statement was the recorded in Tamil and he signed that statement Ex.P.102 in all the 7 pages. Ex.P.103 is photo copy of mine taken on the date of Ex.P.102. He do not know at all the Income Tax practitioner M.K.Mohnot of Madras (A1). Pw.12. S. Sridharan was a Tax Assistant in the Internal Audit Party Madras and who deposed that on 19.04.1982. He checked the I.T. file for assessment year Madras and I.T.file for assessment year 1980-1981 in respect of alleged firm Babu and Company, Madras in the officer of City Circle IV (7) Madras. Ex.P.171 is the audit objections raised by him for Naga Subbiah and Company and Ex.P.250 is the audit objections raised by him for Babu and Company. On 19.04.1982 when he checked those 2 I.T files were available in that I.T.O's office. Audit objection will be in duplicate copies, one retained in the concerned I.T file and the other copy taken by checking officer to his office. In Ex.P.250 audit objection raised by him narrates that concerned horse race winning was 04.10.1979 and he gathered that date from that I.T. file then available for my check. Ex.P.171 and 250 contain his signatures for checking and are countersigned by his superior for his counter checking. The endorsement in Ex.P.250 bottom made in ink was made by his superior Thiru. T.K. Subramaniam.I.T.O Interval audition 26.04.1982 while his checking that file was on 19.04.1982 and he made that ink endorsement on 26.04.1982 in Ex.P.250 in our office. Pw.13 S. Subramani was a Jackpot winner and who deposed that on 27.05.1979 at Madras Race Club for intervenue betting for Race Club held on Ootacamand Rs.17,678/- was deducted as T.D.S of that win by him. He applied for

A.C.M.M. (E.O.I)

refund of that T.D.S through Income Tax Chartered Accountant Thiru. P.V. Kandasamy, Rose wood Buildings, Nungambakkam High Road, Madras and he got refund order for Rs.3,000/- and he encashed that refund order through Union Bank of India, Main Branch then at Kuralagam, Madras. He did not apply for duplicate T.D.S certificate and the signature in such application Ex.P.115 is not my signature. He do not know Income Tax Practitioner M.K. Mohnot, Madras (A.1). He was not partner of the alleged firm Hassan and company Tindivanam and he do not know the other alleged 8 partners in that alleged firm. I was not doing business in Tarpalin at Broadway, Madras. The signatures purporting to be that of mine Ex.P.100 I.T. file are not his signatures. He did not apply for refused order again for that T.D.S either at Madras or at Trivandrum. The signatures purporting to be that of mine in Ex.P.113 I.T. file are not my signatures. On 25.11.1984 Pw.1 examined him and his statement was typed and he signed in that statement Ex.P.107 in all the 3 pages before Pw.1 who had countersigned also at each page. Ex.P.109 is photo copy on mine taken on Ex.P.107 date. Pw.14. R.S. Mani is a Chartered Accountant from 1978 practising in Madras and who deposed that Tr. K. Natarajan gave to our firm M/s. Sankar Sadguru Chartered Accountants power and necessary papers for getting refund of T.D.S certificate amount of Rs. 65,844/-. His partner witness Sadgurudass had accepted that power on behalf of our firm and he represented this matter before City Circle II (8) Madras and got refund order for Rs. 61,846/- vide Ex.P.185 file. The power in Ex.P.185 file. The power in Ex.P.185 file in favour of our chartered accountants firm

A.C.M.M. (E.O.I)

was signed in his presence by that Tr. K. Natarajan. That assessee later came and informed me. that he had received notice from Bombay I.T.O and showed it and asked what is it all about. He explained to that notice and he to him that he had not over again applied for refund of that T.D.S amount. Hence, he instructed him to reply to that effect to Bombay I.T.O. Since it was one time engagement of us and not our regular customer. He do not know whether that K. Natarajan is now dead or alive. Pw.15 V. Hemachalam is a licensed Stamp vendor from 1981 having his office at his residence itself and he deposed that those 2 general stamp papers each of Rs.10 denomination were sold by him to Mohnot and Company, Madras. Under S.Nos. 6071 and 6070 both dated 22.10.1983 and duly entered in my register. Page 34 of the Ex.P.191 file is general stamp paper of the denomination of Rs.5 sold by his maternal uncle's son witness R.J. Rukmangothan, 18, Ramanan Street, Elephant Gate, Madras to Mohnot and Company Madras on 22.10.1983 and entered in his register as S.No. 5928. His maternal uncle's son witness R.J. Rukmangothan is a deaf and dumb person he is not present in court. Pages 11 and 12 of Ex.P.161 file are respectively general stamp papers for Rs. 2/- and Rs. 3/- which are held on 10.09.1981 respectively under S.Nos. 4201 and 4200 by witness R.J Rukmangathan and duly entered in his sales register. Pw.16 Inniah was parish priest from May 1983 to May 1986 of St. Andrews Church, Kalathi appa Street, Choolai, Madras-112 and who deposed that he received from Pw.1 original of Ex.P.155 letter and made enquiries and sent Ex.P.156 reply dated 25.10.1984 to Pw.1. His enquiries revealed

A.C.M.M. (E.O.I)

that one alleged M. Rajan as tenant in their church's property at 18, Aavadana Pappayya Street, Madras. Pw.17 K.C. Rajabother is a founder cum Principal of Tagore Higher Secondary School, Tindivanam from its inception in 1974. He deposed that, In 1983 this school was at D.No. 58, Rottikaran Street, Tindivanam-1. There had never been anyone by name T.M. Subramanian connected in any manner with the aforesaid school. I.T.O Villupuram came to this school and enquired me and I gave a letter to the aforesaid effect on 14.09.1984 which is Ex.P.135 Pw.18 D. Radhakrishnan is a Notary Public from 1981 and he is an practising advocate at Madras from 1962. He have attested the affidavit on 15.09.1983 on one alleged M. Rajan, which affidavit is dated 13.09.1983 found in Ex.P.139 file. He cannot now identify that person who is signed as N. Rajan on 15.09.1983 in that affidavit. In that affidavit residential address for that person had been given as 18, A.P. Street, Choolai, Madras-67 and business address as 477 T.H. Road, Madras-81. He had not seen that person either earlier or later to his signing that affidavit before me on 15.09.1983. Pw.1 examined on 26.09.1984 and Ex.P.148 is his statement to him. Pw.19 R. Giridharagopal is an Special Assistant in UCO Bank, Purusawakkam Branch, Madras and he deposed that A.1's residence on 26.11.1983 is next to our branch in Purasawakkam High Road, Madras-7. On 26.11.1983 Pw.1 and party searched 286 Purasawakkam High Road, Madras-7 Which was the residence of A.1 in the presence of witness A. Shansularibin and himself. The search commenced at 9.30 a.m in the presence of A.5 and A.12 and A.1 came to his house during the course of that search.

A.C.M.M. (E.O.I)

Certain documents account books files and other records were seized for which Ex.P.4 Mahazar with annexures was prepared which was attested by witness Shamsularibin and himself. Copy of that mahazar with annexures was furnished to A.1 and his acknowledgement obtained in Ex.P.4 itself. M.O.1 file described as items 1 to 4 in annexure S. (S.G.K) in Ex.P.4 was one of the files seized from A.1's bedroom from almirah. Ex.P.72 and Ex.P.75 account books were also seized from that Almirah in A.1's bedroom which account books are described as items 91,92, 100 and 101 in G.S. annexure in Ex.P.4. After the search was over and Ex.P.4 was completed he gave Ex.P.8 statement dt. 26.11.1983 written and signed by me on that day itself to Pw.1 in A.1's residence itself. Pw.20 Gopal Das Dasa is doing retain business in Tarpalin as proprietor of Rajkamal Trading Company in a position of ground floor of 16 Ramanam Street, Sowcarpet Post, Madras-79 for last 10 years and who deposed that A.1 has his auditor's officer in the same building in IInd Floor. On 26.11.1985 witness G.S. Narang and himself were called as independent for search of A.1's auditor's office in that IInd Floor while their business concerns are situate in the ground floor of the same building. The search commenced at 9.45 a.m in the presence of A.1 by then ADS. Witness L. Srinivasan and party in which both of us were also present. Certain books, files etc were seized under a mahazar with annexure nothing under another annexure documents not seized. Ex.P.13 dated 26.11.1983 is that mahazar with annexures attested by witness G.S. Narang and himself. Ex.P.13 was over at 4.30 p.m and forthwith copy of Ex.P.13 was furnished to A.1 and his

A.C.M.M. (E.O.I)

acknowledgment obtained in Ex.P.13 itself. Pw.21 L. Udhyakumar Francis is a clerk in United Commercial Bank, Pursawakkam Branch, Madras-7 situate next to A.1's residence and he deposed that Pw.19 is also employee in their branch. On 24.01.1984 at 1 p.m. He was called to A.1's residence by Pw.1 and he went there and he was there till 4.30 p.m. Pw.1 prepared Ex.P.18 seizure mahazar for things said to have been brought from a locker in Bank of Rajasthan, Sunkurama Chetty Street, Madras-1. That mahazar was prepared in the presence of A.1. A.8 and himself attested Ex.P.18. At once copy of Ex.P.18 was furnished to A.1 and his acknowledgment obtained in Ex.P.18 itself. What are all said to have been seized from that bank locker and physically available at A.1's residence in their presence were fully inventorised in Ex.P.18. Pw.22 T. Srinivasan was 10<sup>th</sup> I.T.O City circle-I, Madras and he retired on 31.03.1987 and who deposed that he passed assessment order for assessment year 1983-1984 in respect of alleged M. Rajan vide Ex.P.139 Income Tax file. For that alleged M. Rajan A.1 appeared as Income Tax practitioner and A.1 filed power duly accepted by A.1 which is also contained in Ex.P.139 file. Refund order for Rs.48,691/- was issued Madras Race Club. T.D.S Certificate original for Rs. 63,459/- was filed with that Income Tax return and that T.D.S certificate also is there in Ex.P.139 file. Along with that I.T. return statement of accounts for that assessee purporting to be signed by A.1 was also filed, which statement of accounts is also in Ex.P.139 file. Pw.23 P. Jeyachandran was a Jackpot winner for Race held at Bangalore in the Intervene betting at Madras Race Club on 16.06.1979 and he won

A.C.M.M. (E.O.I)

Rs. 38,079 for which T.D.S Certificate for the assesment year 1980-1981 and got refund order through my auditor M/s. Velu and Company vide Ex.P.92 I.T file and he enclosed that refund order Rs. 8,483/-. Signatures as assessee in Ex.P.92 I.T file are that of mine. He did not apply to Madras Race Club for issue of duplicate certificate for T.D.S certificate and signature in Ex.P.94 is not mine. Ex.P.93 temporary T.D.S certificate carbon copy for that Jackpot win by him contains his signature. He did not apply for refund for that with to I.T.O special survey Circle Madras and the signatures in Ex.P.95 I.T file purporting to be mine are not his signatures. He did not work in any concern at Trivandrum in 1980-1981. Since, he all along from 1965 working in Ashok Leyland, Madras. He did not apply for refund order that win to I.T.O. Salary Circle Ward, Trivandrum. The Signatures is Ex.P.97 I.T file purporting to be that of mine are not mine. He did not apply for refund for that win to I.T.O Salary circle-II (4) Madras and such return filed vide Ex.P.6 register was not return filed and his instance. He was not partner of alleged firm M/s. Hassan and Company of Tindivanam. The signatures purporting to be that of mine in Ex.P.100 and Ex.P.101 are not himself. He do not know auditor M.K. Mohnot of Madras and He never engaged him as his auditor. Signature under serial no.7 at Page 5 of Ex.P.22 series is not his signature. The signatures purporting to be mine in Ex.P.55 and Ex.P.56 are not his signatures. He was not employed in Gemini Agencies, Madras during 1980-1981 and hence Ex.P.52 does not relate to him. Pw.24 M. Vijayanarasimhan was an Income Tax Officer Special Survey Circle, Madras and he deposed that Duplicate Income Tax

A.C.M.M. (E.O.I)



return for assessment year 1980-1981 was filed before vide. Ex.P.95 I.T file in the name of P. Jeyachandran (Pw.23) photo copy of T.D.S certificate by Madras Race Club was filed with that return for Jackpot win on 16.06.1979. Since that return was presented only on 31.03.1982 belatedly it aroused his suspicion. Therefore, he issued notice u/s. 143 (2) of I.T. Act twice for appearance of that assessee to the address furnished in that return but the assessee did not turn up. He passes ex parte assessment order levying Income Tax of Rs. 9,960/-. Since, he disallowed some items of expenditure claimed for which there were no supporting vouchers. No "AR" authorised representative had entered appearance for this assessee before him.

Pw.25. Ranganathan was an Income Tax Officer, City Circle-II (B), Madras. Witness K. Natarajan filed through Chartered Accountant firm M/s.Sankar Sadguru and Company, Madras. Income Tax return for assessment year 1980-1981 filing original T.D.S Certificate issued by Madras Race Club for Jackpot win on 04.10.1979. He passed assessment order ordering issue of in person to the assessee himself on 29.05.1980. Ex.P.185 is that Income Tax file. The acknowledgement for personal delivery to assessee on 29.05.1980 through his office notice server is in Ex.P.185 file and that acknowledgment contains assessee's signature. Pw.26. K. Swami Subramaniam was an Income Tax officer, City Circle IV (7), Madras and who deposed that he retired on 28.02.1982. He was the assessing officer who passed order for issue of refund in Ex.P.60 Income Tax file. On 22.02.1982 A.6 was delivered that refund order and his acknowledgment obtained in the order sheet. He have intialled

A.C.M.M. (E.O.I)

in Ex.P.179 counterfoil for my issuing refund order to M/s. Nagasubbiah and Company. He have initialled in Ex.P.248 counterfoil for my issue on 19.02.1982 of refund order in favour of M/s. Babu and Company. Pw.27 Athilakshmi Iyasundaram is an Income Tax officer Direct refund circle, Madras from 03.02.1987 and she deposed that Ex.P.159 and Ex.P.161 are Income Tax files in which then predecessor of himself had passed assessment orders and issued refund orders respectively on 23.07.1981 and 17.09.1981. Pw.28 T.D. Ramanathan Rao is an Income Tax officer, Circle VII (8), Madras from 08.06.1987 and he deposed that in Ex.P.1978 I.T file a predecessor Ex.P.92 I.T file another predecessor of himself issued to Pw.3 on 01.08.1980 a refund order. Pw.29 Ramanath Saha is an Income Tax Officer, City Circle IV (10), Madras from 09.07.1987 and he deposed that in Ex.P.111 I.T file one of his earlier predecessors Tr. N.R. Rangan had issued on 30.03.1981 refund order to Pw.8. Pw.30 K.D.P. Rao is an Income Tax officer, City Circle V (5), Madras from Middle of August, 1987 and he deposed that G.I.R. NO.6080-A, relates to Miss Ameetha, an assessee under his office Jurisdiction. There is no K.S. Anandan, as assessee in his Jurisdiction as per his office blue book which is alphabetically indexed list of assessee in his jurisdiction. For Miss Ameetha with Income Tax his G.I.R. No. 6080-A, the assessee under jurisdiction of his office for assessment year 1983-1984. A.1 appeared for her as her authorised power of attorney Income Tax, Practitioner and Ex.P.260 is that Income Tax file. Pw.31 S.S. Narayanan is an accountant, Canara Bank, Kellys, Purasawakkam Branch, Madras-7 from 19.07.1982 and he deposed that

A.C.M.M. (E.O.I)

on 30.07.1981 in the name of the one alleged S. Srinivasan S.B. account number 16273 was opened in their branch as per Ex.P.261 application form. Ex.P.262 dated 30.07.1981 is the specimen signature card furnished to the bank for that account. The procedure in their branch on 30.07.1981 was that person opening account with us as well as the person introducing him must sign in the account opening application form and person opening account must signature specimen signature card in the presence of their bank officer, who allow that account to be opened. The procedure is followed in bank in all its branch till date from the date of their bank's inception. Ex.P.160 letter dated 27.04.1984 inclusive of enclosures was sent to Pw.1 from their branch.

Pw.32 A. Radhakrishnan is a Zonal Accounts Officer, Central Board of Direct Taxes, Kerala Zone in Cochin-16 from 30.04.1984 and he deposed that Income Tax refund orders encashed by assesses are sent by Reserve Bank of India or State bank of India to the Zonal accounts office. Ex.P.263 dated 20.10.1983 is Income Tax R.O. issued to N.S. Purushothaman received in his office after its encashment by him through Corporation Bank, Trivandrum-1. In Ex.P.263 in column claimants signature there is signature as of "N.S. Purushothaman". Ex.P.264 dated 24.09.1982 is I.T.R.O issued in respect of Ex.P.197 I.T file and it was sent to my office after its encashment through Trivandrum Co-operative Urban Bank Limited. In Ex.P.263 the claimant's signature is put on the revenue stamp. Ex.P.265 dated 30.09.1982 is I.T.R.O issued in respect of Ex.P.206 I.T file sent to his office after its encashment through Trivandrum Co-operative Urban Bank Limited. In Ex.P.265 I.T.R.O inclaimants signature column

A.C.M.M. (E.O.I)

there is signature on revenue stamp purporting to be of captain B. Bellie. Pw.33 K.V. Manohar is a Sub Manager from 16.07.1987 in Bank of Rajasthan, N.S.C. Bose Road, Madras-1 and who deposed that their bank was functioning at Madras previously in Sunkumara Chetty Street, Madras-1 till 01.03.1987. Ex.P.20 dated 26.04.1982 is continuous letter of authority for operation of locker No.27 in their bank in the name of Sanjay Prakash Mohnot (A.4) given authority to operate by N.K. Mohnot (A.1) Ex.P.241 dated 04.01.1982 is current account opening form for opening account No:526 in their bank by the firm Asoka Traders by partners Sushil Kumar Bhandari (A.18), Anjay Prakash (A.5) and 2 others. Ex.P.243 dated 04.01.1987 is the letter of partnership by that firm signed by all the 4 partners and addressed to their bank for opening that current account No.426. Ex.P.244 dated 04.01.1987 is the authorisation to their bank by that firm to operate as its agent for cheques, drafts etc collection signed by all the 4 partners. Ex.P.242 dated 04.01.1987 is specimen signature card for that current account and it is signed by all the 4 partners of that firm. Ex.P.246 dated 19.02.1982 is bearer cheque drawn by Anjay Prakash (A.5) on behalf of that firm from its current account and encashed on the same day. Pw.34 M.D. Lokiah was an Income Tax officer, City circlly IV (7), Madras from June 1982 till and he deposed that his retirement on 31.12.1983. Pw.26 was one of his predecessor. There was audit objection by officer of Accountant General in respect of Ex.P.80. I.T file and he wrote D.O. letter to I.T.O. City Circle VII (8) Madras and got reply dated 08.09.1983 from that I.T.O witness B.C. Natarajan. That

A.C.M.M. (E.O.I)

reply is in Ex.P.80. I.T file itself. After that reply, he sent Ex.P.80 file to Inspection of Assistant Commissioner Rank IV Madras holding Jurisdiction over City Circle VII (8) Madras for Investigation to be lauched. Pw.35. S. Gurunathakrishnan was an Income Tax officer, City Circle I (6) Madras from 20.01.1981 to 17.09.1982 and he deposed that Ex.P.110 dated 15.03.1982 is the assessment order passed by him in respect of Pw.7. He was an Income Tax officer on special duty from 20.10.1983 to 09.06.1987 is the Zonal Director of Intelligence, Madras. Ex.P.3 dated 25.11.1983 in search warrant issued in his favour to search locker no.27 in the name of Sanjay Prakash Mohnot (A.4) in Bank of Rajasthan Limited, Sunkumara Chetty Street, Madras-1. As key for that locker with the locker renter (A.4) could not be obtained by him. He went to that locker on 26.11.1983 and sealed that locker by passing prohibitory (A.4) order and Ex.P.14. Panchanama was prepared for that proceedings furnishing copy of it to that Bank's Manager and obtained his acknowledgment in Ex.P.14 itself at 11.30 a.m. From that Bank he proceeded to A.1's residence in pursawakkam and joined Pw.1 there at about 12 non and was there with Pw.1 till end of that raid of A.1's residence. He saw M.O.1 file in A.1's residence unearthed by Pw.1 and party. He was with Pw.1 when the II statement Ex.P.10 dated 26.11.1983 of A.1 was recorded wherein A.1 had claimed at Page 12 that M.O.1 file was secured by A.6 as per request of A.1 and given to A.1 about 1 1/2 years back. On that aspect relating to M.O.1 file he examined A.6 on 09.12.1983 is that statement of A.6 signed by A.6 in my presence at each of the 10 pages and he had signed it at the end. A.6

A.C.M.M. (E.O.I)

who had studied upto P.U.C went through Ex.P.266 before he signed it at each page. In end of page 8 of Ex.P.266. A.6 denied the claim of A.1 at page 12 of Ex.P.10 and A.6 claimed, that he had nothing to do with M.O.1 file. Pw.36 C.D. Gnaian was an Income Tax Officer, City Circle III (10), Madras and he deposed that with photo copy of duplicate T.D.S for Jackpot win of witness K. Natarajan Income Tax return for assessment year 1980-1981 was filed on 07.03.1983 with power in favour of A.1 duly accepted by A.1. Ex.P.191 is that I.T. file. Ex.P.267 dated 21.08.1983 is letter to him purported by that assessee seeking transfer of that I.T. file to Bombay. As per that request, he transferred Ex.P.191 I.T. file by his letter Ex.P.268 dated 08.09.1983 to Income Tax officer survey circle-I, Bombay. Pw.37 Abdul Aleem is an Assistant Secretary at Madras Race Club from 198. T.D.S certificate section comes under the control of "Assistant Secretary" and he deposed that Jackpot winners and other winners under other 4 events surrender their winning tickets for receiving dividend of amounts. Till around 1986 any dividend win over Rs. 2,500/- was liable for Income Tax deduction at source in the Race Club itself and that limit had been raised thereafter to Rs.5,000/-. For a dividend winner, temporary original T.D.S certificate is issued while that certificate is prepared in triplicate by carbon process. In that temporary T.D.S certificate, the name and address given by the winner is filled up and signature of the ticket holder is obtained in it like in Ex.P.91 which is a carbon copy of T.D.S certificate. It original T.d.S certificate is returned unserved by post, such return is indicated in register like in page 25 of Ex.P.247 register. Then such

A.C.M.M. (E.O.I)

original T.D.S is filed till it is claimed. After 1983 only delivery of duplicate certificate to winner in person was stopped. For issue of temporary T.D.S certificate, there were about 10 to 30 counters according to numbers of winning tickets and they were named by persons as casual employees being paid for day's work only on dates of employment, which remuneration was being paid at end of each month. A.17 was a race day casual employee on daily wages and he was incharge of jackpot section stores, which has custody of T.D.S certificate books for issue on dates of races or dates of intervene biddings, custody of combination ticket books meant for sale and stationer. Issue of T.D.S certificate and anything connected with original T.D.S certificate was also with A.14 assisted by A.15. 80 undelivered original T.D.S certificates was already issued for that win and it is in Ex.P.78 I.T file. On receipt of Ex.P.79 application dated 11.02.1982 in his office, on that date itself duplicate T.D.S certificate in Ex.P.80 I.T. file was issued for that race held on 27.05.1979. On 30.03.1982j Ex.P.94 application was received in Madras race Club and duplicate T.D.S certificate was issued on 31.03.1982 as indicated in page 53 Ex.P.247 register. Races at Ooty were being conducted from Middle of April to end of June. But intervene bettings at Madras and Ooty continued to be there on dates races in Bombay, Pune, Hyderabad, Calcutta, Bangalore and Mysore. There is no intervene betting for Delhi horse races. Ex.P.121 application dated 01.04.1982 was received in Madras Race Club on 04.04.1982 for race held on 29.09.1979. In Ex.P.101 I.T. file photo copy of that duplicate T.D.S certificate is there. Ex.P.114 application dated

A.C.M.M. (E.O.I)

25.09.1982 was received at Madras Race Club on 27.09.1982 and duplicate certificate was issued on 30.09.1982 and that duplicate T.D.S is in Ex.P.100 I.T. file. That duplicate T.D.S issue is entered in page 31 of Ex.P.247 T.D.S register. Ex.P.116 application dated 22.09.1983 was received in Madras Race Club on 24.09.1983 followed by Ex.P.117 reminder letter with request to hand over to bearer the duplicate T.D.S Certificate and duplicate T.D.S was issued on 28.09.1983 which is entered in page 42 of Ex.P.247 T.D.S register. Ex.P.115 application dated 02.04.1982 was received in Madras Race Club on 04.04.1982 and duplicate T.D.S certificate was issued on 05.04.1982 and it is found in Ex.P.100 I.T file and that issue is entered at page 47 if Ex.P.247 T.D.S register. Ex.P.125 applicated dated 15.05.1982 received in Madras Race Club on 21.05.1982 and as per Ex.P.126 and I.T. file duplicate T.D.S was issued on 22.05.1982. In Ex.P.169 I.T. file original T.D.S certficate issued to S. Srinivasan is there and that issue is entered at page 19 of Ex.P.247 register and in remarks column for that entry there appears to be some erasure. In Ex.P.161 I.T. file original T.D.S certificate issued to S. Srinivasalu is there and that issue is entered at page 61 of Ex.P.247 register and in remarks column for that entry there appears to be some erasure. In respect of Ex.P.136 win on 15.12.1982 in the name of M. Rajan Ex.P.137 application dated 12.03.1983 for issue of original T.D.S certificate was received probably directly by concerned section. The original T.D.S certificate was issued on 24.12.1982 and it is found in Ex.P.139 I.T. file. That issued is entered in page 98 of Ex.P.269 register in remarks column "Returned" written in ink is scored

A.C.M.M. (E.O.I)



out while in column. Date on which Tax deducted and balance paid "there is writing as" Received on 12.03.1983 with a signature following it corresponding to writing as "original received on 12.03.1983" with a signature underneath it. Ex.P.137 application to deliver to brother Sundar Babu. In Ex.P.247 register at Page 19 one S. Srinivasan is indicated as winner on 01.10.1978 corresponding to original T.D.S certificate in Ex.P.159 I.T. file In last column of page 19 of Ex.P.247 register. There is tell tale mark of some erasures in respect of that entry. Page 46 of Ex.P.247 register there is tell tale mark of some erasures. in respect of that entry. Page 61 of Ex.P.247 register shows on S. Srinivasalu as winner on 15.07.1979 corresponding to original T.D.S certificate in Ex.P.161 I.T. file. In the remarks column of page 61 of Ex.P.247 register. There is evidence of some erasures in respect of that entry. N.M. Nagarajan (Pw.5) is winner on 14.01.1979 as Ex.P.172 temporary T.D.S and as per entry at page 31 in Ex.P.247 register. In remarks column of that entry there is indication of issue of duplicate T.D.S certificates respectively on 12.02.1982 on 23.12.1981. While original T.D.S. certificate is in Ex.P.169 I.T. file. On 25.03.1979 K.N. Subbiah (Pw.6) was winner whose original T.D.S certifiante is in Ex.P.170 I.T. file and that win in entered at page 39 of Ex.P.247 register. The original T.D.S certificate for witness K. Natarajan for win 02.10.1979 is in Ex.P.185 I.T. file. That win is entered on page 74 of Ex.P.247 register. The original T.D.S certificate to witness N.S. Purushothman for win on 24.05.1981 at Ooty is Ex.P.197 I.T. file. In Ex.P.203 I.T file duplicate T.D.S certificate issued had been filed by the winner. Ex.P.204 is the registered cover with postal ack.

A.C.M.M. (E.O.I)

returned which original T.D.S certificate was sent to winner to his address. Ex.P.205 is postal acknowledgment for another win of witness N.S. Purushothaman acknowledging receipt of that original T.D.S certificate. In Ex.P.205 postal underneath the signature of witness N.S. Purushothaman, there is over writing in respect of date and month of 1981. The original T.D.S certificate for win by witness captain B. Bellie for win on 20.05.1981 at Ooty is in Ex.P.206 I.T file in respect of T.D.S deduction of Rs. 5,998/-. Issue of two duplicate T.D.S certificates referred to above not brought to his notice at it should have been done. Ex.P.220 is his 1st statement to Pw.1 on 29.08.1984 and Ex.P.221 is his 2nd statement to Pw.1 on 01.09.1984. Pw.38 Sakal Chand R. Jain is one of the tenants in No.54, Mulla Sahib Street, Madras-79 and who deposed that he is residing there for the past 11 yeuars without break. No personally name M. Manickam was either resident of having any office in any portion of No.54 Mulla Sahib Street, having 3 floors. Ground floor of that building is shopt occupied only by business concerns. Ist Floor, IInd Floor and III Floor are residential portions of that building. There was no person by name N. Manickam occupying at any time any part of IInd Floor where in a portion the owner of the building was resident. He was enquired by an Income Tax Inspector and he issued to him Ex.P.59 letter dated 12.03.1984 to him. Pw.39 K.A. Dharmalingam Chetty is an assessee under Ex.P.81 I.T file. In that proceedings A.1 appeared for him as Income Tax Practitioner. He is doing money lending business at Kovur near Porur and he deposed that he do not know one M. Manickam (Pw.2) at all and he had not

A.C.M.M. (E.O.I)

lent at anytime any money to him. The claim in Ex.P.80 file that he had lent him Rs. 6,500/- is not correct. Pw.40. M.A Rahman deposed that his 2 younger brothers and himself are owners of D.NO.13, Grama Street, Purasawakkam, Madras-7. There is in back porting of this building on Janakiraman as tenant from 1977. In the portion which he now occupying in the front porting. A.8 with his wife was tenant from 1981 till they have vacated on 14.03.1986. An Income Tax Inspector came and enquired him and he issued Ex.P.158 letter dated 26.07.1984. There was no tenants by name Srinivasan and Srinvasalu in our building aforesaid where he residing from age of my discretion. There was no business under the name and styly as "Bombay Finance" as tenant in our aforesaid house. Pw.41 N. Srinivasan was an Assistant Director of Inspection (Investigation), Madras and then Senior Colleague of Pw.1. Now, he is I.A.C, Bangalore-1 and he deposed that on 20.02.1984 he examined Pw.2 who appeared on summons and he recorded his statement in Tamil and obtained also his specimen signatures and left thumb impressions Ex.P.86 is that statement with signatures, Specimen signatures and L.T is of Pw.2. He also caused photo of Pw.2 to be taken and Ex.P.87 photo copy of Pw.2 in which on the reverse in my presence Pw.2 signed. On 12.03.1984 witness K. Natarajan who appeared on summons was examined by me and got his statement recorded in Tamil by him Income tax Inspector in the presence of one K. Dhakshinamurthy and himself and witness K. Natarajan signed each of the 7 pages of that statement in the presence of K. Dhaksinamurthy and himself. It was attested by K. Dhakshinamurthy at the end and he wrote below it

A.C.M.M. (E.O.I)

in English the affirmation and he also signed under neath that affirmation. He also obtained 3 specimen signatures of witness K. Natarajan. That statement of witness K. Natarajan along with those 3 specimen signatures is Ex.P.186. Witness K. Natarajan in Ex.P.186 denied having applied for assessment year again and also he claimed that he never resided in Bombay and that he never went to Bombay. In Ex.P.186 witness K. Natarajan claimed, the he did not know A.1 and that had not given A.1 any papers. He did not have then with him. Ex.P.191 I.T. file. Pw.42 L. Srinivasan was an Assistant Director of Inspection (Investigation) Income Tax Department, Madras and then the Senior Colleague of Pw.1 and he deposed that he is now appellate Assistant Commissioner Income, Cochin. On 26.11.1983 under the original of Ex.P.2. He was authorised to seach Income Tax practitioner's office of A.1 situate at 16, Ramanan Road, Madras-79. On 26.11.1983 he went to that office of A.1 with his team of officers at about 9.45 a.m A.1 and A.4 were present. In the presence of A.1 and A.4 and 2 independent witnesses. A.1's office was searched which resulted in seizure panchanama, which was completed at about 4.30 p.m. Copy of Ex.P.2 was given to A.1 and his acknowledgment was obtained in that panchanama itself. While the search was going on he examined A.4 and he wrote his English statement Ex.P.12 wherein A.4 signed in my presence in each of the 2 page and he also signed in both pages attested by A.1. A4 was then student of B.Com in Jain College. In Ex.P.12 A.4 claimed, that A.4 had no bank locker in his name in Bank of Rajasthan, Sunkurama Chetty Street, Madras-21 and that A.4 had not rented locket no.27 in his name in that

A.C.M.M. (E.O.I)

bank. During search of A.1's office was going on, after examining A.4 and obtaining Ex.P.12 statement he examined A.1 in English as A.1 knows English. The 5 questions by him to A.1 answers furnished for them by A.1 were typed in his presence by my steno-grapher. He made affirmation in it and got signature of A.1 and he signed it under affirmation written therein by him. Ex.P.11 is that I statement of A.1. Pw.43. J. Arjunan is an Inspector of Chits in the cadre of Sub-Registrar of Registration deaprtment in the office of Registrarof firms, Madras North, who is in the cadre of District Registrar of Registration Department. Ex.P.268 dated 15.10.1987 is the certificate issued by Tr. Sivasankar, Registrar of Firms, North Madras in response to this ocurt's summons dated 05.10.1987. Ex.P.268 recites, that during the years between 1981 and 1983 M/s. Nagasubbiah and Company Babu and Company and Asok Traders were not registered with their office. Pw.44. D. Parthasarathi was an Income Tax officer, Circle I (1), Kancheepuram and he deposed that he passed assesment order in respect of witness S. Natesan for the assessment year 1980-1981 and that I.T. file is Ex.P.112. Pw.45 S. Manickavasagam was an Income Tax officer Circle I (2) Villupuram of South Arcot District and he deposed that he retired on 30.06.1984. A.1 appeared before me in Ex.P.100 assessment proceedings in respect of alleged firm Hassan and Company of Tindivanam for assesment year 1980-1981. He passed order refusing the registration of tha alleged firm for Income Tax purposes and traced it as unregistered firm u/s. 185 (1) (b) of the Income Tax. He passed order of assessment demanding Income Tax of Rs. 57,372/- for assessment year 80-81 against

A.C.M.M. (E.O.I)

that alleged firm Hassan and Company of Tindivanam. Both the above orders are in Ex.P.100 file. 3 duplicate T.D.S certificate were filed of which one related to M.M.Hassan Kuthus (Pw.7) S. Subramani (Pw.13) and A.Subramanian (A.8). For Assessment year 1981-1982 Income tax return for the alleged firm Hassan and company of Tindivanam was filed on 15.11.1983 while he was I.T.O, Circle-I (2) Villupuram but he retired before the assessment order was passed on 13.11.1984 in that file by Income Tax officer witness S. Srinivasan, who was holding additional charge after his retirement. A.1 appeared in Ex.P.126 assessment proceedings for assesment year 1980-1981 on the duplicate T.D.S. certificate obtained in the name of witness T.M. Subramaniam. He passed assessment order to issue refund of Rs. 5,028/-. That refund order was sent by registered post acknowledgment due for which postal ack. dated 25.10.1983 is in Ex.P.126 file and that postal ack. shows that the I.T. refund order had been received by same one behalf of that assessee. Before completiton of assessment, he wrote to Madras Race Club and got its reply dated 27.04.1983 intimating circumstances under which duplicate T.D.S certificate was issued. That reply and office copy of my letter dated 18.04.1983 are in Ex.P.126 I.T file. Pw.46 D. Ramasubbu was one of the 2 officers under the Manager in Bank of Rajasthan, Sunkurama Chetty Street, Madras-1 from August, 1980 to 20.06.1985 and he deposed that he had seen A.1 and his brother A.4 in that sunkurama Chetty street branch of their bank while he was working there. He is IInd attestor to Ex.P.14 for Pw.35 sealing locker no.27 in their Sunkurama Chetty Street's bank branch on

A.C.M.M. (E.O.I)

26.11.1983. This locker was booked in the name of A.4. Pw.47 K.Ramakrishnan is an Assistant Director (Documents) Tamil Nadu Forensic Science Department, Kamaraj Salai, Madras-4 and who deposed that he passed M.Sc., Chemistry of Madras University in 1967. He was given 2 years special training from 29.01.1968 in Tamilnadu Forensic Sciences Department in the field of questioned documents and after satisfactory completion of training. He was declared as document expert and permitted to sign reports. He have put in a total service of about 20 years in the field of examining documents during which time. He have examined thousands of documents and given reports and he have given evidence in about 2000 cases. Ex.P.273 dated 15.10.1984 is the requisition for documents expert report from Income Tax Department to his office enclosing original of Ex.P.233 letter of Pw.1 as well as Ex.P.247 letter dated 16.10.1984 by Pw.1. Along with them Ex.P.22 series , 79, 80, 94, 95, 97, 100, 101, 113, to 117, 120, 125, 126, 130, 137, 139, 159, 161, 167, 174, 175, 177, 178, 191, 197, 198, 199, 206 and 247 as questioned documents as well as admitted signatures, writings and type written matter available in Ex.P.Nos. 80, 86, 93, 102, 104, 106, 107, 132, 136, 139, 159, 161, 172, 173, 181, 182, 186, 188, 202, 211, 213, 219, 227, 228, 229, 230, 235, 270 series, 271 series and 272 were received for examination and opinion. He was assigned this work. On 13.11.1984 Ex.P. 234 requisition of Pw.1 was received enclosing Ex.P.231 series and 232 series for opinion. In Ex.P.22 series Q1 to Q12 marking were given for those signatures. In Ex.P.117 he assigned markings as Q.13, Q.14 for the type written matter and Q13(a)

A.C.M.M. (E.O.I)

and Q14 (a) for the disputed signatures. In Ex.P.116 he assigned markings as Q15 for type written matter and Q15 (a) for signature. In Ex.P.178 he assigned markings as Q.16 for the type written matter and Q16 (a) for the signature. In Ex.P.175 he assigned markings as Q17 for the type written matter and Q.17 (a) for the signature. In Ex.P.120 he assigned markings as Q.22 for the type written matter and Q.22 (a) for signature. In Ex.P.174 he assigned markings as Q.26 for the body writing in ink and Q 26 (a) for the signature. In Ex.P.114 he assigned markings as Q.27 for the writing and Q.27 (a) for signature. In Ex.P.125 he assigned marking as Q.28 for the writing and Q.28 (a) for the signature. In Ex.P.94 he assigned marking as Q.30 for the writing and Q.30 (a) for the signature. In Ex.P.147 He assigned the marking as Q.32 and Q.33 for there enclosed blank portion on pages 19 and 61 respectively. He assigned the marking for the body writings and signatures as Q.66 to Q.73. In Ex.P.167 he assigned the marking for the body writings and signatures as Q.74 to Q.84. In Ex.P.80 he assigned the marking for the body writings and signatures as Q.85 to Q.94. In Ex.P. 198 for the writing and signature I assigned the marking as Q-174 and Q-175. In Ex.P.199 for the writing and signature I assigned the marking Q-176 to Q-178. In Ex.P. 97 I assigned the marking for the body writing and signature as Q-179 to Q-191. In Ex.P. 113 I assigned the marking for the body writing and signature as Q-192 to Q-205. In Ex.P.130 I assigned the marking for the body writing as Q-206. In Ex.P. 80 I assigned the marking for the signature as Q-207 to Q-210. I assigned the following markings for the admitted signature. Writing and

A.C.M.M. (E.O.I)



typewritten matter of various individuals and also that of A1, A6 and A13. For the admitted signature of N.M.Nagaraja (P.W.5) found in Ex.P. 172 and P. 181 I assigned the marking as S-1 to S-6 and S-6(a). For the admitted signature as of P. Jeyachandran (P.W.23) found in Ex.P.93 I assigned the marking as S-9 and S-10. For the admitted signature of witness Rajan found in Ex.P.136 I assigned the marking as S-11. For the admitted signature of (P.W.6) found in Ex.P. 173 and P. 182 I assigned the marking as S-12 to S-13 and S-18(a). For the specimen typewriting matter found in Ex.P. 161, 159, 167 and P. 139 I assigned the marking as S-38 to S-54 respectively. For the admitted signature of witness T.K. subramani found in Ex.P. 132 I assigned the marking as S-55. For the admitted signature of P.W.7 found in Ex.P. 104 I assigned the marking as S-56 to S-59. For the admitted signature of witness found in Ex.P. 213, P-219 and 211. I assigned the marking as S-108 and S-109 and S-109(a) respectively. For the admitted signature of witness N.S. purushothaman found in P-202 I assigned the marking as S-110 to S-116. For the admitted writings and signature of A1 found in Ex.P. 228, 229, 270 series and 271 series I assigned the markings as S-117 to S-214 respectively. I carefully examined and compared the above questioned and standard documents under and also under different kinds of lights and I am opinion that (1) the person who wrote the signature marked S- 55 did nto write the signature marked Q-1 in Ex.P. 22 series. Q-28(a) in Ex.P. 125 and Q-214 to Q- 224 in Ex.P. 126. This opinion relates to witness Subramaniam (2) write the signature marked S-9 and S-10 in Ex.P. 93 did not write the signature marked Q-5

A.C.M.M. (E.O.I)

in Ex.P. 22 series. The person who wrote the signature marked S-1 to S-6 and S-6(a) in Ex.P. 172 and S-151 did not write the signature marked Q-9 in Q- 16(a) in Ex.P. 178 and Q-34(a) in Ex.P. 177. The disputed signature marked Q-5 could have been made by tracing process using the signature marked S-1 as model. This opinion relates to the person PW5. I have mentioned it in para 7 of my report. The person who wrote the signature marked S-11 in Ex.P. 136 did not write the signature marked Q-9 in Ex.P. 22 series and Q-39 in Ex.P. 137. The disputed signature marked Q-9 could have been made by tracing process using the signature S-11 as model. This opinion relates to the person Rajan. I have mentioned it in para 8 of my report. The person who wrote the signature marked S-56 to S-59 in Ex.P. 104 did not write the signature marked Q-27(a) in Ex.P. 114, Q-112(a) in Ex.P. 100, Q-113(a) Q-115(a) and Q-119 to Q-137 in Ex.P. 101. This opinion relates to PW7. I have mentioned it in para 12 of my report. The person who wrote the signature marked S-60 to S-63 in Ex.P. 107 did not write the signature marked Q-40(a) in Ex.P. 115, Q- 138 to Q-149 in Ex.P. 100, Q-193 and Q-197 to Q-205 in Ex.P. 113. This opinion relates to PW13. I have mentioned it in para 13 my report. The person who wrote the signature marked S-64 to 70 in Ex.P. 272 and P-106 did not write the signature marked Q-13(a) and Q-14 (a) in Ex.P. 117, Q-15(a) in Ex.P. 116 and Q-150 to Q-161 in Ex.P. 100. This opinion relates to the person PW8. I have mentioned this in para 14 of my report. The person who wrote the signature marked S-71 to S-77 in Ex.P. 102 did not write the signature marked Q-22(a) in Ex.P. 120 and Q0-162 to Q-175 in Ex.P. 100.

A.C.M.M. (E.O.I)

He have mentioned this in para 15 of my report. The person who wrote the signature marked S-78 to S-89 in Ex.P. He also wrote the signature marked Q-213(a) and Q-213(b) in Ex.P. 191. This opinion relates to K. Natarajan. I have mentioned this in para 16 of my report. The person who wrote the signature marked S-90 to S- 107 in Ex.P. 86 did not write the signature marked S-41 in Ex.P. 79. Q-86 and Q- 89 to Q-92 in Ex.P. 80 and Q-207 to Q-210 in Ex.P. 80. This opinion relates to PW2. I have mentioned this in para 17 of my report. The person who wrote the signature marked S-108, S-109 and S-109(a) in Ex.P. 213, P.219 and P. 211 did not write the signature marked Q-96 and Q-100 in Ex.P. 206. This opinion relates to the person witness He have mentioned this in para 18 of my report. The person who wrote the signature marked S-110 to S-116 in Ex.P. 202 did not write the signature marked Q-175 in Ex.P. 195, Q-176 and Q-177 in Ex.P. 199 and Q-225 to Q-229 in Ex.P. 197. This opinion pertains to the person N.S. Purushothaman. I have mentioned this in para 19 of my report. The writing marked S-215 to S-227 in Ex.P. 230 and P-231 series and the writing marked Q-110 to Q-118 in Ex.P. 100, P – 101 and P-139 have written by one and the same person. This opinion relates to A6. I have mentioned this in para 26 of my report. On the basis of the present material it is not possible for me to offer any opinion on the other points. Ex.P. 235 in my report dated 11.02.1985 along with my detailed reasoning for my findings. M.O.2 series two rolls are the negative films (35mm) taken at our laboratory. M.O. 3 series are the 19 photographic charts of signature 19 individuals. M.O.4 series are photographs of the admitted writing of A1,

A.C.M.M. (E.O.I)

A6 and A13. M.O.5 series are the photocopies in respect of specimen typewritten matter mentioned in my report Ex.P. 235. M.O. 6 series are the photocopies of the questioned typewritten matter and handwritten matter of mentioned in Ex.P. 235 report. M.O.7 series are the photo copies (enlarged) of erased matter found in Ex.P. 247. M.O.8 series are the 35mm, negative films in respect of some signature and writing covered in Ex.P. 235 report. It is kept in a separate yellow film folders.) M.O.9 series are the reflex photo negative on 4 sheets for the signature. M.O.10 series negatives 9 in number. Pw.48 M. Vijayachandran was an Income Tax officer survey circle I, Bombay-12 and he deposed that For assessment year 1980-1981 for K. Natarajan the Income Tax proceedings were transferred from I.T.O, City circle III (10) Madras to I.T.O. Survey circle I Bombay and from there transferred to him. One Mr. H.J. Grlaclca Assistant in Mohnot and Company appeared before me initially and thereafter one M.K. Mohnot appeared for the assessee before him. He directed personal appearance of the assessee before him. He directed personal appearance of the assessee. He also issued notices u/s. 143 (2), 142 (1) and summons u/s. 131 to the assessee to the Bombay address furnished in Income Tax return but they were returned undelivered by postal authorities with remark "not known". As assessee did not appear as directed he passed draft order u/s. 143 (3) r/w 144 (b) sending copies to assessee C/o. Mohnot and Company, Madras, Bombay address of assessee as well as Madras address of assessee. As no objection to draft order was received he passed final order on 31.03.1984. Thereafter he received one letter dated 10.04.1984 in his

A.C.M.M. (E.O.I)

office on 16.04.1984 from the assessee claiming he did not file that I.T. return at all. On realignment of jurisdiction Ex.P.191 I.T. file was transferred to 8th I.T.O Bombay Suburban District (East), Bombay. On 13.02.1984 and 16.02.1984 in the order sheets Mr. H.J. Golacha had signed as " Harakchand " before me. He cannot identify now either that Harakchand P. Jain Golacha or M.K. Mohnot, who appeared for the assessee in Ex.P.191 I.T file before him. Pw.49 C.R.P. Menon was 8th Income Tax officer, B.S.T (East), Bombay and he deposed that on requisition from Pw.1, he sent Ex.P.191 I.T file to Pw.1. Pw.50 Hemalatha Amaralal is one of the owners of D.No.54, Mulla Sahib Street, Madras-79 and he deposed that there was no person as N. Manickam as one of their tenants to his knowledge at any time between 1964 and till date. He had issued Ex.P.275 letter dated 09.03.1984 to the Income Tax Inspector, who came for enquiry. Pw.51 N.S. Purushothaman was an Jackpot winner in Horse race at Ooty on 24.05.1981 and he deposed that as he did not get original T.D.S certificate from Madras Race Club, he applied to it and got duplicate T.D.S certificate and obtained with it. He applied for refund and got refund order vide Ex.P.203 I.T file. He encashed that refund order. He did not apply with original T.D.S certificate and get a refund order as indicated in Ex.P.197 I.T. file. The signatures purporting to be himself in Ex.P.197 I.T file are not himself. He was not employee under A.9 as alleged in Ex.P.197 I.T. file and I was a Kerala Government servant now retired and practising as a lawyer. Ex.P.25 passbook and Ex.P.26 cheque book current account was not himself and he did not open and operate on that account Ex.P.200 self cheque

A.C.M.M. (E.O.I)

does not contain my signature. Ex.P.198 and Ex.P.199 do not contain his signature. Ex.P.202 is his statement to Pw.10. He do not know Madras Income Tax pratitioner M.K. Mohnot (A.1) at all. He had not even seen at any time A.1 till he saw him now in court. He did not engage him to apply for refund of T.D.S amount covered by the T.D.S certificate for my Jackpot win at Ooty Horse Race on 24.05.1981. Pw.52 A. Sathyanathan was an Income Tax Officer, D-ward, Trivandrum. Pw.51 applied with duplicate T.D.S certificate for refund filing I.T return for assessment year 1982-1983 and he granted the refund order vide Ex.P.203 I.T. file. Pw.53 P.C. John was a predecessor of Pw.52 and he was an Income Tax officer D ward Trivandrum. Pw.51 filed the I.T return in Ex.P.203 I.T file while he was that I.T.O and he had initialled that I.T return on top on the date seal. He sent a letter on 20.05.1983 to Pw.51 asking for T.D.S certificate original and got a reply dated 13.06.1983. Pw.54 V. Srinivasan was Manager of Bank of Baroda, Purasawakkam branch and he deposed that Savings bank account no. 6589 was opened on 01.10.1983 in the name of one M. Rajan Ex.P.143 cheque for Rs.45,000/- was encashed in that account on 08.10.1983 by that M. Rajan on 29.03.1984. Pw.1 examined him and Ex.P.145 is his statement to him. When Ex.P.143 cheque was encashed on 08.10.1983. A.1 was present with that account holder M. Rajan. Along with A.4 and A.10 for encashing that Ex.P.143 cheque by A.4 as M. Rajan one Prakash chand Jain was also present. That Prakash Chand Jain was not seen by him before 08.10.1983 and he was not customer of their bank. Pw.55 D. Francis was retired as Inspector of Telephones in 1967 and he

A.C.M.M. (E.O.I)

deposed that he was tenant on D.no. 18, Andhara Pappayya Road called as A.P. Raod in Choolai, Madras-112 from 1966-1981. Then, he shifted to 43A, Road, Choolai, where he still reside. 18, A.P. road, Choolai was demolished after he vacated in 1981 and a pucca new building was constructed where a schoold is being run by private management. That school is called Asst. Adrews Middle School. There was no tenant by name M. Rajan in D.No.18A, A.P. Road, Choolai. Pw.56. T.M. Subramanian was a Jackpot winner in Horse ract at Ooty on 21.04.1979 and he deposed that he applied with original T.D.S certificate filing I.T return claiming refund. He got refund order through his Income Tax practitioner witness. Muthan and I encashed that I.T. Refund order. That I.T. file is Ex.P.124. He did not apply for duplicate T.D.S certificate for that win. He did not apply for duplicate T.D.S certificate for that win. He did not apply for Income tax refund order with a duplicate T.D.S certificate. The signatures purporting to be that of himself in Ex.P.126 I.T file are not mine. He had been to Villupuram. He got from Pw.1 the original of Ex.P.131 letter and he replied under Ex.P.132 to Pw.1. He did not open savings bank account opening application form does not relate to him and specimen signatures the reinare not himself. He signature at top of sheet 4 in Ex.P.22 series is not his signatures. The signatureans writings in Ex.P.125 requisition for duplicate T.D.S certificate are not that of mine. He do not know income tax by name M.K. Mohnot of Madras. He did not file any I.T return at Villupuram and the power of authorisation in Ex.P.126 I.T. file was not given by me to Mohnot and company of Madras and the signature in that power purporting to be

A.C.M.M. (E.O.I)

that of himself is not himself. Pw.57 J. Muthan ia an Income Tax prcatitioner at Ootacamand and he deposed that Pw.56 applied for I.T refund filing original T.D.S Certificate with Income Tax return and he appeared as I.T.P. for Pw.56 in that Income tax Assessment proceedings vide Ex.P.124 I.T.file. Pw.58 J. Sankaranarayanan is now holding additional charge of I.T.o circle I (2) Ootacamand from 12.10.1987 and he is an I.T.O City circle I (4), Coimbatore-18 and he deposed that his predecessor Mr. R. Ganesh passed I.T refund order vide Ex.P.124 I.T file and he is about to retire and now I.T.O at Palgot in Kerala State. I am acquainted with his signature found in that I.T. Refund order advice returned from Bank after encashment which is in Ex.P.124 I.T file. Pw.59. R. Bhagavan is a financier having office at 16, Ramanan Road, Madras-1 and he deposed that he received original of Ex.P.194 letter dated 24.07.1984 from Pw.1 he sent a reply for the same. He got from Pw.1 another letter and he gave it to A.1 for reply and A.1 sent Ex.P.195 reply dated 21.08.1984 to Pw.1. A1. is his auditor. He had never seen one S.K.Bhandari and only at the directions of A.1 introduced for opening a current account a person as S.K. Bhandari to Bank of Thanjavur, Egmore Branch. His auditor Narendra Kumar Mohnot is A.1 now present in court. Pw.60 Yogesh kumar Deora his family owns D.No.7, General Muthia Mudali street, called also G.M.M street in Sowcarpert, Madras-79 and he deposed that no person by name S.K. Bhandari was either resident or having any office or shopt in that building of which groundfloor above let out for business premises while I floor and II floor of that building used as residenceby his family. An Income Tax

A.C.M.M. (E.O.I)



Inspector made enquiry with me and he issued Ex.P.276 letter dated 08.08.1984 to Pw.1. Prakash chand Jain (A.10) is having his business as tenant in one of the portions of their aforesaid building and he is a tenant there for last more than 5 years. Pw.61 S.M. Jagadeesan is a Manager of K. Subramania Pillai, Paper and stationery Merchants and he deposed that Ex.P.72 and Ex.P.73 register were produced by their proprietary concern and they were not released for sale on or before 1980-1981 and to that effect Ex.P.184 letter dated 13.07.1984 was issued to Pw.1 by him to the Income Tax Inspector who came to make enquiry. Registers like Ex.P.72 and Ex.P.73 were not released in 1978-1979. Pw.62 M.S. Srinivasarangan is an Income Tax Officer, Circle I (1) Karaikudi holding additional charge of I.T.O, circle I (4) Karaikudi from August, 1987 and he deposed that the I.T refund order in Ex.P.169 I.T file had been passed by Tr. S. Arul Bharathi who had retired and that I.T.R.O contains his signature with which he is acquainted. Pw.63 D. Chennakesavalu was an Income Tax officer, Circle I (1), Kancheepuram and he deposed that he retired on 31.07.1987. He examined that person in Ex.P.103 by name S. Natesan (Pw.11 on 30.07.1984) and Ex.P.102 is the statement of that person. Pw.64. B. Koteeswaran is an officer in State Bank of India, Egmore Branch and he deposed that, Savings bank account No. 24/4296 was opened in the name of Shri. K. Natarajan. No. 33/1 Now mill road, Kurla Bombay on 12.10.1983. Ex.P.277 is the banker's extract for the account for the period from 12.10.1983 to 30.09.1987 issued by Bombay Kurla Branch of State Bank of India. Pw.65. P. Sham prasad is a Manager, Canara Bank, Road way branch, Madras-100

A.C.M.M. (E.O.I)

from July, 1987 and he deposed that A2 has current account No.578 in our branch for which Ex.P.30 is the passbook entered upto 18.12.1982. Ex.P.30 contains entries relating Ex.P.82, Ex.P.83, Ex.P.85 and Ex.P.180. Ex.P.84 is the corresponding Banker's extract to Ex.P.30. Passbook. Pw.66 B.C. Natarajan was an Income Tax officer, City Circle VII (B) Madras and he deposed that I retired on 30.04.1984. Pw.34 Wrote D.O. letter dated 26.08.1983 the office copy of which is in Ex.P.80 I.T. file. His reply dated 08.09.1983 to Pw.34 is also in Ex.P.80 I.T file. His predecessor passed order in Pw.2's original I.T file Ex.P.78 and Ex.P.80 I.T files. On his appraising the irregularity on this matter to his assistant commissioner as per his oral directions. He handed over Ex.P.78 and Ex.P.80. I.T file to Pw.1. Pw.67 G. Muthurajan was an Income Tax Inspector under Pw.1 and he deposed that on the oral directions of Pw.1 he went to A.8's residence bearing D.No.13, Grama Street, Purasawakkam, Madras-7, and made enquiries with that building owner, who is Pw.40. Thereupon he submitted his report Ex.P.157 to Pw.1. On the oral directions of Pw.1, he went to verify whether any person by name S. Srinivasan was residing at No.31, Arumugam Street, Madras-1 and enquired with that building owner Tr. M. Padmanabhan Chetty and got from him a letter dated 21.08.1984. On the basis of which he submitted his report Ex.P.278 dated 21.08.1984 to Pw.1. Pw.68 S. Srinivasan was an Income Tax Officer, Circle I (1) Villupuram from Middle of 1983 to 31.10.1985 when he retired and he deposed that, on requisition of Pw.1 he made personally enquiry with Pw.17 whether any one by name S.Srinivasan was connected

A.C.M.M. (E.O.I)

to his school and got Ex.P.135 letter by way of reply from Pw.17. Pw.69 P. Venkatarajan is a Zonal Accounts Officer (Receipts), Central Board of Direct Taxes, Madras-6 and he deposed that on summons by this court he was directed he produce the available original I.T.R.O's received after encashment. I.T.R.O issued to Pw.2 by I.T.O, City Circle VII (8), Madras was encashed and sent to his office and it is Ex.P.279. But I.T.O city circle IV (7) Madras had also issued I.T.R.O in the name of R. Manickam which is Ex.P.280 which has on its reverse contains guarantee of endorsement by P.P.Das and Sons (A.2). Ex.P.282 is I.T.R.O issued to Pw.5 by I.T.O circle-IV (1), Madras. Ex.P.283 is I.T.R.O issued in the name of M/s. Nagasubbiah and Company Madras only. I.T.O, City Circle, IV (7), Madras. Ex.P.283 corresponds to the counterfoil Ex.P.179. Ex.P.283 is endorsed to P.P.Das and Sons (A.2) and endorsement is guaranteed by P.P.Das and sons (A.2) as per endorsements on the reverse of Ex.P.283. Ex.P.284 is I.T.R.O issued in the name of M/s. Babu and Company, Madras by I.T.O City Circle IV (7), Madras. On the reverse of Ex.P.284 there is endorsement in favour of Asoka Traders, who in turn had guaranteed the endorsement. Ex.P.284 corresponds to the counterfoil, Ex.P.248. Ex.P.285 is I.T.R.O issued in the name of M.Rajan by I.T.O City Circle IV (10) Madras. Reverse page of Ex.P.285 shows that this I.T.R.O was encashed through bank of Baroda, Purasawakkam Branch. Ex.P.286 is I.T.R.O issued in the name of S. Srinivasan by I.T.O refund circle, Madras-6 and reverse page of it shows, that this I.T.R.O. was encashed through Canara Bank, Purasawakkam High Road, Madras-7.

A.C.M.M. (E.O.I)

3. The accused were questioned u/s. 313 (1) (a) of the Cr.P.C with regard to the incriminating evidence that appear against them. The accused had not pleaded guilty and charges were framed against all the accused. As the accused wishes to cross examine the prosecution witnesses, the prosecution witnesses were cross examined. After closure of prosecution, for the purpose of enabling the accused personally they were explained all the circumstances appearing in the prosecution evidence against them u/s. 313 (1) (b) Cr.P.C and he urged that the entire allegation against them as false.

**The points for determination is whether the prosecution has proved the offence alleged to have been committed by the accused beyond reasonable doubt?**

**Heard**

4. The case of the prosecution is that the 1<sup>st</sup> accused Mohnot, tax consultant and proprietor of Mohnot & Co. along with Pachandas Mohnot 2<sup>nd</sup> accused who is the father of Mohnot and Kartha of H.U.F P.P.Das and Sons and the accused Sanjay Prakash Mohnot, Hema Mohnot, Meena Kumari Mohnot members of H.U.F and the employees of Madras Race Club who have been arrayed as 14 to 16 accused and all other accused arrayed in different capacities conspired to forge and make false documents and the statements and certificates knowing it to be false before the Income Tax officials and dishonestly cheated the officials and the 1<sup>st</sup> accused represented the assesseees who were impersonated and dishonestly induced and cheat the officials to pass assessment orders and thereby getting refund which was encashed by playing fraud and opening spurious accounts. Now, the case proceed against 6

A.C.M.M. (E.O.I)

accused. They are A.1 Mohnot, A.2 Mani, A3. Sundarraaj, A.4 Dhanalakshmi **(Died)**, A5. Dhandapani and A.6 Harak Chand P. Jain. The aforesaid accused are original 1<sup>st</sup>,6<sup>th</sup>,15<sup>th</sup>,16<sup>th</sup>, 17<sup>th</sup> and 19<sup>th</sup> accused in the complaint. The accused hitherto indicated as 1 to 6<sup>th</sup> accused would be henceforth referred to as per the nomenclature assigned to them in the original complaint.

5. It is an admitted fact that Horse race and intervenue races would be held by Madras Race Club at Madras and Udthagamandalam and the jackpot winner would be paid the kitty after deduction of T.D.S amount and a temporary T.D.S certificate would be issued to them. It is the further case that the deduction amount would be remitted in the Central Government Account and subsequently original T.D.S would be sent to the Jackpot winners through Registered Post with acknowledgment due. In this regard, a register would be maintained in the Race Club wherein entries would be made. It is also the case that if T.D.S. certificate is lost, an application has to be preferred with sufficient reason and on investigation duplicate T.D.S would be issued to the Jackpot winners. The 1<sup>st</sup> accused Mohnot along with other accused alleged to have entered in to a conspiracy between January 1979 to June 1982 and managed to get duplicate and in some cases original T.D.S certificate of the Jackpot winners with the aid of A.14 to A.16 accused and it is further alleged that the 1<sup>st</sup> accused had conspired with other accused and created false and fabricated documents and had filed fake return of Income with false statement and declaration before the Income Tax Officials of various zones at Chennai and other parts of Tamilnadu. Likewise, he

A.C.M.M. (E.O.I)

alleged to have committed the same offence before Trivandrum and Bombay Income Tax Office.

6. The genesis of the episode and investigation lies in the matter of Jackpot winner/assessee one Manickam who has been examined as Pw.2 by the prosecution. Pw.2 Manickam was a Jackpot winner at Madras Race Club for the race held on 27.05.1979. A temporary T.D.S certificate was issued to him pursuant to deduction of T.D.S amount. Ex.P.91 is on that point. Subsequently, Pw.2 had received the original T.D.S. by post and he had engaged a lawyer by name A. Krishnamurthy to file return of income on his behalf. Available evidence would disclose that the lawyer who was engaged by him had filed a return of income. Assessment order was passed and refund was granted therein. Pw.2 has categorically testified with regard to filing of return and refund order granted in his favour.

7. In this regard, the prosecution has also examined the advocate Krishnamurthy who was holding Vakalat and one who had filed return of income on behalf of Pw.2. He has categorically stated that he had filed return with original T.D.S and got refund order. The file along with return of income and assessment order with relevant papers is marked as Ex.P.78. Meanwhile, an application was filed before the Race Club Madras on 11.02.1982 purported to have been signed by Jackpot winner Manickam seeking duplicate T.D.S on the ground that the original was lost. A duplicate T.D.S was issued and in furtherance the 1<sup>st</sup> accused filed a return before the Income Tax Officer to the assessee Manickam. A covering letter in the letter head of Mohnot and

A.C.M.M. (E.O.I)

Co. was signed by the 1<sup>st</sup> accused. Indemnity bond, power of authority purportedly signed by assessee Manickam were all enclosed by the 1<sup>st</sup> accused along with the return submitted by him on behalf of Manickam. Pw.2 has categorically denied engaging 1<sup>st</sup> accused Mohnot to file return on his behalf. On being asked as to the purported signatures Manickam in the documents enclosed with the return, Pw.2 has categorically denied the same. He altogether denied the signature in the application Ex.P.49 seeking duplicate T.D.S certificate.

**8.** The return of income filed by the 1<sup>st</sup> accused to assessee Manickam has been marked as Ex.P.8. A perusal of the aforesaid file would disclose the details given by the 1<sup>st</sup> accused which is apparently fake. He had given a residential address of the assessee Manickam as D.NO. 54, Mulla Sahib Street. Pw.2 while in the witness box had categorically stated that he had been continuously residing in D.No.5, Kusa theru, Masnurpet, Chennai-50 since 1954. In this regard, prosecution has conducted further investigation and the owner of the premises bearing D.No. 54, Mulla Sahib Street and the occupants therein one Maniklal Jain and S.R. Jain were examined and their statements were recorded as Ex.P.88 as well as Ex.P.89 are on that point. Dr. Hemalatha owner of the premises and Sakal Chand Jain an occupant of the premises have been examined as Pw.50 and Pw.38 respectively. They have testified that no one as Manickam had ever resided in the said premises. So it is obvious that the 1<sup>st</sup> accused, Income Tax Practitioner filed a return in the name of assessee Manickam and had given a false address and the implication is that the signature of Manickam

A.C.M.M. (E.O.I)

has been forged. In this regard Pw.1 Sendamarai Kannan had interrogated the accused and his statement was also recorded. It has been marked as Ex.P.90. He confessed to have filed return in the name of assessee Manickam but stated that it was at the request of one broker by name Samath but failed to provide his whereabouts and had given evasive reply. The fake Income Tax return filed by the 1<sup>st</sup> accused has been marked as Ex.P.80.

**9.** While during the pendency of the assessment proceedings, Ex.P.80 return filed by the 1<sup>st</sup> accused was brought to the knowledge of the Income Tax official who was dealing with the said matter with regard to the earlier assessment order passed in Ex.P.78. In this regard, the official had written a D.O. letter to Income Tax Officer, Circle VII (8) one Nagaraj. The Income Tax Officer Nagaraj has been examined as Pw.66. He has categorically stated that he had given a reply and both the files of the same assessee Manickam in Ex.P.78 and Ex.P.80 were transferred to Pw.66 and he apprised the irregularity to the Assistant Commissioner of Income Tax. It is the genesis by which a big fraud unearthed subsequently.

**10.** When the matter was brought to the notice of Income Tax Commissioner, he had issued search warrants to the officials to search the business as well as residential premises of 1<sup>st</sup> accused Mohnot and also the locker for which the 1<sup>st</sup> accused was an ostensible agent. The search warrant issued have been marked as Ex.P.1, Ex.P.2 and Ex.P.3 respectively. The search warrants were dated 25.11.1983. Pw.1 Sendhamarai Kannan was authorised to search residential premises of the 1<sup>st</sup> accused bearing No.

A.C.M.M. (E.O.I)



286, Purasawalkam, Madras-7. Ex.P.1 is on that point. Income Tax official L. Srinivasan was authorised to conduct search in the business premises of Mohnot and Co. at Raman Road, Madras-79. Ex.P.2 is on that point. Income tax official Gurunatha Krishnan was authorised to conduct a search in the locker No.27 of Bank of Rajasthan, Sunkurama Chetty Street, Madras. Ex.P.3 is on that point. In pursuance of search warrants issued in their favour, the Income tax officials conducted searches in the official and residential premises of the 1<sup>st</sup> accused and the Bank Locker as well. Searches were carried out by different officials on the same date. Several incriminating documents were seized therein. The search was conducted in the presence of witnesses. Panchanama attested by the search witnesses were drawn up. Ex.P.4, Ex.P.13 and Ex.P.14 are on that point. Initially the locker was sealed and later on it was opened in the presence of 1<sup>st</sup> accused and witnesses and Panchanama for emptying the contents of the locker was also prepared. Ex.P.17 dated 24.01.1984 is on that point. The contents of the locker was taken to the residence of the 1<sup>st</sup> accused and another Panchanama was prepared for seizure of contents of the locker in the presence of the witnesses attested by them. Ex.P.18 is on that point. The evidence unearthed during search included one original file connected with the income Tax office beside other incriminating documents such as Passbooks, Cheque books in the name of several jackpot winners, letter pad in the name of various concerns and the traced signature of jackpot winners. Statements of 1<sup>st</sup>, 4<sup>th</sup> 9<sup>th</sup> and 12<sup>th</sup> accused wife of 1<sup>st</sup> accused were all recorded while during search and seizure. Ex.P.5, Ex.P.6, Ex.P.7,

A.C.M.M. (E.O.I)

Ex.P.10, Ex.P.11, Ex.P.12, Ex.P.15, Ex.P.16 are all on that point.

**11.** Based on the documents seized, the matter was further probed by the department and several, similar offences committed by the 1<sup>st</sup> accused in connivance with other accused have been brought to the fore. In furtherance of the conspiracy, the 1<sup>st</sup> accused filed false return with fake and fabricated documents by creating a bogus firms in the name and style of Nagasubbiah and Co. He had just string the names of two jackpot winners N.M. Nagarajan and K.N. Subbiah together. By combination of the name of two Jackpot winners, bogus firm was floated by the 1<sup>st</sup> accused. The manner in which the offence committed has to be dealt with in detail. N.M. Nagarajan was a Jackpot winner in the race held by Madras Race Club on 14.01.1979. T.D.S to a tune of Rs. 28,412/- deducted from the prize money. Initially he was issued with a temporary T.D.S certificate. Ex.P.172 is the copy of temporary T.D.S certificate issued to N.M. Nagarajan. Subsequent to the same, original T.D.S was obtained and the aforesaid N.M. Nagarajan had filed a return and sought refund before Karaikkudi Income Tax Office. Assessment order was passed and refund was granted in his favour. In fact he had encashed the same. Ex.P.169 I.T. file is on that point. A perusal of Ex.P.169 file would disclose the fact that N.M. Nagarajan had submitted return for the assessment year 1979-1980 before the C.T.O Circle I, Karaikkudi. The Jackpot winner N.M. Nagarajan was examined as Pw.5. He has categorically narrated the aforesaid facts before the court.

**12.** The prosecution has also examined the Income Tax officer of the particular C.T.O

A.C.M.M. (E.O.I)

Circle, Karaikkudi as a witness before the court. He has been examined as Pw.62. The witness is an Income Tax Officer and he is the successor of I.T.O who had passed assessment order pertaining to the file of N.M. Nagarajan. Pw.62 testified that he is quite acquainted with the signature of his predecessor. The assessment order has been marked as Ex.P.160. Material placed before this court would disclose that two letters were addressed to the race club seeking issuance of duplicate T.D.S certificate on the ground that it had been lost. Pw.5 while in the witness box had categorically denied making any communication seeking duplicate T.D.S. certificate and he outrightly denied the signature in those letters. Available evidence would reveal that the duplicate T.D.S had come to the hands of 1<sup>st</sup> accused.

**13.** In fact, a bogus company by name Nagasubbiah and company was floated by the 1<sup>st</sup> accused in the name of Jackpot winners N.M. Nagarajan and K.N. Subbiah. The 1<sup>st</sup> accused had string the names together and by the combination of two jackpot winners, bogus company was floated. Entries in this regard reflect in Ex.P.72 Day book and Ex.P.73 Ledger for the assessment year 1978-1979. It was seized from the residence of the 1<sup>st</sup> accused under Ex.P.4 Panchanama. Another jackpot winner K.N. Subbiah was a winner for the race held on 25.03.1979. A sum of Rs.32,363/- was deducted towards T.D.S. by the Madras Race Club. He had also won another jackpot. Ex.P.172 as well as Ex.P.173 are the counterfoils pertaining to issuance of temporary T.D.S to K.N. Subbiah. He has been examined by the prosecution as Pw.6. He has categorically stated that he had filed I.T return and assessment order was passed and

A.C.M.M. (E.O.I)

refund was granted in his favour. To substantiate the same, the prosecution has filed the I.T file pertaining to the return submitted by K.N. Subbiah. Ex.P.170 is on that point. A perusal of Ex.P.170 would indicate that Pw.6 got refund order from C.T.O Circle I , Karaikkudi for the assessment year 1979-1980. During the course of investigation Pw.6 was examined by Pw.1 and his statement had been recorded u/s. 131 of I.T. Act. It has been marked as Ex.P.182. The statement given by N.M.Nagarajan before Pw.1 u/s. 31 of I.T. Act is marked as Ex.P.181. While Pw.5 N.M. Nagarajan was in the witness box, Pw.6 K.N. Subbiah another jackpot winner was also present in the court and on being asked to the acquaintance of Pw.6 with him, Pw.5 has categorically stated that he had seen Pw.6 for the 1<sup>st</sup> time only before the court on the particular date of examination. Likewise, Pw.6 K.N. Subbiah had also reiterated the same version. So both Pw.5 as well as Pw.6 are not known to each other but the 1<sup>st</sup> accused had created the bogus company M/s. Nagasubbiah and Co. combining their names together. Along with the aforesaid persons, two more persons are shown as partners in the fabricated partnership deed. Entries in this regard reflect in the fake Day book and Ledger maintained by the 1<sup>st</sup> accused. The aforesaid company was created just for the purpose of getting refund order. In fact, letter was addressed by the 1<sup>st</sup> accused to Madras Race Club seeking duplicate T.D.S certificate in the name of K.N. Subbiah. The application purported to have been signed by K.N. Subbiah. It has been marked as Ex.P.174. Pw.6 K.N. Subbiah has categorically denied making any such application before the Madras Race Club. He had also vehemently

A.C.M.M. (E.O.I)

denied the signature in Ex.P.174 application dated 21.12.1984. Another application was also filed seeking duplicate T.D.S on 12.02.1982 in respect of the race held on a different date. It has been marked as Ex.P.175. The signature in Ex.P.175 has been categorically denied by Pw.6. Both Pw.5 and Pw.6 outrightly denied creation of any such company as M/s. Nagasubbiah and Co. The duplicate T.D.S certificates were utilized by the 1<sup>st</sup> accused for filing return.

**14.** Although, I.T file pertaining to M/s. Nagasubbiah and Co. said to be not tracable, the counterfoil for the issuance of refund order by The Income Tax Officer, City Circle IV has been produced and marked as Ex.P.179. The income Taxofficial who had issued Ex.P.179 refund order to Pw.6 K.N. Subbiah has also been examined as Pw.26 by the prosecution. It is apparent that refund of Rs.54,405/- was granted for the assessment year 1979-1980. The refund order fraudulently obtained for a sum of Rs. 54,405/- was deposited in the current account of P.P.Das and Sons bearing no.578. A cheque was drawn on 27.02.1982 vide Ex.P.85. Pw.1 has categorically narrated all the factual details in a cogent manner and the bank bill collection challan has been produced and marked as Ex.P.180. As per Ex.P.180 document, the aforesaid amount was paid into the credit of P.P. Das and Sons. Ex.P.84 is the bankers extract of current account of P.P.Das and Sons bearing account n. 578. A perusal of extract would disclose that refund was credited in the said account and a cheque was drawn for Rs. 69,500/- and encashed under Ex.P.85 by the 4<sup>th</sup> accused Sanjay Prakash Mohnot who is the brother of 1<sup>st</sup> accused and one who represent P.P.Das and Sons.

A.C.M.M. (E.O.I)

**15.** The aforesaid documents would amply prove that the 1<sup>st</sup> accused had gone to the extent of creating bogus company in the name of jackpot winners by fraudulently obtaining duplicate T.D.S with the aid and connivance of A.14 and A.15<sup>th</sup> accused just for claiming refund. Here it would be pertinent to refer that audit objection was raised with regard to refund made to Nagasubbiah and Co by the audit team. The Tax officer who had issued memo in this regard has been examined as Pw.12 and the audit objection memo has been produced and marked as Ex.P.191.

**16.** One another fake firm created by the 1<sup>st</sup> accused is one Hasan and Co. One N.M. Hasan Kuthose was a jackpot winner in the race held on 14.01.1979 T.D.S for a sum of Rs. 28,412/- was deducted. Probe by the department revealed that an application seeking duplicate T.D.S was presented to the Madras Race Club and on the strength of duplicate T.D.S return was filed in the name of the firm Hasan and Co. of Tindivanam by the 1<sup>st</sup> accused. In this regard, N.M. Hasan Kuthose, jackpot winner was examined by Pw.1 and his statement was recorded which has been marked as Ex.P.104. The witness N.M. Hasan Kuthose was examined by the prosecution. He has categorically stated that he had already filed return of income through his auditor one Mohammed syed and got refund order. The aforesaid assessment order was handed over to Pw.1 by the witness during the course of investigation. It has been marked as Ex.P.110. A perusal of Ex.P.110 would go to show that it is an assessment order for the accounting year ending 1979-1980. Original T.D.S certificate was also enclosed

A.C.M.M. (E.O.I)

with the real return of income filed by the witness Pw.7. Ex.P.121 is the copy of temporary T.D.S issued to Pw.7 earlier. Pw.7 has categorically stated that he had no acquaintance with the 1<sup>st</sup> accused and was unknown to him. He had vehemently denied doing any partnership business in the name and style of Hasan and Co.

**17.** In such circumstances, the 1<sup>st</sup> accused had made an application Ex.P.114 to Madras Race Club seeking duplicate T.D.S certificate to the jackpot winner Hasan Kuthose by forging his signature. Available material would establish that a fake partnership firm with 9 partners was created by the 1<sup>st</sup> accused in the name and style of M/s. Hasan and Co. All the 9 partners of the fake firm are winners of horse race at Madras Race Club. Having succeeded in getting the duplicate certificate, the 1<sup>st</sup> accused had filed a return in the name of Hasan and Co. before the Income Tax Circle I (2) of Villupuram. Along with the return submitted, the 1<sup>st</sup> accused had enclosed the balance sheet, profit and loss statement, Form-30 claiming refund, fabricated power to represent before the income Tax official, fabricated partnership deed of fake firm and also an application under form-11 for registration of firm. The file pertaining to the return of income of the fake firm M/s. Hasan and Co. has been marked as Ex.P.100. A perusal of the file would disclose letter communication had been sent by the 1<sup>st</sup> accused to the income tax officer, Villupuram furnishing some detail and documents pertaining to the fictitious firm. A1 had also appeared before the Income Tax official based on the fake power of authority and sought adjournment.

**18.** A perusal of Ex.P.100 file would disclose that a discreet enquiry was conducted

A.C.M.M. (E.O.I)

by Income Tax officials and it was found that no such firm was ever in existence in the given address either at Madras Trunk Road or D.No.33, Mariyammal Koil Street, Tindivanam. The address furnished to the assessee which was a non-existent firm was found to be bogus and subsequently exparte assessment order was passed on 23.02.1984 disallowing expenses as claimed by the 1<sup>st</sup> accused and in fact the income was fixed at Rs. 1,14,350/-. A perusal of Ex.P.100 file would reveal that aggrieved by the order of assessment, 1<sup>st</sup> accused had filed a petition u/s. 156 of I.T Act, forging the signature of one of the partner of the so called fake firm. 6<sup>th</sup> accused had pursued the matter before the Income Tax officials and A.6 vouchers seized while during search would substantiate the same. That apart, Ex.P.74 and Ex.P.75 seized from the residential premises of 1<sup>st</sup> accused have entries with regard to the business activities of the fake and non-existent firm in the name and style of M/s. Hasan and Co.

**19.** Return of income to the subsequent assessment year 1981-1982 was also filed by the 1<sup>st</sup> accused in the name of non-existent fake firm M/s. Hasan and Co. He had enclosed all the fabricated and fake documents as usual. Form-30 was submitted and also refund was claimed. While, during the pendency of assessment proceedings pertaining to the assessment year 1981-1982 of the bogus firm, the aforesaid earlier order for the assessment year 1980-1981 was passed disallowing the claim and in the earlier assessment proceeding, the assessee firm was found to be bogus. Since it was held to be a bogus firm earlier, subsequent 1981-1982 assessment order was passed referring the earlier Ex.P.100 order and the 1981-1982 assessment order was closed

A.C.M.M. (E.O.I)



as "No Address" Ex.P.101 is on that point.

**20.** Pw.1 had conducted further investigation in this regard and in fact he had examined some of the jackpot winners who were indicated as partners by the 1<sup>st</sup> accused in the fake firm. One Natesan, Hasan Kuthose, A. Subramaniam, S. Subramaniam, the so called partners in the fake firm had given statements before Pw.1 which have been marked as Ex.P.102, Ex.P.104, Ex.P.106 and Ex.P.107 respectively. The aforesaid Jackpot winners who have been added as partners in the fake firm created by the 1<sup>st</sup> accused had categorically denied any acquaintance with the 1<sup>st</sup> accused Mohnot. They have vehemently denied execution of any such partnership deed and doing any such business in the name of Hasan Kuthose and Company. From the evidence adduced, it could be inferred neither they had any partnership nor they had comprehended any such idea. They have been examined as witnesses before the court.

**21.** The aforesaid witnesses testified with regard to filing of return on the strength of original T.D.S. They have categorically emphasised that they had already filed return with original and refund also said to have been issued in their favour. To substantiate the point, assessment order of Hasan Kuthose pertaining to the assessment year 1979-1980 has been marked as Ex.P.110. Assessment order of A. Subramaniam for the assessment year 1979-1980 has been marked as Ex.P.111. The assessment order of witness Natesan has been marked as Ex.P.112. So it implies that the aforesaid witnesses had either filed return on their own or through their auditors with original

A.C.M.M. (E.O.I)

T.D.S. certificate and refund also granted in their favour. They are totally unaware of the Income Tax Practitioner Mohnot who is the 1<sup>st</sup> accused herein and also oblivious of the fact of creation of fake partnership firm which was not in existence. All the aforesaid witnesses have categorically denied making any application to race club seeking duplicate certificate. The aforesaid facts would establish that the 1<sup>st</sup> accused gone to the extent of creating bogus firm by gathering the details of several jackpot winners with the aid and connivance of the employees of Race Club.

22. One of the person described as a partner by the 1<sup>st</sup> accused in the firm M/s. Hasan and Co. by name A. Subramaniam has been examined as Pw.8. He was a Jackpot winner on 01.05.1979 held in Madras Race Club. Initially, he was issued with the temporary T.D.S certificate after deduction of Tax. Subsequently, he had received the original T.D.S certificate and had filed a return for the assessment year 1980-1981 and the assessment order was passed granting refund. Ex.P.111 is on that point. Materials placed before this court would establish that duplicate T.D.S. certificate was claimed with an application dated 22.09.1983 with regard to the race held on 01.05.1979 with the forged signature stating that the T.D.S certificate issued had been lost. Later on, two more communications were sent seeking duplicate T.D.S certificate. Ex.P.116 as well as Ex.P.117 reminder letters are on that point. Content of Ex.P.117 would disclose the fact that a request was made to hand over the duplicate to one Jayapal bearer of the letter. As already discussed in the previous para, Pw.8 has categorically denied making any such application for issuance of duplicate certificate.

A.C.M.M. (E.O.I)

So far as A. Subramaniam is concerned, he was added as a partner in the fabricated partnership deed by the 1<sup>st</sup> accused while submitting return for the bogus firm M/s. Hasan and Co. The duplicate T.D.S certificate obtained by consistent request by sending several letter such as Ex.P.116 and Ex.P.117 and received with the aid and connivance of A.14 and A.15<sup>th</sup> accused was utilized by the 1<sup>st</sup> accused for the purpose of filing fictitious return in the name of fake firm M/s. Hasan and Co.

**23.** Similarly, the duplicate T.D.S certificate of Natesan who was a winner of intervenue betting was also obtained by the 1<sup>st</sup> accused by fraudulent means of filing an application with forged signature so as to file it along with return of income presented to the fake non-existent firm M/s. Hasan and Co. The aforesaid Natesan was examined as Pw.11. In fact, Pw.11 was also described as a partner in the fabricated partnership deed. While, during the course of investigation Pw.1 had requested the Income Tax Officer of Circle-I (1), Kanchipuram to examine the aforesaid Natesan. He was examined and his statement has been marked as Ex.P.102. The official who had recorded his statement has also affirmed the same. He has been examined as Pw.63. Pw.11 Natesan has categorically testified before the court inconsonance with the statement given earlier and he narrated the details of filing return. As per the testimony of Pw.11 and material placed before the court it could be perceived that Pw.11 had submitted return of income before the I.T.O., Kanchipuram, during the relevant assessment year and got refund of meagre amount after

A.C.M.M. (E.O.I)

adjustment made therein. Assessment order was marked as Ex.P.12. Pw.44 is the Income Tax official who had passed the Assessment order pertaining to the return submitted by the assessee Natesan. Pw.11 while in the witness box has categorically denied making application under Ex.P.120 seeking duplicate T.D.S. certificate already when original was filed with return, there is no question of making any application for any duplicate. The available evidence bring to fore that the employees of the race club 14 and 15<sup>th</sup> accused had gone to the extent of issuing temporary T.D.S to 1<sup>st</sup> accused in furtherance of the conspiracy even in cases where original T.D.S. Certificate had already been issued.

**24.** So far as witness Pw.13 is concerned, he was a jackpot winner in intervenue betting held at Madras Race Club. A sum of Rs. 17,678/- was deducted as T.D.S and a temporary T.D.S. certificate was issued in his favour. His name finds a place in the fabricated partnership deed enclosed along with the return submitted by the 1<sup>st</sup> accused in the name of bogus firm M/s. Hasan and Co. and when interrogated, witness had categorically denied creation of any such partnership firm. His statement has been marked as Ex.P.107. He has been examined as Pw.13 before the court with regard to filing of return of income by engaging a Chartered Accountant and encashed the refund granted in his favour. He has categorically denied making any application Ex.P.116 seeking temporary T.D.S. In fact, utilizing the temporary T.D.S certificate obtained in furtherance of conspiracy, 1<sup>st</sup> accused Mohnot beside filing return to the bogus firm Hasan and Co. had also filed individual income tax return in

A.C.M.M. (E.O.I)

the name of Subramani before the I.T.O. Salary Circle, B-Ward, Tindivanam for the assessment year 1980-1981. Ex.P.113 is on that point. The modus operandi in the earlier discussed fraudulent filing of return had been followed with duplicate T.D.S, fabricated power deed, fake indemnity bond and covering letter in the letter head of 1<sup>st</sup> accused. It has since become as established routine to file all the aforesaid fabricated documents along with the fake return submitted by the 1<sup>st</sup> accused. A perusal of the forged and false return Ex.P.113 would disclose that audit objection was raised by the income Tax officials prior to issuing refund.

25. Similarly, another jackpot winner Natesan in the race held by the Madras Race Club on 02.10.1979 had filed return of income before the City Circle II (8), Madras, along with temporary T.D.S by engaging an income tax practitioner. A temporary T.D.S certificate was also issued to him earlier. The counterfoil of the temporary T.D.S certificate has been marked as Ex.P.18. Available evidence would establish that assessment order was passed on 27.05.1980 and refund was granted in his favour. Ex.P.185 is on that point. That being the case, an application purported to have been signed by Natarajan presented before the Madras Race Club seeking duplicate T.D.S certificate stating that the temporary T.D.S certificate given earlier was lost. The application has been marked as Ex.P.190. The temporary T.D.S certificate was obtained by the 1<sup>st</sup> accused and pursuant thereto return of income was filed for the jackpot winner Natarajan by the 1<sup>st</sup> accused Mohnot before the I.T.O City Circle-III with the fake and fabricated statement of account affidavit of assessee indemnity

A.C.M.M. (E.O.I)

bond, other fake documents. Ex.P.191 is on that point. Subsequently, a requisition made to transfer the file to Bombay stating that the assessee had shifted his residence to Bombay. Ex.P.267 fake letter is on that point. It was addressed to income Tax officer, City Circle-III (10), Madras and the said official has been examined as Pw.36. and believing the letter to be a genuine one, he had transfer the file to Bombay.

26. Pw.1 had interogated the jackpot winner K. Natarajan in this regard and he had emphatically denied either seeking duplicate T.D.S certificate or filing return of income by engaging the Income Tax Practitioner 1<sup>st</sup> accused Mohnot with whom he had no acquaintance . His statement was recorded by Pw.1 as well as Pw.41 and those documents marked as Ex.P.186 and Ex.P.187 respectively. The aforesaid assessee Natarajan was not examined before the court since he is said to be no more. However, a Chartered Accountant who had filed return on behalf of him and he who got refund order was subpoenaed and has been examined as Pw.14. He testified that he had filed return of income on behalf of Natesan and got refund order. In fact, the officer who had passed assessment order has been examined as Pw.25 by the prosecution. He has categorically stated that the assessment order was passed by him and refund was granted and he asserts that the refund order was delivered to the assessee in person. Assessment order passed by Pw.25 is in Ex.P.185 I.T. file. Subsequently, it was dealt with by the Income Tax officer of Bomby circle. The file pertaining to the assessment proceeding of Bombay has also been marked by prosecution. Since, the Hon'ble High Court is Crl.M.P.3695/55 quashed the proceedings concerning the main offences

A.C.M.M. (E.O.I)

alleged to have been taken place at Tindivanam and Bombay, this court is not discussing anything pertaining to assessment proceeding at Bombay and the documents filed therein by the 1<sup>st</sup> accused.

**27.** As has been done earlier, the 1<sup>st</sup> accused continued the unlawful activities with the new strategy. One Srinivasan and Srinivasalu had won jackpots in the race held on 15.07.1979 and 01.10.1978 respectively. Materials placed before this court would substantiate the same. The 1<sup>st</sup> accused with the connivance of the employees of Madras Race Club succeeded in getting the original T.D.S from the Race Club. He filed return of income to S. Srinivasan before the Direct Refund Circle with all fabricated documents such as power of authority, income particulars, covering letter in his letter head, fake salary certificate along with original T.D.S certificate. Ex.P.158 is the file pertaining to the said assessment. A perusal of Ex.P.151 file would disclose that A.1 appeared before I.T.O and refund order was delivered to him. Available evidence would indicate that one Srinivasalu won the race held on 15.07.1979 and the T.D.S to a tune of Rs.2218/- was deducted. The 1<sup>st</sup> accused as in the case of Srinivasan managed to get the T.D.S certificate and as usual had filed income tax return with the usual fabricated document and fake certificates. The 1<sup>st</sup> accused had submitted an affidavit as if sworn before him stating that the name of the assessee was Srinivasan instead wrongly noted as Srinivasalu by the Race Club in the T.D.S certificate.

**28.** As the original T.D.S were filed and as a Chartered Accountant appeared with the

A.C.M.M. (E.O.I)

power of authority as an agent of the assessee, the assessment officer had no reason to doubt the authenticity of the return and documents therewith. The officers who had passed assessment order and delivered refund in both Ex.P.159 income tax of Srinivasan and Ex.P.161 income tax file of Srinivasalu have been examined as P.27. He has categorically testified with regard to passing of assessment order in the name of aforesaid assessee represented by the authorised agent who is the 1<sup>st</sup> accused herein. In furtherance of the conspiracy saving bank account was opened in the name of Srinivasan in Canara Bank, Kellys Branch and the letter of the Bank Manager dated 27.04.1984 has been filed which has been marked as Ex.P.160. The aforesaid document would indicate that two refund orders for a sum of Rs. 4024/- and Rs.2218/- were drawn on RBI and credited to the fake saving account opened in the name of Srinivasan in the Canara Bank, Kellys Branch. As per the available documents, the person who had introduced the depositor is one Subhan who is the 8<sup>th</sup> accused herein. The address of the depositor who was impersonated was shown to be that of No.13, Grama Street, Purasawakkam. The address given to the impersonated person and the address of the 8<sup>th</sup> accused seems to be one and the same. So far as the 8<sup>th</sup> accused is concerned he remained absent and the case against him had already been split up. So it has to be taken in to consideration in the particular split up case. Anyhow, to substantiate that the address given to the impersonated depositor as a fake one, owner of the aforesaid premises has been examined. He has categorically stated that no one either as Srinivasan or Srinivasalu had ever resided in the premises

A.C.M.M. (E.O.I)



bearing No.13, Grama Street. The Bank official of Canara Bank has been examined as Pw.31 and he has categorically stated about the prevailing procedure for opening an account and specimen signature card which contains forged signature of the jackpot winner Srinivasan have been marked as Ex.P.261 as well as Ex.P.262 respectively.

**29.** Now coming to the case of one T.M. Subramaniam, he was a Jackpot winner in the horse race held at ooty on 21.04.1979. T.D.S was deducted from the prize money and a temporary T.D.S as well as original T.D.S certificate subsequently issued in his favour. He has been examined by the prosecution as Pw.56. He has categorically stated that he had already engaged a tax practitioner by name Madan and had already filed return of income with original T.D.S and assessment order was passed thereby refund was also granted in his favour. The assessment order passed by Income Tax officer, I.T.O Circle, I (2), Udagamand for the assessment year 1980-1981 pertaining to the return submitted by T.M. Subramaniam has been marked as Ex.P.124 refund was granted in his favour.

**30.** Investigation by Pw.1 revealed that a duplicate T.D.S certificate was applied Ex.P.125 is on this point. In this regard, Pw.1 had sent a communication to T.M. Subramaniam of Udagamand seeking details of income Tax return filed by him. Ex.P.131 is on that point. It is dated 07.04.1984. It met with a reply dated 14.04.1984 which has been marked as Ex.P.132. In furtherance of it, a letter was addressed to the income tax practitioner Madan who was said to have been engaged by T.M.

A.C.M.M. (E.O.I)

Subramaniam Ex.P.133 dated 01.09.1984 is on that point. Income Tax practitioner had sent a prompt reply admitting his appearance on behalf of T.M. Subramaniam Ex.P.134 dated 08.09.1984 has been produced in this regard. The income tax practitioner who had represented Pw.56 T.M. Subramaniam in the assessment proceeding has been subpoenaed and examined as Pw.57. He reemphasized the factum of appearance on behalf of the assessee Pw.56 T.M. Subramaniam.

**31.** The prosecution had also taken steps to examine the Income Tax official who had passed Ex.P.124 assessment Order. The successor of the officer who had passed assessment order and one who has been acquainted with his signature has been examined as Pw.58. He affirmed passing of Ex.P.124 order by his predecessor in office. However, by the strength of the duplicate T.D.S certificate fraudulently obtained with the aid and connivance of 14 and 15 th accused, the 1<sup>st</sup> accused Mohnot had filed a return of Income purported to have been signed by T.M. Subramaniam before the Villupuram Income Tax Circle I (2). It has been marked as Ex.P.126. As usual he had enclosed all the fake and fabricated documents such as power of Authority, Indemnity bond, false affidavit and fake letter of Assessee claiming shifting of residence to Tindivanam. The fake affidavit was submitted as if sworn before the 1<sup>st</sup> accused. The 1<sup>st</sup> accused had also signed in the said document and his rubber stamp affixed beneath his signature. Assessment order was passed and refund order was granted. The 1<sup>st</sup> accused had given a fake address to the assessee as "care of Tagore Senior Secondary School Tindivanam". In this regard, at the request of Pw.1,

A.C.M.M. (E.O.I)

principal of Tagore Senior Secondary School had sent a letter to Pw.1 which has been marked as Ex.P.135 wherein it was stated that no person by name T.M. Subramaniam employed in their office in any capacity what so ever. Pw.56 has categorically denied the genuiness of all the documents enclosed with the false return. From the evidence of Pw.56 it could be infered that neither did he know nor did he ever met the 1<sup>st</sup> accused Mohnot.

**32.** Pursuant to the refund, and in furtherance of the conspiracy, the 1<sup>st</sup> accused had opened S.B. account in the Bank of Tanjore, Egmore wherein the signature of T.M. Subramaniam was forged. It is pertinent to note that address of the 8<sup>th</sup> accused Subhan in the main case had been given as the address of the depositor T.M. Subramaniam and impersonated. Ex.P.127 dated 29.10.1983 application for opening account is on that point. Ex.P.128 is the bankers part of remittance challan and Ex.P.129 is the bankers part of collection challan. Ex.P.130 is the withdrawal slip with a forged signature of T.M. Subramaniam. Pw.56 Subramaniam has categorically stated he had never opened any account in the Bank of Tanjore, Egmore, Madras. Here it is pertinent to refer Ex.P.59 document which is a passbook relating to this fake account in the name of T.M. Subramaniam created by the 1<sup>st</sup> accused in the Bank of Tanjavor, Egmore, Madras. The aforesaid passbook was seized from the residential premises of the 1<sup>st</sup> accused while during search. All the aforesaid documents would manifest the 1<sup>st</sup> accused had in furtherance of conspiracy forged the signature of T.M. Subramaniam, created fake documents and cheated the officials impersonating the

A.C.M.M. (E.O.I)

depositor and also caused financial loss to the Exchequer.

**33.** Still further, one Purushothaman, was the winner in Horse race held at Ooty on 24.05.1981. He had not received the original T.D.S. He applied for issuance of duplicate T.D.S certificate before the Race Club Madras and obtained it. Pursuant there to, return of income was filed by him and assessment order was passed whereby refund was ordered. Ex.P.203 I.T file and Ex.P.263 Assessment Order are on that point. Meanwhile, another return was filed by the 1<sup>st</sup> accused Mohnot in furtherance of conspiracy in the name of Purushothaman before the Salary circle, B-ward, Trivandrum along with original T.D.S certificate. So far as filing of false return before the income Tax official, Trivandrum is concerned, Hon'ble High Court in CrI.M.P.3695 of 1985 reported in, Manu-TN-0040-1987 quash the proceeding concerning the main offences alleged to have been taken place in Trivandrum and Bombay. It was quashed by the Hon'ble High Court referring Sec.195 (1) (a) (iii) as the complainant is not administratively superior to the Income Tax officers at Trivandrum or Bombay. Likewise, since no proceeding pending before the complainant namely, the Chief Commissioner (administration) Commissioner of Income Tax during the relevant time, it was held that there cannot be a complaint for offences mentioned in section 195 (1) (b) of Cr.P.C, 1973. So that the Hon'ble High Court quashed the proceeding concerning the offences mentioned in the complaint under sec. 195 (1) (b) of Cr.P.C, 1973. Anyhow, Hon'ble High Court has made the point clear that eventhough the prosecution cannot prove the main offences that were

A.C.M.M. (E.O.I)

alleged to have taken place at Trivandrum and Bombay, it is open to the prosecution to lead evidence with reference to conspiracy that might have taken place to commit such offence. So this court is not dealing with the substantive offence alleged to have been committed by the 1<sup>st</sup> accused pertaining to filing of return before the Income Tax Officer, Trivandrum for the assessee Purushothaman and the statement of the Income Tax officials in this regard. Anyhow, with regard to conspiracy some factual details has to be taken into account. Purushothaman has categorically stated that he had no acquaintance with the 1<sup>st</sup> accused. He was a lawyer by profession. In furtherance of conspiracy the 1<sup>st</sup> accused had opened an account in the name of witness Purushothaman before the Co-operative Urban Bank Limited. Ex.P.198 is the application for the same. Ex.P.199 is the specimen signature card. Pw.51 Purushothaman has categorically denied opening of any such account. The passbook pertaining to the aforesaid fake account created by the 1<sup>st</sup> accused in the name of witness Purushothaman along with cheque book, paying in slip for opening account and the bank intimation of I.T refund were in the locker handled by the 1<sup>st</sup> accused and seized by the officials. Those documents are marked as Ex.P.25, Ex.P.26, Ex.P.37 and Ex.P.38 respectively. Ex.P.200 is the self cheque in the name of Purushothaman.

**34.** In furtherance of the conspiracy while opening a fake account in the name of jackpot winner Jayaraman, the 1<sup>st</sup> accused had gone to Trivandrum. The prosecution has filed the Air Tickets which were seized during search. Available materials would establish that 1<sup>st</sup> accused Mohnot had travelled from Madras To Trivandrum on

A.C.M.M. (E.O.I)

22.09.1982 and 25.09.1982. Ex.P.63 and Ex.P.66 seized documents are on that point. On the particular dates he had stayed in Hotel Luciyana Continental. Ex.P.70 series of bill seized from the residence of the 1<sup>st</sup> accused by virtue of Ex.P.4 would substantiate the same. Original sheets from the check in ledger of Hotel Luciyana Continental has been filed and marked as Ex.P.98. This has been done by Income Tax official one Kurup at the request of Investigation officer Pw.1. He had forwarded the same along with Ex.P.99 letter to Pw.1. Perusal of Ex.P.98 would indicate that the 1<sup>st</sup> accused was in Trivandrum on 24.09.1982 and 30.09.1982. The witness purushothaman has categorically denied opening any such Bank account. Pw.32 Radha Krishnan a Zonal Accounts officer has testified the refund order Ex.P.263 was encashed by the assessee to the Trivandrum, Co-operative Bank Limited with the signature of the assessee in the revenue stamp and received back to the Zonal Accounts Office. Available evidence would disclose that 8<sup>th</sup> accused Subhan had also arrived at Trivandrum on 25.09.1980 and 02.09.1982. Ex.P.62 and Ex.P.65 are on that point. The investigation officer had sent a summon Ex.P.201 to 8<sup>th</sup> accused Subhan. Despite receiving the summon he failed to appear before the investigation officer. So far as the involvement of 8<sup>th</sup> accused Subhan in the conspiracy is concerned, it has to be dealt with in detail in the split up case which is still pending on account of his absence.

**35.** As per the evidence let in by the prosecution, initially, the original T.D.S certificate was sent through RPAD to witness Pw.51 Purushothaman on two occasion and it was returned unserved. Ex.P.204 and Ex.P.205 are on that point. It is obvious

A.C.M.M. (E.O.I)

that with the aid and connivance of 14<sup>th</sup> and 15<sup>th</sup> accused of the main complaint, the 1<sup>st</sup> accused had managed to get the original T.D.S from the Madras Race Club.

**36.** One Rajan had won horse race held on 15.12.1982. From out of the winning amount of Rs.1,92,800/- T.D.S for a sum of Rs. 63,459/- was deducted. Ex.P.136 dated 15.12.1982 is on that point. So a letter purported to have been signed by M. Rajan furnishing the address of A.19 was sent to race club, Madras. In his letter T.D.S was requested and was issued by the race club on the some date. Ex.P.137 is on that point. The content of the letter would reveal that a false story was projected as if M. Rajan Jackpot winner was an inpatient in Madras Government General Hospital in ward no.40. It has been noted in the same letter that any doubt regarding genuiness could be verified. Pw.1 while during the course of investigation had deputed the Income Tax Inspector, Joseph to ascertain the same. He had verified the registers in G.H. and had given a report Ex.P.138 dated 06.04.1984 stating that no one as M. Rajan had been admitted in the Government General Hospital in ward no.40 during the period noted in Ex.P.137 letter. By utilizing the T.D.S certificate obtained fraudulently pursuant to Ex.P.137 letter, return of income for the assessment year 1983-1984 was filed by the 1<sup>st</sup> accused in the name of M. Rajan. Assessment proceeding was posted for hearing and the 1<sup>st</sup> accused had appeared before the Income Tax official on behalf of the assessee. The 1<sup>st</sup> accused had also filed an affidavit purportedly signed by M.Rajan. A false address was given to M. Rajan. In the return, repayment of loan to Bombay finance with interest of Rs.27000/- reflects.

A.C.M.M. (E.O.I)

One of the accused against whom there is a split up case is said to be the proprietor of the said concern. The statements enclosed along with return were signed by the 1<sup>st</sup> accused. Assessment order was passed and refund was granted therein. 6<sup>th</sup> accused Mani said to have received the refund order as per acknowledgment in the file.

**37.** Having received the refund order, the 1<sup>st</sup> accused had filed an application before the Purasawakkam Branch of Bank of Baroda to open a Saving Bank account in the name M. Rajan. Saving Bank account opened on 04.10.1983 and refund order was deposited for realisation in S.B. account bearing A/c. No.6589. Ex.P.142 is on that point. A self cheque dated 08.10.1983 for a sum of Rs.45,000/- was issued to Hindustan Electronics which is a proprietary concern of 12<sup>th</sup> accused in the main complaint. Ex.P.143 is on that point. Ex.P.29 is the cheque book in this regard which was already seized from the locker no.27 from the Bank of Rajasthan, Sunkurama Chetty Street for which the 1<sup>st</sup> accused was an ostensible owner. The statement of Bank Manager, Bank of Baroda Purasawakkam was recorded by the Investigation officer Pw.1 and it has been marked as Ex.P.145. The Manager who had given statement before the Investigation officer has been examined before the court as Pw.54. He has categorically stated about the manner in which the bank account was opened. He identified A.4 as Rajan to be present with A.10. Both the A.4 and A.10 not arrayed in the present case. They are still at large. However, the investigation officer had examined the person who had introduced the fictitious depositor to the bank and her statement was recorded and marked as Ex.P.146. She had stated that 10<sup>th</sup>

A.C.M.M. (E.O.I)



accused was known to her father and as such she had signed in Ex.P.141 while it was blank. Subsequently A.10 was examined by the investigation officer in this regard. He categorically stated that it was brought to him for his signature from the 1<sup>st</sup> accused through his employee one Jayapal.

**38.** In fact, the 1<sup>st</sup> accused had filed a false return with the forged signature of Rajan and had also enclosed an affidavit as if sworn by the said jackpot winner Rajan. It was attested by a notary public one Radha Krishnan. The investigation officer Pw.1 had examined the notary public who had attested the fake affidavit of one Rajan. The statement has been marked as Ex.P.148. The notary public has been examined before the court as Pw.18. He testified that he never knew the deponent Rajan earlier and he could not identify the said person again. It implies that Pw.18 had attested Ex.P.148 document believing the person who had signed it to be of one Rajan without having knowledge as to impersonation. Pw.1 had sent a letter to the 1<sup>st</sup> accused on 27.09.1984 calling upon him to produce the assessee Rajan whom he had represented in the assessment proceedings. Ex.P.149 is on that point. It met with a reply, dated 11.10.1984 stating that the statute does not contemplate such procedure. The learned defence counsel has also put forth an argument on the same aspect. Even if statute does not contemplate such procedure, there would not be any difficulty for the 1<sup>st</sup> accused at least to furnish the correct address of assessee Rajan to Pw.1 if he had ever been engaged by Rajan. So the argument advanced by the defence counsel does not hold good.

**39.** The matter was further probed by Pw.1 and he had sent summons to Rajan for appearance in all the 3 given addresses in different documents. In the temporary T.D.S certificate, the address of Rajan was given as D.No.15, Avadhai Papis Road, Choolai. But it is proved to be the property of St. Andrews Catholic Church. Pw.1 had sent a communication to St. Andrews Catholic Church seeking details of M. Rajan. Ex.P.155 is on that point. It met with a reply dated 25.10.1984 which has been marked as Ex.P.156. In Ex.P.156 the authorities of St. Andrews Catholic Church has categorically stated that no such person was ever resided in the said address.

**40.** One Bellie, a Captain of Indian Army won jackpot at Ootacamant in the race held on 20.05.1981 and Tax deducted at source to a tune of Rs. 5998/-. While so the 1<sup>st</sup> accused Mohnot had filed return before Trivandrum Income tax office claiming refund. As far as the substantive offence of 277 of I.T Act, 1961 is concerned, it would not be dealt with as the Hon'ble High Court in Crl.M.P.No.3695 of 1985 reported in Manu TN-0040-1987 had quashed the proceeding concerning main offence which alleged to have been taken place at Trivandrum and Bombay. Anyhow it was held that it is open to the prosecution to read evidence with reference to conspiracy that might have taken to commit such offence. So conspiracy angle alone to be dealt with. Having received the refund order, a current account was opened in the name of Bellie under Ex.P.39. The refund order in the name of Bellie was deposited for collection in the aforesaid account. Ex.P.208 is an application filed before the Bank purportedly signed by Bellie. It is dated 01.10.1982. Ex.207 is the

A.C.M.M. (E.O.I)

specimen signature card for opening account in the name Bellie before the Co-operative Bank Urban Bank Limited, Trivandrum. A intimation from the Bank addressed to the depositor which has been marked as Ex.P.40 was found in the locker of 4<sup>th</sup> accused. The Passbook of the fictitious current account opened in the name of Bellie was also seized from the locker bearing no. 27. The passbook has been marked as Ex.P.27. The perusal of passbook would disclose that the refund amount of Rs.5998/- was credited to the fictitious account on 01.10.1982. The same date on which the current account was opened in the name of Jackpot winner Bellie. A cheque book pertaining to the same account had been seized from the locker handled by the 1<sup>st</sup> accused. A self cheque for Rs. 6000/- was drawn on 22.10.1982 purportedly signed by Bellie. Ex.P. 209 is on that point. Ex.P.28 is a cheque book seized from the locker. Here it is relevant to refer the Air Tickets filed by the prosecution wherein 1<sup>st</sup> accused Mohnot had travelled from Chennai to Trivandrum in furtherance of conspiracy. The air ticket has been marked as Ex.P.63. The prosecution has produced the original sheets from the arrival register of Hotel Lusiyana Continental, Trivandrum which has been marked as Ex.P.98. It has been clearly established that the 1<sup>st</sup> accused who was at Trivandrum on 01.10.1984, the date on which the spurious account was opened in the name of Captain Bellie, jackpot winner. Several communications were sent by the investigation officer Pw.1 to Bellie and he had promptly sent reply letters wherein he had categorically denied filing return of income and had not claimed any refund. Ex.210 to 217 letters are on the point.

A.C.M.M. (E.O.I)

41. So far as the present case is concerned, no sanction was accorded and only letter of authority were given to the complainant by various commissioners of Income Tax under whose Jurisdiction the offence was committed. On this aspect learned Special Public Prosecutor has referred section 279 of the Income Tax Act 1961 which stood by the period on which the offence was committed. As per section 279 of Income Tax Act which stood by then, no sanction need be accorded and the person shall not be proceeded against for an offence u/s 277 except at the instance of the commissioner. In the present case at the instance of the commissioners of various Jurisdiction, a complaint was filed and prosecution launched. Ex.237, Ex.238, Ex.239, Ex.240 are on that point. Complainant was authorized to prosecute vide the aforementioned documents. So no sanction was required while the present complaint was filed and only subsequently provision was amended which mandates sanction.

42. The learned Special Public Prosecution would contend that the evidence of witnesses who had not submitted for cross examination on account of death may not be eschewed and in this regard the learned Public Prosecutor has relied upon a Judgment rendered by Hon'ble Madras High Court reported in

**2005 (4) LW654**

**Kusshid Beghem & others**

**Vs**

A.C.M.M. (E.O.I)

**Amni Jein & Others**

*Wherein the Hon'ble High Court dealt with section 33 of the Evidence Act and held that eschewing the chief examination of PW1 is not in accordance with section 33 of the Indian Evidence Act and the section dealt with relevancy and not the mode of proof.*

43. Still further learned Special Public Prosecutor has relied upon a Judgment reported in

**Manu / TN /0487/24**

**Maharaja of Kothapar**

**Vs**

**S.Sundaram Ayyar & Others**

*Wherein the Hon'ble Madras High Court held that the evidence of a witness, who died before cross examination is admissible, but the weight to be attached to such evidence should depend upon the circumstance of each case.*

44. From the aforesaid decisions, the proposition that can be safely culled out is that the evidence of the witness who could not be subjected to cross examination due to his death is admissible and the evidentiary value of the same has to be dealt with separately. Not subjecting for cross due to death by itself of course not a reason to discard the evidence. Eschewing is not contemplated in the statute. The relevancy of the evidence has to be taken into account.

45. The argument advanced by the learned defence counsel pertains to eschewing

A.C.M.M. (E.O.I)

statement of witnesses, citing the undertaking made by the prosecution before the Hon'ble High Court in Crl MP No. 3695/1985 filed by one of the accused of this complaint. In this regard the order passed by the Hon'ble High Court in Crl MP No. 3695/1985 which is a reported case is of much importance.

**Manu / TN 10040 / 1987**

**Kumudini Suban and another**

**Vs**

**Chief Commissioner (Admin) Commissioner of Income Tax.**

*Wherein the proceeding concerning the main offence of the Complaint which are alleged to have been taken place at Trivandrum and Bombay was quashed by the Hon'ble High Court. It was further held that even through the prosecution cannot prove the main offence that were alleged to have taken place at Trivandrum and Bombay, it is open to the prosecution to lead evidence with reference to any conspiracy that might taken place to commit such offences.*

**46.** Although some documents pertaining to the offences that took place at Trivandrum and Bombay are forthcoming, this court would consider the same only with reference to conspiracy and not with regard to the substantive offence alleged to have been committed at Trivandrum and Bombay. So the question of eschewing does not arise.

**47.** All the five accused have been charged for the offence u/s 277 of Income Tax r/w

A.C.M.M. (E.O.I)

120-B of IPC 1961. For better appreciation 277 of the Income Tax Act is extracted hereunder.

*" False statement in verification, etc. - If a person makes a statement in any verification under this Act or under any rule made thereunder, or delivers an account or statement which is false, and which he either knows or believes to be false, or does not believe to be true, he shall be punishable,-*

*(i) In a case where the amount of tax, which would have been evaded if the statement or account had been accepted as true, exceeds one hundred thousand rupees, with rigorous imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine;*

*(ii) In any other case, with rigorous imprisonment for a term which shall not be less than three months but which may extend to three years and with fine.*

**48.** Aforementioned section 277 of the Income Tax Act prescribes punishment with regard to false statement in verification or delivers an account or statement which he either knows or believes to be false or does not believes to be true. Thus mensrea is an essential ingredient for proving a charge against a person for commission of the offence under section 277 of the Income Tax Act. All the accused were questioned

A.C.M.M. (E.O.I)

u/s. 313 (1) (b) of Cr.P.C. All the incriminating circumstances were put forth and they have categorically denied almost all the questions.

49. As far as the present case is concerned, it is obvious that the 1<sup>st</sup> accused in furtherance of the conspiracy had filed false return of Income and statement knowing them to be false. He had fabricated all the documents in connivance with some of the accused. In entirety all the details given in the return are false. Staggeringly, there are more number of such false return filed by the 1<sup>st</sup> accused. Beside submitting individual false assessment, he had also submitted false return in the name of non existing firms and companies for the sake of monetary benefits. Imaginary creditors were cited, false interest payment on loan and false affidavits were filed. A14 and A15 accused along with some of the accused in the split up cases aided and participated in filing false return and statements. by furnishing the T.D.S. certificates. Apparently the 1<sup>st</sup> accused had mensrea in committing the offence. The 1<sup>st</sup> accused being a Chartered Account had resorted to such a disgraceful act Despicable Act by a member of higher social strata. Motive is to achieve monetary gain. Mensrea to commit the offence is amply proved. Hence the 1<sup>st</sup> accused along with the accused who had aided and connived to file false return by proving Original and Duplicate TDS are liable to be punished for the offence u/s 277 of the Income Tax Act 1961. So far as the offence of 120 (b) is concerned all the accused together alleged to have conspired to commit the offences. The 6<sup>th</sup> accused is the Clerk working under 1<sup>st</sup> accused Mohnot and the 19<sup>th</sup> accused is also an employee working under 1<sup>st</sup> accused.

A.C.M.M. (E.O.I)



The 14, 15 and 17<sup>th</sup> accused are the employees of Madras Race Club. 14<sup>th</sup> accused is no more. As per the available evidence the 14, 15<sup>th</sup> accused were incharge of T.D.S section. There is ample evidence to show that there is implied agreement between the 1<sup>st</sup> accused along with 15<sup>th</sup> accused Sundarraj and 14<sup>th</sup> accused Jagadeesan who is more. Statement of 14, 15 and 17<sup>th</sup> accused were recorded by Pw.1 The statement of Pw.14 and Pw.15 would disclose conspiracy. 14<sup>th</sup> accused confessed to have given the T.D.S certificate to 1<sup>st</sup> accused Mohnot. The Manager of the Race Club who has been examined has categorically stated that he would forward the letter seeking duplicate T.D.S certificate to the T.D.S section and the 14 and 15<sup>th</sup> accused were proved to be incharge concerned section. In fact, a receipt was seized while during search which would disclose making payment to 15<sup>th</sup> accused Sundarraj. Admittedly, the amount was received by 16<sup>th</sup> accused on behalf of her son who is the 15<sup>th</sup> accused herein. Ex.P.24 is on that point. The available evidence would established that payment was made to the 15<sup>th</sup> accused for the purpose of providing details to the 1<sup>st</sup> accused in furtherance of conspiracy. There was no retraction on the part of A.15 Sundarraj. His connivance and aid to the 1<sup>st</sup> accused in furnishing details in respect of T.D.S certificates is amply proved. So far as 17<sup>th</sup> accused is concerned, he is said to be a store keeper against him no incriminating evidence forthcoming. Prosecution has not proved that he had conspired along with 1<sup>st</sup> accused and others. Even as per his statement 17<sup>th</sup> accused it is implied that the registeres pertaining to T.D.S would be handled by 14, 15<sup>th</sup> accused. Still further, A.6 who is clerk working under A.1 said to

A.C.M.M. (E.O.I)

have filed income tax return on behalf of 1<sup>st</sup> accused. No doubt, there are some documentary evidence to show that he had received refund orders and other documents from the income tax offices while filing return of income filed by 1<sup>st</sup> accused. He had received a hearing notice as indicated in Ex.P.136. But, here it is to be emphasized that mere association with conspirator would not be sufficient to hold him as a member of the conspiracy. So the offence of conspiracy against A.6 Mani is not proved. He is obviously not a co-conspirator. Coming to the case of 19<sup>th</sup> accused the only evidence put forth case that his address finds place in Ex.P.137 letter which was addressed to Madras Race Club seeking T.D.S certificate. Here, it is to be emphasized that the prosecution has failed to prove that the handwriting in the said letter belongs to A.19. So only based on aforesaid Ex.P.137 letter 19<sup>th</sup> accused cannot be considered to be a co-conspirator. Here, there is ample evidence to show that there was an implied agreement between 15<sup>th</sup> accused who was an employee of Race Club with 1<sup>st</sup> accused to commit the offence. So far as the conspiracy is concerned, it is complete as soon as the agreement is arrived at. It is a continuing one and it remains in force till the object is achieved. It is the continuing offence and it continues to subsist and is committed whenever one of the conspirators does an Act. So the 15<sup>th</sup> accused is liable along with the 1<sup>st</sup> accused. The 2<sup>nd</sup> charge of 277 of Income Tax Act r/w 109 IPC is not made out.

**50.** Coming to the offence u/s 468 of IPC, in the specific case of prosecution that in furtherance of conspiracy, the accused had committed forgery, intending that the

A.C.M.M. (E.O.I)

document forgery shall be used for the purpose of cheating. It is the specific allegation that the 1<sup>st</sup> accused in furtherance of conspiracy with A2 to A5 had filed income tax return with forged signature in the return, filed forged authorisation forged affidavit, forged indemnity bond before the income tax offences at various circles in Tamilnadu, by obtaining TDS certificate from the Race Club. The assesses for whom such a return with forged documents filed are shown to be one Rajan, T.M. Subramanian, N.M. Nagarajan, K.N. Subiah, S. Srinivasan, Srinivasalu Bogus firm M/s. Nagasubiah & Co. filing return in the name of unknown assesses with forged and fabricated documents were already discussed is detailed in the aforesaid para. Obviously fake returns with forged and fabricated documents were filed. So as to get returned order from the Income Tax officials . It has been amply proved. In most of the assessment proceedings with the forged document and with forged authorisation, the 1<sup>st</sup> accused had managed to get refund.

**51.** Learned defence counsel vehemently contend that the charge u/s 468 framed against the accused is unprecedented as the investigation officer had not obtained specimen signature and handwriting from the accused. During the course of investigation the investigation officer had sent several disputed signature and the admitted signature of the 1<sup>st</sup> accused in his letter addressed to PW1 to the Handwriting expert, Tamilnadu Forensic Department. The letter sent by PW1 is marked as Ex.P. 234. The Assistant Director of Forensic Science Department appeared before this Court. He has been examined as PW47 and the expert opinion has been marked as

A.C.M.M. (E.O.I)

Ex.P. 235.

52. Learned defence counsel would contend that forgery and fraud are matters of evidence and in this regard he has relied upon.

**Criminal Appeal No. 359-36/2010**

**Sheila Sebastian**

**Vs**

**Jawaharaj & another**

*Wherein the Hon'ble Supreme Court held that of definition of "false document" is a part of the definition of "forgery". Both must be read together. Forgery and fraud are essentially matters of evidence which could be proved as a fact by direct evidence or by inferences drawn from proved facts.*

53. So far as case at hand is concerned, ample evidence is placed to show that the 1<sup>st</sup> accused had forged the documents with a clear intent that the document should be used for the purpose of cheating. The evidence of the Jackpot Winners have decisive bearing. They have categorically denied all the documents purportedly signed by them which were filed by the 1<sup>st</sup> accused to get returned. Here a clear case of forgery has been made out.

54. Coming to the offence u/s 380 of IPC, all the accused in furtherance of conspiracy alleged to have committed theft of the Original TDS certificate or Duplicate TDS certificates of Jackpot Winners from the Madras Race Club. The prosecution has

A.C.M.M. (E.O.I)

miserably failed to prove the alleged offence. In fact available evidence would establish that the TDS certificate had come into the possession of 1<sup>st</sup> accused in furtherance of conspiracy and with the aid and connivance of 14<sup>th</sup> and 15<sup>th</sup> accused. Here the essential requisites of theft U/s 380 of IPC is not proved.

55. Coming to the offence u/s. 419 r/w 511 of IPC all the 5 accused have been charged with the offence u/s 419 r/w 511 of IPC. Whoever cheats by personation shall be punished with imprisonment for 3 years or fine of with both, Personation is defined in section 416 IPC. The charging section is 419 of IPC. To bring home an offence u/s 419 of IPC the elements of section 416 of IPC are to be proved. Section 416 of IPC is excerpted below.

*A person is said to "cheat by personation" if he cheats by pretending to be some other person, or by knowingly substituting one person for another, or representing that he or any other person is a person other than he or such other person really is.*

*Explanation.- The offence is committed whether the individual personated is a real or imaginary person.*

56. The ingredient required to constitute an offence under Section 416 of IPC are that (1) Pretention by a person to be home other persons, (2) Knowingly substituting one person for another, (3) Representation that he or any other person is a person other

A.C.M.M. (E.O.I)

than he or such other person really is .

**57.** One of the ingredient is sufficient to bring home the offence. As per the explanation to section 416, the one personated may be real or imaginary and must be for cheating. The personation cheating is also an essential ingredient of the offence. Cheating is defined in section 416. As per Section, there must be deception and the person so deceived is induced to do any of the Act specified in the section which he would not have done it, if he was not deceived. So far as the present case is concerned, there is clear evidence of Personation for the purpose of cheating. It is clear case of deception committed by the 1<sup>st</sup> accused. The Income Tax officials and Bank authorities were deceived and they were induced to pass assessment orders granting refund and Opening fictitious accounts permitting the 1<sup>st</sup> accused and others to encash the ill gotten amount which the authorities would not have done if they were not so deceived. In the case at hand the crime is complete and not failed in the attempt to commit the crime. So charges u/s 511 of IPC is not made out.

**58.** In furtherance of conspiracy, the 1<sup>st</sup> accused along with other alleged to have committed the offence u/s. 420 of IPC. Learned defence counsel would contend that the ingredients of 420 of IPC is not fulfilled. He would further contend that no evidence against the 1<sup>st</sup> accused who said to have cheated the bank by way of deception. Here it is to be emphasised that the charge framed by the court is very specific and the 1<sup>st</sup> accused infurtherance of conspiracy alleged to have cheated the income tax officials. The learned defence counsel would contend that the essential

A.C.M.M. (E.O.I)

ingredient of cheating is not fulfilled and he has relied upon various judgments in this regard to show the essential requisites of the offence of cheating. The cases relied upon by the learned defence counsel is 2016 (1) SCC 348 International Advance Research Centre for Powder Metallurgy and New, AIR 2016 SC 406 Tilak Raj Vs State of Himachal Pradesh, 2009 (1) SCC (Crl.) 996 V.Y. Jose Vs State, 2009 (3) SCC Crl. 620 Harmanpreet Singh Vs State of Punjab, AIR 2011 SC 2258 Joseph Salvaraj Vs State of Gujarat, AIR 2017 SC 3656 Medmeme, LLC and others vs IHorse BPO Solution Pvt. Ltd.

**59.** So far as the present case is concerned, that all the ingredients are fulfilled. There was deception and the accused had a dishonest intention from the outset. He had received refund by deceiving the Income Tax officials with dishonest intention. The officials were cheated and put to wrongful loss. In fact, the 1<sup>st</sup> accused in furtherance of conspiracy cheated the Income Tax officials and thereby caused wrongful loss to the Government exchequer. It is a clear case of cheating. All the ingredients of cheating have been fulfilled. The contention of learned defence counsel that the 1<sup>st</sup> accused was in fact cheated by assessee is quite incredible. The charge u/s. 420 of IPC is amply proved.

**60.** It has been alleged that the 1<sup>st</sup> accused in furtherance of conspiracy with other accused committed offence u/s 201 of IPC. which amounts to calling disappearance of evidence. Prosecution version is that the accused had removed the file relating to M/s. Nagasubiah & Co. from the Income Tax office and destroyed it no doubt M/s.

A.C.M.M. (E.O.I)

Nagasubiah & Co. is a bogus firm floated by the 1<sup>st</sup> accused. Assessment file pertaining to M/s. Nagasubiah & Co. is said to be missing. But no evidence forthcoming to prove the charge u/s 201 of IPC. and the prosecution has failed to prove the charge u/s 201 of IPC.

**61.** So far as 1<sup>st</sup> accused is concerned, separate offence u/s. 277 of I.T Act has been framed has already discussed about commission of offence by 1<sup>st</sup> accused u/s. 277 of I.T Act amply proved. Hence he is liable to be convicted there under. Still further, the encashment of refund amount by filing false account is said to be around 1,89,038/-. It was around year 1980. So, in this regard 1<sup>st</sup> accused is also liable to make payment of fine.

**62.** The learned defence counsel vehemently contend that speedy and fair trial has not been guaranteed to the accused as per the mandatory guidelines laid down by the apex Court in A.R. Antulay case and delay in filing the complaint has also been focused. The learned counsel in this regard has relied upon

**AIR 1992 Supreme Court 1701(1)**

**A.R. Antulay**

**Vs**

**R.S. Nayak & another.**

*Wherein the Hon'ble Supreme Court in regard to speedy trial issued guidelines (11 points) and the Propositions are*

*(1) Fair, just and reasonable procedure implicit in Art.21 of the Constitution*

A.C.M.M. (E.O.I)



*creates a right in the accused to be tried speedily. Right to speedy trial is the right of the accused. The fact that a speedy trial is also in public interest or that it serves the societal interest also, does not make it any – the – less the right of the accused. It is in the interest of all concerned that the guilt or innocence of the accused is determined as quickly as possible in the circumstances.*

*(2) Right to Speedy trial flowing from Art.21 encompasses, all the stages,*

*namely the stage of investigation, inquiry, trial, appeal, revision and retrial. That is how, this Court has understood this right and there is no reason to take a restricted view.*

*(3) The concerns underlying the Right to speedy trial from the point of view of the accused are:*

*(a) the period of remand and pre - conviction detention should be as short as possible. In other words, the accused should not be subjected to unnecessary or unduly long incarceration prior to his conviction;*

*(b) the worry, anxiety, expense and disturbance to his vocation and peace, resulting from an unduly prolonged investigation, inquiry or trial should be minimal; and*

*(c) undue delay may well result in impairment of the ability of the accused to defend himself, whether on account of death, disappearance or non-availability of witnesses or otherwise.....*

63. Learned defence counsel would contend that the Constitutional right of speedy trial recognized under Article 21 of the Constitution is applicable to the investigation aswell. In this regard he has relied upon

**AIR 2008 Supreme Court 3077**

**Pankaj Kumar**

**Vs**

**State of Maharashtra.**

*Wherein the Hon'ble Supreme Court held that speedy trial which is an inalienable right under Article 21 of the Constitution is applicable not only to the actual proceedings in court but also includes within its sweep the proceeding of police investigation as well.*

64. Here it is to be emphasized that although the offence conspiracy relates back to 1979 to 1984 the offence of filing false return and some foul play was detected initially in the assessment proceeding of Manickam and was reported to the Income Tax Commissioner and search warrants were subsequently issued and there lies the genesis of episode and search was conducted in both residential as well as business premises of the 1<sup>st</sup> accused on 26.11.1983. On further probe, several such filing of false accounts with forged documents had come to the fore. The false account in witness Manickam case is not the one off case. In fact, the offence was committed throughout Tamilnadu and also Bombay and Trivandrum. That apart, some of the accused had shown no inclination to co-operate with the investigation. Summons

A.C.M.M. (E.O.I)

sent to the witnesses failed to evoke any response. On behalf of some of the accused, the 1<sup>st</sup> accused had sent evasive reply. However the complaint was filed in the year 1985 on 23.02.1985. So the contention of the learned defence counsel that there is delay in investigation is quite incredible and the alleged delay would hardly be of any help to the case of the accused.

65. Learned Special Public Prosecutor would contend that preferring one after another several applications by the accused has contributed to the delay. In this regard learned Special Public Prosecutor relied upon a Judgment of the seven Judge Bench of Hon'ble Supreme Court reported in

**(2002) 4 Supreme Court Cases 578**

**P. RAMACHANDRA RAO**

**Versus**

**STATE OF KARNATAKA**

*Wherein the Hon'ble Supreme Court held that it must be left to the judicious discretion of the court seized of an individual case to find out from the totality of circumstances of a given case if the quantum of time consumed up to a given point of time amounted to violation of Article 21, and if so, then to terminate the particular proceedings, and if not, then to proceed ahead. The test is whether the proceedings or trial has remained pending for such a length of time that the inordinate delay can legitimately be called oppressive and unwarranted, as suggested in A.R.Antulay. The dictum in A.R. Antulay case, (1992) 1 SCC 225 is correct and still holds the field.*

A.C.M.M. (E.O.I)

*The propositions emerging from Article 21 of the Constitution and expounding the right to speedy trial laid down as guidelines in A.R. Antulay case adequately take care of right to speedy trial. However, the guidelines laid down in A.R. Antulay case are not exhaustive but only illustrative. They are not intended to operate as hard – and – fast rules or to be applied like a straitjacket formula. Their applicability would depend on the fact situation of each case. It is difficult to foresee all situations and no generalization can be made.*

**66.** In the present case, several applications under the provisions of Cr.P.C. had been filed by the accused one after another in succession. It was observed by the Hon'ble High Court in one of the criminal revision petition filed by one of the accused arrayed in the complaint. The observation of Hon'ble Madras High Court with regard to the aforesaid aspect deserves much consideration. The 12<sup>th</sup> accused Hema Mohnot had filed two discharge application before this Court and on dismissal of application had filed revision before the Hon'ble Madras High Court. The 1<sup>st</sup> application against the order of this Court in CrI.MP 1389/2003 was dismissed by the Hon'ble High Court on 30.06.2020. It is a reported Judgment, reported in

**(2006) 205 CTR Madras 418,**

**Hema Mohnot**

**Vs**

**State through Chief Commissioner of Income Tax**

A.C.M.M. (E.O.I)

*Wherein the Hon'ble Madras High Court pointed out the Docket Order of this Court and the docket order was excerpted therein and observed that no further progress was made in view of the Bilable warrants pending against A2 to A5. The main case was split up for the absence of A18 to A20 by order dated 29.04.1988 and the number is EOCC 304/1988. The case was again split up as A2 to A5 and A8 to A11 were absconding and NBW's were pending in EOCC No. 200/2002. A19 whose case was split up and renumbered as EOCC.No. 304/1998 along with A18 and A20 moved this Court and filed Crl.O.P.No. 5124 of 2002 for quashing of the complaint. A19 who absconded first as early as on 12.04.1988 had caused delay of 6 years and 5 months by his absence and moving petitions before this Court to recall NBWs. The petitioner, A12 filed petition for discharge under Section 245 Cr. P.C. and the trial court has passed the impugned order dated 18.07.2003 dismissing the petition. Though the prosecution closed its preliminary evidence on 11.11.1987 and in spite of the order passed by the trial court, directing A1 to A20 to be present for questioning under Section 313(1) Cr.P.C., the case could not be progressed for the reasons listed in the above table supra.*

**67.** The learned Special Public Prosecutor has also relied upon the revision petition filed by 12<sup>th</sup> accused Hema Mohnot wife of 1<sup>st</sup> Accused. The revision was filed against the dismissal of the 2<sup>nd</sup> discharge application by this Court. The Hon'ble High Court dismissed the revision petition and held that this petitions are being filed only to protract the proceedings. It is a case report in

**(2013) 38 taxmann.com 406 (Madras)**

**HIGH COURT OF MADRAS**

**Hema Mohnot**

**Vs**

**State By Chief Commissioner ( Administration)**

*"Wherein the Hon'ble Madras High Court held that as rightly held by the learned Special Public Prosecutor, revisions of this nature are filed only to protract the proceedings. Crl. M.P. Nos. 3409, 3412, 3679, 3695, 3711 and 3879 of 1985 filed by various accused persons have been dismissed by this Court and the same is reported in Kumudini Subhan Vs. Chief Commissioner (Admin) (1992) 198 ITR 390 (Madras). The revision petitioner herein also filed Crl. M.P. Nos. 4181 of 1988. Her mother – in – law, A-11 also filed Crl. M.P. No. 6457 OF 1988. Both the Crl. M.Ps were also dismissed by this Court, which is also reported in (1992) 198 ITR 410 Vs Chief CIT (Admin.) (1992) 195 ITR 72 (Madras). The main criminal original petitions in Crl. O.P. Nos. 9363 of 1989, 7683 of 1991 and 8990 of 1993, filed by A6, A13 and A19 respectively were also dismissed by this Court with a direction to the trial court to dispose of the case expeditiously. Though this direction was issued in the said order as on January 12, 1994, the stalemate continues and one after another petitions are filed to protract the proceedings. It is now by A12. The contentions raised by A12 now had already been raised by her in Crl. M.P. No. 4181 of 1988 and the same has been dismissed by this court (see Hema Mohnot v. State by Chief CIT*

A.C.M.M. (E.O.I)

*(Admin.) (1992) 198 ITR 410 (Madras). Again and again such kind of petitions are filed by the accused at different forums on the same grounds and the purpose could be only to protract the proceedings. This is a classic example as to how the criminal case could be protracted for several decades.*

**68.** The accused herein are making effort to take advantage of their own delay. Having failed to get discharge, the wife of the 1<sup>st</sup> accused, Hema Mohnot had absconded. His father the 3<sup>rd</sup> accused, his mother the 11<sup>th</sup> accused and his brother 4<sup>th</sup> and 5<sup>th</sup> accused are at large. Their names were split up and new numbers were assigned to the split up cases. Even from the very beginning his wife, brothers of accused who are 4<sup>th</sup> and 5<sup>th</sup> accused 9<sup>th</sup>, 10<sup>th</sup>, 13<sup>th</sup>, 18<sup>th</sup> accused and 20<sup>th</sup> accused had failed to submit them for interrogation by the investigation officer. Summons sent to the 13<sup>th</sup> accused has been marked as Ex.P. 163, Ex.P. 164 dated 28.08.1984 is a summon sent to the 20<sup>th</sup> accused. They have not shown any inclination to co-operate with the investigation. It had not evoke any response from the aforesaid accused. However the 1<sup>st</sup> accused had sent a reply Ex.P. 165 on 31.08.1984 to PW1 seeking refreshing appearance. scant disregard for the authorities displayed.

**69.** Here, the length of proceeding is manifestly excessive. No doubt a long period of 37 years. Complexity of the present case and the attitude and behavior of the accused also to be taken note of. Whether the attitude and behavior of the accused had contributed to the delay has to be taken into consideration. In the present case, as contended by the learned Special Public Prosecutor, contribution of the accused for

A.C.M.M. (E.O.I)

the delay is immense.

**70.** Once the Court take cognizance of a case, it is the bounden duty of all the accused to appear regularly for trial. But in the present case, it is conspicuously absent. Several accused had absconded one after another in succession. Perusal of the Court records would disclose that the case was Split up on various occasion as EOCC 304/1988, 68/2010, 127/2010, 301/2011, 200/2002. Even the Wife, Mother and other brothers of 1<sup>st</sup> accused who have been arrayed as accused are at large. Warrants issued by the Court remained unexecuted as their whereabouts are not known. So at the instance of Special Public Prosecutor, the case was split up by this Court on 4 occasion. Manifestly the method followed by several accused is to abscond and to remain untraceable for a long time. Once the case is split up and proceeded with, the other accused would abscond thereby hampering the trial. Causing such hindrance has to be totally attributed to the accused. So the inordinate delay would hardly be of any help to the accused to get absolved from liability. The prosecution had completed the examination of witness well before 1987. The delay is solely on account of the attitude of one or other accused.

**71.** It is the contention of the learned counsel for the 1<sup>st</sup> accused that the case has been falsely foisted against the accused No1 as the complainant said to have a grudge against the Accused No. 1 and to take revenge all his employees are alleged to have been implicated. The oral evidence of PW1 admitting a quarrel with the brother of 1<sup>st</sup> accused while PW1 went to the premises of 1<sup>st</sup> accused has been pointed out in this

A.C.M.M. (E.O.I)



regard. Altercation may be true but no evidence forthcoming to prove that PW1 had gone to the residential premises of PW1 prior to the date on which the search was conducted. So the theory that enraged by the quarrel, a false case had been filed is quite incredible.

72. Ample evidence has been placed before this court to substantiate that the 1<sup>st</sup> accused an Income Tax practitioner had conspired with the employees 14<sup>th</sup> and 15<sup>th</sup> accused and in furtherance of conspiracy had traced the signature of Jackpot winners from the Registers and counter foils of duplicate TDS certificate. The prosecution has filed counter foils wherein the signature of Jackpot winners could be found. Ex.P. 22 document is of paramount importance. It is an enclosure with 13 small slips of traced signature of several Jackpot winners. It was seized from the locker owned by the 4<sup>th</sup> accused for which the 1<sup>st</sup> accused is the ostensible Owner. He is the one who had handled the locker bearing No27. Cheque Books, Passbooks, paying in challan concerned with spurious accounts in the name of Jackpot Winners were seized from the locker. Letter pad of fictitious concerns, paying in slips for opening fictitious account, were found therein. 2<sup>nd</sup> page of internal audit objection memo issued by the officials pertaining to assessment order passed in respect of M/s Babu & Co was concealed inside the locker. No explanation from the accused with regard to possessing official document which belongs to the Income Tax Department. Day Book and ledger were maintained and fake entries were made pertaining to the Bogus firms and fake companies. The entries in Day book and ledger relates back to 1979 –

A.C.M.M. (E.O.I)

1980 assessment year.

**73.** Manager of the papers stationery mart from where the ledger and Day Book were purchased had been examined as PW61. He has categorically stated that Ex.P. 72 and Ex.P. 73 registers were not released before 1980-1981. He had also sent Ex.P. 184 letter in the regard. So obviously account were manipulated. Search and seizure conducted by PW1 is said to be not in accordance with law. It is said to be a flawed one. But available evidence proved otherwise. PW1 with a search warrant issued by his higher official had gone to the residential premises and had searched and seized the premises in the presence of witnesses and panchanama had been prepared attested by witnesses and thereby a copy issued to the 1<sup>st</sup> accused. Learned defence counsel would contend that PW1 had seized documents not connected with the case and the documents could be retrieved only by filing a Writ Petition before the Hon'ble High Court. The order in W.P.No. 4686/1984 and the communication made subsequently by the 1<sup>st</sup> accused in this regard to PW1 has been marked as Ex.D1 to D4 respectively. Here it has to be emphasized that a scandal was unearthed. It is not a one off case. So prompt segregation would be highly impossible. It would not Perse render the search and seizure illegal.

**74.** Still further, learned defence counsel would contend that the 1<sup>st</sup> accused was not given opportunity to compound the offence. However, no evidence forthcoming to show that the accused had ever filed compounding application. So the contention on this aspect is quite incredible. The 1<sup>st</sup> accused had conspired with 2 of the employees

A.C.M.M. (E.O.I)

of the Madras Race Club who are the 14<sup>th</sup> and 15<sup>th</sup> accused and by playing fraud, he obtained either Duplicate or Original T.D.S. certificate of Jackpot winners and the way in which he obtained these documents were highly deceptive. He had filed false returns with dubious details. Every documents enclosed with the returns were fake and fabricated. He had filed false affidavits of assesses shown to be sworn before him. The conduct of 1<sup>st</sup> accused was quite appalling. The witnesses who are the Jackpot winners for whom the 1<sup>st</sup> accused had filed return has categorically denied any acquaintance with the 1<sup>st</sup> accused and denied engaging himself to file return and also they denied the signature in the false account submitted by the 1<sup>st</sup> accused. Suggestion putforth to a witness that he had engaged P.P. Das & Co to file return would hardly be of any help and also the contention that 1<sup>st</sup> accused obtained signature from 2 assesses to file return is quite incredible. If any of the witnesses had ever engaged the 1<sup>st</sup> accused, then they would not have filed return of income earlier. In most of the cases, earlier to the filing of return with false accounts by the 1<sup>st</sup> accused, assessment proceeding was completed and refund was granted to the assessee by the Income Tax officers of different circle and Jurisdiction. 1<sup>st</sup> accused had cunningly filed return in different zones by furnishing fake address to the assessee. In some cases, he had filed belated return after gathering all false documents. As per the case of prosecution, Original file of one Babu Chettiyar was found in the residential premises while during search. The said document is in the Court file but not marked by the prosecution. A statement of 1<sup>st</sup> accused and his brother was

A.C.M.M. (E.O.I)

recorded in this regard. The 1<sup>st</sup> accused confessed to have obtained the Original file for taking copies. Likewise, he admitted to have filed return for the witness Manickam. Their statements are marked as Ex.P. 7, Ex.P. 10, Ex.P. 11 respectively. No prompt retraction. It is not the case that the statement was given under coercion. Statement was recorded initially under the provisions of Income Tax Act pertaining to the substantial offence. Subsequently Commission of IPC offences unearthed and IPC offences were clubbed together. After clubbing IPC offences, no further statement of the 1<sup>st</sup> accused was recorded. The earlier statement of the accused has evidentiary value and it is substantive piece of evidence.

75. No personal grudge established to implicate the accused. The contention that the case has been foisted to wreck vengeance by PW1 is quite incredible. No ill will or motive established. It is not a shoddy investigation as contended. In fact, investigation was conducted by PW1 with meticulous care. For the foregoing reasons this court comes to the irresistible conclusion that the prosecution has proved the case beyond reasonable doubt against the 1<sup>st</sup> accused as well as 15<sup>th</sup> accused. Ample evidence has been placed before this court to substantiate that there was conspiracy and in furtherance of Conspiracy both the accused had committed all the offence which are discussed above. So far as the other accused or concerned, the complicity in the crime has not been established. So that they are entitled for acquittal.

76. Both the accused were questioned regarding the sentence u/s.248 (2) of Cr.P.C. They pleaded that,

A.C.M.M. (E.O.I)

**1<sup>st</sup> accused Mohnot.**

*"I am regularly attending the court for 36 years and faced the ordeal of Trial. I am a Chronic Diabetes patient and having a High blood pressure and need to take medications through out my life. My wife is dependent on me and i need to take care of her. I have not committed any offence as alleged by the prosecution. I have done my duty as per the rules of Income Tax Act and I pray for leniency while awarding sentence."*

**3<sup>rd</sup> accused (15<sup>th</sup> accused) Sundarraj**

*"I am innocent, not committed any offence. I am aged about 63 years old, Moreover, heart patient. So I pray leniency in this case kindly consider to reduce the sentence"*

77. Both the accused pleaded leniency citing their age, sickness and long pendency of the case. Here the 1<sup>st</sup> accused misused his profession and in connivance with other accused had obtained pecuniary advantage and caused the Government exchequer a huge loss. 1<sup>st</sup> accused who is a person of higher social strata has indulged in such activity of committing offence against the state which has to be viewed seriously. No mitigating circumstances. Accused themselves contributed for the delay. Anyhow, this court is inclined to impose punishment proportionate to the gravity of the offence committed by the accused.

78. In the result, the 1<sup>st</sup> accused Mohnot and 3<sup>rd</sup> accused Sundarraj **(A.15)** are found guilty for the commission of offence u/s. 277 of Income Tax Act r/w 120 (b) of IPC

A.C.M.M. (E.O.I)

and Sentenced to undergone rigorous imprisonment for 4 years each and shall pay a fine of Rs. 1,00,000/- (One Lakh only) each and in default to undergo S.I for 3 months each.

The 1<sup>st</sup> and 3<sup>rd</sup> (A.15) accused are found guilty for the commission of offence u/s. 468 of IPC and Sentenced to undergone rigorous imprisonment for 3 years each and shall pay a fine of Rs. 5,000/- (Five Thousand Only) each and in default to undergo S.I for 3 months each .

The 1<sup>st</sup> and 3<sup>rd</sup> (A.15) accused are found guilty for the commission of offence u/s. 419 of IPC and Sentenced to undergo rigorous imprisonment for 2 years each and shall pay a fine of Rs. 5,000/- (Five Thousand Only) each and in default to undergo S.I for 3 months each.

The 1<sup>st</sup> and 3<sup>rd</sup> (A.15) accused are found guilty for the commission of offence u/s. 420 of IPC and Sentenced to undergo rigorous imprisonment for 3 years each and shall pay a fine of Rs. 5,000/- (Five Thousand Only) each and in default to undergo S.I for 3 months each .

The 1<sup>st</sup> accused is found guilty for the commission of offence u/s. 277 of Income Tax Act and Sentenced to undergo rigorous imprisonment for 4 years and shall pay a fine of Rs. 4,00,000/- (Four Lakhs Only) and in default to undergo S.I for 3 months.

Total Fine amount Rs.6,30,000/- (Six Lakhs Thirty Thousand Only)

A.6, A.17 and A.19 are not found guilty.

A.C.M.M. (E.O.I)

The offence u/s. 201, 380 and 511 of IPC are not proved.

The punishment imposed shall run concurrently. The period of detention undergone by the accused if any is hereby set of u/s. 428 of Cr.P.C

**Property order:**

Nil

*//Dictated to the Stenographer transcribed by him and then corrected and pronounced by me in open court on this the 04<sup>th</sup> day of December 2020//*

Addl. Chief Metropolitan Magistrate (E.O.I),  
Egmore, Chennai-08.

**Prosecution side witnesses**

01. Pw.1 Tr. S. Sendamarai Kannan, Assistant Director of Income Tax (Inspection)
02. Pw.2 Tr. M. Manickam, Jackpot winner
03. Pw.3 Tr. Alladi Krishnamurthy, Practising Advocate on the Income Tax Side.
04. Pw.4 Tr. E. Panner Selvam, Charttered Accountant.
05. Pw.5 Tr. N.M. Nagarajan, Jackpot winner.
06. Pw.6. Tr. K.N. Subbiah, Jackpot winner
07. Pw.7 Tr. N.M.Hasan Kuthoose, Jackpot winner.
08. Pw.8 Tr. A. Subramanian, Jackpot winner.
09. Pw.9 Tr. T.C. Velu, Income Tax Inspector.
10. Pw.10 Tr. G.S. Kurup, Assistant Director of Inspection, Income Tax, Trivandrum.
11. Pw.11 Tr. S. Natesan, Jackpot winner.
12. Pw.12 Tr. S. Sridharan, Tax Assistant of the CIT, Madras.

A.C.M.M. (E.O.I)

13. Pw.13 Tr. S. Subramani, Jackpot winner
14. Pw.14 Tr. R.S. Mani, Chartered Accountant
15. Pw.15 Tr. V. Hemachalam, Stamp Vendor
16. Pw.16 Tr. Father A. Inniah, Parish Priest.
17. Pw.17 Tr. K.C Rajabather, Principal of Tagore Higher Secondary School,  
Tindivanam
18. Pw.18 Tr. D. Radhakrishnan
19. Pw.19. Tr. Giridhar Gopal, Special Assistant In UCO Bank, Purasawakkam
20. Pw.20. Tr.Gopal Das Dage. Search witnesses
- 21.Pw.21. Tr. Udhya Kumar Francis, Search witnesss
- 22.Pw.22. Tr.Srinivasan, Retd. I.T.O.
23. Pw.23. Tr.Jayachandran, Jackpot winner
24. Pw.24. Tr.Vijaya Narasimman, I.T.O. of Special survey circle.
25. P.w25. Tr.R. Ranganathan, I.T.O
26. Pw.26 Tr.Samy Subramaniam, I.T.O
27. Pw.27. Tmt. Adhilakshmi Iyasundaram I.T.O, Direct Refund Circle, Madras.
28. Pw.28. Tr.Ramanatha Rao, I.T.O
29. Pw.29. Tr.Ramanath Saga, I.T.O IV (10)
30. Pw.30. Tr. D.P. Rao, I.T.O City Circle V (5), Madras
31. Pw.31. Tr.S.S. Narayanan, Accountant Canara Bank, Kellys.
32. Pw.32. Tr. Radha Krishnan, Zonal Account officer, Kerala zone.



33. Pw.33. Tr. Manohar, Manager, Bank of Rajasthan Limited, Madras.
34. Pw.34. Tr. Lokaiyah, I.T.O, City Circle-IV (7).
35. Pw.35. Tr. Gurunathakrishan, I.T.O. City Circle-I (6).
36. Pw.36. Tr. Gnanaiyah, I.T.O, City Circle-III (10), Madras
37. Pw.37. Tr.Abdul Aseem, Assistant Secretary of Madras Race Club.
38. Pw.38. Tr. Sagal Chand Jain
39. Pw.39. Tr. K. Dharmalingam Chetty,
40. Pw.40. Tr. Rahman
41. Pw.41. Tr.N. Srinivasan, Assistant Director of Inspection. (Investigation)
42. Pw.42. Tr.L. Srinivasan, Assistant Director of Inspection. (Investigation), Madras.
43. Pw.43. Tr. Arjuan, Inspector of Chits, in the cadre of Sub- Registrar of Registration Dept.
44. Pw.44. Tr. Parthasarathy I.T.O. Circle-I (1), Kanchipuram.
45. Pw.45. Tr. Manickavasagam, I.T.O. Circle-I (2), Villupuram.
46. Pw.46. Tr. Ramasubbu, Attesting witness of Ex.P.14
47. Pw.47. Tr. Ramakrishnan, Assistant Director Forensic Science Dept.
48. Pw.48. Tr. Vijayu Chandran, I.T.O, Survey Circle, Bombay.
49. Pw.49. Tr. C.R.P. Menon, Income Tax officer (B.S.T. East Bombay)
50. Pw.50. Tr. Hemlatha Amarlal
51. Pw.51. Tr.Purushothaman, Jackpot winner.
52. Pw.52. Tr.Sathyanathan, D- ward, Trivandrum.

53. Pw.53. Tr. P.C. John Chacho, I.T.O. D-ward. Trivandrum.
54. Pw.54. Tr.V. Srinivasan, Service Manager, Bank of Baroda.
55. Pw.55. Tr.Francis, Retd. Inspector of Telephones.
56. Pw.56. Tr.T.M. Subramaniam, jackpot winner
57. Pw.57 Tr. J. Muththan, Tax Practitioner.
58. Pw.58 Tr.Sankara Narayanan, I.T.O
59. Pw.59 Tr. Bhagavan Das, Financier.
60. Pw.60 Tr. Yogesh kUmar Deora,
61. Pw.61 Tr. Jagadeesan, Manager of Subramania Pillai paper and stationery mart.
62. Pw.62. Tr. Srinivasa Rajan, I.T.O, Karaikkudi.
63. Pw.63. Tr.Chandra Kesavalu, I.T.O, Kanchipuram.
64. Pw.64. Tr. Koteswaran, Officer of State Bank of India, Ennore Branch.
65. Pw.65. Tr.Sham Prasad, Manager, Canara Bank, Broadway, Madras.
66. Pw.66. Tr.Nagarajan I.T.O City Circle-VII (8)
67. Pw.67. Tr.Muthurajan, Inspector of I.T.
68. Pw.68. Tr.S. Srinivasan I.T.O, Circle-I (1), Villupuram.
69. Pw.69. Tr. Venkatarajan, Zonal Accounts Officer.

**Prosecution side Documets:**

Ex.P.1 25.11.1983 Photo state copy of Search warrant issued by Commissioner of Income Tax to Senthamarai Kannan search the business premises of 1<sup>st</sup> accused Mohnot.

A.C.M.M. (E.O.I)

- Ex.P.2 25.11.1983 Photo state copy of Search warrant issued by Commissioner of Income Tax to L. Srinivasan search the residential premises of 1<sup>st</sup> accused Mohnot.
- Ex.P.3 25.11.1983 Photo state copy of Search warrant issued by Commissioner of Income Tax to Gurunatha Krishnan search the Bank Locker of A.4 in the Bank of Rajasthan.
- Ex.P.4 26.11.1983 Panchanama drawn by Pw.1 while during search of residential premises of 1<sup>st</sup> accused Mohnot.
- Ex.P.5 26.11.1983 Statement of Hema Mohnot.
- Ex.P.6 26.11.1983 Statement of A.9 Anjay Mohnot.
- Ex.P.7 26.11.1983 Another Statement of A.9 Anjay Mohnot pertaining to M.O.1 file seized.
- Ex.P.8 26.11.1983 Letter of Search witness Giridhara Gopal
- Ex.P.9 26.11.1983 Letter of Search Witness Shamsul Aribin
- Ex.P.10 26.11.1983 Statement of 1<sup>st</sup> accused Mohnot at his residence.
- Ex.P.11 26.11.1983 Sworn statement of 1<sup>st</sup> accused Mohnot in his office.
- Ex.P.12 26.11.1983 Statement of 4<sup>th</sup> accused Sanjay Prakash
- Ex.P.13 26.11.1983 Panchanama drawn for search of office premises
- Ex.P.14 26.11.1983 Panchanama drawn in search of locker of 4<sup>th</sup> accused Sanjay Prakash Jain
- Ex.P.15 24.01.1984 2<sup>nd</sup> statement of 4<sup>th</sup> accused Sanjay Prakash
- Ex.P.16 24.01.1984 3<sup>rd</sup> statement of 1<sup>st</sup> accused regarding content of locker.
- Ex.P.17 24.01.1984 Panchanama for emptying the locker
- Ex.P.18 24.01.1984 Panchanama with annexure for seizure at A.1 residence of the contents of locker.

A.C.M.M. (E.O.I)

Ex.P.19 22.02.1982 Application of 4<sup>th</sup> accused to the Bank for allocation of locker.

Ex.P.20 26.04.1982 Letter of Authority by A.1 accused to A.1 to operate locker number 17 submitted to the Bank of Rajasthan

Ex.P.21 19.08.1982 21 series of small envelopes.

Ex.P.22 - Enclosures with 13 slips of traced signature of Race winners.

Ex.P.23 18.02.1982 Cash receipt dated 18.02.1982 for Rs. 2,000/- signed by 16<sup>th</sup> accused Dhanalakshmi.

Ex.P.24 20.03.1982 Cash receipt dated 18.02.1982 for Rs. 4,182/- signed by 16<sup>th</sup> accused

Ex.P.25 Saving Passbook of Purushothaman with Trivandrum Co-operative urban Bank Limited.

Ex.P.26 Cheque Book in the name of Purushothaman.

Ex.P.27 Saving Passbook of Bellie with Trivandrum Co-operative urban Bank Limited.

Ex.P.28 Cheque Book in the name of Bellie

Ex.P.29 Cheque Book of Bank of Baroda Purasawalkam in the name of M. Rajan.

Ex.P.30 Current account Passbook with Canara Bank in the name of P.P. Das and Sons.

Ex.P.31 Cheque Book in the name of firm P.P. Das and Sons

Ex.P.32 Savings Bank account bearing no. 1176 in the Bank of Rajasthan, Sunkurama chetty Street in the name of 10<sup>th</sup> accused Prakash Chand Jain.

Ex.P.33 Cheque Book in the name of 10<sup>th</sup> accused Prakash Chand Jain to A/c. No.1176.

Ex.P.34 Blank printer letter heads series (31 sheets).

Ex.P.35 Blank General Stamp paper (68 sheets)

Ex.P.36 Blank cover written as Cheque books and Passbooks

Ex.P.37 01.10.1982 Paying in slip to open Ex.P.25 current account in the name of Purushothaman

Ex.P.38 01.10.1982 Bank instruction of I.T refund voucher for a sum of Rs.6,487/- to Purushothaman

Ex.P.39 Paying in slip for opening Ex.P.27 current account in the name of witness Bellie

Ex.P.40 01.10.1982 Intimation receipt by Bank to Bellie

Ex.P.41 Internal Audit report of I.T. Department in respect of Nagasubbiah and Company and Babu and Company.

Ex.P.42 - Blank Cheques Canara Bank signed by Srinivasan.  
(Series 4)

Ex.P.43 Cheque leaf relating to Ex.P.33 Cheque Book in the name of Prakash Chand Jain.

Ex.P.44 13.05.1983 Counterfoil of paying in Challan of Ex.P.32 Account.

Ex.P.45 26.05.1983 Counterfoil of paying in Challan of Ex.P.32 Account.

Ex.P.46 07.11.1988 Counterfoil in respect of Ex.P.30 current account in the name of P.P. Das and Company.

Ex.P.47 20.01.1982 Counterfoil in respect of Ex.P.30 current account.

Ex.P.48 20.01.1982 Cheque issued by P.P. Das and Sons

Ex.P.49 - Request of Cheque book in Ex.P.30 P.P.Das and Sons current account

Ex.P.50 - Undated 3 blank Cheques of Ex.P.28 current account of Bellie.  
(series 3)

- Ex.P.51 - Cover with Hotel Lusiya Continental East Fort, Trivandrum.
- Ex.P.52 1980-1981 Bogus Salary certificated issued to witness Jeyachandran
- Ex.P.53 31.03.1980 Statement of Income for witness Jeyachandran
- Ex.P.54 18.05.1982 Office copy of covering letter dated 18.05.1982 in respect of filing return for Jeyachandran.
- Ex.P.55 - Acknowledgment for submission of return to Jeyaraman before SC-II (4) bearing no. 00931.
- Ex.P.56 - Acknowledgment of submission of I.T return to Jeyachandran bearing no. 13671
- Ex.P.57 31.03.1980 Statement of Total income of the Assessee Jeyachandran
- Ex.P.58 31.03.1980 Breaking of Expenses of witness Jeyachandran
- Ex.P.59 - Saving Bank Passbook in the witness P.V. Subramanian
- Ex.P.60 - Counterfoils of cheque book of Asoka Traders with Bank of Rajasthan Limited.
- Ex.P.61 31.03.1983 Slips and vouchers for travelling to Villupuram.
- Ex.P.62 18.07.1982 Air Tickets for travel to Trivandrum by 8<sup>th</sup> accused M.A. Subhan
- Ex.P.63 25.09.1982 Air Tickets for travel to Trivandrum by the 1<sup>st</sup> accused Mohnot.
- Ex.P.64 25.09.1982 Air Ticket for travel from Trivandrum to Madras
- Ex.P.65 02.09.1982 Air Ticket of A.8 Subhan from Madras to Trivandrum
- Ex.P.66 22.09.1982 Air Ticket for travel from Madras to Trivandrum by 1<sup>st</sup> accused Mohnot.
- Ex.P.67 11.10.1982 Air Ticket for travel from Trivandrum to Madras by 1<sup>st</sup> accused Mohnot and 8<sup>th</sup> accused Subhan.

- Ex.P.68 22.10.1982 Air Ticket for travel from Trivandrum to Madras by A1 and A.8 accused.
- Ex.P.69 18.07.1982 Air Ticket for travel from Trivandrum to Madras by A.1
- Ex.P.70 25.09.1982 Luziya Hotel bill  
(series)
- Ex.P.71 22.02.1983 Paying bill of A/c. 526 of Asoka Traders.  
(series 38)
- Ex.P.72 - Day book pertaining to Accounting year 1978-1979
- Ex.P.73 Ledger for the accounting year 1978-1979
- Ex.P.74 Day book pertaining to the year 1978-1979
- Ex.P.75 Ledger for the accounting year 1978-1979
- Ex.P.76 23.09.1983 Cheque drawn by 1<sup>st</sup> accused 23.09.1983 of Asoka Traders
- Ex.P.77 25.02.1983 Hand written Home notes
- Ex.P.78 31.03.1983 Original refund order of Witness Manickam
- Ex.P.79 11.02.1982 Application to the Madras Race Club for issuance of Duplicate T.D.S purported to have been signed by Manickam.
- Ex.P.80 I.T. return of Manickam.
- Ex.P.81 I.T. return of K.A. Dharmalinga Chettiyar.
- Ex.P.82 23.02.1982 Paying bill collection obtained from Canara Bank
- Ex.P.83 25.02.1982 Paying bill collection obtained from Canara Bank
- Ex.P.84 07.11.1981 Bankers Extract of current account of P.P. Das and Sons
- Ex.P.85 27.02.1982 Cheques signed and received by A.4.

- Ex.P.86 20.02.1984 Statement of Witness Manickam
- Ex.P.87 Photograph of Witness Manickam with signature
- Ex.P.88 09.03.1984 Statement of Maniklal Jain
- Ex.P.89 12.03.1984 Statement of witness S.R.Jain
- Ex.P.90 28.02.1984 Statement of 1<sup>st</sup> accused Mohnot recorded by Pw.1 Senthamarai Kannan
- Ex.P.91 27.05.1979 Copy of T.D.S certificate issued to witness Manickam.
- Ex.P.92 Income Tax file of Jeyachandran
- Ex.P.93 16.06.1979 Temporary T.D.S certificate to witness Jeyachandran
- Ex.P.94 30.03.1982 Application to issue duplicate T.D.S. for witness Jeyachandran
- Ex.P.95 I.T return filed in the name of Jeyachandran by 1<sup>st</sup> accused Mohnot.
- Ex.P.96 Receipt register for Tax return maintained by Income Tax Office
- Ex.P.97 I.T return file of witness Jeyachandran
- Ex.P.98 Original sheets from the arrival register maintained by Hotel Luziya Continental, Trivandrum
- Ex.P.99 19.11.1984 Letter addressed by Kurup A.D.I Intelligence to Pw.1
- Ex.P.100 - I.T file for the assessment year 1980-1981 filed before I.T.O, Villupuram to the partnership firm Hasan and Co.
- Ex.P.101 - File pertaining to the Income Tax return of the firm Hasan and Company for the assessment year 1981-1982
- Ex.P.102 30.07.1984 Sworn statement of witness Natesan
- Ex.P.103 - Signed Photograph of the witness Natesan
- Ex.P.104 21.07.1984 Sworn statement of witness Hasan Kuthose



- Ex.P.105 - Signed Photograph of the witness Hasan Kuthose
- Ex.P.106 30.07.1984 Sworn statement of Witness A. Subramaniam
- Ex.P.107 25.07.1984 Sworn statement of witness S. Subramaniam
- Ex.P.108 - Signed Photograph of the witness A. Subramaniam
- Ex.P.109 - Signed Photograph of the witness S. Subramaniam
- Ex.P.110 15.03.1982 Assessment order of Witness M.M. Hasan Kuthose for the assessment year 1979-1980
- Ex.P.111 01.04.1981 Assessment order for the accounting year ending 1979-1980 of witness A. Subramaniam
- Ex.P.112 24.06.1980 Assessment order of witness Natesan for the accounting year 1979-1980
- Ex.P.113 27.09.1982 File of I.T return for the witness S. Subramaniam before I.T.O salary Circle B-Ward Tindivanam.
- Ex.P.114 25.09.1982 Letter of A.1 to Race Club Seeking duplicate T.D.S for Hasan Kuthose
- Ex.P.115 02.04.1982 Letter purported to have been signed by S.Subramaniam addressed to Race Club seeking duplicate.
- Ex.P.116 22.09.1983 Letter purported to have been signed by A.Subramaniam addressed to Race Club seeking duplicate.
- Ex.P.117 28.09.1983 Reminder letter to Race Club for issuance of duplicate T.D.S certificate.
- Ex.P.118 30.08.1983 Cheque drawn by on Jayapal from the Bank account of 12<sup>th</sup> accused
- Ex.P.119 01.04.1982 Cheque drawn by on Jayapal from the Bank account of 12<sup>th</sup> accused

Ex.P.120 01.04.1983 Request letter address to Race Club Madras to issue duplicate T.D.S for S. Natesan.

Ex.P.121 14.01.1979 Temporary T.D.S issued Madras Race Club to Hasan Kuthose.

Ex.P.122 01.05.1979 Temporary T.D.S issued Madras Race Club to A. Subramaniam

Ex.P.123 12.05.1983 Documents seized in A.1 residence.  
(series 6 Nos.)

Ex.P.124 13.05.1980 Refund order to T.M. Subramaniam.

Ex.P.125 21.05.1982 Letter to Madras Race Club purported to have been signed by witness T.M. Subramaniam seeking duplicate T.D.S.

Ex.P.126 - I.T file are assessment year 1980-1981 purported to be for witness T.M. Subramaniam.

Ex.P.127 29.10.1983 Application of opening S.B. Account in the name of T.M. Subramaniam in Bank Of Thanjavur, Egmore.

Ex.P.128 29.10.1983 Bankers part of the remittance challan of T.M. Subramaniam Savings Bank Account

Ex.P.129 29.10.1983 Bankers Part of bill collection challan

Ex.P.130 09.11.1983 Withdrawal slip purporting to be signed by T.M. Subramaniam for withdrawal.

Ex.P.131 07.04.1984 Letter written by Pw.1 to T.M. Subramaniam

Ex.P.132 14.04.1984 Reply received from T.M. Subramaniam

Ex.P.133 01.09.1984 Letter address to Income Tax practitioner J. Muthan

Ex.P.134 08.09.1984 Reply by Income Tax Practitioner

Ex.P.135 14.09.1984 Letter from Principal K.C. Rajabother to Pw.1 Sendhamarai Kannan

Ex.P.136 15.12.1982 Counterfoils of Temporary T.D.S issued to M.Rajan

- Ex.P.137 12.03.1983 Letter purported to have been written by M. Rajan furnishing A.19 address.
- Ex.P.138 06.04.1984 Report by A.C.Joseph, Income Tax Inspector
- Ex.P.139 - M. Rajan purported to have been signed by M. Rajan for the assessment year 1983-1984
- Ex.P.140 01.10.1983 Application for opening of S.B. Account in the name M. Rajan before Bank of Baroda.
- Ex.P.141 - Application for opening of Account in the name of 10<sup>th</sup> accused.
- Ex.P.142 04.10.1983 Collection challan pertaining to S.B. Account No. 6589
- Ex.P.143 08.10.1983 Self cheque drawn for Rs. 45,000/- by Rajan on 10.08.1983
- Ex.P.144 10.10.1983 Cheque drawn for Rs. 3,690/- issued to 12<sup>th</sup> accused.
- Ex.P.145 29.03.1984 Sworn statement of Bank Manager, Bank of Baroda, Purasawalkam Branch.
- Ex.p.146 11.04.1984 Sworn statement of A.L. Noorjagan
- Ex.P.147 16.04.1984 Statement of A.10 pertaining to Ex.P.140 application for opening account.
- Ex.P.148 26.09.1984 Statement of Notary Public D. Radhakrishnan
- Ex.P.149 27.09.1984 Letter from Pw.1 to 1<sup>st</sup> accused directing him to produce the witness Rajan.
- Ex.P.150. 11.10.1984 Reply by 1<sup>st</sup> accused to Pw.1 Sendhamarai Kannan.
- Ex.P.151. 28.08.1984 Summons to Rajan by Pw.1
- Ex.P.152 Unserved postal returned cover
- Ex.P.153 Unserved postal returned cover

Ex.P.154 Unserved postal returned cover

Ex.P.155 20.10.1984 Letter sent to St.Andrew Catholic Church by Pw.1 Sendhamarai Kannan

Ex.P.156 25.10.1984 Reply by the St. Andrew Catholic Church to the Assistant Director Inspection.

Ex.P.157 26.07.1984 Report by the Inspector Muthurajan

Ex.P.158 26.07.1984 Letter from M.A. Raguman owner of D.No.13, Grama Street, Madras.

Ex.P.159 I.T file pertaining to assessee S. Srinivasan filed by 1<sup>st</sup> accused

Ex.P.160 27.04.1984 Letter of the Bank Manager of Canara Bank, Kellys Branch, Madras.

Ex.P.161 16.09.1981 I.T file of assessee S. Srinivasalu filed by 1<sup>st</sup> accused

Ex.P.162 24.09.1984 Summons to Belinda Knight Rodrigues 13<sup>th</sup> accused u/s. 131 of Income Tax Act by Pw.1

Ex.P.163 01.10.1984 Reply by Belinda Knight Rodrigues to Pw.1

Ex.P.164 28.08.1984 Summons u/s. 131 of Income Tax Act to 20<sup>th</sup> accused N.M. Bijilani by Pw.1

Ex.P.165 31.08.1984 Letter of 1<sup>st</sup> accused to Pw.1 seeking refreshing appearance of behalf of A.7, A.8, A9, A.10 and 2 others.

Ex.P.166 01.09.1984 Rejoinder sent by Pw.1 to 1<sup>st</sup> accused for the Ex.P.165 reply

Ex.P.167 - I.T file of S. Srinivasan filed by 1<sup>st</sup> accused Mohnot and Co. for the assessment year 1980-1981 & 1982-1983

Ex.P.168 26.04.1984 Report by A.C.Joseph, Inspector Income Tax.

Ex.P.169 06.08.1979 I.T file of N.M. Nagarajan filed before Ramnad Income Tax Office

- Ex.P.170 18.12.1981 I.T file pertaining to K.M. Subbiah filed before I.T.O, City circle VII (6)
- Ex.P.171 - Internal Audit Objection Memo
- Ex.P.172 14.01.1979 Counterfoil of temporary T.D.S to M. Nagarajan
- Ex.P.173 25.03.1979 Counterfoil of temporary T.D.S to K.M. Subbiah
- Ex.P.174. 21.12.1980 Letter to Madras Race Club seeking duplicate T.D.S for K.M. Subbiah
- Ex.P.175 12.02.1982 Letter purporting to be return be K.M. Subbiah to Race Club
- Ex.P.176 11.02.1982 Letter from witness Sami Subramaniam to M/s. Nagasubbiah and Company.
- Ex.P.177 21.12.1981 Letter addressed to Race Club Madras seeking duplicate T.D.S certificate purported to have been signed by N. Nagarajan.
- Ex.P.178 12.02.1982 Letter addressed to Race Club Madras seeking another duplicate T.D.S certificate purported to have been signed by N.M. Nagarajan.
- Ex.P.179 - Refund order to M/s. Nagasubbiah and Company by 7<sup>th</sup> I.T.O, City Circl-IV, Madras,
- Ex.P.180 23.02.1982 & 25.02.1982 Bank bill collection challan
- Ex.P.181 26.03.1984 Statement of N.M. Nagarjan recorded by Pw.1.
- Ex.P.182 26.04.1984 Statement of witness K.N. Subbiah
- Ex.P.183 13.07.1984 Letter and sample wrapper Bharathiram & Co.,
- Ex.P.184 13.07.1984 Letter from K. Subramania Pillai merchant.
- Ex.P.185 14.03.1984 I.T. file of K. Natarajan winner in Madras Race Club,
- Ex.P.186 12.03.1984 Statement of K. Natarajan

- Ex.P.187 15.10.1984 2<sup>nd</sup> Statement of K. Natarajan
- Ex.P.188 09.03.1984 Office copy of summons issued to K. Natarajan
- Ex.P.189 02.10.1979 Counterfoil of temporary T.D.S certificate For K. Natarajan
- Ex.P.190 15.02.1981 Letter sent to Race Club claiming duplicate T.D.S certificate for K. Natarajan
- Ex.P.191 - I.T. return file in the name of Natarajan Assessment year 80-81
- Ex.P.192 27.09.1984 Office copy of summons to A.18
- Ex.P.193 05.10.1984 Letter from A.18
- Ex.P.194 24.07.1984 Letter to one Bhagavan Das
- Ex.P.195 21.08.1984 Letter from 1<sup>st</sup> accused to Pw.1 Sendhamarai Kannan
- Ex.P.196 27.09.1984 Summons to A.19
- Ex.P.197 I.T file for the assessment year 1982-1983 in the witness purushothaman
- Ex.P.198 01.10.1983 Application to open current account in the name of Purushothaman
- Ex.P.199 01.10.1982 Specimen signature card of Purushothaman in Co-operative Urban Bank Limited.
- Ex.P.200 22.10.1982 Self Cheque for Rs. 4,500/- in the name of Purushothaman
- Ex.P.201 28.08.1984 Summons to 8<sup>th</sup> accused Subhan
- Ex.P.202 28.04.1984 Statement of Purushothaman
- Ex.P.203 - I.T file of Purushothaman Assessment Year 1982-1983
- Ex.P.204 27.06.1981 Return cover with postal acknowledgment
- Ex.P.205 28.11.1981 Returned postal cover with acknowledgment to Purushothaman
- Ex.P.206 27.09.1982 I.T. file witness Bellie Assessment year 1982-1983.

- Ex.P.207 01.10.1982 Specimen signature card for opening account in the name of Bellie
- Ex.P.208 01.10.1982 Application for opening current account in the name of Bellie
- Ex.P.209 22.10.1982 Cheque Leaf purportedly signed by Bellie
- Ex.P.210 19.04.1984 Letter sent to R. Bellie to Pw.1 Sendhamarai Kannan
- Ex.P.211 08.05.1984 Reply letter by Bellie to Pw.1 Sendhamarai Kannan
- Ex.P.212 16.05.1984 another letter by Bellie to Pw.1 Sendhamarai Kannan
- Ex.P.213 24.05.1984 Reply letter sent by Bellie to Pw.1 Sendhamarai Kannan
- Ex.P.214 28.06.1984 Another letter by Pw.1 to Bellie
- Ex.P.215 11.07.1984 Reply of Bellie to Pw.1 Sendhamarai Kannan
- Ex.P.216 04.08.1984 Letter by Pw.1 to Bellie
- Ex.P.217 27.08.1984 Reply by Bellie to Pw.1. Sendhamarai Kannan
- Ex.P.218 16.05.1984 Statement of Srinadhi Saradha Mani, Bank Manager.
- Ex.P.219 15.06.1982 Letter from Bellie to Madras Race Club
- Ex.P.220 29.08.1984 Statement of Assistant Secretary of Race Club S.T. Abdul Aleem
- Ex.P.221 01.09.1984 Statement of Assistant Secretary of Race Club S.T. Abdul Aleem
- Ex.P.222 05.09.1984 Search warrant to search the premises of A.16 mother of A.15
- Ex.P.223 06.09.1984 Statement of 15<sup>th</sup> accused recorded by Income Tax official, Bose.
- Ex.P.224 06.09.1984 Statement of 16<sup>th</sup> accused recorded by Pw.1

- Ex.P.225 06.09.1984 Statement of 14<sup>th</sup> accused Jagadeesan by Pw.1
- Ex.P.226 22.10.1984 Statement of 17<sup>th</sup> accused recorded by Pw.1
- Ex.P.227 24.01.1984 Letter from 1<sup>st</sup> accused to Pw.1 seeking jewels.
- Ex.P.228 24.02.1984 Undertaking letter by 1<sup>st</sup> accused
- Ex.P.229 12.05.1984 Typed letter signed by 1<sup>st</sup> accused addressed to Pw.1
- Ex.P.230 29.02.1984 Letter signed and sent by 6<sup>th</sup> accused Mani
- Ex.P.231 - Vouchers for receiving salary by 6<sup>th</sup> accused Mani from Mohnot  
series (12 sheets) and Co.
- Ex.P.232 - Vouchers for salary received  
series (13 sheets)
- Ex.P.233 08.10.1984 Letter by Pw.1 Director of Tamil Nadu Forensic Lab
- Ex.P.234 13.11.1984 Letter by Pw.1 to the Director of Tamil Nadu Forensic Lab  
seeking opinion
- Ex.P.235 01.12.1985 Expert opinion
- Ex.P.236 03.01.1985 Authorisation in favour of the complainant by madan  
Commissioner of Income Tax, Trivandrum.
- Ex.P.237 07.01.1985 Authorisation in favour of the complainant by Usha Sawara  
Commissioner of Income Tax, Bombay.
- Ex.P.238 13.02.1985 Authorisation in favour of the complainant by P.K. Appachu  
Commissioner of Income Tax, TamilNadu-V, Madras.
- Ex.P.239 21.01.1985 Authorisation in favour of the complainant by Commissioner of  
Income Tax, TamilNadu-III
- Ex.P.240 16.02.1985 Authorisation in favour of the complainant by Parthasarathy  
Commissioner of Income Tax, TamilNadu-IV
- Ex.P.241 04.01.1982 Current account opening application by the firm Asoka Traders



- Ex.P.242 - Specimen signature card signed by A.18, A.5 and 2 others.
- Ex.P.243 04.01.1982 Deed of Partnership signed by all the 4 partners.
- Ex.P.244 04.01.1982 Letter addressed by partnership firm to the Bank of Rajasthan.
- Ex.P.245 - Statement of Account pertaining to Asoka Traders from  
04.02.1982 to 13.12.1982
- Ex.P.246 19.02.1982 Cheque drawn on Bank of Rajasthan by firm Asoka Traders.
- Ex.P.247 19.02.1982 Register for issuance of Temporary T.D.S from the period  
04.06.1978 to 26.03.1981.
- Ex.P.248 - Refund order for Rs.58,866/- in the name of Babu and Co.,  
encashed by Asoka Traders.
- Ex.P.249 18.02.1982 Bill collection slip
- Ex.P.250 19.04.1982 Internal audit objection memo by witness S. Sridharan
- Ex.P.251 Typed copy of 2<sup>nd</sup> page of 250 memo
- Ex.P.252 14.06.1984 Office copy of letter sent by Pw.1 to 5<sup>th</sup> accused Anjay Prasad  
Mohnot
- Ex.P.253 18.07.1984 Letter address to K.P. Jain introducer of Account No. 241.
- Ex.P.254 21.10.1984 Return cover of Ex.P.253
- Ex.P.255 18.08.1984 Complaint to Post Master General by Pw.1
- Ex.P.256 03.06.1984 Letter of I.T.O Circle-I (5), Madras-34 to Pw.1 Sendhamarai  
Kannan
- Ex.P.257 27.07.1984 Letter address to Kurup from Sendhamarai Kannan
- Ex.P.258 06.08.1984 Reply from Kurup, Assistant Director of Inspection to Pw.1  
Sendhamarai Kannan
- Ex.P.259 12.07.1984 Letter from Kurup Assistant Director of Inspection to Deputy

Director of Inspection

- Ex.P.260 - Income Tax File pertaining to file Ametha for the assessment year 1983-1984
- Ex.P.261 30.07.1981 Account opening form for Srinivasan before the Canara Bank, Puraswakkam.
- Ex.P.262 30.07.1981 Specimen signature card of Srinivasan in the Canara Bank, Purasawakkm Branch.
- Ex.P.263 20.10.1983 I.T Refund order of Purushothaman by Salary ward, Trivandrum for a sum of Rs.4030/-
- Ex.P.264 29.09.1982 Order of refund of Tax to Purushothaman by Income Tax officer, Salary Circle, Trivandrum for a sum Rs. 6487/-
- Ex.P.265 30.09.1982 Order of refund of tax to Delhi by Salary Circle, Trivandrum for a sum of Rs. 5998/-
- Ex.P.266 09.12.1983 Statement of Mani
- Ex.P.267 03.08.1983 Requisition letter purported to have been signed by K. Natarajan seeking transfer of Income tax file to Bombay
- Ex.P.268 Letter from District Registrar to the court.
- Ex.P.269 T.D.S certificate issuance Register
- Ex.P.270 - Withdrawal slip and self cheque pertaining to S.B. account of A.1 bearing No. 1232 for the year 1982
- Ex.P.271 - Withdrawal slip and self cheque pertaining to S.B. account of A.1 bearing No. 1232 for the year 1983
- Ex.P.272 30.07.1984 Copy of summons to Pw.8.
- Ex.P.273 15.10.1984 Letter from Deputy Director of Inspection to the Director of TamilNadu Forensic Science Lab
- Ex.P.274 16.10.1984 Letter from Sendhamarai Kannan to Assistant Director of

A.C.M.M. (E.O.I)

## Inspection

Ex.P.275 09.03.1984 Letter from Hemalatha to Assistant Director of Income Tax.

Ex.P.276 08.08.1984 Letter from Yogesh Kumar to Assistant Director of Inspection.

Ex.P.277 - Saving Bank account statement of K. Natarajan, State Bank of India, Bombay.

Ex.P.278 21.08.1984 Enquiry report.

Ex.P. 279 19.05.1980 Order for refund of tax to assessee Manickam for the assessment year 1980-1981.

Ex.P.280 22.02.1982 Order of refund of Tax to M.Manickam for the Assessment year 1980-1981

Ex.P.281 06.08.1979 Order of refund of tax Karaikkudi Income Tax Office.

Ex.P.282 01.04.1981 Order of refund to A. Subramaniam

Ex.P.283 22.02.1982 Order of refund to M/s. Nagasubbiah and Company for the assessment year 1979-1980

Ex.P.284 17.02.1982 Order of refund to M/s. Babu and company for the assessment year 1980-1981

Ex.P.285 03.10.1983 Order of refund of Tax to M. Rajan for the assessment year 1982-1983

Ex.P.286 16.09.1981 Order for refund of Tax to S. Srinivasan for a sum of Rs. 2218/- for the assessment year 1980-1981.

### **Defence side Documents:**

1. Ex.D.1. 13.07.1984 Order of Hon'ble High Court in W.P.No. 7409/1984.
2. Ex.D.2. 28.08.1984 Letter sent from Commissioner of Income Tax to 1st accused Mahendra Kumar Mohnot.
3. Ex.D.3 11.10.1984 Letter addressed to Pw.1 Sendhamarai Kannan by 1st accused

A.C.M.M. (E.O.I)

M.K. Mohnot.

4. Ex.D.4 27.09.1984 Letter addressed to 1st accused to Mahendra Kumar Mohnot by Pw.1 Sendhamarai Kannan.

**Material Objects:**

Nil

Addl. Chief Metropolitan Magistrate (E.O.I),  
Egmore, Chennai-08.

A.C.M.M. (E.O.I)