

IN THE COURT OF JUDICIAL MAGISTRATE(FIRST CLASS),
58TH COURT, BANDRA, MUMBAI
STATEMENT OF ACCUSED U/SEC.313 OF CR.PC.
IN C.C.NO.72/SS/2021

Exh. 30

Name of the accused : Mr.Gajendra Gulab Joshi

Age : 44 years, Occ.: Service.

R/o. Dawari Nagar, Vakola, Santacruz(E), Mumbai.

Q.No.1) Have you heard & understood the evidence complainant's witness ?

Ans: Yes.

Q.No.2) It has come in evidence of PW.No.1 Mrs. Rajani Rajesh Kahar that she had approached you with a request to grant her permission to use and occupy your residential room being ground floor, Room No.2345, Sainath Chawl, Dawri Nagar, Gate No.1, Vakola bridge, Santacruz(E), Mumbai. What do you want to say about it?

Ans : It is false. I had gone to her husband to whom I know.

Q.No.3) It has further come in her evidence that after initial negotiation between her and you, you agreed to give room on Leave and Licence Basis for a temporary period of 11 months commencing from 01.05.2017 and ending on 31.03.2018 against a heavy Security Deposit of Rs.1,50,000/- and also executed Leave and Licence Agreement dated 01.05.2017 in respect of the said room. What do you want to say about it ?

Ans : It is false. No Agreement is executed. I have not signed the Agreement. I do not know how the photographs are affixed on Agreement Exh.21.

Q.No.4) It has further come in her evidence that as per the said Leave and Licence Agreement she paid you Rs.1,50,000/- as follows: Rs.70,000/- vide cheque bearing No.120787 dated 12.05.2017, Rs.65,000/- vide cheque bearing No.120788 dated 12.05.2017 both drawn on Canara Bank, Vakola, Santacruz(E), Mumbai and Rs.15,000/- cash on 01.05.2017. What do you want to say about it ?

Ans : It is false. Her husband has paid me said amount. I have no transaction with the complainant.

Q.No.5) It has further come in her evidence that after expiry of said Leave and Licence Agreement dated 01.05.2017 and you agreed to give room on Leave and Licence Basis for further a temporary period of 11 months commencing from 01.04.2018 and ending on 28.02.2019 and also executed Leave and Licence Agreement dated 01.04.2018 in respect of the said room. What do you want to say about it ?

Ans : It is false. I have not executed Agreement Exh.23. The transaction in between me and her husband. He had given me money on interest.

Q.No.6) It has further come in her evidence that after expiry of said second Leave and Licence Agreement dated 01.04.2018, on 28.02.2019, she requested you to refund Rs.1,50,000/- paid by her as a heavy deposit amount. What do you want to say about it ?

Ans : I have paid excess amount than Rs.1,50,000/- to the husband of the complainant.

Q.No.7) It has further come in her evidence that towards the repayment of the said amount you issued a cheque bearing No.000032 dated 20.09.2021 for Rs.1,50,000/- drawn on Bank of Baroda, Santacruz(E) branch, Mumbai, in her favour. What do you want to say about it ?

Ans : The cheque was obtained by her husband at the time of lending money on interest to me. I have given blank signed cheque.

Q.No.8) It has further come in her evidence that said cheque No.000032 dated 20.09.2021 was issued by you and contents your signature. What do you want to say about it ?

Ans : It is true that signature on the cheque is my signature.

Q.No.9) It has further come in her evidence that on depositing said cheque in her, the same was dishonoured and returned unpaid with the remark "Funds Insufficient" vide memo dated 20.09.2021. What do you want to say about it ?

Ans : I had requested husband of the complainant not to deposit the cheque during Lockdown period. At that time I was jobless. He purposefully presented the cheque.

Q.No.10) It has further come in his evidence that the complainant issued demand notice dated 05.10.2021 and called upon you to pay the cheque amount within a period of 15 days from the date of receipt of the notice. What do you want to say about it?

Ans : It is true I received the demand notice. At that time I was at native place at Dhule.

Q.No.11) Why the witness is deposing against you?

Ans : She want more money from me and as such deposing false.

Q.No.12) Do you want to examine yourself or any witness in support of your defence?

Ans : Yes.

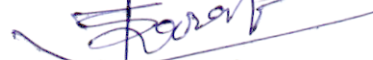
Q.No.13) Do you want to say anything about this case ?

Ans : Complainant has misused cheque.



Accused
(Gajendra Gulab Joshi)

Before me



(M. P. Saraf)

Judicial Magistrate(First Class),
58th Court, Bandra, Mumbai.

J.O.Code : MH01362

CERTIFICATE

The contents of above said statement recorded in my presence and hearing and explained to accused in Marathi. Accused admitted it as correct.



Judicial Magistrate(First Class),
58th Court, Bandra, Mumbai.

Date: 25.11.2024.