

**Duly sworn on 04.04.2024.**

**Further Cross Examination of PW-1 by N.K.G. Advocate of accused.**

It is false to suggest that, I have given false complaint against the accused. An amount of Rs.40 lakhs was misappropriated by the accused in the present case. I have produced documents to show that, accused had misappropriated an amount of Rs.40 Lakhs. I have submitted vouchers in this regard. I have submitted cash withdrawal vouchers of Rs.40 Lakhs. It is not possible to misappropriate an amount of Rs.40 lakhs in one day, I have made payment in different different dates .

Q.1. In which date how much amount has misappropriated by accused ?

Ans: I cannot say unless see the documents.

If the accused made the payment to the supplier, accused has to give me the supplier bill. The accused not produced the supplier bill. Therefore, I say amount has been misappropriated.

I have issued notices to the accused to produce the supplier bill on 16.03.2006. I have produced the said notice to the I.O. It is true that, my company is registered company. The misappropriated was happened from 01.04.2005 to 15.02.2006. I have internal Audit. The misappropriated happened through by personal account not from company account. Accused was our company employee and she was my personal assistant. It is true that, I have Income Tax assessee. In my Income Tax

**PW-1**

return said misappropriated amount has been shown as Cash Balance in my account since this case started. I can produce the Income Tax returns before this court. The accused resigned . But, we have not accepted her resign. On 12.02.2006 she submitted resignation through Fax. I have been rendered by accounts therefore, her resignation not accepted and it was sent by fax. Against her resignation our General Manager, Finance issued notice. Said notice was produced before I.O. I have given cash to the accused at site and at office. From 01.04.2005 to 30.01.2006 about 32 Lakhs cash has given to accused at site and office. Apart from Rs.6 Lakhs she collected from office directly when, I was not in station. I don't remembered which date how much cash given to accused. About 30 times I have given cash to the accused. I have not asked cash vouchers and accounts on same day or during the same period, because I have trusted her. For purchases of Raw materials and other thing for the construction of house interiors I have given cash to accused.

2. I have given contract to construct of the house to one Ramesh. Accused handled interiors works after construction of house. I have not seen how much material she purchased for interior. It is true that, generally any person if had given the money to third person for any purpose he will ask another day. I have asked for account to the accused. I have given total Rs.40 Lakhs.

PW-1

But, accused not provided any account. She has misappropriated Rs.40 Lakhs. I asked several times during the said period. But, she would say part payments are made and when complete payments made she will produce the account. Thereafter also I have given money to her to continue the works. My interior work had continued after that. I don't remembered how much amount spent for interior work. It is true that, I don't know exact how much amount was misappropriated. It is false that, because of she resigned I filed false case.

Q:02. Accused appointed as an employee of our company, but, I have misused her by using my personal construction work and harassed her, therefore she resigned.

Ans: The question will be asked to her. Against witness answered, I have not misused her.

3. I don't know who is the Authorized Signatory in the Ex.P. 43. It is true that, in the Ex.P.43 receiver signature is not available. It is true that, in the Ex.P.16 receiver signature is not available. Witness volunteer when ever cash given at site receiver not signed to the voucher. The amount as per vouchers Ex.P.16 to 43 given by my personal account. In the Ex.P.17 , 25, 29, 37 and 41 prepared by, Checked by and director signature not available. It is true that, Those are company vouchers. It is true that, in Ex.P.24, 27, 30, 36 and 40 receiver signature is not available. I don't know what is the total amount of

Ex.P.16 to 48. I don't know whether reflex in the company audit or not. It is false that, I have created Ex.P 16. to 48 vouchers for the purpose of this case. It is false to suggest that, till date I have not settled P.F. or any thing. It is false to suggest that, due to our torture accused resigned, but myself and my wife have filed different cases against accused. It is false to suggest that, what ever amount she has received, she used for that purpose, she has not misappropriated any amount.

No restatement.

**(the statement of the witness is records in the open court)**

**ROI & AC.**

**III ACMM**