

Witness Oath is administered to the witness on 02.04.2026.

Further Cross examination: By counsel for complainant.

It is true that even today the accounts of my proprietary concern are maintained by me. It is true that in the said accounts I maintain the details of sales, purchases and payments made. I have the up to date ledger account pertaining to my business.

The document now I am seeing is the guarantors undertaking executed by my son Sandeep Jaju in favour of the complainant pertaining to the business involved in this case. As the witness has admitted, the document named as 'guarantors undertaking' dated 03-02-2018 is marked as Ex.P.36. When it is suggested to witness that he has not produced the ledger account witness states that he has given the ledger account to his advocate to be produced before the court. If the court permits I can produce the ledger account.

I have perused the ledger account produced by the complainant. I do not remember the date on which the complainant has given the ledger account to me. Witness further states that during Covid period he was given the ledger account by the complainant. I do not remember whether the ledger account was sent by the complainant to me through email. It is true that the ledger account was sent to me by the complainant during the year 2020-21. It is false to suggest that I have not objected to the said ledger account sent by the complainant. Witness further states that he had been to the office of the complainant and orally objected to the ledger account. It is true that Ex.P.19 bears my signature and thumb impression. When it is suggested to witness that confirming the accounts in Ex.P.19 he has affixed his signature and thumb impression, witness states that Ex.P.19 contains his signature and thumb impression but he has not signed and affixed his thumb impression confirming accounts therein and he has signed and affixed his thumb impression for having receiving the accounts statement. It is false to suggest that though after verifying the accounts in Ex.P.19 and confirming the same I

have affixed my signature and thumb impression now I am falsely deposing that I have affixed my signature and thumb impression for having received the account statement. It is true that Ex.P.19 is from 01-04-2020 to 02-02-2021. It is true that after receiving the account statement I have not objected to Ex.P.19 in writing. Immediately on receiving the ledger account I came to know that the accounts therein are not proper. When it is suggested to witness that on 26-02-2021 he has made payment of Rs.2,50,000/- to the complainant through RTGS witness states that it was conditional payment made by him. I have not issued any letter stating that the said payment of Rs.2,50,000/- is made as conditional payment but I have orally stated it to the complainant. It is false to suggest that I have made conditional payment of Rs.2,50,000/- to the complainant and now I am falsely deposing that I have orally stated it to the complainant. When it is suggested to the witness that if at all the accounts in Ex.P.19 were false he would not have made payment of Rs.2,50,000/- to the complainant witness states that as already stated by him the said amount is paid as conditional payment to the complainant.

It is false to suggest that as on 02-02-2021 I was due amount of Rs.10,14,441/- to the complainant. It is false to suggest that on 11-09-2020 I have received mail from the complainant regarding the confirmation of GST for the period 01-04-2019 to 31-03-2020. I do not know whether the said mail is opened by son Sandeep. When it is suggested to witness that his son was looking after the information received through mail witness states that his son as well as one of his staff were looking after the information received through mail.

I do not know whether the complainant has sent the ledger account for confirmation of accounts through mail dated 31.03.2019. I do not know whether the complainant has sent another such mail on 05-01-2021. I do not know whether on 05-07-2019 and 05-01-2021 the complainant has sent mails for confirmation of ledger accounts. But I have verified the ledger account statement. I do not know whether my son Sandeep and my staff stated about were replying to the messages received through email. When it is suggested to

witness that inspite of receiving such mails we have not replied and raised objections witness states that he has orally objected.

When it is suggested to witness that during 2019-20 after receiving ledger account statement from the complainant he has entered into tractor business with the complainant witness states that he has done tractor business with the complainant but after assurance from the complainant that he would rectify the account statement.

It is true that before filing of the present case I had received notice from the counsel for complainant. I have replied to the said notice. It is false to suggest that I have not raised the contention in Ex.P.11 reply notice that the account statements shown by the complainant are false.

Further cross examination deferred on the request of the counsel for complainant.

(Statement of witness recorded in the open Court.)

sd/-
(Hemashree D.)
II Addl. Sr. Civil Judge & JMFC.,
Dharwad.