

Witness present on 20-02-2025 and Oath is Administered.

Further Cross Examination: By counsel for accused.

When it is suggested that in page No.2 of Ex.P.27 the entry regarding invoice No.445, there is duplication in the entry witness states that he has no idea of it and said entries are confirmed by the accused. I cannot say that there is duplication in the entry regarding invoice No.445. My self and one of my staff have made the entries in Ex.P.27. I have to verify regarding the correctness of the entries in Ex.P.27. I have to verify whether the entries in Ex.P.27 are in consonance with the real transactions.

It is true that I have filed suit pertaining to the present transaction for recovery of money against the accused at Mumbai Court. It is true to suggest that in the said suit I had contended that the transactions are within the jurisdiction of Mumbai Court. When it is suggested that the said suit is numbered as Com.O.S No.940/2020 witness states that he is not aware of the case number. It is false to suggest that Ex.P.1 cheque and the institution of the Com.O.S are on the basis of unverified account produced at Ex.P.27. When it is questioned that earlier the witness has stated that he has not verified the entries in Ex.P.27 and then he denied that the case is based on unverified entries and of the two which is the correct version witness states that the accused has confirmed the entries in Ex.P.27. It is false to suggest that the writings in Ex.P.1 are based on the unverified entries in Ex.P.27.

It is false to suggest that during Covid period I was instructed to charge 1% but I have charged 2 %. Witness further states that all the sale transactions took place prior to Covid period. But payments were made during the Covid period.

It is true that the registered office of complainant is situated at Mumbai and all transactions took place within the jurisdiction of Mumbai. Witness volunteers that payments are made within the jurisdiction of Dharwad. It is true that there is no mention in the agreement about bank account of the complainant at Dharwad. It is false to suggest that since the transaction has taken place within the jurisdiction of Mumbai I have no cause of action to file the present complaint before this court. There is no document but I have orally informed that the cheque would be presented at the bank at Dharwad. It is false to suggest that I have not produced any document to show that the entries in Ex.P.27 are confirmed by the accused.

I have not issued any notice regarding settlement of dispute through arbitration. When it is questioned whether any mediator was appointed to verify the accounts witness states that before filing Com.O.S the case was referred to mediation but the accused did not attend the mediation.

It is true that I have received duly signed blank cheques from the accused. After presentation of Ex.P.1 cheque I have not returned the remaining cheques. Since the accused has not sought for return of the

cheques, I have retained those cheques. It is false to suggest that it was my duty to return the remaining cheques to the accused. The remaining cheques are still with me. It is false to suggest that I have filled and presented Ex.P.1 cheque on the basis of false entries. It is false to suggest that there is no legally recoverable debt due to the complainant from accused. When it is suggested that the accused is ready to settle if true and correct accounts are furnished witness states that he is ready to accept if the accused furnished true and correct accounts.

Re-examination : Nil

(Statement of witness recorded in the open Court.)

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