

-17-

Witness present on 22-07-2025 and Oath is Administered.

Further Cross Examination: By counsel for accused.

I cannot say on which date Ex.P.32 is obtained. A day before producing Ex.P.33 I have obtained it. I have not produced any document to substantiate my version stated in Ex.P.32 and 33 that I have obtained Ex.P.31 and email transactions from the computer used in the ordinary course of my business. I have obtained the certified copies of the exhibits marked in this case.

When it is asked to the witness that as per his earlier cross examination he had submitted to verify the correctness of the entries in Ex.P.27 and whether he has verified the same witness states that, on going through Ex.P.27 there is duplication in the entry. Witness further states that on going through the entire account statement compared with the interest clause of the agreement, the interest charged on the accused is less than what ought to have been charged. It is false to state that to suit my purpose I have maintained the entries in Ex.P.27. When it is suggested to the witness that the errors/duplication pointed out in Ex.P.27 are not rectified witness ...

-18-

-states that, the error could have been rectified if the accused had pointed out the error before confirmation of the entries. The primary duty of rectification in the account statement is on myself as well as the accused. This fact is not reflected in the agreement.

It is false to suggest that though I was collecting GST from the accused same was not paid to the Government. I have not produced any documents to show that I was collecting GST from the accused and paying it to the Government.

According to me the amount as stated in Ex.P.4 covers the entire transaction between the complainant and the accused. As the accused has not asked for return of the other cheques issued by him, I have not returned those cheques. When it is asked to the witness as to how many such cases are filed by him by filling up blank cheques witness states that he has filed various such cases against the persons who committed default in payment. When it is asked to the witness that in all such cases whether he has filled up the blank cheques, witness states that, in majority of the cases he has filled the blank cheques. It is false to suggest that without maintaining true and ...

-19-

-proper accounts I have filled the blank cheques and initiated proceedings after presentation of such cheques. It is false to suggest that I have created Ex.P.19. When it is suggested that whenever, myself transacted with the accused I put the seal of complainant enterprises and the accused puts the seal of his enterprises witness states that, not always. It is false to suggest that in case of business transaction accused affixes his seal on all the correspondences. It is false to suggest that, I have maintained false account, that on the basis of false account I have entered amount in Ex.P.4 cheque and the accused is not liable to pay the amount mentioned in Ex.P.4. It is false to suggest that I have misused the blank cheque given by the accused as security.

Re-examination : Nil

(Statement of witness recorded in the open Court.)

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