

WITNESS IS PRESENT AND DULY SWORN ON 02.12.2022.

FURTHER CROSS EXAMINATION BY SRI. I.D.S ADVOCATE FOR DEFENDANT:

I have not taken any Balance confirmation letter from the defendant to show the outstanding dues. I have furnished a copy of Ex.P.4 to the defendant through e-mail. I have not secured any separate acknowledgment for having sent copy of Ex.P.4 to the defendant. I have not disclosed the said information in my plaint.

The plaintiff has a separate account section to maintain regular books of account. I have secured Ex.P.4 from our Accounts Section. Our Accounts Section is authorized to access and use the Computer System of the plaintiff. Sri. Eshwar is our Accountant. He has been working with the plaintiff since 2008. Sri. Eshwar is the Head of Accounts Section. The Accounts Section looks after the accounts under Sri.Eshwar. Sri. Eshwar is the custodian of the documents pertaining to Accounts Section. The Accounts Section records all payments and receipts based on documents furnished to them. The documents furnished to the Accounts Section and entries made by the ledger must tally to each other. The Accounts section records the entries after verifying the authenticity of documents furnished to them. The Accounts section is not indulging sales/purchase transactions.

The entries in Ex.P.4 commences from 01.04.2018 and there is a debit balance of Rs.4,77,684/-. We have not secured any balance confirmation for Rs.4,77,684/- as on 31.03.2018 from the defendant. We have documents to show that the defendant was due in a sum of Rs.4,77,684/- as on 01.04.2018. I have not furnished those documents before the Court.

I have not furnished any certificate or affidavit issued by our accountant regarding Ex.P.4 to Ex.P.10. The plaintiff has not specifically passed a resolution authoring me to issue Certificate U/Sec. 65B of Evidence Act regarding Ex.P.4 to Ex.P.10. It is not true to suggest that the plaintiff company not authorized me to authenticate any documents on behalf of the plaintiff Company. I have not furnished the documents specified in Ex.P.4 before the Court as there is no necessity to furnish them. I have not furnished any other documents to show that the defendant has put articles 1 to 20 shown in Ex.P.5. I have not furnished any other documents to show that the defendant has put articles 1 to 16 shown in Ex.P.6. I have not furnished any other documents to show that the defendant has put articles 1 and 2 shown in Ex.P.7. I have not furnished any other documents to show that the defendant has put articles 1 to 6 shown in Ex.P.8. I have not furnished any other documents to show that the defendant

has put articles 1 to 6 shown in Ex.P.9. I have not furnished any other documents to show that the defendant has put articles 1 to 6 shown in Ex.P.10. It is true that there is stipulation in invoice/s that 'all complaints in respect of this Bill must be forwarded within 8 days on receipt'. We have sent the all the invoices through e-mail to the defendant we have no separate documents to show that these invoices are received by the defendant. It is not true to suggest that we have issued legal notice as per Ex.P.11 after Sri.Goutham filed a complaint before Yashwanthpura PS. It is false to suggest that Sri.Goutham as filed a complaint before Yashwanthpura PS. It is not true to suggest that Yashwanthpura Police have summoned and inquired me in respect of complaint filed by Sri. Goutham.

It is not true to suggest that we have demanded the defendant to give their courier service to us. It is false to suggest that we have harassed Sri. Goutham in June 2019 out of vengeance as he has declined to give business to us. I have not attempted the nature of complaint alleged to have filed by Sri. Goutham against me. I have not gone through the copy of complaint furnished by Sri. Goutham along with his written statement.

In Ex.P.11 we have not furnished details of Ex.P.5 to Ex.P.10. I have no difficulty in producing the cheques

referred to in Ex.P.11 before the Court. We have not furnished details of cheques in the plaint/affidavit evidence(examination in chief)/Ex.P.11 like the cheque/s Number, Date, Amount, names of drawee and drawer and Bank. I have not furnished cheque/s dishonor memo/s before the Court.

I do not remember whether Sky Speed Courier and Cargo Services had booked a parcel to send an article from Cauveri Emporium to South Africa in 2017. It is false to suggest that we have not send the article booked by Sky Speed Courier and Cargo Services to South Africa. It is false to suggest that Sky Speed Courier and Cargo Services had issued 2 cheques for Rs.25,000/- each towards booking of parcel to South Africa. Witness volunteers to depose that Sky Speed Courier and Cargo Services had issued two cheques for Rs.25,000/- each towards partial payment of outstanding dues. It is false to suggest that the payment of above said two cheques was stopped by Sky Speed Courier and Cargo Services. It is false to suggest that as we have lost the article worth Rs.2,00,000/- booked by Sky Speed Courier and Cargo Services they have issue instructions to stop payment of cheques. I do not remember whether any prosecution has been initiated against Sky Speed Courier and Cargo Services regarding dishonor of cheques. It is false to

suggest that since there was no liability on the part of Sky Speed Courier and Cargo Services, I have not initiated any prosecution U/Sec. 138 NI Act. It is not true to suggest that the cheques referred to in the plaint are the same cheques which were issued by Sky Speed Courier and Cargo Services. It is not true to suggest that I have not furnished the above said cheques as they belong to Sky Speed Courier and Cargo Services and not the defendant herein.

FURTHER CROSS EXAMINATION: DEFERRED AT THE REQUEST OF SRI. I.S.D ADVOCATE FOR DEFENDANT

(Typed to my dictation in the open court)

ROI and AC

(S J KRISHNA)

LXXXIX ADDL. CC & SJ, BENGALURU.