

IN THE COURT OF THE II ADDL. CIVIL JUDGE AND J.M.F.C.,  
KUNDAPURA  
C.C.No. 852/2023

Pursene Boat Meenugarara Swa Sahaya  
Sadasya Sangha, (Gumpu) Gangolli  
Kundapura Taluk,  
[Pursene Fishermen Primary service  
Co-Operative Society Kota, Udupi District]  
Represented by in charge Manager.  
Devadas Mestha, 48 years  
S/o Venkappa Mestha  
R/o 4-141, Bengere, Gujjadi Village,  
Kundapura Taluk, Udupi .... Complainant

-Vs-

Mohammad Sayyad,  
S/o Shamshunnisa,  
R/o 13-13-1, 'Basheer House',  
J.M Road  
Gangolli Village,  
Kundapura Taluk, Udupi District ... Accused

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STATEMENT OF THE ACCUSED U/SEC.313 OF CR.P.C.

Q.No.1) Have you heard the evidence and statements of complainant?

Ans:

Q.No.2) P.W.1 – Devadas Mestha has deposed that, you being a 'C' class member of complainant society, stood either by himself or by representation, in auction of raw fishes and bought fishes on credit base. You has executed necessary documents pertaining to the purchase of fishes in auction on credit as surety along with two other members. You also agreed to pay interest on the overdue balance. As the same you is in due of Rs. 10,29,754/- in total which includes the interest on agreed rate of interest. Towards the discharge of the debt you has issued a cheque bearing No. 658074 dated 27-12-2022 for Rs. 10,29,754/- drawn on Canara Bank, Gangulli Branch in favour of PW1. Do you wish to say anything?

Ans:

Q.No.3) In further P.W.1 has deposed that, You promised to keep sufficient balance to the said cheque, when presented for encasement by PW1 through his banker, the cheque was returned with an endorsement stating “**Funds insufficient**”. in your bank account, vide memo of your Banker, dated 28-12-2022. You have purposefully issued the said cheque with an intention to defraud the PW1. Do you wish to say anything?

Ans:

Q.No.4) In further P.W.1 has deposed that PW1 has issued a legal notice to you through counsel of PW1 on 17-01-2023 by RPAD, which you were called upon to make the payment of the cheque amount within the 15 days from the service of notice. The legal notice was duly served upon you on 28-01-2023. That you have neither replied nor paid any amount. By the said notice you were called upon to pay the amount covered by the said cheque. Do you wish to say anything?

Ans:

Q.No.5) In further P.W.1 has deposed that, PW1 had issued the said cheque to PW1 knowing fully well that there is no balance amount in your bank account to meet the cheque and you with an intention to cheat PW1 and play fraud on PW1. Thus you have committed an offence within the meaning of Section 138 of N.I. act. You are liable to be punished for the act. Do you wish to say anything?

Ans:

Q.No.6): Do you have any defence evidence?

Ans:

Q.No.7): Do you wish to say anything?

Ans:

(Certified that the above statement is read over to the accused in Kannada a language known to him and recorded his answers in the open Court)

Date: 12-12-2024

II Addl. Civil Judge and J.M.F.C.,  
Kundapura.