

IN THE COURT OF THE II ADDL. CIVIL JUDGE AND J.M.F.C.,
KUNDAPURA
C.C.No. 1517/2023

St. Milagres Credit Souhardha
Co-Operative Ltd., Karwar, Branch Kundapura
Represented By its Branch Manager
Johnson Kashmir Menezes, 37 years
S/o Emilia Menezes,
R/o Jyothi Nivas, Uppinakudru Village,
Kundapura Taluk Complainant

-Vs-

Manjunatha, 43 years
S/o K. Narayana,
R/o 94/292, Manjunatha Nivasa,
B.H.M Road, Kundapura- 576201 ... Accused

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 – Johnson Kashmir Menezes has deposed that, you had obtained a loan of Rs. 1,50,000/- on 20-06-2017 from the complainant for real estate (Land Development) business purposes. In discharge of the debt you has issued a cheque bearing No. 036192 dated 04-05-2018 for Rs. 1,50,893/- drawn on Corporation Bank, Founders Branch Udupi 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 the banker S.C.D.C.C Bank, Kundapura Branch, the cheque was returned with an endorsement stating “**Drawers signature differs**”. in your bank account, vide memo of your Banker, dated 05-05-2018. 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 29-05-2018 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 30-05-2018. 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: 25-03-2025

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