

C. W. No.1 Aditya on oath :-

C.C. No. 1034/SS/2019
Exh.9/19

Further Cross-examination by Advocate Mr. Jayesh Kanani for the accused:

26 It is true to say that the confirmation of accounts Exh.14 has not been prepared by the complainant. It is true to say that today I have no documents to show that the complainant authorized me to sign said confirmation of accounts Exh.14. It is true to say that no copies or print outs of Exh.14 were placed before the complainant for his signature. It is not true to say that the complainant has not dispatched any copy of Exh.14 to the accused. The complainant did not disclose me such fact. It is true to say that the complainant has never given me any proof with regard to dispatch of Exh.14 to the accused. It is true to say that I have not demanded such proof from the complainant.

27 It is not true to say that the complainant did not receive Exh.14. It did not happen that the complainant receive Exh.14 either by post or courier. It is true to say that personally I have not seen either postal envelope or courier envelope which contained Exh.14. The complainant did not disclose me that Exh.14 was received by post or courier. It is true to say that the complainant had not instructed any Accountant to prepare Exh.14. There was discussion between myself and the complainant before signing Exh.14. During the said discussion, the complainant told me that he had already received Rs. 5 lacs from the accused. Since said amount of Rs. 5 lacs received in the financial year i.e. before 01.04.2017 and hence, it has not been reflected in the confirmation of accounts Exh.14. Today I am unable to confirm exact date of receipt of Rs.5 lacs from the accused. I cant confirm whether said amount was received by the complainant in financial year 01.04.2016 to 31.03.2017. I will confirm said fact on the next date of

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hearing.

28 It is true to say that without knowing the bank account details of beneficiary RTGS or NEFT cant be done. It is not true to say that I have not demanded such bank account from Amardeep Industries on behalf of the complainant. I have not written any letter to the Amardeep Industries for demanding such bank account details. I do not remember whether no one from the Amardeep Industries gave me any document containing its bank account details. It is not true to say that personally I have not given such document containing bank account details to the complainant. It is true to say that today I cannot give description of that document. It is true to say that I cannot confirm whether afore referred document is still available with the complainant. I cannot confirm whether I gave said document to the complainant for enabling him to transfer funds into the account of the Amardeep Industries.

29 It is true to say that in 2015 I was not the authorized signatory to operate the bank account described in Exh.13. It is true to say that the complainant had not instructed me in 2015 to transfer any funds from his account to the account of the Amardeep Industries. It is not true to say that with regard to the contents of Exh. 13, I have not prepared or signed any document. The witness volunteers that I have not signed any document as such, but prepared the RTGS form. It is true to say that only on the signing of RTGS form, no amount could have been transferred from the bank account of the complainant.

30 It is not true to say that till August 2019 I was not knowing



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the bank account details of the Amardeep Industries. I have never instructed the advocate of the complainant to mention such bank account details of the Amardeep Industries in the demand notice Exh.18, complaint Exh. 1 and evidence affidavit. It is not true to say that till August 2019 I was also not knowing the name of the bank and its branch, in which the amount mentioned in para no. 3 of evidence affidavit was transferred. It is true to say that I have not instructed the complainant's advocate to mention the bank name and its branch in the demand notice Exh.18, complaint Exh. 1 and Exh.9 evidence affidavit. It is not true to say that the complainant has not transferred the amount mentioned in para no.3 of evidence affidavit into the bank account of the Amardeep Industries. Neither me nor the complainant have instructed any person to mention the bank account details of the Amardeep Industries on Exh.13.

31 There was no discussion between me and the complainant as to why the rate of interest shown on the Promissory Note Exh.13 is mentioned in digit 100 and in words One Zero. I have not inquired from the complainant as to why he has not endorsed the receiving of Rs.5 lacs from the accused on the back side of Exh.13. It is true to say that when the complainant received Rs.5 lacs from the accused, Exh.13 and Exh. 17 both were in possession of the complainant. The witness again says that I have to confirm exact date of receipt of Rs.5 lacs from the accused and therefore I can't confirm.

Learned advocate representing the accused submits that he would require further time for cross-examination. Hence, as per their request and consent of the witness and the learned advocate for the

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complainant further cross-examination is deferred in the interest of justice.

R.O.A.C.



Date : 17.08.2024

(V.B. Gulve-Patil)
Judicial Magistrate First Class
20th Court, Mazgaon, Mumbai.