

C. W. 1 Aditya on oath :-

C.C. No. 1034/SS/2019

Exh.9/23

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

32. The broker who is mentioned in para no.3 of my evidence affidavit was not resident of Mulund.

33. True to say that I don't have any documents to show that Chetan Visariya had approached me or the complainant or my family members for giving loan to the accused prior to 9.5.2015. Bharat Talakshi Chheda had not informed me that Chetan Visariya had approached him for giving loan to the accused. True to say that Chetan Visariya had never showed any documents to me or the complainant indicating that the accused was in need of finance.

34. Chetan Visariya had disclosed me and the complainant that accused no.2 was the proprietor of accused no.1. In support of said disclosure, me or the complainant did not demand any document from Chetan Visariya. I don't remember whether Chetan Visariya on his own did not provide any document in support of said disclosure. Chetan Visariya disclosed me and the complainant that accused no.2 was looking after and responsible for day to day affairs of Amardeep Industries.

35. Chetan Visariya disclosed the complainant that if he lent loan to accused no.1, it would be repaid on demand. Not true to say that it had happened that the complainant blindly believed the information provided by Chetan Visariya.



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36. I don't remember whether the complainant or me demanded documents from Chetan Visariya in order to verify the accuracy regarding all afore-noted information provided by Chetan Visariya.

37. I can not confirm whether the complainant had not received any document prior to 9.5.2018 indicating constitution of accused no.1. Not true to say that the complainant never showed me any document regarding constitution of accused no.1. I don't remember whether the complainant had shown me afore-noted documents during May 2018 to December 2018. Prior to August 2019, the complainant had shown me the afore-noted documents. I don't remember whether the documents which were showed to me by the complainant, were not issued by any Public or Government authority. True to say that today I can not give the description of the documents which were shown by the complainant to me. True to say that said afore noted documents have not been mentioned either in the complaint or my evidence affidavit.

38. The complainant and accused no.1 did have the bank transaction prior to 09.05.2015. True to say that the complainant did receive certain amount from accused no.1 with regard to said afore-noted bank transaction. True to say that the amounts which were received by the complainant from accused no.1 with reference to afore-noted bank transaction, were deposited in the bank account referred to in Exh.13. Prior to August 2019, the complainant had disclosed to me the afore-noted amounts.



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39. True to say that 'the statement of bank account' which is referred to at Sr. No. 4 in the list of documents/witnesses in the complaint Exh.1, is the same document which is at Exh.13. I had approached Reshma Nikam of the HDFC bank to get said statement Exh.13 to facilitate preparation of the complaint. I had showed Exh.13, the complaint Exh.1 to Bharat Chheda before filing of the complaint Exh.1. True to say that in consultation with Bharat Chheda reference of 'the statement of bank account' at sr no.4 in the list of documents/ witnesses in the complaint Exh.1 is mentioned.

40. **Question:-** Whether Chetan Visariya had provided any bank account details of accused no.1 in May 2015 ?

Answer:- Much before.

It was not so that because the complaint had received the amounts from accused no.1 prior to 9.5.2015, he knew the bank accounts details of accused no.1. I can not recall as to how many bank accounts of accused no.1 was within my and the complainants knowledge as on May 2018. Chetan Visariya had not instructed on 9.5.2015 to transfer the amount to any specific bank account of accused no.1. True to say that Exh.13 does not disclose any bank account details of accused no.1,2.

41. Chetan Visariya was present at the time of preparation of Exh.13, Exh.17. I can not recollect whether both these documents were prepared at the one and same time.

Question:- In which month and year Chetan Visariya had handed over



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Exh. 13, 17 to Bharat Chheda ?

Answer:- The accused had handed over said Exh.13, 17.

Bharat Chheda had not informed me that the accused handed over Exh.13, 17 to him. Chetan Visariya was present when Exhs.13, 17 were handed over to Bharat Chheda. I can not recollect whether Exhs.13, 17 were received by Bharat Chheda at the one and same time. Bharat Chheda had not received Exh.13 as a back dated or post dated instrument. I can not confirm whether Bharat Chheda received Exh.13 on 9.5.2015. Not true to say that today it is not possible for me to confirm the date or the month in which Bharat Chheda received Exh.13. The witness volunteers that it was in and around May 2015.

On request of both learned advocates and consent of the witness further cross-examination is deferred in the interest of justice.

R.O.A.C.



(V.B. Gulve-Patil)

Date : 20.09.2025

Judicial Magistrate First Class
20th Court, Mazgaon, Mumbai.