

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

C.C. No. 3213/SC/2022

Exh.19/13

Further Cross-examination by Advocate Mr. Vikash Sharma for the accused:

35/2 I did have one more bank account during 2012 to 2016 i.e. with the State Bank of India, Ghatkopar branch. I have not brought the bank account statement of my bank account maintained with the Bank of Baroda, Rajawadi, Ghatkopar (E) branch. My bank account which is maintained with the State Bank of India is still operational. I can't say whether I would be able to bring my bank account statement of the State Bank of India for 2012-2016.

35/3 It is true to say that my mother and me had joint bank account in the Bank of Baroda, Rajawadi, Ghatkopar (E) branch. After death of my mother, said account was closed. The witness volunteers that in my name there is new account with the Bank of Baroda.

36 It is not true to say that whatever transaction happened with accused no.1 was through the bank account maintained by me with the Bank of Baroda, Ghatkopar (E) branch.

37 **Question** In which bank account did you receive the amount whatever paid by accused no.1 to you?

Answer During life time of my mother I used to deposit the amount in the the State Bank of India's account. After she was expired, I used to deposit the amount in the Bank of Baroda's account. My mother is expired in 2015.

38 I have not stated my advocate that I never met accused nos.2 and 3.



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

C.C. No. 3213/SC/2022
Exh.19/14

39 The amount Rs.10 lakhs which was advanced to the accused belonged to me only and it did not have share of my brother. It is not true to say that I have not submitted any proof in support of said claim that Rs.10 lakhs was advanced to the accused. I do not know as to for how much period of the duration of repayment for said loan. The witness volunteers that it was advanced through my brother with an understanding that whenever we would ask its repayment that would be repaid. It is true to say that in demand notice, complaint, evidence affidavit, Bill of Exchange there is no period of repayment of loan is written.

40 It is true to say that the Bill of Exchange dated 06.10.2012 i.e. along-with Exh.99 (*it seems that its production is allowed as per the order passed below Exh.99 and it is enlisted with the list Exh.100. Hence, noted*) delivered to my brother. It is true to say that said the Bill of Exchange dated 06.10.2012 is not signed in my presence. The witness volunteers that it is signed in presence of my brother. Now, I am shown the **Bill of Exchange dated 06.10.2012** (it is marked as **Exh.101**). I guess said Bill of Exchange bears the signature of Jagdish Ahuja. It is true to say that the **Bill of Exchange dated 01.03.2016** was delivered to my brother which is now shown to me (now it is marked at **Exh.102**).

41 No loan agreement has been executed between accused no.1 and me.

42 The demand notice was sent under my instructions. Now, I



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

C.C. No. 3213/SC/2022
Exh.19/15

am shown the demand notice dated 18.08.2017 Exh.95. It is true to say that said notice does not bear my signature. It is not true to say that said notice is a photocopy i.e. colour xerox.

43 Now, I am shown the reply Exh.98. It is true to say that accused no.1 replied the demand notice. The witness volunteers that though it was sent, it was late. I do not know whether accused no.1 communicated through said reply that the cheques are misused. The witness volunteers that I have not misused the cheques.

44 Now, I am show the cheques Exh.94. It is true to say that the cheques Exhs.94 collectively were delivered to my brother. The cheques Exh.94 bear the signatures of Gautam Ahuja. It is true to say that said cheques were delivered to my brother by accused no.1 in August 2016. It is true to say that all the cheques were deposited for encashment in August 2017.

45 My mother did not possess money lending licence. The witness volunteers that she did not know what is this money lending.

46 I do not know whether any document is produced on record disclosing the proof about advancement of the money by my mother to accused no.1. The witness volunteers that the Bill of Exchange are placed on record. It is true to say that I have not produced the Bill of Exchange dated 02.11.2012 on record. The witness volunteers that I do not know as to why my advocate opted not to place



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

C.C. No. 3213/SC/2022

Exh.19/16

it on record even though said Bill of Exchange which is crossed, still in my possession. I do not know as to how much money did my mother receive from accused no.1 in return.

47 Two Bills of Exchange were executed with accused no.1 during 06.10.2012 to 01.08.2017. I again say that four Bills of Exchange were executed during said period. I have not produced the Bill of Exchange dated 14.11.2013 on record.

48 Jitu Gambani has never paid money to accused no.1. The Bill of Exchange Exh.102 does not bear any endorsement to the effect that, "it is issued in place of and as a replacement to earlier Bills of Exchange dated 02.11.2012 and 14.11.2013 which were cancelled". Accused no.1 has not written a letter to me informing that as replacement of Bills of Exchange dated 02.11.2012 and 14.11.2013 and since those were cancelled, new Bill of Exchange are issued. I have not filed any Civil proceeding against accused no.1 to recover the money on the basis of the Bill of Exchange.

49 I do not know that a date of maturity is required to be mentioned on Bills of Exchange.

50 It is not true to say that letter dated 01.08.2016 and the subject cheques Exhs.94 were received by Mukesh Navani and he delivered the same to me. The witness volunteers that those were received by Sushil Navani. It is true to say that the letter was dated



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

C.C. No. 3213/SC/2022
Exh.19/17

01.08.2016 and therefore the cheques were post dated and delivered in 2016.

51 It is not true to say that the bank return memos Article B are bogus. I do not know whether the bank memos Article B do not bear the seal and initials of concerned banker.

52 I have not issued any Power of Attorney in favour of my brother Mukesh Navani.

53 It is true to say that I have paid only Rs.10 lakhs and my mother paid Rs.20 lakhs to accused no.1. I have not obtained any succession or legal heir certificate from the Hon'ble the High Court after death of my mother.

54 It is not true to say that I am deliberately withholding information as to how much interest I received during 2012 to 2017 from accused no.1. It is not true to say that I have received more than Rs.10 lakhs towards interest from accused no.1 so far.

55 I will produce the bank passbook with regard to my bank account which is maintained with the Bank of Baroda, Ghatkopar (E) branch, if I recall the bank account number.

56 It is not true to say that my brother Mukesh Navani as per his convenience got the accused convinced and prepared the Bills of

rm

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

C.C. No. 3213/SC/2022
Exh.19/18

Exchange. It is true to say that the documents which are placed on record along-with Exh.20 do not bear my signatures. It is true to say that I have participated in this transaction through my brother. The witness volunteers that however he used to act upon only after my instructions. It is not true to say that since I have paid only Rs.10 lakhs to accused no.1, the cheques for Rs.30 lakhs are not towards legal enforceable liability. It is not true to say that whatever amount which is repaid by accused no.1 during 2012-2017 is against repayment of my Rs.10 lakhs and therefore I am not disclosing the interest received by me during 2012-2017. The witness volunteers that I have not received the interest in 2017. It is not true to say that the cheques are received by my brother from accused no.1 as security and the same are misused by me. It is not true to say that I have signed the complaint, affidavit of evidence without reading the same.

Learned advocate for the accused has submitted that cross-examination is completed.

Learned advocate for the complainant has submitted that re-examination is not required.

R.O.A.C.



(V.B. Gulve-Patil)

Date : 12.08.2025

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