

C. W. No.1 on oath :-

C.C. No.1404/SC/2021

Exh.12/17

(as per the order passed below Exhs.30, Exh.34 dated 15.12.2023)

Re-examination by Learned Advocate Mr. S. F. Rahman for the complainant:

32. I had earlier transaction with the accused. The first transaction with her was on 06.10.2018 pertaining to Rs.40,000/- and the mode of payment was through cash. The cheque no.100041 was the relevant instrument which was used to withdraw said cash. The second transaction was on 02.11.2018 through Mahanagar Bank that was through cheque for Rs.78,000/-. I withdrew said amount and paid it in cash. Third transaction was on 18.02.2019, through Mahanagar Banks cheque no.440933 for Rs. 1,80,000/-. Said amount was withdrawn and paid to the accused in cash. I paid the accused cash amount of Rs. 1,42,000/-, as well on 18.02.2019. The accused repaid said amount to me on 02.03.2019 through cheque no.240446 for Rs.4,40,000/-.

33. The accused again borrowed Rs.2,40,000/- on 05.03.2019. Said amount was paid to her after withdrawal of the money, through cheque of Mahanagar Bank. On 20.04.2019 I paid Rs. 40,000/- to the accused through cheque of Mahanagar Bank. On 22.05.2019, I paid Rs. 99,000/- to the accused, after withdrawal of the money from the bank. On 30.07.2019, I paid Rs. 1,20,000/- by withdrawing said amount from Union Bank through cheque no.10122153. On 18.09.2019 I paid Rs. 60,000/-. In total amount of Rs. 5,60,000/- paid by me to the accused. Out of that amount, the accused repaid Rs.62,000/-.

34. The amount Rs. 4,40,000/- which was repaid to me, was pertaining to the transaction of 2018. It was paid to me on 02.03.2019 by cheque. The accused borrowed money from me again after making

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repayment of Rs. 4,40,000/-. I am producing the bank statements on record.

Further Cross-examination by Learned Advocate Mr. Dilip Vijapurkar for the accused:

(as per the order below Exh.34 dated 15.12.2023 and Exh.36, Exh.40 dated 19.07.2024)

35. It is true to say that I don't have the documents showing demand made by the accused pertaining to the money which I claim to have advanced on 06.10.2018. It is not true to say that the accused did not demand me the cash amount, as alleged by me. I paid the money to the accused on 06.10.2018, 02.11.2018 at the bank itself after withdrawal of the money. It is true to say that at said place there was nobody else i.e no witness except the accused. It is not true to say that the accused did not intimate me the purpose behind her demand for said money to me. It is not true to say that the accused did not demand the money from me. It is not true to say that as a common, prudent man no one keep cash amount of Rs.1,42,000/- with him due to advancement of banking technology.

36. I cannot tell the bank through which the cheque was drawn, whereby Rs.4,40,000/- was repaid to me by the accused on 02.03.2019.

37. It is not true to say that I have deposed false that I never paid the amounts to the accused during 06.10.2018 to 18.02.2019, as alleged by me and the entire story about the same is concocted.

38. It is not true to say that I have obtained said amount of Rs.4,40,000/- from the accused with assurance to her that I would help her to get finance of Rs.50,00,000/- from Gokulam Chit Fund.



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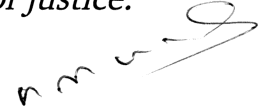
Exh.12/19

39. It is not true to say that I have deposed false today. It is not true to say that I have deposed and re-examine me just to fill-up the lacuna. It is not true to say that I have deposed false in order to evade to my liability of Rs. 4,40,000/-.

40. The cheque which was credited to my account on 02.03.2019, is the joint account of my daughter and myself. It is true to say that on the same day the accused made an application with Gokulam Chit Finance, Dadar to borrow loan, with my assistance.

Ld 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 ld. advocate for the complainant further cross-examination is deferred in the interest of justice.

R.O.A.C.



Date :13.02.2025

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