

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

C.C. No. 3214/SC/2022
Exh. 18/10

Further chief examination by advocate Smt Rinky Agarwal for the complainant :

28 I have filed the **original Bill of Exchanges**. Those are marked as **Exhs.100 to 103** respectively.

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

29 I cannot tell as to what was my age in 2011. The witness volunteers that I cannot count it. Today, I am 67.

30 Accused nos.1 and 2 have never placed written request to me asking for money.

31 Mukesh Enterprises is a Partnership firm. Myself along-with my brother are the partners of said firm. It is not true to say that I have been added as a partner only for name sake. It is not true to say that being a dormant partner of Mukesh Enterprises, I do not work therein. The word, 'dormant' is written in my affidavit just to show that I am also the partner of the Mukesh Enterprises. It is true to say that the Mukesh Enterprises does not have any role pertaining to this transaction.

32 I cannot produce the statement pertaining to receipt of amount from the accused during 2011 to 01.08.2017. The witness volunteers that at present I don't have the bank account statement and I am not aware as to what was the amount. I again say that I will try to bring said bank account statement.



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33 I do not know whether in June 2022 accused Jagdish Ahuja and his firm are declared insolvent by the Hon'ble the Bombay High Court. I do not know whether pursuant to the orders passed by the Hon'ble the High Court, all accounts and assets of accused Jagdish are attached by the Official Assignee.

34 I am aware that accused Jagdish is lodged in Arthur road jail since 17th December 2022. The witness volunteers that I know this much only that he is in the jail.

35 I have not produced any bank account statement to show that I had transferred the amount from my bank account to the account of Accused no.1. It is not true to say that I have obtained the Bill of Exchange Exhs.101 to 103 without transferring the amount to the bank account of accused no.1.

36 I don't have money lending licence. I have disclosed in my Income tax returns as to what amount is due from accused no.1. There was no broker in this entire transaction. It is true to say that whole object to advance money to accused no.1 is to earn interest.

Question How much money is shared by you, your brother, sister, mother to accused no.1 ?

Answer I have given money Rs.10 lakhs from my personal account. My mother, brother, sister have not advanced money to accused no.1 in this case.



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37 Now, I am shown Bills of Exchange dated 13.01.2011 Exh.100, dated 03.11.2011 Exh.101, dated 25.11.2011 Exh.102, dated 14.11.2013 Exh.103. It is true to say that it is nowhere written in said documents as to during which duration/period said amounts are to be repaid to me. Jitu Gambani has not paid money to accused no.1 in this case. It is not true to say that I have tampered these documents and subsequently added words, 'Jitu Gambani, either or survivor'. It is not true to say that I have not paid Rs.10 lakhs to accused no.1 as per these Bills of Exchange.

38 It is not true to say that Bill of Exchange dated 14.11.2013 Exh.103 signifies tampering since additional content, '@21%' is written by using pencil subsequently. It is true to say that the contents thereon are in black colour ink whereas the signatures thereon are in blue colour ink.

39 Bills of Exchange Exhs.100 to 103 are handed over to me by Jagdish Ahuja personally. It is not true to say that I have deposed false that said Bills of Exchange are handed over to me by Jagdish Ahuja.

Question Accused no.1 has not given said Bills of Exchange to you?

Answer Accused no.1 is a company. Wherein, accused nos.2, 3 Jagdish and Gautam are partners.

Said Bills of Exchange are not written i.e. "filled in" in my presence. The witness volunteers that Jagdish Ahuja has already kept it prepared and



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ready. The witness volunteers that said documents were given by him when cheques for Rs.10 lakhs each got cleared.

40 It is not true to say that accused no.1 has repaid me the amounts which were paid to it on 13.01.2011, 03.11.2011, 25.11.2011 and thereafter I paid Rs.10 lakhs to accused no.1 on 14.11.2013. It is true to say that I have not disclosed in the complaint, the demand notice, the evidence affidavit as to how much amount is repaid by accused no.1 during 2011 till 2017. The witness volunteers that uptill March 2016 he has paid interest only @ 21%. It is true to say that I have not disclosed in the complaint, the demand notice, the evidence affidavit as to how much amount either principal or interest is repaid by accused no.1 till March 2016.

41 I can identify the signature of accused Jagdish on the Bills of Exchange.

42 Now, I am shown the cheques Exh.94 collectively. It is true to say that accused Jagdish has not signed said cheques. It is true to say that said cheques are handed over to me by accused no.3. It is true to say that said cheques dated 01.08.2017 were given to me on 01.08.2016.

43 No correspondence is happened between me and accused Jagdish during the period of 14.11.2013 to 01.08.2017. The witness



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witness volunteers that however I met him. It is true to say that I have not filed any civil suit during the period of 14.11.2013 to 01.08.2017. I have not demanded money from accused no.1 firm in writing during said period. The witness volunteers that the demand was made verbally in 2016 (*Learned advocate representing the accused has objected the voluntary statement and submitted that it should not be allowed to be taken on record since the witness ought to have stated so during his examination in chief. Permitted and recorded in the interest of justice*). It is not true to say that since there is no period mentioned in the Bills of Exchange, the debt is time barred. It is not true to say that the Bills of Exchange are misused by me.

44 Now, I am shown bank return memo Article-B. It is true to say that it does not bear the seal or the signature of concerned banker.

45 It is true to say that the accused have replied the demand notice and I read it. It is true to say that in said reply the accused have contended that the cheques are delivered as collateral security. The witness volunteers that however said reply is not true and the same was received to me after institution of the complaint. I have not sent counter reply to the reply sent by the accused. The witness volunteers that since the trial had begun. Now, I am shown the demand notice. It is true to say that it does not bear my counter signature. The witness volunteers that it is signed by my advocate and I admitted it.



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46 It is not true to say that I have advanced Rs.10 lakhs only to accused no.1 and the same is returned to me during 14.11.2013 to 01.08.2017. It is not true to say that the accused are not liable to pay me since the cheques are for higher value. It is not true to say that I have filed this false case to extort more money from the accused.

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 : 15.11.2025

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