

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

C.C. No.3933/SC/2022

Exh.41/32

Further Cross-exam. by Advocate Mr. Nirajkumar Singh for the accused:

47 It is true to say that cheque no.784655 has been issued against invoice no.1500004518 dated 13.03.2008.

Question Is it correct that the cheque no.784655 dated 21.06.2011 which was issued to you against the liability of the invoice no.1500004518 dated 13.03.2008 ?

Answer Yes.

It is true to say that cheque no.784656 has been issued against invoice no.4525 dated 14.03.2008. It is not true to say that the invoice does bear purchase order number. The witness volunteers that it was verbal. The P.O. which is referred to in the invoice signifies term purchase order. The witness volunteers that it is column of PO and it is pre-printed invoice, the PO number if available is written on such invoice.

48 Now I am shown the lorry receipt Exh.13. It is true to say that those are consignor's copies. The lorry receipt bearing no.129248 demonstrate that Patalganga to Salem. The witness volunteers that however in consignee columns reference of Bhiwandi is also depicted, the reference of Salem must be an error. It is true to say that the reference of Bhiwandi is against the column consignee bank's name and address. The witness volunteers that if it is with reference to payment term against letter of credit then only the bank name should be written otherwise consignee's name is written. It is true to say that the lorry receipts Exh.13 do not indicate endorsement by consignee. We have submitted the acknowledgment dated 11.04.2008 disclosing that the goods have been supplied to consignee, it is at Exh.16 containing an

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annexure wherein the invoice numbers are acknowledged by Santosh Kanodia. It is true to say that one word titled, "subject to verification" has also been endorsed along-with said acknowledgment of said Santosh Kanodia. We don't have such verification statement which was agreed upon by the parties pursuant to said endorsement of subject to verification. The witness volunteers that however they never complained about it. The witness again volunteers that the proof of delivery of material is letter dated 24.07.2008 Exh.17. It is true to say that said letter is on the letter of Sumukha Industries. It is true to say that it has been signed by Director Shri Harikishan Patwari of Sumukha Industries. The witness volunteers that he is the same signatory who has signed the cheques which are dishonoured in the capacity of authorized signatory of Sumukha Synthetics. The witness volunteers that said letter dated 24.07.2008 has annexure cum table wherein the cheques issued by Sumukha Synthetics, the cheque number, amount of the cheque and the invoice numbers are co-related. It is true to say that these are the undated cheques which are given to us.

Question Is it correct that the dates on the cheque have been filled in by you?

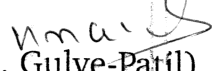
Answer They asked us to put the dates thereon. The witness volunteers that prior to deposit of the cheques it was conveyed to us to put the dates and then to deposit the cheques.

I have not mentioned it in the complaint or my evidence affidavit. It is not true to say that I have deposed false.

Ld adv. for the accused has submitted that cross-exam. is completed.

Ld adv. for the complainant has submitted that re-exam. is not required.

R.O.A.C.


(V.B. Gulve-Patil)

Date : 28.03.2025

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