

D. W. No. 1 on oath :-

C.C. No.42/SS/2016
Exh.124

Name : Nishant Bhavin Shah
Age : 35 years
Occupation : Agent
Resident : Goregaon, Mumbai

Chief-examination by Advocate Mr. S.R. Sharma for the accused:

1. Now, I am shown the **Power of Attorney** executed on **19.02.2011** along-with Exh.118 and it is marked at **Article A** with objection (*Learned advocate representing the complainant has objected the question and pointed out that the original is not on record. Considered. Question is permitted considering relevancy with the cause*). This has been executed by me in favour of my father. I have assigned the powers to my father to deal with every work related to M/s Keshavlal Khemchand and Sons. At the relevant time, I used to travel a lot and therefore it was executed. I have yet not evoked said Power of Attorney.

Cross-examination by Advocate Mr. Saeed A. Khan for the complainant:

2. In 2011, Nishant, Bhavin and Nalinkant were the directors of accused no.1. I am not aware whether the company used to conduct its board meetings.

3. Now, I am shown the cheque Exh.52. It bears the signature of my father. Now, I am shown the AD Cards Exh.55. It is not true to say that I have received the notices with reference to said AD cards. I don't

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know the reason as to why my father is absconding. I was behind the bar and therefore I don't know since when he is absconding. I was jailed in December 2021.

Question Why you were jailed? (*Learned advocate representing the accused has objected the question. Considered. Question is permitted considering relevancy with the cause*).

Answer False case was registered against me despite the fact that I was not the proprietor, partner or director of the firm in question.

The allegations were with regard to 406 and 420 of the Indian Penal Code. I was in prison for the duration of 02 years, 6 months.

Question Whether prior to your induction in prison, your father was in contact with you?

Answer I did not have the contact with my father then.

4. There was no board meeting held in 2011 for the purpose of execution of the Power of Attorney in favour of my father. There is no board resolution in my favour whereby I have been authorized to execute the Power of Attorney in favour of my father. It is not true to say that I have deposed false.

Cross over
No re-examination
R.O.A.C.



(V.B. Gulve-Patil)

Date : 01.03.2025

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