

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

C.C. No. 1404/SS/2021

Exh.12/20

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

41 It is not true to say that the sequence of dates and payments on said dates, which I have referred in my further examination in chief, do not have bearing and relevance with this case. It is not true to say that since the sequence of events have happened from presentation of the cheque, receipt of dishonour memo, demand notice, presentation of the complaint prior to said dates and hence, I have deposed false that there is relevance of said dates and payments of said dates as referred to in my further examination in chief.

42 It is not true to say that the documents along-with Exh.51 do not have the seal and signature of concerned bankers. It is not true to say that the entries which are reflected on said account statements, passbook are not related to withdrawal and payment made to the accused, but the same has been utilized by me for certain other purpose.

43 It is not true to say that I have never paid the amounts to the accused nor she repaid me as referred to in para no.32 of my re-examination Exh.12/17. It is not true to say that and I have never met the accused in regard to said transaction. It is not true to say that the accused has never approached me nor demanded the money as referred to in para no.33 Exh.12/17 of my re-examination. It is not true to say that I have never paid said money as referred to in said para no.33, to the accused.

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Question You don't possess any receipt towards acknowledgment made by the accused with regard to said amount ?

Answer The cheque is issued.

It is not true to say that I have been improving my case beyond the scope of the pleadings in the complaint.

44 It is not true to say that I have received the cheque in question on the same date on which the accused got credit of Rs.7,44,000/- from Gokulam Chit Finance. It is not true to say that since I was in need of money for one month and therefore I requested the accused and accordingly she issued me said cheque of Rs.4,40,000/-. It is not true to say that thereafter the accused had persuaded me to return said amount, but I refused to repay it.

45 It is not true to say that the accused has not received the demand notice since she was not residing on said address. It is not true to say that her address has not been disclosed either in the demand notice nor in the evidence on record. It is not true to say that since the accused has placed on record her then residence proof, therefore, in absence of her proper address in the complaint and in the evidence which is laid on my part, she has not received the demand notice.

46 I was not doing job in Shreeram Chit Finance at that time. Now I am shown the document which is placed on record on behalf of the accused. It is not true to say that by virtue of said document I was the Development Officer in Shreeram Chit Finance. The witness



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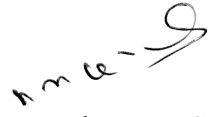
C.C. No. 1404/SS/2021
Exh.12/22

volunteers that it was an agency. My monthly income through said agency was around Rs.50,000/- to 60,000/-.

47 Now I am shown a copy i.e. **handwritten note of November 2020** (it is marked as **Article A**). It is not true to say that as per said note, the accused has paid me Bhishi amount.

Further Cross-examination is deferred till recess.

R.O.A.C.


(V.B. Gulve-Patil)

Date : 13.03.2025

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

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

48 It is true to say that I have affirmed before the Judicial Clerk on 15.07.2021 vide my examination in chief.

49 **Question** Is it correct that the cheque book pertaining to the cheque in question was issued in December 2018 ?

Answer Might be. I had received the cheque before 2-3 days.

Now, I am shown the **certified true copy issued by Mumbai District Co-operative Bank**, Chunabhatti Branch. (It is marked as **Article B** for location)

Question Is it correct that as per said true copy, the cheque book was issued in December 2018 ?

Answer Might be.

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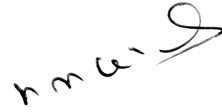
Exh.12/23

50 It is not true to say that there is apparent suspect on the face of record, since the cheque book was issued in 2018 and the cheque in question was deposited in 2021. It is not true to say that this is false case.

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 : 13.03.2025

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