

D. W. No. 1 on oath :-

C.C. No. 1404/SC/2021
Exh.54

Name : Kalpana Harichandra Thakur
Age : 63 years
Occupation : Business
Resident : Chunabhatti, Mumbai.

Chief-examination by Advocate Shri Dilip Vijapurkar for the accused:

1. I know the complainant since 2018.
2. He used to visit my house in 2018. He informed that he would arrange loan and was conducting Bhishi. Accordingly, he insisted for income tax returns. Initially, he took Rs.15,000/- from me, but later I got to know that Rs.2,500/- required for income tax returns. He started process for the loan. He got arranged the loan from Gokulam Chit Fund located at Dadar Plaza West. He demanded Rs.4,40,000/- from the loan amount. He took Rs.4,40,000/-. At the same time, he obtained 4-5 signed cheques from me with intimation that those were needed for the purpose of the loan. He took cash amount of Rs.50,000/- in two installments as advance commission from me.
3. During the process of the loan approval, the complainant was accompanied by 2-3 people. He used to make said associates to accompany us to said office and never accompanied us in the office. His second wife started demanding Rs.4,40,000/- from me from said loan amount. I questioned her demand. She responded that her husband took efforts to get the loan sanctioned and therefore he deserved said amount. Believing her words, I issued a signed cheque in his favour. The



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amount thereon filled in by him only. My said cheque got debited from my bank account of the Mumbai District Central Co-operative Bank and credited in favour of Mayuri Santosh Shete. I again say that the cheque was debited and in favour of two persons namely Mayuri and Santosh Shete.

4. In 2019, his wife Asha Santosh Shete started Bhishi and used to demand money from me. Initially, Santosh took the money from me for six months by visiting my house. Then, I started paying her through Gpay i.e. monthly Rs.20,000/-, Rs.25,000/-, Rs.18,000/-, Rs.30,000/-. I had three numbers in said Bhishi for Rs.10,000/- each. Thus, I paid the amount for 16-17 months.

5. Now, we are getting demand letters from the Gokulam. We had borrowed Rs.7,44,000/- from the Gokulam.

6. The Manager of the Gokulam namely Anil visited the house of Santosh Shete with the cheque of the loan amount which was to be disbursed in my favour. At the same time, Santosh Shete demanded Rs.4,40,000/- as help. Then I issued a signed cheque for Rs.4,40,000/-. Santosh assured me that he would repay said amount within one month. His wife convinced me to extend said help. Chitra Ganesh Borekar i.e. my sister was also present and got the cheque of Rs.7,44,000/- from Anil representing the Gokulam. In turn, Chitra advanced Rs.4,40,000/- as help to Santosh.



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Exh.54/3

7. My cheque which was issued for Rs.4,40,000/-, drawn on the Mumbai District Central Co-operative Bank, bearing no. 240446.

8. I did not issue the subject cheque to Santosh. It was issued at the time of process of the loan, when he got 4-5 signed cheques from me. He has got Rs. 5,40,000/- filled in on one of the cheques and misused it. I have received the demand notice with regard to dishonour of said cheque. I again say that, I am staying in MHADA, 1809, since 13 years. The notice was addressed to Gaonthan area.

9. The subject cheque was issued in my favour by the Mumbai District Central Co-operative Bank in December 2018. I am not liable to pay Rs.5,40,000/- to the complainant, since I have never borrowed said amount from him. He has presented false case against me.

10. Raju Khandu Thakur and Chitra Ganesh Borekar were present on the date when I received the cheque from the Gokulam.

11. I repeatedly demanded the sum Rs.4,40,000/- from Santosh and even visited his house on two occasions for said purpose. He owes me Rs.4,40,000/-.

Cross-examination by Advocate Shri S.F. Rahmen for the complainant:

12. I know the address of the complainant. It is, flat no.334, 3rd Floor, building no.41, near Shivsena Shakha, Abhyudaya Nagar. I can



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prove that he is resident of said address and ready to produce documentary proof in support of said statement. I am not resident of the address which is mentioned in my reply sent pursuant to the demand notice. Now, I am shown the reply Exh.17. It is true to say that it bears my signature.

13. **Question** Whether the contents in the reply were read over to you ?

Answer I understood this much only that Santosh Shete presented a case against me for cheque bounce.
The cheque no.240446 is not mentioned in the reply.

14. It is not true to say that the complainant has never deposited said cheque issued for the sum Rs.4,40,000/-. I have complained to the Chunabhatti Police Station against the accused alleging that he stole the cheque in question. I do not recollect the year in which said complaint was made. The witness volunteers that I can produce said papers, if required.

On request of learned advocate representing the complainant and consent of the witness for the purpose of production of documents, further cross-examination is deferred in the interest of justice.

R.O.A.C.



(V.B. Gulve-Patil)

Date : 18.08.2025

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