

D. W. No. 1 Kalpana on oath :-

C.C. No. 1404/SC/2021
Exh.54/5

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

15 The accused did not issue receipt regarding payment of Rs.15,000/- made to him. I don't have any documentary proof to show that the accused demanded Rs.4,40,000/- from me. I have not produced any documentary proof in support of the claim that Rs.50,000/- in two installments paid to the complainant.

16 I told at Kalachawky Police Station on 16.12.2023 that 4 to 5 signed cheques were obtained from me by the complainant for the purpose of the loan.

17 I don't have any documentary proof disclosing that the complainant's second wife demanded Rs.4,40,000/- from me. I have produced the documentary proof disclosing that I had started paying Asha Santosh Shete through Gpay i.e. monthly amounts as stated in para no.4.

18 It is not true to say that the complainant paid me Rs.41,000/- on 20.04.2019 through cheque no.100041 drawn on Mahanagar Bank. It is not true to say that the complainant advanced me friendly loan of Rs.5,60,000/- during 05.03.2019 to 18.09.2019. It is not true to say that in order to repay said amount, the subject cheque for Rs.4,98,000/- is issued by me in favour of the complainant.

S.F. Rahmen

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C.C. No. 1404/SC/2021

Exh.54/6

19 It is not true to say that I have sent the reply dated 26.10.2021 through my advocate Shri Dilip Vijapurkar in response to the demand notice. Now, I am shown the reply Exh.17. It is not true to say that it bears my signature. It is true to say that my advocate did not inform me as to what are the contents written in the reply Exh.17.

Question It is written in the reply Exh.17 that the subject cheque is delivered to the complainant for some different transaction and it is not related to present transaction. Is it correct ?

Answer The cheques were delivered to the complainant for the purpose of loan only and he misused it.

I intimated my advocate that the complainant stole the cheques. I did lodge the complaint immediately after receipt of the demand notice. It is true to say that I have not filed police complaint with regard to theft of the cheques prior to 02.05.2022.

20 It is not true to say that I repaid Rs.4,40,000/- which was due with regard to the transaction occurred prior to 2018.

21 Now, I am shown the cheque Exh.13. It is not signed by me. I do maintain the account in the Mumbai District Central Co-operative Bank. It is true to say that cheque number which is mentioned on said Exh.13, is issued by said bank in my favour. I have not verified in the court whether Exh.13 bears my signature. I did not receive any message from the bank when the cheque got dishonoured. Now, I am shown Exh.27 i.e. application seeking permission to adduce defence evidence. Now my attention is brought towards signature appearing on Exh.27 and Exh.13. I say that the signature on Exh.13 is different from Exh.27. Now, I am shown postal

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C.C. No. 1404/SC/2021
Exh.54/7

acknowledgment Exh.16. It is not true to say that the signature appearing on Exh.16 and the signature appearing on Exh.13 are the same. It is not true to say that in order to avoid my responsibility to pay the amount, I am saying that the signature does not belong to me. It is true to say that I have deposed in para no.8 that I delivered 4 to 5 signed cheques. The witness volunteers that one cheque might have been delivered as it is. The complainant has not deposited any other cheque except the subject cheque for encashment. I have not produced the details of signed cheques which were delivered to the complainant. It is not true to say that I have "filled in" and issued the subject cheque in favour of the complainant in discharge of my liability since I borrowed friendly loan of Rs.5,40,000/- from him.

22 It is true to say that the loan proposal which was supposed to be approved from Gokulam Finance got sanctioned and I received the cheque for Rs.7,44,000/-.

23 It is not true to say that I have issued the subject cheque to repay my liability of Rs.4,98,000/- to the complainant. It is not true to say that I have deposed false.

(Both the learned advocates have submitted that the copy of the **complaint dated 02.05.2022** which is placed on record along-with **Exh.55** be marked as exhibit since it is admitted to both the sides. Hence, it is marked as **Exh.56**)

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Exh.54/8

Re- examination by advocate Shri Dilip Vijapurkar for the accused :

24 The cheque which is bounced bearing no. 240438 and it is drawn on Mumbai Bank. The cheque book is of year 2018. I paid Rs.4,40,000/- to the complainant through cheque bearing no.240446 drawn on Mumbai Bank.

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

25 I did not demand remaining cheques from the complainant in writing.

Cross examination is over.

R.O.A.C.

ma-s

Date : 18.09.2025

(V.B. Gulve-Patil)
Judicial Magistrate First Class
20th Court, Mazgaon, Mumbai.