

Further Cross Examination on Oath by Learned Adv. Smt. P. C. Shah for the Accused :-

26) Today I have not brought any record to show that I am the owner of the said shares. I have not produced on record any document to show that there is legally enforceable debt against the accused except the cheque in question.

Question : Whether you have received any notice from the company to show that you are the owner of the said shares ?

Answer : The shares were given to transfer in my name duly signed in transfer form. Therefore, question does not arise receiving notice from the company.

27) I had given original transfer deed to the transferee. I can not produce the said transfer deed. It is not true to say that I have no evidence to show that I have acquittance with the accused. I have no idea a transfer deed is valid only for limited period from the date of issuance of transfer deed. Right now I am not able to state on exact date the transfer deed was issued and what date it was executed by transferrer. It is not necessary to transfer shares to demat account. It is not true to say that I have no document to show that I have taken acknowledgement about the transfer the shares along-with transfer deed. If I can find it definitely produce and record.

28) It is not true to say that the accused has not given the disputed cheque to me directly. It is not true to say that in order to extort more money from the concern person. I have filed false complaint against the accused. It is not true to say that there was no transaction took place between me and the accused in physical form. It is not true to say that the shares were under objection therefore, it was not demitted in my account. It is not true to say that since I am not knowing the accused therefore, question of entering any agreement

with the accused. Prior to the alleged transaction there was no transaction between me and the accused. It is not true to say that I am not holding any shares in physical form that is why it was not reflected in my Income Tax Returns.

29) It is not true to say that I have filled-up the contents on the cheque except signature. I have filed present complaint against Ashok Nathani not against Ashoka Nathani. It is not true to say that the accused had not issued the disputed cheque in order to discharge legally enforceable debt.

30) Now, the cheque return memo Exh-33 is shown to me. It is not having seal and signature of the concerned bank. It is not true to say that cheque return memo is a bogus document. It is not true to say that I have misused the cheque in question.

31) It is not true to say that I have not holding any shares in physical form as claimed by me. It is not true to say that the cheque was issued without any legal liability. It is not true to say that I have filed false complaint against the accused to extort more money.

Cross examination over.
No Re-examination.

R.O.A.C.

Date : 26/09/2023

(D.D. Suryawanshi)
Metropolitan Magistrate,
72nd Court, Vikhroli, Mumbai.