

Further cross-examination of P.W. No.1 Mrs.Manisha Chetan Vithalani on oath, on behalf of accused by Advocate Shri.Devesh Shukla :-

7. Except the transaction mentioned in complaint, I have not given any friendly loan to anybody else. I have not intimated my intention to accused in writing informing her about my intention to present the cheque for encashment. It is not correct to say that, I have obtained blank signed cheque and blank signed stamp paper from accused without giving any money to her. It is correct to say that, the text appearing on Exh.P-7 is going out of the silver line appearing on left side of the stamp. It is not correct to say that, I have got printed text on blank signed stamp paper after the stamp paper came into my possession having signature of accused. It is not correct to say that, as the contents of Exh.P-7 were got printed by me, hence, there is no seal and stamp of Notary Public on Exh.P-7. It is not correct to say that, the stamp paper used for Exh.P-7 is in my name. Now witness shown Exh.P-7. It is not correct to say that, it is mentioned on said stamp paper that it is purchased in the name of "Manisha Chetan Vithalani". It is correct to say that, the name written in handwritten text about the name of person purchasing stamp paper is written as "M.K.VaR". It is my say that accused has handed over me disputed cheque in fully filled in condition. It is not correct to say that, the disputed cheque was handed over to me in blank signed condition. It is not correct to say that, the text appearing on disputed cheque is in my handwriting. Now witness shown Exh.P-8. I cannot differentiate whether two different colours of inks are utilized for filling the contents of disputed cheque and making the signature of drawer. It is my say that at the time of

handing over money to accused me, my husband were present. It is correct to say that, except Exh.P-7 and P-8 I don't have any other document to show that I have handed over money to accused on 07.11.2016. I do not recollect what has happened on 08.11.2016. It is correct to say that, Prime Minister of India has announced demonetization on 08.11.2016. It is not correct to say that, utilization of old notes of denomination of Rs.1000/- and Rs.500/- were banned after 08.11.2016. It is not correct to say that, as in fact I have not given amount in cash to accused on 07.11.2016, hence, reference of it is not appearing in my complaint and chief affidavit.

Que : Is it correct to say that after 08.11.2016 nobody was giving or accepting old notes of denomination of Rs.1000/- and Rs.500/- ?

Ans : It is my say that I have given amount on 07.11.2016 and I am not aware about anything not to be transacted in old notes of denomination of Rs.1000/- and Rs.500/- after 08.11.2016.

8. It is correct to say that, the date is not mentioned after the signature of accused on Exh.P-7. It is not correct to say that, as I have not given amount to accused on 07.11.2016, hence, the date is not mentioned after the signature of accused on Exh.P-7. It is not correct to say that, as I have not given instructions for issuance of demand notice, hence, my signature is not appearing on demand notice. Now witness shown Exh.P-11. It is correct to say that, my signature is not appearing on Exh.P-11. It is my say that disputed cheque was presented by me for encashment in March, 2017. Without going through the contents of my chief affidavit and complaint, I am not in a position to tell as to whether I have not stated the date on which the cheque was

presented for encashment. Now witness attention is drawn to her complaint and chief affidavit. It is mentioned therein that on 07.03.2017 I have presented the cheque for encashment. Now witness attention is drawn to Exh.P-9. It is correct to say that, it is having date as 07.03.2017. It is not correct to say that, I have falsely stated in my chief affidavit and complaint that the disputed cheque was presented on 07.03.2017. It is correct to say that, Exh.P-9 is not having signature of employee of issuing bank, rubber stamp of issuing bank. It is correct to say that, Exh.P-9 is not on the letter head of issuing bank. It is not correct to say that, Exh.P-9 is false and fabricated document. It is not correct to say that, I have given amount to accused and she has executed Exh.P-8. It is not correct to say that, Exh.P-7 and P-8 were issued in blank signed condition to me and I have not given any amount to accused. It is not correct to say that, the demand notice issued by me was not delivered to accused. It is correct to say that, I have not received any reply from accused about my demand notice.

Cross-examination is over.

No re-exam.

R. O. A. C.

kdc

Sd/-

(**S. D. Kamat**)

Metropolitan Magistrate,
43rd Court, Borivali, Mumbai
Date: 09/08/2021.