

C. C. No.2624/SS/2015.

D.W. No. 1 On S. A .

Exh. D-1.

Name : Bismilla Ali Husain Khan.

Age : 56 years.

Occ. : Nil.

Resd: Bandra(E.)

Examination-in-chief by Advocate Srivastav for accused.

1. It is my say that nor I have issued any cheque to complainant or I have taken any cheque from her. A false blame has been made on me. In the year 2014-15 I was having a small mobile shop at Bandra(E.). I used to give cheque to my dealers. At the relevant time my health was not that much good. Hence, I rarely used to sit in the shop. I used to keep signed cheques in my shop for making payment to dealers. One day I went to Vileparle for making purchase of mobile. At that time I was carrying a blank signed cheque. I received a phone call from friend of complainant and he told me that he is having some work with me. He called me to come to Malad as he want to talk with me. I told him that I will not be in a position to visit his house at Malad, so, he told me that I can meet him near Bada Kabrastan at Malad. After attaining the Namaz at Mosque at about 09.00 – 09.15 in the night, I met complainant near the gate of Mosque. We exchanged greetings of meeting to each other. At that time two friends of complainant and two unknown persons came there. They all put me in a Tata vehicle of which I am unable to tell the name. I was put in the front seat. Two persons were sitting on the back seat. Complainant was driving the vehicle. The two persons sitting on the seat behind to me, caught hold of my neck. The person sitting on left side and on back seat took out the cheque book from the bag which I was carrying. He tore out 4-5 blank signed cheques out of that cheque book. Even after making request, they took out Rs.5000/- from my person. I was moved out of the car and while I was walking, one of the friend of complainant

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came near me and told me that they have played prank on me and they will return the cheques on next morning. But thereafter, there was no talk with those people. Thereafter, I received notice to remain present before the Court. For two years I could not know about anything. One Advocate has taken my signature on paper by saying that he will send the reply. As I am a illiterate person, I do not know what has been written in reply sent to the notice. False case has been lodged against me and I pray for justice.

Examination-in-chief over.

Cross examination on behalf of complainant :-

(Cross-examination differed till next date.)

R.O.A.C.

kdc

Sd/-

(Shri. S. D. Kamat)

Metropolitan Magistrate,
43rd Court, Borivali, Mumbai
06/10/2021.