

P.W. No.1 on S.A.

Cross-examination of P.W. No.1. Savita Kanaya on oath, on behalf of accused by Advocate Shri. Dilip Bedi.

2. Savita Kanaya is my full name. I am a Real Estate Consultant. I have been in this profession since last three years. Before that I was working with Godrej in the year 2015. My address is as written in my evidence affidavit and complaint. I have been residing with my father. Power of attorney was executed when the complaint was filed. The complaint is filed in the year 2015. I do not remember the month in which I filed complaint. Power of attorney was prepared by my lawyer but I do not remember where it was executed. My lawyer had purchase stamp of power of attorney. I do not know from where it was purchased. I do not remember in whose name stamp paper was purchased for writing power of attorney. Address of the notary who has attested power of attorney is at Teli Galli, Andheri. My father was not with me at time of executing power of attorney. I do not remember whether notary register was signed or not. It will not be correct to say that I am unaware about facts of the case. I do not remember whether my father was accompanied with me in notary's office or not. I do not remember whether my father has signed on notary register or not. I do not remember that my father was suffering from illness at the time of execution of power of attorney. In the year 2015 my father was aged about 78 years old. My father is suffering from heart disease as he has undergone bypass surgery in the year 2015. I do not remember about giving instruction to notary regarding illness of my father. I have not produced on record medical papers of my father showing that he is unable to attend the court due to his illness.

3. It is true to say that contents of Page No.02 of my power of attorney regarding my employment with my father in the year 2015 is incorrect. I have not produced on record my Aadhar Card and Pan Card to prove my identity. In the year 2015 my father was not having any occupation as he was retired in year 2008. In the year 2013 to 2015 my father was not working anywhere. My father had transfered loan amount in the bank account of the accused. I can not tell exactly whether it was through transfer entries or cheque. It will not be correct to say that I do not know about the amount was transfered to the accused. It is not correct to say that amount was given to the accused by my father on interest. It is true to say that the word 'interest' in my evidence affidavit Para No.02 is incorrect. It is not true to say that portion marked 'A' of my evidence affidavit is incorrect. Now I am shown Para No.02 of my evidence affidavit. It is true to say that Para No.02 of my evidence affidavit are incorrect. It is true to say that I can not tell the date and mode of transfer of amount to the accused. It is true to say that the contents regarding paying 'interest' by issuing cheques as mentioned Para No.03 of my evidence affidavit are incorrect. It is true to say that the portion marked 'B' of my evidence affidavit now read over to me are incorrect.

4. It is true to say that my father does not have money lenders licence. The date 04.05.2015 written on power of attorney is correct. Demand notice Exh.P-10 was drafted on the basis of instruction given by me. It is true to say that my father did not give instruction to my Ld. Advocate for drafting demand notice Exh.P-10. I had gone through the contents of demand notice Exh.P-10 before it was posted. I tried to

understand the contents of demand notice Exh.P-10 but which something was left which I did not understand. It is not true to say that am unaware about the contents of the demand notice Exh.P-10. It will not be correct to say that the contents of demand notice Exh.P-10 in para No.01 are incorrect. It is not true to say that I deposing false that I had given instruction for drafting demand notice Exh.P-10. It is not true to say that even after execution of power of attorney my father was looking after all the affairs. It is true to say that power of attorney is not a registered document. Now I am shown para No.02 of my demand notice Exh.P-10. The interest part in para No.02 of my demand notice Exh.P-10 are incorrect. It is true to say that the words “you have agreed to pay him interest on said deposit of Rs.10 lakhs” are incorrect. I have not filed application for amendment of demand notice, complaint and evidence affidavit regarding incorrect contents about the interest part made there in.

(Cross-examination is deferred till next date.)

R. O. A. C.

Before me,

(S. D. GAWADE)

Metropolitan Magistrate,
43rd Court, Borivali, Mumbai
Date: 11/12/2023.