

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,**  
**58TH COURT, BANDRA, MUMBAI**  
**STATEMENT OF ACCUSED U/SEC.313 OF CR.PC.**  
**IN C.C.NO.3287/SS/2017**

Exh.28

**Name of the accused : 2) Shri. Santosh Rajaram Patel**

Age : 54 years, Occ.: Construction Business,  
R/o. Ambernath(E).

Q.No.1) Have you heard & understood the evidence complainant's witness ?

Ans: Yes.

Q.No.2) It has come in evidence of CW-1 Mr. Ajinkya Ashok Gange that he is proprietor of Ajinkya Shoes Trading. What do you want to say about it?

Ans : It is true.

Q.No.3) It has further come in his evidence that you accused No.2 introduced him to Shri. Nitin Tayde as a partner of accused No.1 and subject cheque is issued by you accused No.2 as the only authorized signatory for accused No.1 firm. What do you want to say about it ?

Ans : It is false. Nitin Tayde was agent. I had given cheque to Nitin Tayde against payment of commission.

Q.No.4) It has further come in his evidence that you accused No.2 and Shri. Nitin Tayade represented him as a builder and developer carrying on business under name and style of Pauravi Enterprises that is accused No.1. What do you want to say about it ?

Ans : It is false. I am builder of Pauravi Enterprises.

Q.No.5) It has further come in his evidence that you accused No.2 and Shri. Nitin Tayade informed him that you wanted to sell 2 flats admeasuring 480 sq.ft and 478 sq. ft. total 958 sq.ft. situated at Jyotiba Phule Co-op. Hsg. Soc. Ltd., Village-Belavli, Tal. Ambernath, Dist.Thane for total consideration of Rs.57,30,000/-. What do you want to say about it ?

Ans : It is true.

Q.No.6) It has further come in his evidence that he decided to purchase said flats and entered into Agreement of the sale of flat dated 14.06.2017. It is signed by you accused No.2. What do you

want to say about it ?

Ans : It is true.

Q.No.7) It has further come in his evidence that he purchased the aforesaid flats by paying the entire consideration by taking loan of Rs.44,60,000/- from his bank which was paid to you through R.T.G.S. in your bank account.What do you want to say about it ?

Ans : It is true.

Q.No.8) It has further come in his evidence that you neglected to give possession of said flat to him. What do you want to say about it ?

Ans : It is false. Without possession loan can not disbursed.

Q.No.9) It has further come in his evidence that he demanded his money back. In discharge of your legal liability you issued cheque bearing NO.081226 dated 28.06.2017 for Rs.22,50,000/- in his favour. What do you want to say about it ?

Ans : It is false.

Q.No.10) It has further come in his evidence that said cheque was issued by you and contents your signature as authorized signatory for Pauravi Enterprises. What do you want to say about it ?

Ans : It is true. I had given said blank cheque to the agent Nitin Tayde towards commission.

Q.No.11) It has further come in his evidence that on depositing said cheque in his bank, the same was dishonored and returned unpaid with the remark 'Payment Stopped By Drawer' vide memo dated 28.09.2017. What do you want to say about it ?

Ans : It is true. I had stopped payment as I gave commission to the agent in cash.

Q.No.12) It has further come in his evidence that the complainant issued demand notice dated 26.10.2017 and called upon you to pay the cheque amount within a period of 15 days from the date of receipt of the notice. What do you want to say about it?

Ans : I have not received notice.

Q.No.13) It has further come in his evidence that after receipt of notice you failed to make payment of disputed cheque within a period of 15 days and committed an offence. What do you want to say about it?

Ans : It is false.

Q.No.14) Why the witness is deposing against you?

Ans : I do not know.

Q.No.15) Do you want to examine yourself or any witness in support of your defence?

Ans : No.

Q.No.16) Do you want to say anything about this case ?

Ans : Nothing to say.

  
Accused  
(Mr. Santosh Rajaram Patel)

Before me  
  
(M. P. Saraf)  
Judicial Magistrate (First Class),  
58<sup>th</sup> Court, Bandra, Mumbai.  
J.O.Code : MH01362

**CERTIFICATE**

The contents of above said statement recorded in my presence and hearing and explained to accused in Marathi. Accused admitted it as correct.

  
Judicial Magistrate(First Class),  
58<sup>th</sup> Court, Bandra, Mumbai.

Date: 01.04.2026.