

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.454/SS/2017

Exh. 38 61

Name of the accused : 1) Shri. Niraj Gunvant Kakad
Age : 53 years, Occ.: Builder.
R/o. Santacruz(W), Mumbai.

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. Francis Lawrence Fernandes that he is Constituted Attorney of his mother that is original complainant. What do you want to say about it?

Ans : *I am not aware.*

Q.No.3) It has further come in his evidence that complainant came to know from him and her grand daughter who is working as Receptionist in your office that you informed your staff to see any investors in the market and you would pay attractive interest on such investments by way of short terms deposits. On believing you, complainant invested Rs.35 lakhs by issuing cheque bearing No.523701 dated 06.01.2017 in your favour. What do you want to say about it ?

Ans : *Not true.*

Q.No.4) It has further come in his evidence that after receiving the said amount from the complainant, you unconditionally promised and undertaken to repay the said amount of Rs.35 lakhs on demand, issued receipt dated 15.12.2014 and you executed Bills of Exchange and accepted on 15.12.2014 and also issued an undated cheque bearing No.222076 for Rs.35 lakhs for repayment the said amount in favour of the complainant. What do you want to say about it ?

Ans : *Not true*

Q.No.5) It has further come in his evidence that said cheque was issued by you and contents your signature. What do you want to say about it ?

Ans : *False.*



Q.No.6) It has further come in his evidence that you clearly in writing has undertaken to pay monthly interest @ 1.50% p.m. and accordingly you paid Rs.3,15,000/- by way monthly interest in the initial stages that is from 15.12.2014 to 14.06.2015 by cheque to the complainant and thereafter neglected to pay the interest. What do you want to say about it ?

Ans : *Not true*

Q.No.7) It has further come in his evidence that you have executed Bill of Exchange for Niraj Construction, Proprietor Nirajji Kakad HUF as Karta and promised to pay the same. What do you want to say about it ?

Ans : *Not true.*

Q.No.8) It has further come in his evidence that three members of her family also invested an amount of Rs.92 lakhs with you. What do you want to say about it ?

Ans : *Not true*

Q.No.9) It has further come in his evidence that on depositing said cheque in complainant's bank, the same was dishonored and returned unpaid with the remark 'Account Closed' vide memo dated 07.01.2017. What do you want to say about it ?

Ans : *I am not aware*

Q.No.10) It has further come in his evidence that the complainant issued demand notice dated 02.02.2017 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*

Q.No.11) It has further come in his evidence that after receipt of demand 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 : *I am not liable to make the payment of disputed cheque and I have not committed any offence*

Q.No.12) It has come in evidence of CW-2 Mr. Sumit Gautam, Manager Canara Bank that the cheque given by you was dishonored for the reason 'Account Closed'. What do you want to say about it?

Ans : *I am not aware.*

Q.No.13) Why the witnesses are deposing against you?

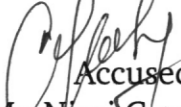
Ans : To extort money from me by filing false case .

Q.No.14) Do you want to examine yourself or any witness in support of your defence?

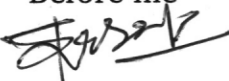
Ans : Yes . I want to examine more witnesses, i.e my accountant & Chartered Accountant for my defense

Q.No.15) Do you want to say anything about this case ?

Ans : This is a false case and it is filed only to harass me & extort money from me.


Accused No.1
Mr. Niraj Gunvant Kakad)

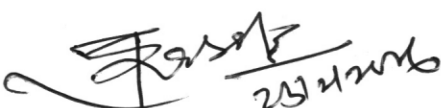
Before me


(M. P. Saraf)

Judicial Magistrate (First Class),
58th 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 Hindi. Accused admitted it as correct.


23/02/2026

Judicial Magistrate (First Class),
58th Court, Bandra, Mumbai.

Date: 23.02.2026.