

24. Whatever stated by me in my evidence affidavit is true and correct and in token thereof I have signed the affidavit.

(M. P. Saraf)

Date : 17.04.2025

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

Cross examination of CW-01- Priya Nitin Nair by advocate Mr. Hemant Kapoor for the accused :

25. I am working as a HR Manager, Al Jamea Institute, Marol, Andheri(E). I know the accused because of my husband. He is our family friend. Name of my husband is Nitin Nair. I am knowing accused since 8 years.

26. Now I am shown two cheques Exh.22 and 24. It is not true to say that there is difference of ink of hand writing on the cheques and signatures of the drawer. Now I am shown verified copy of my Bank Passbook Exh.21. It is true to say that in said passbook MICR Code is shown as 40013028. Now I am shown cheque dishonor memo dated 18.03.2019 produced at Exh.25. It is true to say that in cheque return memo Exh.25 dated 18.03.2019 MICR Code is stated as 400013187. It is true to say that the return memo does not bear signature of issuing authority or stamp or seal of the bank.

27. Now I am shown demand notice dated 15.04.2019 at Exh.26. The notice was issued for dishonor of first cheque No.930842 dated 31.07.2018 produced at Exh.22. I have not sent legal notice after dishonour of second cheque bearing No.643777 dated 15.01.2019 produced at Exh.24.

28. Now I am referred para No.10 of my affidavit of evidence that is Examination in Chief. It is true to say that I have filed present complainant in respect of dishonor of cheque No.643777 dated 15.01.2019 amounting to Rs.5 lakhs. It is true to say that the demand notice Exh.26 for first cheque bearing No.930842 was sent to the accused on his address at 303, Garden Rose annexed, N.Datta Marg, 4 banglows, Azad Nagar, Andheri (W), Mumbai 53. It is true to say that said notice was sent by registered post acknowledgment. I do not have the acknowledgment card with me. It is not true to say that accused Rohit Shetty is not residing at the above address at Azad Nagar, Andheri. It is not true to say that he is permanent resident at Manglore. It is not true to say that demand notice Exh.26 was never received by the accused. I have not marked it exhibit. It is true to say that I gave loan of Rs.5 lakhs to the accused in the year 2017. It is true to say that till year 2019 I am repeatedly demanding money from the accused. It is not true to say that accused never instructed me to deposit the cheque. It is not true to say that the cheque was in my possession prior to the transaction. It is not true to say that I have misused the cheque by depositing into my account. It is not true to say that accused has no liability to pay the cheque amount. It is not true to say that I have taken all false pleas against the accused.

Cross examination is over.

No Re-examination.

R.O.A.C.

Date : 17.04.2025

(M. P Saraf)
Judicial Magistrate(First Class),
58th Court, Bandra, Mumbai.
J.O.Code :MH01362

CERTIFICATE

I affirm that the contents of this P.D.F file evidence are same, word to word as per the original evidence.

Name of Stenographer : Mrs. Aditi Ravikiran Dalvi

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

Dictated in open court on : 17.04.2025.

Transcribed and Typed on : 17.04.2025.

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