

Resumed on S.A.Further cross examination of CW-01- Ashwinikumar Shrivastav by advocate Mr. Mehul Thakkar for the accused :

21. I have not brought the minutes book. It is correct to say that on last date of cross examination also I was not possessing with me the minutes book. I am possessing only one resolution dated 28.02.2015 as mentioned in my affidavit in lieu of examination in chief. Complainant company has also passed again resolution in my favour on 27.02.2021. I do not possess knowledge as to the documentation if any in regards Board Meeting dated 28.02.2015. I will have to confirm myself by perusing our record to answer the question whether stamp duty is paid or not on the Terms Sheet. I know the name of accountant or the person who look after the aspect of record of the company in respect of payment of stamp duty. His name is Ravindra Bedkar. It is true to say that in my evidence affidavit I have not mentioned on what date the subject cheque was issued by the accused. I do not know whether our claim is informed to the official liquidator appointed for insolvent company accused No.1. Myself is looking after the record of the company at present. It is true to say that there is no my signatures on any of the Terms Sheets. I have not mediated for giving loan. Witness is volunteers that my roll started after dishonour of the cheque. It is not true to say that I have no knowledge as to what settlement taken place in between complainant and accused No.1 company. It is not true to say that amount of Rs.1,75,00,000/- mentioned in para 15 of evidence affidavit was paid by the accused after settlement talks. I do not know from whose account the amount of Rs.1,75,00,000/- was received by the complainant. It is true to say that the accused No.1 company was wind up on 02.02.2018. I do not remember on what date the settlement was done and at which place it was carried out. It is not true to say that the settlement talks were carried out after closing the accused No.1 company in between directors of complainant



company and only accused No.2. I do not know at what place the settlement was taken place. In my knowledge no settlement talks or meeting taken place at any point of time. Now I am shown Term Sheet Exh.44 dated 16.11.2014. I was present on the date of execution of Term Sheet Exh.44. I can tell on what date the cheque Exh.47 was given by the accused. The accused had given subject cheque on 15.02.2014.

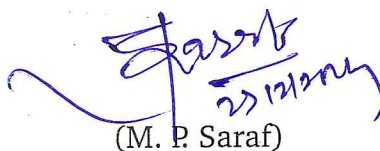
22. It is not true to say that I am not serving in complainant company. It is not true to say that whatever transactions and talks taken place are in between only with our directors and accused. It is not true to say that I was not present at the time of any of the transaction. It is not true to say that therefore I have no knowledge about any of the transaction. It is not true to say that after closing company a meeting taken place in between our directors and accused No.2 for settlement. It is not true to say that thereafter settlement taken place and accused No.2 had paid all the dues as per the settlement. I do not know whether we have not paid stamp duty on any of the Terms Sheets. It is not true to say that no meeting of Board of Directors taken place at any point of time to authorize me to file complaint and depose. It is not true to say that therefore, I have not produced the minutes book of any of the meetings. It is not true to say that I have filed false case. It is not true to say that I have deposed false against the accused.

Cross examination is over.

No Re-examination.

Date : 27.02.2024

R.O.A.C.



(M. P. Saraf)

Metropolitan Magistrate,
58th Court, Bandra, Mumbai.
J.O.Code :MH01362