

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

Date : 08.07.2025
(M. P Saraf)
Judicial Magistrate(First Class),
58th Court, Bandra, Mumbai.

Cross examination of CW-01- Durgamadhab Misra by advocate Mr. K.D.Kothari for the accused:

9. I am M.A.LL.B. and practicing advocate. I was branch Manager in Punjab National Bank in Recovery Department. I am retired on 30.09.2020. In my family myself, my wife and my two sons. At the time of retirement my monthly salary was around Rs.1,70,000/- per month. I have maintained only in Punjab National Bank. I am submitting Income Tax Regularly. I can file Income Tax Returns if required. My monthly expenses in the year 2019 was around Rs.30,000/-. I have not given loan to any of my family members in the year 2019, 2020 and 2021. I have obtained only vehicle loan. I know accused through our common friend Mr. Rajendra Pol since year 2018. I can tell about the family members of accused. I had attended function at house of accused once in Ganapati Festival. He had also visited my home. In the year 2019-20 accused was in the business of property as well as running a restaurant. I never inquired about goodwill of accused. It is true to say that there is no other transaction in between me and accused besides present friendly loan transaction. It is not true to say that I have not filed any document showing I had paid Rs.5 lakhs to the accused. I have produced my bank account statement. I again say I will produce my bank account statement on next date. I had given money by cheque in one installment. It is not true to say that accused has never received Rs.5 lakhs vide cheque No.075989 dated 31.10.2020. The date is wrongly mentioned. It is

23.10.2020. It is not true to say that I have no document to show that accused is liable to make me payment of Rs.5 lakhs. Accused has admitted the liability by sending E-mail to me. The friendly loan was without any interest. It is true to say that the cheque bearing No.000022 for Rs.25,000/- is deposited in my account. It is not true to say that the amount of Rs.25,000/- vide above cheque was not given towards interest by the accused. Witness states that it was given towards interest. It is true to say that I do not possess any document with which would show that accused had paid said amount of Rs.25,000/- towards interest. It is not true to say that as I was in need of money, accused had given me cheque of Rs.25,000/- and Rs.5 lakhs. It is true to say that I do not possess any Promissory Note issued by the accused.

10. Now I am shown cheque Exh.14. It is not true to say that accused had given me blank cheque only with signature. It is not true to say that I have filled and written the contents of cheque. It is not true to say that the ink by which name of payee is written on the cheque and the ink of date is different. It is not true to say that accused had never given cheque Exh.14 signing the same to me. It is not true to say that I have forged signature of accused on cheque Exh.14. It is not true to say that somebody on behalf of me has forged signature of accused on cheque Exh.14. It is not true to say that on 26.03.2021 accused was not liable to pay me Rs.5 lakhs.

On oral request of the advocate for the accused cross examination is deferred till next date.

R.O.A.C.

Date : 08.07.2025

(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 : 08.07.2025.
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