

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

Date : 19.09.2024

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

Cross examination of CW-01- Mr. Mahim Joshie by advocate Mr.Aaquib Aazi for the accused :

21. It is true to say that I am authorised representative of Indian Motion Pictures Producers Association (IMPPA). I am well conversant with the facts of present case. It is true to say that I am fully aware and conversant with the letters exchanged in between accused and complainant. It is true to say that I am sole proprietor of the company named Karmic Production. It is true to say that the cheques were issued as per the order in Arbitration Award dated 21.06.2016. It is true to say that accused is Creative Producer of a series 'Aye Zindagi' to be displayed on Zee International Channel. It is not true to say that I approached to the accused to be put on as a Producer of said series. I do not remember whether I had executed or not any MOU dated 01.09.2016 in the capacity of Proprietor of Karmic Production. It is not true to say that the cheques were given to IMPPA as a security as per the Arbitration Award in between me and accused. It is not true to say that accused gave me job of Producer for the series 'Aye Zindagi'. It is true to say that I had given 38 Episodes to be produced for the series 'Aye Zindagi'. I do not remember that I was to give Rs.95,000/- to the accused per Episode of said series. I do not remember that I was to pay Rs.5 lakhs in lump-sum to the accused for the production of said series.

It is not true to say that above referred amount was to be set off from the debts which I am claiming payable to the accused. It is true to say that out of 38 Episodes I produced only 4 Episodes. It is not true to say that the same caused dispute in between me and accused. It is not true to say that accused has referred the dispute for Arbitration to IMPPA. I do not remember that IMPPA had sent me letter informing me dispute raised by the accused. I am not aware whether accused has sent letter to IMPPA for holding subject cheques as a security as per Arbitration Award. It is not true to say that despite receiving letter from accused, complainant has presented subject cheques for realization. I do not know whether IMPPA has no authority to obtain any cheques in their personal or Association name being a Arbitration Facet. I do not know that IMPPA has not rendered any services to the accused for charging Rs.16 lakhs or Rs.2 lakhs in question. I can not produce any document to showing transaction in between accused and IMPPA resulting into any liability. It is true to say that in personal capacity of accused he is not liable to discharge any liability against IMPPA. Witness volunteers that he is liable to me in personal capacity. It is true to say that I am not the holder in due course of the cheque Exh.12 in my personal capacity. It is true to say that today I am deposing as a representative of IMPPA. It is true to say that the accused has not issued subject cheques in my favour for the personal liability towards him. It is not true to say that I have misused the cheques issued by the accused to IMPPA towards security. It is not true to say that the cheques were never issued by the accused against any liability towards complainant IMPPA.

22. It is true to say that the demand notice Exh.16 was issued as a representative of IMPPA and not in my personal capacity.

23. I am not office bearer of IMPPA. I am not holding any post in IMPPA. I am not member of any committee of IMPPA. It is true to say that the notice is dated 25.06.2018. It is true to say that the authority letter Exh.10 is dated 09.08.2018 that is after the period of date of notice. Except Arbitration Award I have no other document such as Resolution authorizing me to represent IMPPA. It is not true to say that the authority letter Exh.10 is illegal and false. It is not true to say that I have filed the complaint initially without authority of IMPPA. It is not true to say that complainant has filed false case against accused without any authority.

Cross examination is over.

No Re-examination.

R.O.A.C.

(M. P. Saraf)

Date : 19.09.2024

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 : 19.09.2024.
Transcribed and Typed on : 19.09.2024.
Order printed and Signed on : 19.09.2024.
Order Uploaded on : 19.09.2024.