

Statement of Accused No 2 v/s 313 Cr P.C. etc

IN THE HON'BLE COURT OF METROPOLITAN
MAGISTRATE'S 58TH COURT AT BANDRA-MUMBAI
CRIMINAL COMPLAINT NO.755/SS/ OF 2015

Lakshachandi Housing and)
Infrastructure Pvt. Ltd.) ..Complainant

Vs

Vijay Raheja) ..Accused No. 2



WRITTEN STATEMENT UNDER

SECTION 313(5) OF Cr. P.C;

MAY IT PLEASE YOUR HONOUR;

I Vijay Bhagwandas Raheja, having office at the address as mentioned in the cause title of the Complaint. I do hereby state on solemnly affirmation as under:

1. I say that I am the ex-director of the Company Gigaplex Developers Pvt Ltd (under liquidation) and the cheques was issued by the company i.e Gigaplex Developers Pvt Ltd. (under Liquidation) I also do hereby specifically deny each and ever evidence led against me in toto by the Prosecution / Complainant Witnesses. I say that the two witnesses of the Complainant has never dealt or met with me. I say that I have never heard their names.

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2. I say that there was dealing in the matter between the Accused No. 1 and the Complainant Company through Suresh Chogani director of the Complainant.
3. I say that the person who dealt with me has not entered the witness box as they have first settled the matter with me personally and then have filed their evidences.
4. I say that there is various suppression made in the Complaint as well as Examination is that the Complainant Company has settled the matter as well as has received the amount of Rs. 2,15,00,000/- in total as the full and final settlement amount.
5. I say that the amount of Rs. 40,00,000/- was paid by Gigaplex Developers Pvt Ltd (under Liquidation) to Lakshachandi Developers Pvt Ltd (a Sister concern Company of the Complainant) on dated 09/12/2013. This amount of Rs.40,00,000/- was adjusted by the Complainant towards the loan amount of Rs.2,50,00,000/-.
6. I say that an amount of Rs. 40,49,997/- was paid by Gigaplex Developers Pvt Ltd (under Liquidation) to the Complainant as interest from 15/02/2014 to 15/06/2015. Hence, even when the case was filed, they have recovered the amount of Rs. 40,49,997/- from the Accused No. 1 now under liquidation.

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7. The said Company went into Liquidation by an order dated 2nd February 2018 passed by the Bombay High Court. Enclosed herewith the copy of the Order dated 2nd February 2018.
8. As the said Company Gigaplex Developers pvt Ltd went under Liquidation) thus Accused No.2 through its Personal Account on 29th June 2019 paid to the Complainant an amount of Rs.1,75,00,000/- as full and final settlement. Thus the total amount paid was Rs.2,15,00,000/-. (Rs.40,00,000/- to Lakshachandi Developers Pvt Ltd a Sister Concern Company of the Complainant & Rs.1,75,00,000/- by Accused no.2 to the Complainant.) towards full and final settlement of the loan amount of Rs. 2,50,00,000/-. This figure was arrived at as in the year 2014 the amount of Rs. 40,00,000/- was paid to the Complainant sister concern Company and they have received amount of Rs. 40,49,997/- in the year 2014 – 15. All the meetings were held by Accused no.2 former Director of Gigaplex Developers Pvt Ltd (under Liquidation) & Mr. Suresh Chogani director of Lakshachandi Housing & Infrastructure Pvt Ltd and Lakshachandi Developers Pvt Ltd. Thus, full and final settlement was arrived by both the parties and accordingly, the total amount paid by the Accused No. 1 and 2 to the Complainant and its sister concern is Rs. 2,55,49,997/-. Hereto Annexed and marked as **Exhibit A** is the original extract of ledger.



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9. That the other documents and ledger are with the liquidator as appointed for Accused No. 1 Company hence, same to be called from the office of the Liquidator if payments are denied by the other side (Complainant).
10. I say that because of the above facts Complaint Company Director who has full knowledge of the transaction has not entered the Witness Box purposefully and the Person who doesn't had any knowledge of the transaction has entered the witness box.
11. I say that whatever is stated above is true and correct to the best of my knowledge.

And for this act of kindness the Applicant is duty bound and ever prays.

Mumbai

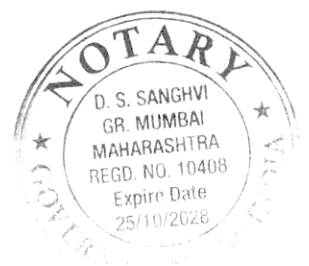
Dated this 04th Day of July, 2025



For Advocate for Accused No.2

-Adv. Shweta Syed
-I/b Adv. Mehul Thakkar

Accused No.2



VERIFICATION

I Mr. Vijay Bhagwandas Raheja, aged 74 years, occ: Business, having office at the address as mentioned in the cause title do hereby state on solemn affirmation that what is stated by me in paragraphs 1 to 10 of the above Written Statement is true to my own knowledge.

Solemnly affirmed at Mumbai)

This 4th day of July 2025)

YMM

Identified by me,

Before me,



Reg. Sr. No. 432	Page No. 071
Date 4/7/2025	

BEFORE ME

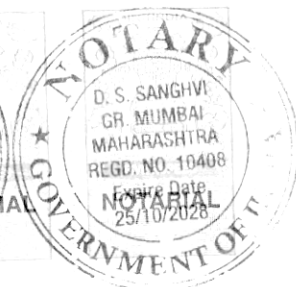
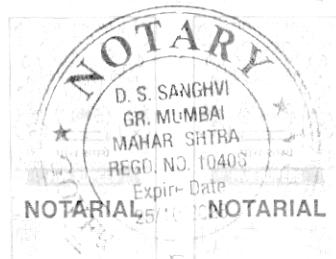
Dy. Commr.
4/7/2025
DIVYA SANGHVI
NOTARY GOVT. OF INDIA
GREATER MUMBAI
REGD. No 10408
Expire Date- 25/10/2028

ORIGINAL SEEN

Pan Card... **AABPR585N**

Adhar Card.....

Election ID.....



Gigaplex Dev. Pvt .Ltd.(PIUS GOMTI)

Raheja Chambers,
Linking Road & Main Avenue
Santacruz (West) Mumbai 400 058

Lakshachandi Developers Pvt. Ltd

Ledger Account

1-Apr-13 to 31-Mar-14

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Date	Particulars	Vch Type	Vch No.	Debit	Credit
9-Dec-13	To HDFC Bank - A/c-00797630000245 Payment		211	40,00,000.00	
	Cheque	9-12-2013	40,00,000.00 Cr		
	Ch. No. :Being Debited by Bank Paid to				
	Lakshachandi Developers Private Limited for				
	Loan and Advance				
				40,00,000.00	
By	Closing Balance				40,00,000.00
				40,00,000.00	40,00,000.00

