

Cross examination of CW-01- Mr. Kamlesh Parmar by advocate Mr. A.K.Shukla for the accused 2 and 3 :

18. It true to say that I have not produced authority letter. I am running jewellery business since 2016. It is true to say that I have not pleaded in my complaint and evidence affidavit that I was working with my father in jewelry business. In the year 2016 we were having office at Subhash Nagar, Kurla West. We shifted to Zaveri Bazar in the July 2017. My father died in the month of February 2018. It is not true to say that whatever transaction of the accused was with my father and not with me. It is not true to say that the transaction of the accused was taken place only during lifetime of my father and not after his death. I am knowing accused since 2016. It is not true to say that I am deposing falls that I had transaction with the accused since 2016. Saheb jewelers is the name of shop of the accused. I do not know whether Saheb jewelers is proprietary concerned or partnership firm as accused has not provided any document to us. It is not true to say that I had no transaction with the accused at any point of time and as such I am not knowing whether Saheb Jewelers is proprietary concerned or partnership firm. I do not know whether the statement made in my complaint and evidence affidavit indicating accused no.2 and 3 as partners of accused no.1 in title clause is a correct statement or a wrong statement. It true to say that I have not produced any document in respect of partnership firm of accused no. 2 and 3. It is not true to say that I have filed false case and falsely implicated the accused no.2 and 3 in the case. It is not true to say that accused no.1 is a proprietary concern.

19. Before filling complaint I have issued notice to the accused. I do not remember date of sending notice. It true to say that accused has replied the notice given by me. It true to say that accused has replied my notice dated 05.09.2018 vide notice reply dated 27.09.2018. I do not remember whether I had given rejoinder to the notice reply sent by the accused. It true to say that

I have not produce any such rejoinder to the notice reply of the accused. It true to say that I have not given reply in rejoinder to the notice reply dated 27.09.2018 sent by accused. It is not true to say that I admitted and accepted the contents of notice reply dated 27.09.2018 and as such I have not given reply in rejoinder. It true to say that I have not filed complaint U/sec 138 of N.I.Act after receipt of notice reply dated 27.09.2018 on the basis of notice dated 05.09.2018 sent by me to the accused. It is not true to say that as I admitted the contents of notice reply I have not filed complaint.

20. It true to say that I again sent second notice on 24.10.2018 to the accused. It true to say that said notice is also replied by the accused vide notice reply dated 19.11.2018. It true to say that I have not produced the first notice dated 05.09.2018 and notice reply given by the accused on 27.09.2018 along with my complaint at the time of filling. It true to say that I have also not filed the notice reply given by the accused to my second notice dated 24.10.2018 vide reply dated 19.11.2018 while filling compliant. It true to say that I have not produced above referred notices and reply along with my first affidavit in chief produced on 25.01.2019.

On oral request of the advocate for the complainant cross examination is deferred till next date on condition to repay the amount of cost of Rs.2000/- paid by the accused to him.

R.O.A.C.

Date : 29.01.2025

(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 Order are same, word to word as per the original Order.

Name of Clerk : Ms Shama Nitin Naiksatam
Court : Judicial Magistrate(First Class), 58th Court, Bandra, Mumbai.
Dictated in open court on : 29.01.2025.
Transcribed and Typed on : 29.01.2025.
Order printed and Signed on : 29.01.2025.
Order Uploaded on : 29.01.2025.