

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

Date : 28.10.2025

Resumed on S.A.

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

21. I can not tell why the notice reply given by the accused was not annexed at the time of filing complaint. It is not true to say that I have deliberately suppressed said notice reply at the time of filing complaint. It is true to say that in complaint I have not made averments as to receiving notice reply from the accused. It is true to say that accused has replied my second demand notice. It is true to say that the averments as to second demand notice and notice reply given by the accused are not made in my complaint and evidence affidavit. My advocate can tell about it. It is not true to say that I have deliberately suppressed said facts of issuing second demand notice and reply given to it by the accused. It is not true to say that I have filed false complaint against the accused. It is not true to say that my complaint is with misleading statements and I have suppressed the documents and material facts. It is not true to say that whatever transaction taken place with accused was with my father. It is true to say that except the Invoice in present transaction pertaining to disputed cheque, all the Invoices are at address of Subhash Nagar, Kurla. It is true to say that said shop was run by my father. It is not true to say that accused had no transaction at all with me. The cheque was deposited on 09.08.2018. It is not true to say that I have made false statement in my complaint and affidavit that the payment was to be made within 30 days after sale and supply of the goods. It is not true to say that no such transaction taken place in between me and accused. It is not true to say that I have filed wrong documents in the complaint. It is not true to say that the

transaction of accused was with my father in his life time and not with me. It is not true to say that accused has made entire payment during life time of my father and nothing was due towards him. It is not true to say that I have misused security cheque and for that purpose police complaint was filed. It is not true to say that accused has given six cheques towards security to my deceased father during his life time. It is not true to say that accused has paid all the amount against said cheques to my father inspite of which I withheld those cheques and misused it. It is not true to say that accused is not liable to make any payment to me. It is not true to say that I have filed false Invoices pertaining to the transaction. The Invoice dated 07.08.2018 was issued in the name of accused. It is not true to say that said Invoice is forged and fabricated.

On oral request of the advocate for the accused cross examination is deferred till next date as a last chance. Advocate for accused to remain present sharp at 11.30 am and finish rest of the cross examination on next date failing which right of cross examination will close.

R.O.A.C.

Date : 28.10.2025

(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 Stenographer : Mrs Aditi Ravikiran Dalvi
Court : Judicial Magistrate(First Class), 58th Court, Bandra, Mumbai.
Dictated in open court on : 28.10.2025.
Transcribed and Typed on : 28.10.2025.
Order printed and Signed on : 28.10.2025.
Order Uploaded on : 28.10.2025.