

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

Date : 30.12.2025

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 vide order below Exh.59:

22. Name of my father Dhanraji Chamnaji Parmar. He expired in February 2018. My father was running the only business in the name of Shree Charbhuja Jewellers. He was running said business as a Proprietor of M/s. Shree Charbhuja Jewellers. It is true to say that I have not mentioned in the Title of the complaint and Title of my evidence affidavit that I am Proprietor of M/s. Shree Charbhuja Jewellers.

23. It is true to say that I have mentioned that I am authorised representative of M/s. Shree Charbhuja Jewellers. I have not produced any authority letter or Power of Attorney indicating my authorization as a Authorized Representative of M/s. Shree Charbhuja Jewellers. It is not true to say that I do not possess any legal right or locus standi to file the complaint or represent M/s. Shree Charbhuja Jewellers. It is true to say that I have not stated in my evidence affidavit that after death of my father in the month of February 2018 I became Proprietor of M/s. Shree Charbhuja Jewellers. It is true to say that my father was doing all the dealings during his life time pertaining to M/s. Shree Charbhuja Jewellers.

24. Now I am shown cancelled cheque Exh.21 produced by me. My name is not shown on said cancelled cheque. It is true to say that from said document it is nowhere revealed that who is Proprietor of M/s. Shree Charbhuja Jewellers. It is true to say that except the document of cancelled cheque Exh.21 I have not produced any other document to show that I am Proprietor of M/s. Shree Charbhuja Jewellers. Witness

volunteers that I have produced bank account statement. Now I am shown Bank Account Statement Exh.42. It is true to say that in said Bank account statement nowhere it is mentioned that who is Proprietor of M/s. Shree Charbhuj Jwellers. It is true to say that even from cancelled cheque Exh.21 it can not be inferred that I am Proprietor of M/s. Shree Charbhuj Jwellers or signatory or holder of said bank account in the name of M/s. Shree Charbhuj Jwellers. It is true to say that even from cheque return memo Exh.22 it is not disclosed that I am Proprietor of M/s. Shree Charbhuj Jwellers. It is true to say that I have not produced any document to show since when said bank account in the name of M/s. Shree Charbhuj Jwellers is operative.

25. Demand notice dated 05.09.2018 Exh.27 was sent by me to the accused for the dishonor of disputed cheque. Now I am shown demand notice dated 24.10.2018 produced at Exh.24. I have issued said notice to the accused for dishonor of disputed cheque. It is not true to say that contents of both notices that is notice Exh.24 and Exh.27 are contradictory to each other. It is true to say that first notice produced at Exh.27 dated 05.09.2018 was issued only to one person in the name of Hemant Bholaprasad Sonar. It is true to say that second notice dated 24.10.2018 produced at Exh.28 was issued in the name of three persons. It is true to say that in first notice Exh.27, I have not stated that accused Hemantkumar Bholaprasad Sonar is partner of Saheb Jwellers and either accused No.3 or accused No.1 approached us. It is true to say that in second notice Exh.28 also it is not mentioned that accused Hemantkumar Bholaprasad Sonar is partner of Saheb Jwellers. It is not true to say that I had no dealing with the accused Hemantkumar Bholaprasad Sonar and as such I have not mentioned whether accused is Partnership Firm or Proprietorship Firm in both

notices. It is not true to say that both notices are illegal and ambiguous. It is true to say that I have not mentioned in both notices the nature of Saheb Jewellers as a legal entity. It is not true to say that I was not aware and as such I have not mentioned the nature of Saheb Jewellers as a legal entity in both notices. I have made party to the accused Hemantkumar Bholaprasad Sonar as a partner of Saheb Jewellers at the time of dealing of alleged transaction, on receiving verbal information. It is not true to say that I am deposing false as there was never any dealing in between me and accused. I can not assign any reason as to why I have not mentioned in my both notices that Hemantkumar Bholaprasad Sonar is partner of M/s. Saheb Jewellers that too when I had verbal information. It is not true to say that there was neither dealing with the accused nor any information was given on behalf of accused. It is not true to say that both demand notices are wrong and contradictory to each other and even too complaint and evidence affidavit. It is true to say that I have not produced any document to show that Hemantkumar Bholaprasad Sonar is partner of Saheb Jewellers. It is true to say that I have not produced any document to show that Saheb Jewellers is Partnership Firm. I have impleaded accused No.3 as he has accompanied accused No.2 and his name is also mentioned on disputed cheque. It is true to say that the first notice was not issued to accused No.3. It is true to say that there is no averment in first notice that accused No.3 visited my shop with accused No.2. It is not true to say that I have falsely impleaded his name in second notice to harass him. Except cheque I have no other document to show that accused No.3 Santosh approached us and we had dealing with him or we delivered the goods to him. Cheque is not signed by accused No.3. It is not true to say that accused No.3 has no involvement in any

transaction with me.

26. It is true to say that I have not produced any document to show that accused No.2 and 3 had given purchase order as mentioned in clause No.4(b) of complaint. It is true to say that I do not possess any document with me to show that we have supplied any goods or gold ornaments to accused No.1.

Cross examination is deferred at 2.45 p.m. as court recess time.

R.O.A.C.

(M. P Saraf)

Date : 30.12.2025

Judicial Magistrate(First Class),
58th Court, Bandra, Mumbai.
J.O.Code :MH01362

Date : 30.12.2025

Resumed on S.A.

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

27. It is true to say that I have made wrong statement in my complaint para No.4(b) that the gold ornaments were delivered to accused No.1 Saheb Jewellers. It is not true to say that there was no dealing at all with accused No.1. It is true to say that disputed cheque is not issued on behalf of Saheb Jewellers or not drawn on account of Saheb Jewellers. It is true to say that alleged Invoice Exh.19 is not issued in the name of Saheb Jewellers. It is not true to say that I have wrongly pleaded in complaint as to delivery of goods to Saheb Jewellers. Contents made in para 4(c) of my complaint about raising Invoices on the accused No.1 are wrong. The same are mistakenly written. It is true to say that the averment made in para 4(e) of my complaint that accused firm will be liable to make payment within 30 days is wrong.

The same is mistakenly written. It is not true to say that accused No.1 firm is not liable to make any payment to me. It is true to say that we are granting credit facility of 30 days payment from the date of receipt of goods. I approached to the accused for payment in the same year in which goods were sold. It is true to say that I have not mentioned date or month of approaching accused in my complaint. I had approached prior to end of 30 days credit period as the cheque issued by the accused was dishonored. I received the cheque referred in para No.4(g) of complaint on delivering the goods. It is true to say that I have not specifically pleaded in my complaint and evidence affidavit that I received subject cheque on delivering goods. It is not true to say that the averments made in para 4(g) of complainant is false.

(Advocate for accused warned to put legal and relevant questions to the witness instead of bifurcating the statements made in evidence affidavit and drawing inference of meaning of the words used therein as per his convenience for impeaching credit of the witness.)

28. The subject cheque is not signed by accused No.2 in the capacity of authorised representative of Saheb Jewellers accused No.1 as stated in para 4(g) of my complaint. It is true to say that I have not stated particular date of deposing of disputed cheque for encashment in my complaint para No.4(j). It is true to say that I have not mentioned the date on which the cheque was dishonored and the date on which cheque was returned to me. It is true to say that I have not made any averment in my complaint about sending earlier demand notice dated 05.09.2018 Exh.27. It is not true to say that I have not made averments regarding earlier demand notice in my evidence affidavit. I have filed evidence affidavit on 12.06.2023.

29. It is true to say that the date of delivery of goods under Invoice

No.24 Exh.19 is 07.08.2018. It is true to say that in Ledger Exh.40 I have shown dated 08.07.2018 against Invoice No.24. It is not true to say that as I have not supplied any goods on 07.08.2018 under Invoice No.24, the same is not mentioned in Ledger Account Extract Exh.40 maintained by me. the mobile number shown on Invoice No.24 was of my father. As on date I am operating the same but still it is recorded in the name of father. It is true to say that whatever dealings earlier taken place in between my father and accused, are made by raising Invoice in the name of Saheb Jewellers. It is true to say that except alleged Invoice Exh.19 all other Invoices are raised in the name of Saheb Jewellers.

30. I have not produced any payment receipt of GST shown in Invoice Exh.19 but I can produce it. I will produce the copy of Bill that is payment receipt of GST made by me under Invoice Exh.24 after consulting my Chartered Accountant and if it is available or accessible through GST Portal. It is not true to say that I have not paid any GST as shown under Invoice No.24. It is not true to say that the Invoice No.24 is forged and false Invoice. It is not true to say that Invoice No.24 does not contents signature of accused Hemantkumar Sonar. It is not true to say that subject cheque was blank security given to my father. It is not true to say that I have misused the blank security cheque given to my father. It is not true to say that I have no knowledge. It is not true to say that I have made false complaint against accused. It is not true to say that as I am not aware about nature of business of accused, I have made contradictory statements in my complaint and evidence affidavit. It is not true to say that as my client has not received any goods, question does not arise for payment. It is not true to say that I do not have anything to show I have delivered the goods to the accused. It is not true to say that as per notice reply, my father has not returned the

security cheque. It is not true to say that demise of my father I have misused the security cheque of accused kept with my father. It is not true to say that there was no liability against accused on the date of presentation of cheque.

31. I am not knowing Anil Kanhailal Sonar. I know Anil Sonar who was residing in my old building. I do not know whether Anil Sonar has filed any complaint against accused. I am not aware that I am witnessed in said complaint. It is not true to say that in collusion with Anil Sonar we have filed false case against Hemant Sonar. It is not true to say that I have filed false complaint against accused without any legal dues.

Cross examination is over.

No Re-examination.

R.O.A.C.

Date : 30.12.2025

(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 : 30.12.2025.
Transcribed and Typed on : 30.12.2025.
Order printed and Signed on : 30.12.2025.
Order Uploaded on : 30.12.2025.