

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

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

Date : 07.03.2025

Cross examination of CW-01 Harish Mangal Gohil by advocate Mr. Bipin Mishra for the accused after setting aside No Cross:

14. I am studied upto 9th Std. I am acquainted with the accused since 20 years. I am Investor and doing business of brokerage. My monthly income is approximately Rs.50,000/- to Rs.60,000/-. My monthly expenses goes around Rs.40,000/-. I want to produce screen shots of Whatsapp messages exchanged in between me and accused in addition to documents relied upon alongwith affidavit. It is true to say that the affidavit in lieu examination in chief is prepared as per my instructions. I am submitting Income Tax Returns regularly. The loan given to accused is shown in my income tax returns. Till date I have not given loan to any other person except accused. I know Mr. Naim Qureshi brother of accused since last 20 years. I have not lent money or loan to him. Witness volunteers that both brothers have borrowed money jointly from me. It is true to say that I have not mentioned name of Naim Qureshi in my complaint or evidence affidavit. It is true to say that I have not mentioned the period of loan given to the accused. It is true to say that I have not stated mode of payment in my complaint and evidence affidavit for alleged loan. I had given money in cash. I do not remember why it is not mentioned in my affidavit. I had stated to my advocate but I can not tell why he has not mentioned it. I have not kept any entry in diary or record as to giving above amount to the

accused. I can produce Bank Account statement for the month of February 2016. It is true to say that the cheque return memo for the dishonoured cheque does not bear seal of the bank and signature of the bank official. I will produce I.T.Return consulting with my Chartered Accountant.

15. It is not true to say that I used to lend money on interest to the people. It is not true to say that for that purpose I used to take blank cheques of the borrowers. It is true to say that I have not stated in my complaint and evidence affidavit that for how much period I gave Rs.5 lakhs and Rs.6 lakhs to the accused towards loan. I have given Rs.5 lakhs initially and thereafter, Rs.6 lakhs at second time. I can not tell date of giving Rs.5 lakhs but it was given in the year 2016. Rs.6 lakhs was given after one month of making payment of Rs.5 lakhs loan to the accused. It is not true to say that accused has given me cheque towards security. It is not true to say that the notice sent to accused was not received by him. Accused refused to take notice sent by registered post and as such it was returned back. It is not true to say that I am doing business of money lending. It is not true to say that I have filed false case. It is not true to say that I am deposing false against the accused.

Cross examination is over.

No Re-examination.

R.O.A.C.

Date : 07.03.2025

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

Name of Stenographer	: Mrs. Aditi Ravikiran Dalvi
Court	: Judicial Magistrate(First Class), 58 th Court, Bandra, Mumbai.
Dictated in open court on	: 07.03.2025.
Typed on	: 07.03.2025.
Evidence printed and Signed on	: 07.03.2025.
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