

Cross Examination of PW-1 On 03-02-2020 By Shri.B.A.G
Advocate for Accused.

Witness Duly Sworn.

I am working as sales manager in complainant company since 17 years i.e., since 02.06.2000. I have produced document before this court to show that complainant company has authorized me to file and prosecute the present case. The same is as per Ex.P8. There is no particular mention in Ex.P8 about the present case or the name of present accused. It is true to suggest that Ex.P8 is not specific that I am authorized to prosecute the present case against the accused particularly. I have produced the original authorization letter only before this court. I can produce the original resolution of Ex.P8 before this court. I do not have any difficulty to produce the original before this court. I can produce the same today itself on verification. I do not know if I have produced the statement of account pertaining to the transaction in question, before this court. I can produce the same before this court.

It is true to suggest that the transaction in question is relating to purchase of lorry by accused from complainant company. It is true to suggest that on 01.06.2018 the accused has transferred rupees one crore, ten lakhs and twenty two thousand and nine seventy six(Rs.1,10,22,976/-) to complainant company through finance company. The lorry was given in delivery to accused on 26.07.2018. It is false to suggest that on receipt of the said amount, the complainant company had to give delivery of vehicle to accused. Witness volunteers that, the accused had not paid marginal money and hence, vehicle was not delivered to him. No notice in writing was sent to accused asking him to pay the marginal amount and take delivery of vehicle. It is true to suggest that I have not produced any document before this court to show the quantum of margin money that was to be paid by accused. It is true to suggest that it is not stated in the complaint about the particulars as to when the aforesaid amount was transferred to the account of complainant

company. I do not know if the same is not stated in the affidavit filed in lieu of my examination-in-chief or in the legal notice. I cannot state the reason for not mentioning the same. It is false to suggest that as the accused was not due to pay any margin amount, the same is not mentioned in complaint or legal notice. It is false to suggest that I am deposing false that delivery of vehicle was not given to accused as he did not pay margin amount. It is false to suggest that the complainant company has utilized the amount of Rs.1,10,22,976/- unlawfully. It is false to suggest that on payment of full amount, the complainant company had to deliver vehicle to accused.

(Further Cross Examination deferred at the request of counsel for accused)

(Typed under my dictation in open court)

R O I & A C

JMFC VII, Belagavi