

IN THE COURT OF METROPOLITAN MAGISTRATE, 58TH
COURT, BANDRA, MUMBAI
STATEMENT OF ACCUSED U/SEC.313 OF CR.PC.
IN C.C.NO.1087/SS/2018

Exh.40

Name of the accused : 3) Mrs. Divya Niraj Kakad
Age : 51 years, Occ.: Housewife.
R/o. Santacruz(W), Mumbai.

Q.No.1) Have you heard & understood the evidence complainant's witness ?

Ans: Yes.

Q.No.2) It has come in evidence of P.W.No.1 Mr. Prashant Hemant Parekh that he one of the director and authorised representative of complainant company. What do you want to say about it?

Ans : I am not aware.

Q.No.3) It has further come in his evidence that you accused had approached the complainant company and represented them that you are conducting the business under the name and style of Niraj Kakad Construction Pvt. Ltd. and also in charge of and responsible for conducting the day to day affairs, management, activities and functioning of you accused No.1. What do you want to say about it ?

Ans : I have not approached him. However, we are directors of Niraj Kakad Construction Pvt. Ltd.

Q.No.4) It has further come in his evidence that you accused were actively involved in the entire transaction from the inception i.e. from the time of approaching complainant company for purchasing goods on credit basis. What do you want to say about it ?

Ans : It is false.

Q.No.5) It has further come in his evidence that upon the order placed by you accused with the complainant company, vide their invoice No.PF/238/17-18 dated 13th August, 2017, sold, supplied and delivered goods i.e. TMT Bars of various size and quantity worth Rs.9,52,289/-. What do you want to say about it ?

Ans : It is false.

Q.No.6) It has further come in his evidence that authorised person of you accused No.1 has on 14.08.2017 accepted the delivery of the goods and signed the Delivery Challan bearing No.238/17-18. What do you want to say about it ?

Ans : It is false. No authority was given to any one.

Q.No.7) It has further come in his evidence that authorised person of you accused No.1 has acknowledge the receipt of goods by putting his signature on the said second copy of said Delivery challan No.238/17-18. What do you want to say about it ?

Ans : It is false. No authority was given to any one.

Q.No.8) It has further come in his evidence that a sum of Rs.9,52,289/- together with interest @ 24% p.a. for delay payment is due and receivable from you accused on account of aforesaid transaction. What do you want to say about it ?

Ans : It is false.

Q.No.9) It has further come in his evidence that in discharge of aforesaid liability you accused issued a cheque bearing No.000280 dated 17.01.2018 for Rs.9,52,289/- drawn on HDFC Bank Ltd., Santacruz(W), Mumbai, in favour of the complainant company. What do you want to say about it ?

Ans : It is false. I do not know. I am not involved.

Q.No.10) It has further come in his evidence that said cheque No.000280 dated 17.01.2018 was issued by you accused No.2 and contents your signature. What do you want to say about it ?

Ans : It is false.

Q.No.11) It has further come in his evidence that on depositing said cheque in the complainant's bank i.e. Yes Bank, Bandra(W) branch, Mumbai, the same was dishonoured and returned unpaid with the remark 'Funds Insufficient' vide memo dated 29.03.2018. What do you want to say about it ?

Ans : I am not aware.

Q.No.12) It has further come in his evidence that the complainant company issued demand notice dated 10.04.2018 and called upon you to pay the cheque amount within a period of 15 days from the date of receipt of the notice. What do you want to say about it?

Ans : I am not aware.

Q.No.13) Why the witness is deposing against you?

Ans : False case is filed against us.

Q.No.14) Do you want to examine yourself or any witness in support of your defence?

Ans : Myself.

Q.No.15) Do you want to say anything about this case ?

Ans : False case filed against us and we are unnecessarily harassed.



Accused No.3
(Divya Niraj Kakad)

Before me



(M. P. Saraf)
Metropolitan Magistrate,
58th Court, Bandra, Mumbai.
J.O.Code : MH01362

CERTIFICATE

The contents of above said statement recorded in my presence and hearing and explained to accused in Hindi. Accused admitted it as correct.

Date: 19.12.2023.



Metropolitan Magistrate,
58th Court, Bandra, Mumbai.