**Cheating, Criminal Breach Of Trust And Criminal Trespass**

**In The Metropolitan Magistrate's 4th Court At Girgaum, Bombay**

**Case No.....of 19......**

**Kalimuddin Gulamhussain......**

**(mention brief particulars)....... .........Complainant**

**v.**

**Jasvantrai V. Joshi............**

**(mention brief particulars)....... .........Accused**

**Charge under Section 420 of the Indian Penal Code.**

May It Please your Worship,

I, the complainant above-named, beg to state on solemn affirmation as follows that:

1. I am the Manager in the firm of Messers, A.G. Calcuttawalla doing business in pipe fittings and sanitary ware at 82, Kika Street, Bombay—4.

2. On 25th September, 1987, for the first time the accused came to my shop. The accused falsely represented that he was a sanitary engineer, and had a contract of the Baroda Rayon Corporation at Udhana (Surat). The accused, further, represented that he would buy the goods from us and pay for the same. I had no reason to disbelieve any one of the said representation of the accused. The accused, then, asked for 4 European style water closets in the first instance, and asked me to prepare a delivery challan for the same and which he signed. The accused told that he was transporting the goods just then and would come back and pay for the same. He took away the goods with coolie Bandoo at the Transporting station. The accused did not return the same day, but returned to the shop on the 2nd October, 1987, and stated that he would buy some more articles and then pay for all the articles he would buy that day. He asked for one more European style water closets, 6 Indian style water closets with taps and 4 large wash basins and 2 small wash basins. I prepared a cash memo for Rs. 5,000 for all the said goods purchased on 25th September, and 2nd October, 1987, together with packing charges. The accused did not give cash, but gave me a cheque for the said sum of Rs. 5,000. on the State Bank of Bikaner, Ahmedabad Branch. I had no reason to disbelieve and suspect that the accused was deceiving me. The accused also gave me his address as follows: J.V. Joshi, Sanitary Engineer, Navyug Colony, Gita Mandir Road, Ahme­dabad.

3. I deposited the said cheque for Rs. 5,000 in my bank in Bombay for collection of the said amount. Until 10th October, 1987,1 was not aware that the said cheque had not been cashed. On 10th October, 1987, the accused again came to our shop and asked me to deliver to him 12 more pieces of European Style closets with packing and other charges the price came to Rs. 3089. Instead of paying cash, the accused again gave me a cheque for the sum of Rs. 3,089.1, again deposited the said cheque for the sum of Rs. 3,089 in my bank for collection. On 13th October, 1987,1 received from my bank a slip of dishonour from the accused's said bank stating "Refer to drawer". The same day I addressed a letter to the accused at the address given by him to me, complaining of the return of the said cheque and requesting him to see that his other cheque was also duly cashed. Even at this time I had no suspicion that the accused had altogether a dishonest intention from the beginning not to pay for the said goods. On 18th October, 1987 the accused's cheque for Rs. 3,089 was also returned as dishonored with the endorsement "Refer to Drawer" by my bank.

4. I, therefore, caused enquiries to be made at Ahmedabad and in Bombay. After enquiries I learnt that the accused was residing in Pran Nivas, 58 Madhavdas Amarsey Road, Andheri, Bombay. I sent Mohamedbhai Yusufalli Calcutta walla on the 13th November, 1987, to confirm the same. He went to Andheri and found the accused at the said address, and from there telephoned to me. I, also, went to Andheri as the accused's said residence and complained to the accused of his deceiving us. Then the accused promised to come to my shop the next day and make full payment. The accused did not come to make the said payment.

5. On the 15th of November 1987,1 received a stamped writing purported to be a declaration made before the Deputy Registrar of the Chief Metropolitan Magistrate's Court, at Esplande, Bombay, dated 14th November, 1987, falsely alleging therein that the good were of B quality and further falsely alleging that the goods may be rejected by the party, and further falsely alleging that he approached me for the reduction of the price to arrange payment of the said goods. I say that the accused has prepared the said writing so as to conceal the said deception practised by him upon me.

6. I say that the accused has similarly cheated several other persons.

7. I say that the accused made false representations to me that he was a sanitary engineer. He further made a false representation to me that he had taken a contract of Baroda Rayon Corporation at Udhana (Surat) and for that purpose required the sanitary articles and goods. He further made false representations to me that he would buy articles from me and pay for the same. I say that the accused had no honest intention to pay for any one of the said goods. I say that the accused thus dishonestly induced me to part with all the said articles on different dates, i.e., on 25th September, 2nd October, and on 10th October, 1987 on false representations as aforesaid and has thereby cheated me.

8. In the aforesaid circumstances I say that the accused has committed the offence of cheating on the said three occasions punishable under section 420 of the Indian Penal Code.

9. I, therefore, charge the accused as above and pray for a warrant against him so that he may be dealt with according to law. Solemnly affirmed as aforesaid at Bombay.

This..........day of..........December 1987. Complainant.

**Witnesses.**

 1. Mohammadbhai Yusufalli Calcuttawalla.

2. Enayatalli Gulamhussain Calcuttawalla

3. V.P. Road, Police Station.