

IN THE HONOURABLE COURT OF IV ADDITIONAL CHIEF
METROPOLITAN MAGISTRATE, VISAKHAPATNAM.

C.C.NO. /2010.

Between:

The State: Inspector of Police,
III Town Police station,
Visakhapatnam City.

Complainant,

And

1. Cherukuri Ramoji Rao, s/o late Venkata Subba Rao, 71 years, Hindu, residing at Ramoji Film City, Rangareddy District, Hyderabad.
2. Ushodaya Publications, (A division of Ushodaya Enterprises) Publishers of Eenadu Daily represented by its Managing Director.
3. Cherukuri Kiran, s/o Ramoji Rao, 45 years, Managing Director, Ushodaya Publications and residing at D.No.6-3-569/3, Eenadu Complex, Somajiguda, Hyderabad.

...Accused

Charge sheet filed under sections 406, 409, 417, 418, 420, 423, 427 r/w 34 I.P.C. in Cr.No.1160/2007 of III Town Police Station, Visakhapatnam City.

A-1 is the father of A-3, and A-1 is the Chairman cum Managing Director of A-2, M/s Ushodaya Publications, publishers of Eenadu Telugu Daily, a division of Ushodaya Enterprises limited. A-3 is the Managing Director of Ushodaya Publications and both the A-1 & A-3 also acts on behalf of A-2.

One Manthana Aditya Eswara Kumara Krishna Varma, a resident of D No. 6-3-570/1, Rockdale compound, Somajiguda, Hyderabad is the complainant cum victim in this case and he is the son of Sri Manthana Thiruma Raju.

Sri Manthana Thimmaraju, father of LW1 purchased the site in the name of LW1 in T.S.No. 50/4, roughly to an extent of 2.70 cents equivalent to 13078 sq. yards or 11034.78 Sq.meters located in Resapuvani palem village, Visakhapatnam from one late B.Venkatapathiraju, Managing director of Andhra Cinctone Ltd, Visakhapatnam and though the sale deed was executed on 30.07.1968 vide P/13/1968 as it was kept pending registration, it was finally registered as document No.1495/1976 on 28-7-1976 in the name of LW-1. As the land was not surveyed at that time and as the father of LW1 was the resident of Hyderabad the words "roughly" were mentioned in the sale deed regarding the extent of the site in Survey No. 50/4.

In the meanwhile, the accused No.1, with fraudulent and dishonest intention approached the LW1 and his father and made misrepresentations inducing them to part with the property in survey No.50/4 by way of lease for 33 years. After the persistent representations of the A-1, the LW1 was inclined to lease his entire property in S.No. 50/4 to A-1. Since the sale deed of LW1 was pending in Sub- Registrar

Visakhapatnam for registration, and as the site was not surveyed at time, LW1 relied on draft prepared by the A-1 and after making corrections there in, the LW1 executed the lease deed on 30.03.1974 in favour of A-1 for a period of 33 years by mentioning the area of site 'approximately' as 11000 sq. yards or approximately 9,200 sq. meters, (later as per the findings of the recent survey in S.No. 50/4 it was well established that the area of survey No. 50/4 is to an extent of 2.78 cents or 13455 sq. yards) but the boundaries were roughly mentioned. The A-1 was entrusted with the entire property and area in S.No. 50/4 under the registered lease deed No.1420/1974, for 33 years commencing from 01-04-1974 for Rs.2,500/- per month.

A-1 being the lessee in Survey No. 50/4 had sub-leased the premises to A-2, M/s Ushodaya Publications (A division of Ushodaya enterprises and publishers of Eenadu daily news Paper) as A-1 is the Chairman cum managing director of the company. Since LW1 is the resident of Visakhapatnam and has never visited the property and as the measurements of the site in Survey No.50/4 were roughly mentioned in lease deed, the accused with the criminal intention of having wrongful gain, taking the advantage of approximate measurements mentioned in lease deed the accused without the knowledge of LW-1 had surrendered the land of Ac.0.07 cents in Survey No.50/4 for formation of road, by falsely representing himself, as if he was the owner of site and suppressing the fact of being lessee and with the criminal intention to have wrongful gain from the government, in lieu of surrendering the land of LW-1. The culpable intention of accused is clear in cheating both the LW-1 and the Government.

Subsequently, A-1 made an application to the District Collector, Visakha patnam, through one of his directors of A-2, M/s. Ushodaya Publications, for the assignment of the land in Survey No.52, and basing on the report of LW-11, vide R.C.No.1117/85/B1 dt. 6-4-1985, the LW-2 in his proceedings vide Re.No.37/85/PS, dt. 17.04.1985 ordered that the land measuring an extent of 872 sq.meters in Survey No.52 of Resapuvanipaicm village be handed over to the Director Eenadu as that bit of land is not suitable for utilization by any government department or by any other organization or by any individual. The then District Collector, (LW-2), in his proceedings ordered handing over of the extent of 872 Sq. Mts to Director, Eenadu for proper maintenance and protection. The accused No.1 by making false and dishonest representation got the said bit of land allotted in favour of A-2 which otherwise could not have been allotted to the accused as they fall under the category of other organizations and individuals and as they are not the adjacent land owners. The accused knowing fully well with dishonest and fraudulent intention caused wrongful loss to the LW-1 and obtained wrong full gain from the government.

Later on, A-1 and A-2 with the criminal intention of cheating both the government and the LW-1, suppressed the fact of they being only lessee and sub-lessee, after having dishonestly induced the government to deliver the property in Sy No.52, made an application to the District Collector, Visakha patnam, vide their letter dated 23.5.86, requesting him to assess and fix up a reasonable market value while stating that 517 sq. meters of land belonging to Eenadu in Survey No.50/4 was surrendered on 11.01.1985 for formation of road and that an extent equivalent to it may be treated as an exchange from out of 872 sq. meters allotted to it in the proceedings in RC No.37/85 PS/dt. 17.04.1985. There upon, the then District Collector, (LW-3) called for the report of Mandal Revenue Officer, Visakhapatnam, in which, LW-7 reported in RC No.1117/85 HA, dt. 21.08.1986 that only Ac.0.07 cents of land (289 sq.meters or 339 sq.yards of land) belonging to Eenadu was

ded in the road as such the District Collector, LW-3, vide proceedings bearing Rc. No. 5740/86 B2 dated 25.10.86 permitted the accused to avail the exchange to the extent of 289 Sq. Mts and fixed the market value at Rs. 300/- Sq. Yard for the balance extent.

A combined reading of the proceedings vide Rc.No.37/85/PS, dt. 17.04.1985 and proceedings bearing Rc. No. 5740/86 B2 dated 25.10.86 documents reveals that on :

- 11.01.1985 Director of A-2 stated that 517 Sq. Mts of land belonging to Eenadu was given for formation of road and the Mandal Revenue Officer confirmed that only 289 Sq. mts. Was taken from Eenadu for road formation, according to the contents in the District Collector's proceedings No. 5740/86 B2 dated 25.10.86.
- 17.01.1985 After surrendering of land for road formation on 11.1.85 by A-2, Director, Eenadu, vide his letter applied for assignment of bit of vacant land admeasuring 872 Sq. Mts in S.No. 52 on the rear side (eastern side) of Eenadu.
- 21-2-1985 District collector calls for remarks from tahasildar
- 06-04-1985 Tahasildar sent a report vide RC No 1117-85 B1 Stating that land in S No. 52 belongs to private party and municipality there fore Eenadu should approach them.
- 17.04.1985 District Collector, Visakhapatnam, vide Rc. No. N37/85/PS issued orders allotting land admeasuring 872 Sq. Mts in S.No. 52 on the ground that Eenadu was already in occupation and that the said bit of land is not suitable for utilization by any government department or office and also that it cannot be enjoyed conveniently by any other organization or individual.
- 20.04.1985 Government handed over possession and the same was taken over by A-2
- 23.05.1986 Director Eenadu, vide his letter requested the Collector to assess and fix up a reasonable market value of the land admeasuring 872 Sq. Mts and that an extent of 517 Sq. Mts given for road formation on 11.1.85 may be treated as an exchange from out of 872 Sq. Mts allotted to it in the proceedings dated 17.4.85.
- 21.08.1986 The MRO, Visakhapatnam, in his report Rc. 1117/85 stated that only 289 Sq. Mts of land belonging to Eenadu was included in the road.
- 25.10.1986 District Collector, Visakhapatnam issued proceedings permitting exchange of only 289 sq. meters and fixed a market price of Rs. 300 per Sq. Yard.

Accordingly, in pursuance of their criminal intention, A-1 and A-3 in the name of A-2 paid an amount of Rs. 34,916/- on 12.2.87 and Rs. 1,23,667/- on 31.1.92 (Rs. 34,916 + Rs. 1,23,667 = 2,08,583) in compliance of the proceedings bearing No. Rc. No. 5740/86 B2 dated 25.10.86. The amounts paid by A-1 and A-2 is for the extent of 583 Sq. Mts (872 Sq. Mts - 289 Sq. Mts.). The amounts thus works out to 583 Sq. Mts = 596.361 Sq. Yards X Rs. 300 = Rs. 2,08,908. Thus, A-1 and A-2 enjoyed the benefit of exchange in lieu of the surrender of the land of an extent of 289 Sq. Mts and thereby wrongfully gained themselves and caused wrongful loss to the complainant as well as to the government.

7

per the lease agreement, A-1 was clearly entrusted with the property in survey No.50/4 and as per the documentary evidence, supplied by LWs. 6 & 8, the total land in Survey No.50/4 is an extent of Ac. 2.78 cents or 13455 sq. yards and the road formed in that survey number on northern side is Ac.0.07 cents or 339 sq. yards and while the balance in Survey No.50/4 within the compound is Ac.2.71 cents or 13116 sq. yards in S.No. 50/4 and Ac. 0.26½ in S.No. 52 and the total area within the compound of Eenadu is Ac.2.97 ½ cents or 14393 sq. yards thus, the accused had surrendered Ac.0.07 cents without the knowledge of LW-1 and in lieu of same, he had wrongful gain from the government to an extent of 289 Sq. Mts in S.No. 52 as an exchange.

While the matters stood thus, when the lease period came to an end by efflux of time, A-1 sought renewal of lease and informed the same to LW-1 through his notice by mentioning new boundaries on eastern side of the leased premises with an intention to restrict the LW-1 to the approximate measurements that were mentioned in the lease-deed. As the LW-1 refused to renew the lease, A-1 & A-2 filed the civil suit bearing O.S.No.212/2007 on the file of Additional District Judge, Visakhapatnam and along with the plaint, filed and relied on proceedings bearing Rc. 37/85 PS dated 17.4.85 and RC. No. 5740/86 B2 dated 25.10.86 along with a sketch, which was served on LW-1 who for the first time realized of the cheating and fraud committed by the Accused on him and then the LW-1 filed a private complaint in the Hon'ble court of Chief Metropolitan Magistrate, Visakhapatnam. In O.S.No. 212 of 2007 on the file of the VII Additional District Judge, Visakhapatnam, Government of A.P. was also made a party and LW-4 filed a written statement that the assignment and exchange of land in favour of the accused is vitiated as it is based on false representation as they being not the owners of land in S. No. 50/4, thus corroborating the fraud committed by the accused.

The Hon'ble court endorsed the complaint of LW-1 to III Town Police Station u/s; 156(3) Cr.P.C. for registration and investigation. Basing on which, LW-18 registered a case in the Crime No.1160/2007, u/s; 406, 409, 417, 418 and 420 IPC r/w; 34 IPC of III Town Police Station on 06.12.2007 at 09.00 hours and the same was investigated into thoroughly.

During the process of investigation, requisitions were addressed to the Revenue Officials for certain records. The scene of offence was inspected and photographed by LW-20.

During the course of investigation, LW-14 handed over the original file with the proceedings of the then Hon'ble Dist.Collector,(LW-2) vide Rc.No.37/85 PS dt.17-4-1985; which revealed that the Director, Eenadu, Visakhapatnam submitted a letter on 17/1/85 for assignment of the bit of vacant land in S.No.52 of Resapuvanipalem village measuring an extend of 872 sq. meters lying between the rear side boundary of Eenadu compound and the internal road of the adjoining lay out for their use for which, LW-2 ordered to hand over the bit of land of 872 sq. meters in S.No.52 of Resapuvanipalem village, to the A-2 for proper protection and maintenance.

The original proceedings showed that the land was ordered to be handed over to A-2 for a limited purpose of maintenance only. But somehow, A-1 & A-2 got the words "for maintenance" struck off after the

penance" are not found and the word "immediately" which was not in the original order was type written and struck-off. In the original order, there is side initial at the signature of the District Collector and it is missing in the documents filed by A-1 & A-2 in the suit. It is manifest that the accused have jotted off false document to substantiate their false claims.

During the course of investigation, LW-5 supplied the certified copies of the sale deed and lease deed documents vide Nos.1495/1976 and 1420/1974. LWs-6 issued his report vide Rc.No.255/2008 dt. 25/2/2008 that an extent of Ac.0.07 cents in S.no. 50/4 in Resapuvanipalem village is covered by road widening and LW-8 verified and issued his report addressing to the Joint Collector, Visakhapatnam vide Rc.No.A/4/339/2008 confirming the same.

During the course of investigation, LW-12, Assistant Registrar of Companies, Andhra Pradesh Hyderabad submitted the material vide No.RAP/CC/1671/2008-2009 dt. 24.12.2008 in the matter of M/s: Ushodaya Enterprises Private Limited that, Cherukuri Ramojirao was the Chairman cum Managing Director of Ushodaya Publications, while Atluri Ramamohanarac was the Director and Cherukuri Kiran was the Managing Director and Cherukuri Suman was the Managing Director and Indukuri Venkat was the Whole Time Director and Gajjala Srinivas was the Secretary.

During the course of investigation, LW-14 issued the original file No.D.Dis No.37/85 PS dt.04.05.1985 containing 18 Cf and 1 Nf, Rc.No. 923/2008, E2 dt.26.02.09.

During the investigation, LW-15 submitted his report vide Rc.No.923/2008, E2, dt.17.05.2010 that the available record in connection with file No.37/85 PS dated 17.4.1985 was already sent to the police for investigation and that the letter dt.17.01.1985 from the Director Eenadu, Visakhapatnam-13 was sent to the then Tahasildar, Visakhapatnam, by the then collector, Visakhapatnam vide letter dt. 21.02.1985 and the then Tahasildar, Visakhapatnam submitted a report vide his letter Rc.No.1117/1985, dt. 06.04.1985. The request of the applicant was discussed in para 1 of the report of Tahasildar, Visakhapatnam and it is available at page 7 of the disposal and secondly, the files closed as D.Dis shall remain in the records only up to a period of 10 years. According to the information available, the file bearing No.5740/1986 was closed on 15.01.1987 as D.Disposal. As such, the life time of the file was over by 14.01.1997 and it is not traceable.

The facts and circumstances, i.e., handovering the land to Government without the knowledge of LW-1 and further correspondence made by the accused, A-1 to A-3 with revenue officials by falsely representing that as if they are the owners of the land in S.No.50/4 and correspondence regarding getting the land clearly shows the fraudulent and dishonest intention of accused at the time of making false representation. As per the documentary evidence of LWs.2 to 8, it is evidenced that the accused had wrongful gained from the government and caused wrongful loss to LW-1 and they are well established with the available documentary evidence. As per the survey reports, the accused are still in possession of the same and the accused not only cheated the LW-1, but also dishonestly induced the government to deliver the property in Survey No.52.

The fraudulent and dishonest and criminal intention of accused was well proved in a number of circumstances such as (1) at the time of handing over the land to Government for road formation (2) Making false

presentation as if the accused are the absolute owners of the leased land, (3) obtaining the possession of property with dishonest intention and false representation (4) Paying the amounts through challan for wrong full gain (5) Keeping the LW-1 in dark forever without allowing him to know the fact. The accused A-2 and A-3 shared the fraudulent, dishonest and criminal intention of A-1 in the commission of offence. Thus, A-1 and A-3 through A-2 fraudulently deprived the LW-1 of land over an extent of 872 Sq.Mts. in Sy.No. 52 and also his due as absolute owner of the land in S.No. 50/4 and thereby caused wrongful loss to LW-1 and Government and wrongful gain to themselves


During the course of investigation, the accused noted above A-1 & A-3 obtained anticipatory bail vide CrI. M.P.No.117/2008 on 11-2-2008 on the file of Hon'ble High Court of Judicature of Andhra Pradesh at Hyderabad. On 20-2-2008 the accused noted above surrendered before the L.W.18 at III Town Police Station, Visakhapatnam City and as sufficient sureties have come forward for the release of accused they were released on bail. The accused, A-1 & A-3 presented their written statements with their own signatures.

During the course of investigation LW19 addressed a letters to Asst. Registrar of companies and obtained Original report of Asst. Registrar of companies, Hyderabad vide No.RAP/CC/5671/2008-09, dt. 24.12.08 and he also received the original file in D.Dis.No. 37/85PS dt. 4-5-1985 containing 18 Cf and 1 NF under the covering letter of the Hon'ble District collector, Visakhapatnam vide R.C.No. 923/2008 dt. 26-2-2009.

LW-20 completed the investigation, obtained the revenue records and filed the charge sheet.

Thus the accused, in furtherance of common intention have committed the offences punishable under section 406,409, 417,418, & 420,423,427 r/w 34 IPC.

Hence the charge.


(P.V. Krishna Varma)
Inspector of Police,
III Town P.S,
Visakhapatnam City.

III Town Police Station, Visakhapatnam.

List of witnesses

Memo Of Evidence

LW-1 Sri Manthana Aditya
Eswara Kumara Krishna
Varma, s/o late Thimma
raju, 55 yrs., D.No.6-3-
570/1, Rockdale
compound, Somajiguda,
Hyderabad.

Complainant - to speak to the
occurrence proper and about the
wrongful loss caused to him and
to prove the facts of his
statement and etc facts.

Incomplete

LW2 Sri S.V. Prasad, former
District Collector,
Visakhapatnam now Chief
Secretary, Government of
AP, Hyderabad.

To speak to the facts of his
proceedings in Rc.No.37/1985
PS dt.17.04.1985 over the
application made by the
Director, Eenadu regarding
allotment of a bit of land an
extent of 872 sq. mtrs in
S.No.52 for proper protection
and maintenance only and etc
facts.

LW-3 Sri K.V.Rao, Former
District Collector,
Visakhapatnam. Plot
No.324, road No.79,
Ramanayudu Studio lane,
Jubilee Hills, Hyderabad.
500033.

To speak to the facts of his
proceedings in
Rc.No.5740/1986 B2
dt.25.10.1986 regarding
allotment of a bit of land an
extent of 872 sq. mtrs in
S.No.52 and to speak of the fact
of the request of the accused of
surrender of 517 sq.yards of site
in S.No.50/4 for road formation
and seeking equivalent land in
S.No.52 inlieu of the surrender
and to speak about the
surrender of only 289 sq.meters
for road formation and to speak
that the accused also requested
for fixation of the market value
for the balance site, etc.

LW4 Dr. Sri I.V.Subbarao,
Principal Secretary to
Government, Revenue
Department, Govt. Of
Andhra Pradesh,
Hyderabad. Chief Electoral
Officer, Govt. Building-1
Old, Kundanbag,
Hyderabad.

To speak to the facts of his
written statement filed in
O.S.No.212/2007 on the file of
Hon'ble Court, Visakhapatnam.

Sri P.V.N.R.S.
Satyanarayananarao, Joint
Sub-Registrar-1,
Visakhapatnam.

To speak to the facts of
supplying the certified copies of
Documents vide NO.1495/1975
and 1420/1974 and etc facts.

Sri P.A.Padmansbha
Swamy, Tahasildar,
Visakhapatnam.

To speak to prove the facts of his
letter vide Rc.No.255/2008 dt.
25.02.2008 and that an extent
of Ac.G.007 cents.was covered by
road in SNo.50/4
Resapuvanipalem and to speak
to the facts of Note,

Sri Ch. Mutyala Nayudu,
Mandal Surveyor,
Visakhapatnam Urban
Cell NO.9493529830.

To prove that he surveyed the land in the instance of Tahasildar, Visakhapatnam urban, preparing a combined map in S.No.50,51,52 of Resapuvani palem village and its conclusion and thereon, basing on which, LW-6 gave a note on 3/3/08,etc

LW-8 Sri D.L.B.L.Kumar,
Assistant Director, District
Survey and Land Records,
Visakhapatnam.

To speak to the facts of his re-verification and to prove the facts of his letter vide Rc.No.A4/339/08, dt.05.03.2008 and to produce the original file etc facts.

LW9 V. Kondal Rao, Surveyor,
Visakhapatnam Urban.
Now in Steel plant
acquisition.

To speak about the Assistant Director (LW-8) drafting them for survey of the land in question along with the Mandal Surveyor, Visakhapatnam and surveying the land in the presence of representatives of accused and also to prove the land rough sketch prepared by them and to prove the facts of report of LW-8 vide Rc.No.A4/339/2008, dt. 05.03.2008, etc.

LW10 B. Durga Prasad, Surveyor,
Visakhapatnam. Now at
Anandapuram.

LW-11 Sri V.
Satyanarayanamurthy,
former Tahasildar,
Visakhapatnam.

To speak to the facts of his letter vide Rc.No.1117/85 B1, dt.06.04.1985 and etc facts.

LW-12 Sri Sh. Henry Richard,
Former Assistant Registrar
Of Companies,
Andhra Pradesh,
Hyderabad., now, Registrar
of companies, Everest,100,
Marine drive, Mumbai-
400002.

To speak to the facts of his letter No.RP/CC/1671/2008-2009 dt.24.12.2008 and also to produce the original balance sheet as 31st March, 2005 produced by the A-2, etc. etc facts.

LW-13 The director, Chief
Inspector Of Factories,
Burugula Ramakrishna
Bhavan, Tank Bund,
Hyderabad.

To produce the original of the site plan for the year, 2007 March, submitted by the A-2 vide D.Dis NO.3/VSP-1/4614/2007, dt. 17.03.2007 and to prove the same.

LW-14 Sri K. Madhan Mohan Rao
D. Rao
Visakhapatnam

To speak to the facts of his letter vide RcNo.923/2008, E2 dt. 26.02.2009 in supplying the original file in D.Dis No.37/1985, dt.4.5.1985 etc.

Sri ~~XXXXXXXXXXXX~~
Visakhapatnam.

To speak to the facts of his letter
Re.No.923/2008 E2
dt.23.04.2010 and to speak to
the facts of his letter
Re.No.923/2008 E2
dt.17.05.2010 and etc

LW-16 Sri
P.Dharmachandrareddy,
Tahasildar,
Visakhapatnam.

To produce the Fair adangal and
F.M.B.Sketch pertaining to
S.No. 50/4 and 52 of
resapuvanipalem village of
Visakhapatnam Urban, etc.facts.

LW-17 Musunuru Apparao, s/o
Narayanappa, 67 years.,
Kamma, r/o HIG-25,
Seethamma dhara,
Visakhapatnam.

To speak to the occurrence
proper and the fraud committed
by the accused, etc facts.

LW-18 Sri A. Narasimhamurthy,
Former Inspector Of Police,
III Town PS,
Visakhapatnam.

To speak to the facts of
registration of FIR, to his
investigation and etc facts.

LW-19 Sri B.V.G. Prasadarao,
Former Inspector of Police,
III Town P.S.,
Visakhapatnam City.

To speak to the facts of his
investigation et.facts.

LW-20 Sri P.V. Krishna Varma,
Inspector Of Police, III
Town PS, Visakhapatnam.

To speak to the facts of his
investigation and to file the
charge sheet and etc facts.

Rej. 15/12/2010
Inspector Of Police,
III Town P.S.
Visakhapatnam.

List of documents:-

1. Printed charge sheet
2. 161 Cr.P.C. Statement of LW-1 dt.9.12.2007 and further statement of LW-1, dt. 26.03.2010, and Original statement of LW-1 dt. 26.03.2010
3. 161 Cr.P.C. Statement of LW-2 dt. 21.02.2008
4. The original file No.D.Dis No.37/1985 dt.4/5/1985 containing 18 CF and 1 NF under the covering letter of District Collector, vide Rc.No.923/2008 E2 dt. 26.02.2009
5. letter of Tahsildar vide Rc.No.1117/85 B1, dt.06.04.1985
6. proceedings in Rc.No.37/1985 PS dt.17.04.1985-over the application made by the Director, Ecnadu regarding allotment of a bit of land an extent of 872 sq. mtrs in S.No.52
7. Written statement of LW 4 filed in O.S.No.212/2007 on the file of Hon'ble Court, Visakhapatnam.
8. Certified copies of Lease Agreement vide Document No.1420/1974
9. Certified copies of Sale Deed vide Document No.1495/1976.
10. Copy of letter of Tahasildar (LW6) visakhapatnam vide Rc.No.255/2008/A, dt. 25/2/2008
11. Copy of Brief Note of Tahasildar dt.03.03.2008 along with rough sketch
12. Copy of report of Sri DLBL Kumar addressed to Joint collector, vide Rc.No.A4/339/2008, dt. 05.03.2008

Copy of report of Sri DLBL Kumar addressed to Joint collector, vide
No. A4/339/2008,
dt. 05.03.2008

3. Original Letter vide Rc.No.923/08/E2, dt. 23/4/2010 of District Collector, Visakhapatnam.
14. Original report of Asst. Registrar of companies, Hyderabad vide No.RAP/CC/5671/2008-09, dt. 24.12.08
15. 161 Cr.P.C. Statement of LW 16 dt. 21.02.2010
16. Honble High court bail order of the accused.
17. Arrest card and bail bonds of accused, dt. 20.02.2008
18. Original written statement of accused, Cherukuri Ramojirao dt. 20.02.2008
19. Original written statement of accused, Cherukuri Kiran dt. 20.02.2008
20. Copy of letter dt.16.02.2008 of District Registrar, Visakhapatnam
21. Letter of Ushodaya Publications dt. 17/5/2010 along with the zerox copies of document i.e., challians dt. 31.01.1992 bearing No.8100 for Rs.1,23,667/- and Challan dated: 12.02.1987 for Rs.84,916/-
22. Original Letter vide Rc.No 923/08/E2, dt. 17/5/2010 of District Collector, Visakhapatnam
23. Copy of proceedings vide Rc.No.5740/1986/B2/ dt.25.10.1986 of District Collector, Visakhapatnam city
24. Copy of document supplied by LW1 containing pages 1 to 193.
25. Photo graphs of the scene of offence.

Rien 18/5/2010
Inspector of Police,
III Town P.S.,
Visakhapatnam.

FIRST INFORMATION REPORT
(Under Sections 154 Cr.P.C.)



1 District: Visakhapatnam P.S. III Year: 2007 FIR No.: 1160 Date: 06-12-2007

2 (i) Act: Sections: 406, 409, 447, 418, 420

(ii) Act: Sections: Sec 34 IPC

(iii) Act: Sections: _____

(iv) Other Acts & Sections: Sec. 156 Cr.P.C. C.P.S.

3 (a) Occurrence of offence: Day: _____ Date from: Prior to Date to: 06-12-07

Time Period: _____ Time from: _____ Time to: _____

(b) Information received at P.S.: Date: 06-12-2007 Time: 0900 hrs

(c) General Diary Reference No.: Slr. 60 Time: 0900 hrs

4 Type of information: Written / Oral

5 Place of Occurrence: (a) Direction and Distance from P. S.: North - 1/2 km - 2 km

(b) _____ (c) _____

(d) Address: Survey No. 50/4, Nakkavani, Nakkavani

Allipuram Ward, Visakhapatnam.

(e) In case, outside the limits of this Police Station, then

Name of P.S.: _____ District: _____

6 Complainant/Informant:

(a) Name: Sri. Monthina Aditya Eswara, Keerthi Krishna Varma

(b) Father's/Husband's Name: Mr. late Monthina Thimma Raju

(c) Date/Year of Birth: 48 years (d) Nationality: Indian

(e) Passport No.: _____ Date of Issue: _____ Place of Issue: _____

(f) Occupation: Business

(g) Address: D.No. 6-3-57/1, Rockdale Compound, Somajiguda,

Hyderabad.

7 Details of known/suspected/unknown accused with full particulars:
(Attach separate sheet, if necessary)

A-1) Sri. Ch. Ramoji Rao, Mr. late Venkata Subbarao, 71 years

A-2) Sri. Ch. Kiran, Mr. Ramoji Rao, 45 years, MD, Ushodaya Publications

A-3) Ushodaya Publications, Publishers of Eemada Daily

8 Reasons for delay in reporting by the Complainant/Informant:

[Handwritten signature]

5. Particulars of properties stolen/involved (Attach separate sheet, if necessary)

10. Total value of property stolen/involved

11. Inquest Report U.D. Case No., if any

12. First information contents (Attach separate sheet, if required)

The Complaint was endorsed by its Hon'ble Chief Metropolitan Magistrate, Visakhapatnam and it is enclosed here with.

13. Action taken: Since the above information reveals commission of offence(s) as mentioned in Item No.2:

(1) Registered the case and took up the investigation of

(2) Directed (Name of I.O.) Rank No. to take up the investigation of

(3) Refused investigation due to or

(4) Transferred to P.S. District on point of jurisdiction

F.I.R. read over to the Complainant/Informant, admitted to be correctly recorded and a copy given to the Complainant/Informant, free of cost.

R.O.A.C.

[Signature]
Signature of Officer In-charge, Police Station

14. Signature/Thumb impression of the Complainant/Informant.

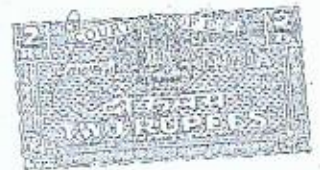
Name: *A. N. MURRY*
Rank: *CP* No. *2586*

15. Date & Time of despatch to the Court

On 06-12-2007.

IN THE HONOURABLE COURT OF THE CHIEF METROPOLITAN
MAGISTRATE, AT VISAKHAPATNAM

C.C. 12007



Between:

Sri Manthina Aditya Eswara Kumara Krishna Varma
(MAFKK Varma) s/o. late Manthina Thimma Raju,
Hindu, aged 48 years, occupation: business, resident
of Door No. 6-3-57/1, Rockdale Compound, Somajiguda,
Hyderabad (within the limits of Panjagutta Police Station,
Hyderabad.

.. Complainant

(The address of the complainant for the purpose of service of summons
etc., is as stated above and care of his counsel S/Sri S.Narayana and
I.V.Madhusudhana Rao, Advocates, 13/1 MIG, Pithapuram Colony,
Visakhapatnam-3).

And:

1) Sri Ch. Ramoji Rao, s/o. late Ch. Venkata Subba Rao,
Hindu, aged 71 years, residing at Ramoji Film City,
Rangareddy District, Hyderabad.

2) Ushodaya Publications, Publishers of Eenadu Daily,
Represented by its Managing Director Sri Ch. Kiran
s/o. Sri Ramoji Rao, Hindu, aged 45 years, residing
at D.No. 6-3-569/3, Eenadu Complex, Somajiguda,
Hyderabad.

3) Sri Ch. Kiran, s/o. Sri Ramoji Rao, Hindu, aged 45 years,
Managing Director, Ushodaya Publications, and residing
at D.No. 6-3-569/3, Eenadu Complex, Somajiguda,
Hyderabad.

.. Accused.

(The addresses of the accused for the purpose of service of
notices, summons etc., are as stated above)

COMPLAINT PRESENTED UNDER SECTION 190(1)(a) READ WITH
SECTION 200 OF THE CODE OF CRIMINAL PROCEDURE 1973 FOR
THE OFFENCES COMMITTED BY THE ACCUSED n/s 406, 409, 417,
418, 420. READ WITH SEC. 34 OF THE INDIAN PENAL CODE, 1860.

1. The complainant humbly submits that he is the absolute owner of the land
of an extent of Ac.2-70 cents which is equivalent to 13078 sq.yards or 11034.78
sq.mtrs in Survey No. 50/4 in Nakkavanipalem of the erstwhile Allipuram Ward,
Visakhapatnam, having purchased the same from Andhra Cinetone Limited, by its
authorised agent, by a sale deed registered as a document bearing Registration No.
(P 13/68 dt. 30-7-1968) 1495/1976 in the office of the Sub-Registrar,

9/17/07

2007

Plaintiff
Petitioner
Appellant
Complainant

Defendant
Respondent
Accused

2007

YANA
ate
I.D.A. Flats
Colony
MS - 530 003.
A. 98400 78864

M. A. S. C.

Visakhapatnam. Possession was delivered to the complainant and he was in peaceful possession and enjoyment of the same.

2. The complainant humbly submits that subsequently the 1st accused approached the complainant seeking for lease of the said property for a period of 33 years and that by the Lease Deed dt. 13-3-1974 registered as document bearing Registration No. 1100/1974 in the office of the Joint Sub Registrar, Visakhapatnam, the complainant granted lease for the said period.

3. The complainant humbly submits that the 1st accused in turn sub-leased the premises taken from the complainant under the above referred lease deed to M/s Ushodaya Publications (Publishers of Eenadu daily of the 2nd accused). The 3rd accused is the Managing Director of the said Ushodaya Enterprises Limited.

4. The complainant humbly submits that the property purchased by the complainant under the sale deed referred to above was entrusted to the 1st accused under the lease deed with a specific covenant that the 1st accused shall hand over the property to the complainant immediately after the expiry of the lease period in good condition subject to natural wear and tear and also further covenants that he would keep the premises entrusted to him under the lease deed in a fit and proper condition. On making such a categorical representation that he would keep the property in a good condition and hand over or put the complainant in possession immediately after the expiry of the lease period, the complainant granted the lease.

But the 1st accused, contrary to the covenants and also undertakings given to the complainant, committed criminal breach of trust by dishonestly misappropriating the property given to him under the cover of the lease deed. The complainant humbly submits that the 1st accused, without the knowledge of the complainant had surrendered an extent of 517 sq.mtrs of land covered by the lease deed from out of the extent of 13078 sq.yards to the Government for the formation of road without the knowledge and consent of the complainant or did not bother to inform the same to the complainant at any point of time. The complainant submits that

only on 13-3-2007 the complainant did not come to know the fact of surrendering the extent of 517 sq.mtrs of land to the Government through the rejoinder got sent by the 1st accused to the Reply Notice got issued by the complainant first in lieu of the surrendering of the 517 sq.mtrs of land exclusively belonging to the complainant, the 1st accused had claimed an assignment of land of an extent of 572 sq.mtrs in favour of Director, Eenadu. The complainant submits that the 1st

accused by doing so had not only committed criminal breach of trust by dishonestly misappropriating the property leased out to the 1st accused but also got the assignment of land in their favour by misrepresentation. The complainant submits that the said land was in fact to be assigned to the complainant in lieu of surrender of the land belonging to the complainant for the purpose of road widening. The complainant submits that out of the extent of 872 sq. mtrs the 1st accused got Ac.0-7 cents of land assigned to it free of cost in lieu of the surrendered land and remaining land @ Rs.300/- per sq. yards in favour of the Director, Ecnadu. The complainant humbly submits that the accused 1 and 2 made a false statement and dishonest representation before the officials of the Government that the surrendered land belonged to them and sought allotment of 872 sq. mtrs as an exchange. The complainant humbly submits that the 1st accused, to whom the property was entrusted, is bound to protect the interest of the complainant, but the 1st accused with a dishonest and fraudulent intention and knowing fully well has committed illegal acts for wrongful gain and thereby not only committed criminal breach of trust in relation to the property leased out to the 1st accused, but also wrongful loss to the complainant. The 1st accused, who is the custodian of the property of the complainant acted dishonestly and got assigned the land in his favour by violating the terms of the lease.

5. The complainant submits that the 1st accused was supposed to deliver back the property covered by the lease deed after the expiry of the period of lease, but got a notice issued to the complainant seeking extension of the lease for further period of 33 years. In the notice the 1st accused got the new boundaries of the leasehold premises mentioned contrary to the boundaries mentioned in the lease deed i.e. by describing the property of the 2nd accused as eastern boundary. The complainant realizing the fraud and foul play of the 1st accused declined to extend the lease any more and informed the same to the accused and also of his desire to inspect the property, but the accused being afraid of the detection of the fraud committed by them refused the entry of the complainant into the premises and got a civil suit filed in the Hon'ble Court of the VII Addl. District Judge, Visakhapatnam seeking injunction against the complainant restraining him to exercise his legal right of inspection of the premises. In the suit filed by the accused against the complainant, the complainant was served with the proceedings of the District Collector, Visakhapatnam allotting 872 sq. mtrs of land to the accused in lieu of the land of the complainant surrendered by the accused

to the Government for road widening. The complainant initiated the proceedings for eviction of the accused from his premises.

6. The complainant submits that the 1st accused who is the Chairman and also the Chief Editor of Eenadu conspired and colluded with his son, the 3rd accused – the Managing Director of M/s Usbodaya Enterprises Private Limited, the 2nd accused and committed the offence of the criminal breach of trust by fraudulently and dishonestly mis-representing to the State that the property given/surrendered admeasuring 517 sq. mtrs in T.S.No. 50/4 which belonged to the complainant as belonging to them and thereby gained wrongfully by inducing the Government to part with the property and thus all the accused have committed the offences of criminal breach of trust, cheating to have wrongful gain and to cause wrongful loss to the complainant.

7. The complainant humbly submits that immediately after receiving the proceedings of the District Collector, Visakhapatnam whereunder the accused got assigned/allotted the land of an extent of 872 sq. mtrs in their favour, the complainant gave a report in the III Town Law & Order Police Station on 19-9-2007 by duly enclosing the documents mentioned therein and requested the police to take appropriate legal action against the accused. An entry of the report in the General Diary was made but the police did not initiate any action against the accused.

8. Therefore, the complaint is filed against the accused for appropriate legal action against them. The complainant humbly submits that as the property in respect of which the offence has been committed is situated within the limits of III Town Law & Order Police Station, Visakhapatnam which is within the territorial jurisdiction of this Honourable Court, this Honourable court has got jurisdiction to entertain and try the complaint.

9. This being a complaint filed under Section 190(i)(a) read with Section 406, 417, 418, 420, read with section 34, 200 of Cr.P.C. 1973 for the offences committed by the accused under read with Section 34 of the Criminal Procedure Code, a Court Fee of Rs. 2.00/- is paid there on under Article 10(f) of Schedule-II of the A.P. Court Fees and Suits Valuation Act 1956.

10. The complainant, therefore, most humbly prays that the Hon'ble Court, in the interests of justice, be pleased to take the complaint on file, issue

400 2000 11

summons/warrants to the accused and try the case and punish the accused for the criminal acts committed by them.

Advocate for the Complainant

COMPLAINANT

Verification

I, the above named complainants do hereby declare and state that the facts stated above are true and correct to the best of my knowledge, belief and information.

Visakhapatnam
Dt:28-11-2007.

COMPLAINANT

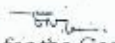
LIST OF DOCUMENTS FILED

<u>S.No.</u>	<u>Date</u>	<u>Description</u>	<u>Remarks</u>
1.	30-7-1968	Sale Deed executed and registered in favour of the complainant in respect of the property given on lease to the accused.	Xerox copy
2.	13-3-1974	Lease Deed executed and registered under Registration No. 1100/1974 by the complainant in favour of the 1 st accused.	Xerox copy
3.	17-4-1985	Proceedings of the District Collector, Visakhapatnam in RC No.57/85/PS issued in favour of the Director "Ecnadu" along with the sketch.	Xerox copy
4.	25-10-1986	Proceedings of the District Collector, Visakhapatnam in RC No. 5740/86/B-2 to the Director "Ecnadu" Visakhapatnam.	Xerox copy
5.	27-9-2006	Letter sent by the 1 st accused to the complainant.	Xerox copy
6.	20-10-2006	Reply got issued by the complainant in Ref. No. N/109/1006 to the 1 st accused.	Xerox copy
7.	13-3-2007	Rejoinder got issued by the 1 st accused to the notice got sent by the complainant.	Xerox copy
8.	24-3-2007	Reply rejoinder got issued by the complainant to the counsel of the 1 st accused in reference No. N/109.A/3/2007.	Xerox copy
9.	13-3-2007	Letter addressed by the complainant to the 1 st accused intimating his impending inspection of the premises covered by the lease deed.	Xerox copy
10.	17-3-2007	Reply sent by the 1 st accused to the complainant.	Xerox copy

11. 26-3-2007 Rejoinder issued by the complainant to the reply of the 1st accused. Xerox copy
12. 13-2-1995 Mandal Surveyor's report along with the plan submitted to the then Principal Subordinate Judge, Visakhapatnam in L.A.No.307/94 in O.S. No. 663/88. Xerox copy
13. Plaintiff presented by the 1st accused against the complainant on the file of the Hon'ble Court of the VII Addl. District Judge, Visakhapatnam in O.S.No. 212/2007. Xerox copy
14. 13-9-2007 Report given by the complainant to the III Addl. District Judge, Visakhapatnam in O.S.No. 212/2007. Xerox copy

LIST OF WITNESSES

<u>S.No.</u>	<u>Name and address of the witness.</u>	<u>Purport of the evidence.</u>
EW-1	Sri Mantluna Aditya Eswara Kumara Krishna Varma (MAEKK Varma) s/o. Late Mantluna Thimma Raju, Hindu, aged 48 years, occupation: business, r/o Door No. 6-3-57/1, Rockdale Compound, Somajiguda, Hyderabad.	To speak about the facts of his purchasing the property, leasing out the same to the 1 st accused committing the criminal acts of the 1 st accused conspiring with the other accused etc., facts of the Complaint.
LW-2	The Tahsildar, Visakhapatnam Urban Mandal, Seethanadara, Visakhapatnam.	To speak about the handing over of an extent of 872 sq.mtrs of land to the accused and issuance of Proceedings in that regard.


Advocate for the Complainant

Visakhapatnam,
Dt: 28-11-2007,


COMPLAINANT