

AP Proved Draft

IN THE COURT OF THE XI ADDL. CHIEF METROPOLITAN MAGISTRATE:
AT SECUNDERABAD

C.C.No: OF 2009

Between:

M/s. ALPINE ESTATES

Represented by its Managing Partner

Mr.Soham Modi S/o Sri Satish Modi

103, First Floor, Hariganga Copmlex

Ranigunj, Secunderabad - 500003

rep. by his Authorised Signatory Mr.Ramacharyulu

S/o L.Raghavendra Rao

R/o Vanasthalipuram, Hyderabad.

... COMPLAINANT

And

Mrs.VASANTHI W/o *Narasimhan*

Aged about years, occ: Private Service,

R/o 20-37, G-1, Gautham Nagar, Malkajgiri

Hyderabad - 500047.

... ACCUSED

PRIVATE COMPLAINT FILED UNDER SECTION 200 OF CR.P.C.
R/W SECTION ~~420~~, 420, IPC R/W sec 156(3) Cr.P.C.

The complainant respectfully submits as follows:

1. Name of the Complainant : Alpine Estates
Represented by its Managing Partner
Mr.Soham Modi
2. Name of the Accused : Mrs.Vasanthi
3. Nature of Offence : *cheating & misappropriation*
4. Jurisdiction of P.S. : P.S. Ramgopalpet
5. List of witnesses : i. The Complainant herein
ii. employee of Complainant
6. Facts of the case :

1. a) The Complainant is a partnership firm represented by its Managing Partner Mr.Soham Modi. The Complainant is engaged in the business of development and construction of residential flats and independent houses.

b) The Accused Mrs.Vasanthi ~~had been~~ ^{WNS} appointed as a Senior Accountant and assigned the duty of maintaining the accounts of the Complainant Firm at their Head Office. She ~~has been~~ ^{WNS} appointed on *7/10/2009*... The

Accused was the sole Incharge of maintaining Cash Book, Bank Books, customer accounts of the Complainant Firm and other allied duties.

- c). The Complainant further submits that on 11/11/09 when the Managing Partner of the Complainant Firm was verifying the Books of Account, he found the following discrepancies.
- i). The Accused has taken the signature of the Managing Partner on a cheque bearing No.050386 for Rs.30,000/- drawn on HDFC Bank, Secunderabad purported to be towards the payment made to a supplier by M/s.Hemanth Marbles. On verification, it was found that the cheque was actually drawn in the name of one Mr.Satyanarayana who had an account in HDFC Bank Sainikpuri Branch. The said Satyanarayana was in no-way concerned with the Transaction for which the cheque was supposed to have been given. Further the Accused had drawn the amount from the account of Mr.Satyanarayana by using a ATM Card to which the Accused had access.
 - ii). The Accused ~~had~~ raised a cash receipt bearing No.2187 dated 11.03.2009 for Rs.40,000/- for the cash that was received from Dr.H.S.Saini, a customer of the Complainant firm and who has booked a flat in one of their ventures. On verification it was found that there has been no corresponding entry in the cash book nor the amount was reflected in the Bank Account as a deposit. The Accused has ^{obviously} misappropriated the funds for ~~her own use~~.
 - iii). The Complainant submits the Accused had further raised another cash receipt bearing No.2159 dated 07.02.2009 for Rs.2,00,000/- for the cash that was received from a client of the complainant firm by name Mrs.O.Shanti, and who has ^{of the Complainant firm} booked a flat in one of their ventures. On verification it was found that there has been no

corresponding entry in the cash book nor the amount was reflected in the Bank Account as a deposit. The Accused has *obviously* misappropriated the funds ~~for her own use~~.

- iv). The Complainant submits that as the Accused was totally Incharge of the Account Records and she was also handling the Cash receipt books. The Complainant had a Cash receipt book which had a original ~~copy~~ in white colour and dupliate copy in pink colour. In one of the Receipt Book bearing No.10, the duplicate copies for two receipts bearing No.1948 and 1949 have been torn and destroyed by the Accused deliberately to suppress the fraud that she had done. The fraud she had done is one of the cash receipt had been issued to one Ms. Priya Vandana a customer of the Complainant firm for the amount of Rs.75,000/- that was paid by the said Ms.Priya Vandana. The said amount was also not recorded in the Cash Book nor in the Bank Account. The amount that was collected under Receipt No.1949 is still missing and the Complainant is putting all efforts to trace the payment that was received through the Receipt No.1949. *The complaint is full thro' probing in the matter and trying to trace further misappropriation if any by the Accused. If any thing is found traced the same will be intimated to the Investigating officer.*
- d). The Complainant Firm had issued a Showcause notice which was sent to the Accused address by Registered Post Ack.due and the same was received by her but there has been no ^{valid} explanation from the Accused.
- e). The above said acts of the Accused clearly show her dishonest intention to cheat the Complainant Firm by misusing her position in the organisation and her access to all the records and also the cash that was being received from the customers of the Complainant firm. The Accused has committed a Criminal Breach of Trust which is a Crime U/s 405 of

I.P.C. The Accused also committed offences of Cheating, misappropriation of funds.

- e) The Complainant approached the P.S. Ramgopalpet with regard to the acts of the Accused, but the police refused to register the case as it was of a Civil nature. Hence the Complainant is constrained to approach this Hon'ble Court for Justice.
- f). The Complainant left with no other option is approaching this Hon'ble Court to take Judicial Notice and Cognizance of the offences committed by the Accused U/s ~~405~~ ~~420~~ of I.P.C. The offences committed by the Accused squarely comes u/s ~~405~~ and ~~420~~ of I.P.C. Therefore, the Accused is liable to be punished for the offences.
- g). The Accused committed the above offences at the office of the Complainant at Secunderabad within the territorial jurisdiction of Ramgopalpet P.S. Hence this Hon'ble court has jurisdiction to try this case.

It is, therefore, prayed that this Hon'ble court be pleased to issue summons to Accused U/s 204 of Cr.P.C. by taking cognizance of the above complaint or in the alternative refer the matter to the Station House Officer, Ramgopalpet P.S. Secunderabad U/s 156 (3) of Cr.P.C. for investigation.

It is, therefore prayed that this Hon'ble Court may be pleased to punish the Accused for the offences U/s 405, 420 of I.P.C for Criminal Breach of Trust, Cheating, Misappropriation of amounts ₹ 5 lakhs and pass such other order or orders as this Hon'ble Court may deems fit and proper in the circumstances of the case.

SECUNDERABAD
Date: 20 -07-2009

COMPLAINANT

VERIFICATION

I, L.Ramacharyulu S/o L.Raghavendra Rao, aged 47 years, R/o Vanasthalipuram, Hyderabad Authorised Signatory of M/s.Alpine Estates, the Complainant herein submit that the facts mentioned above are true and correct to the best of my knowledge and belief. Hence verified.

SECUNDERABAD

Date: 15-07-2009

Complainant

LIST OF DOCUMENTS

S.No.	Date	Description of document
1.		Authorisation Letter
2.		Showcause notice
3.		Postal Receipt
4.	05.07.2009	Postal acknowledgement Card
5.	25.03.2009	Copy of cheque No.503836
6.	25.05.2009	Copy of Debit Voucher
7.		Statement of Account of P.Sathyanarayana
8.	11.04.2009	Receipt No.1947
9.	04.05.2009	Receipt No.1950 (cancelled)
10.	07.02.2009	Receipt No.2159
11.	11.03.2009	Receipt No.2187

SECUNDERABAD

Date: 15-07-2009

Complainant