

Draft #1

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

M. JAGADISH BABU S/o M.B.B.V. Narasimha Rao
Aged 46 years, occ: private service,
R/o 63/2RT, MCH Colony,
Malakpet, Hyderabad - 500036. ... ACCUSED

PRIVATE COMPLAINT FILED UNDER SECTION 200 OF CR.P.C.
R/W SECTION 405, 420, 464 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 : M.Jagadish Babu
3. Nature of Offence : Misappropriation, Cheating &
Fabrication of certificate
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 Mr.M.Jagadish Babu was appointed as a Administrative Officer and assigned the duty of managing day-to-day Administrative

affairs at Complainant's construction site. He was appointed on 1/6/2007..... The Accused was the sole Incharge of payment of miscellaneous bills like water bill, mid-day meals bill for school going children ^{of site/club} and other payments. The Accused used to collect monies from the Head Office to clear the bills at site. The Accused also In-charge and responsible for all the material at the construction site of the Complainant.

- c). The Complainant further submits that during the course of employment, on 31/5/2009..... the Accused collected a sum of Rs.7500/- for payment of water bill and to pay mid-day meals bill for school going children ^{of the labour working} at the site and he has not paid the same and utilized for his personal use.
- d). The Complainant further submits that the Accused had also sold the scrap at the site to ^{and received as a} sum of Rs.19,500/- and he has not deposited the same at the head office. The Accused is also not reporting the duty from 15.6.2009 on verification, the Complainant came to know about the acts of the Accused. Thus, the Accused with dishonest intention misappropriated the funds of the Complainant and also committed an offence of cheating.
- e). The Complainant further submits that the Accused had also fabricated a document of experience by ^{obtaining} forging the signature of A.Shankar Reddy, Administrative Manager and produced the same to a new organisation where he applied for job. The Complainant came to know about the said fact when the future employer verified the certificate with the Complainant. Thus the Accused committed the act of fabrication of service certificate. The Accused admitted the fraudulent acts committed by him through his email letter dated 27.06.2009.

- f). The Complainant Firm had issued a Showcause notice 11.07.2009 which was sent to the Accused address by Registered Post Ack.due and the same was received by him but there has been no valid explanation from the Accused.
- g). The above said acts of the Accused clearly show her dishonest intention to cheat the Complainant Firm by misusing his position in the organisation. 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 and fabrication of service certificate.
- 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, 464 of I.P.C. The offences committed by the Accused squarely comes u/s 405, 420 and 464 of I.P.C. Therefore, the Accused is liable to be punished for the offences.
- g). The office of the Complainant is situated at Soham Mansion, M.G.Road, 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 and 464 of I.P.C for Criminal Breach of Trust, Cheating, Misappropriation of amounts and fabrication of document to a tune of Rs. ~~27,000/-~~..... 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: 21 -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: 21-07-2009

Complainant

LIST OF DOCUMENTS

S.No.	Date	Description of document
1.		Authorisation Letter
2.	27.06.2009	email letter of Accused
3.	11.07.2009	Showcause notice
4.		Postal Receipt
5.		Postal acknowledgement Card
6.		Alteration of service certificate
7.		Withdrawal vouchers

SECUNDERABAD

Date: 21-07-2009

Complainant