

NOTICE TO RESPONDENT

IN THE COURT OF THEIX..... A. M. M.

At.....medchal.....

File No. 482 of 2023

Between :

P. S. medchalComplainant

P. Vidya sagar fallyRespondent

To P. Vidya sagar fally s/o P. S. medchal
Age 64 yrs, occ: Agrl. P/o. P. S. medchal
Medchal A/o. P. S. medchal. 1-8-402/18. Malkajgiri

Take notice that a petition
U/s. 406, 408-420 has been filed the petitioner
day of 31/12 2023 for your appearance
and filing counter if any you are hereby directed to
attend this court on the said date without fail.

(By Order)

Pammy
Magistrate

IX Add. Junior. Civil Judge
IX Add. Metropolitan Magistrate
Medchal-Malkajgiri at Medchal

IN THE COURT OF THE HON'BLE IX ADDL. METROPOLITAN MAGISTRATE, MEDCHAL
MALKAJGIRI DISTRICT AT: MEDCHAL

CrI.M.P.No. of 2023

IN

C.C.No. 379 of 2016

Between:

The State of Telangana,
Through P.S. Medchal
Rep. by it's A.P.P.

..... Petitioner / Complainant

And

1. Uppala Sridhar
S/o Narsaiah, Aged 39 yrs
Occu: Business, R/o H.No. 10-22
Gajwel (Vlg & Mandal) of Medak Dist
2. Jeedipally Ram Kumar
S/o Narayana Reddy, Aged : 62 yrs
Occu : Business, R/o H.No. 3-49,
Turkapally Vlg, Shamirpet Mandal of RR Dist
3. Aakula Krishnamurthy
S/o Late Vittal, Aged : 46 yrs
Occu: Business, R/o Plot No. 180/A,
Old Vasavi Nagar, Karkhana, Sec-bad
4. B. Sathya Narayana
S/o Narsaiah, Aged : 58 yrs
Occu : Business, R/o Turkapally Vlg,
Shamirpet Mandal of RR Dist
5. G. Sanjeeva
S/o Kistaiah, Aged : 57 yrs
Occu : Business, R/o Kotlur Vlg,
Shamirpet Mandal of RR Dist
6. P. Vidya Sagar Reddy
S/o Late Papi Reddy, Aged : 64 yrs
Occu : Agriculture, R/o Muraharipalli Vlg,
Medchal Mandal of RR Dist,
Presently residing at H.No. 1-8-702/18,
Nallakunta, Hyderabad,
7. P. Vijaypal Reddy,
S/o Late Papi Reddy, Aged : 65 yrs
Occu: Business, R/o Muraharipalli Vlg,
Medchal Mandal of RR Dist,
Presently residing at H.No. 1-8-702/18,
Nallakunta, Hyderabad,

----- Respondents/Accused

..... Proposed Respondents/Accused

	Vendee - K. Rushendra Babu S/o K. Yellaiah	
2.	Ex P13 Sale deed - Doc. No. 3215 of 1982 Dated 14.06.1982 Vendor - Vijayapal Reddy S/o Papi Reddy Vendee - Pulaknati Mangayamma W/o P. Venkate Rami Reddy	Ac. 2.00 gts
3.	Ex P14 Sale deed - Doc. No. 3216 of 1982 Dated 14.06.1982 Vendor - Vijayapal Reddy S/o Papi Reddy Vendee - T. Devika Gopal W/o T. Gopal	Ac. 2.00 gts
4.	Ex P15 Sale deed - Doc. No. 3217 of 1982 Dated 14.06.1982 Vendor - Vijayapal Reddy S/o Papi Reddy Vendee - B. Vijay Laxhmi W/o B. Vijay Kumar	Ac. 1.00 gts
5.	Ex P16 Sale deed - Doc. No. 3219 of 1982 Dated 14.06.1982 Vendor - Vijayapal Reddy S/o Papi Reddy Vendee - Vijay Ramkrishna W/o Ramakrishna	Ac. 1.00 gts
6.	Ex P17 Sale deed - Doc. No. 3598 of 1982 Dated 06.07.1982 Vendor - Vijayapal Reddy S/o Papi Reddy Vendee - M.R. Raghuram S/o Ramachandra	Ac. 1.00 gts
7.	Ex P18 Sale deed - Doc. No. 3902 of 1982 Dated 05.08.1982 Vendor - Vijayapal Reddy S/o Papi Reddy Vendee - Chelimalla Pratibha D/o Narsing Rao	Ac. 1.00 gts
8.	Ex P19 Sale deed - Doc. No. 3907 of 1982 Dated 05.08.1982 Vendor - Vijaypal Reddy S/o Papi Reddy Vendee - Nalamada Vikram S/o Narendra Reddy	Ac. 1.00 gts
9.	Ex P20 Sale deed - Doc. No. 3908 of 1982 Dated 05.08.1982 Vendor - Vijaypal Reddy S/o Papi Reddy Vendee - C. Prasanna D/o C. Narsing Rao	Ac. 1.00 gts
10.	Ex P29	Ac. 0.08 gts

	Sale deed - Doc. No. 5771 of 1989 Dated 31.07.1989 Vendor - Vijaypal Reddy S/o Papi Reddy Vendee - R. Abhinandan Reddy S/o Upender Reddy	
11.	Ex P21 Sale deed - Doc. No. 3220 of 1982 Dated 14.06.1982 Vendor - Vidya Sagar Reddy S/o Papi Reddy (as per the first page of the sale deed) Vijayapal Reddy S/o Papi Reddy (as per the Schedule Property) Vendee - K. Raju S/o K. Shanmugam K. Shiva Kumar S/o K. Shanmugam	Ac. 1.00 gts
	Total	Ac. 13.08 gts

M.R. Raghu Ram who is owner of Ac. 1.00 gts vide Doc. No. 3598 of 1982 Dated 06.07.1982 further sold the land to R. Abhinandan Reddy, vide Doc. No. 5254 of 1995, by which R. Abhinandan Reddy became the owner of land measuring Ac. 1.08 gts from 1995 onwards.

4. Details of the exhibits of Pahanis for Sy. No. 50 situated at Muraharipally i.e. Ex P26 for the purpose of this petition are as below:

Year	Names of Pattedar and extent of land
1981-1992	Vijaya gopal Reddy - Ac. 12.08 gts
1997-1998	R. Abhinandan Reddy - Ac. 1.08 gts
To	Vijay Ramnakrishna - Ac. 1.00 gts
2003- 2004	Vijaya Lakshmi. Ac. 1.00 gts
	T. Devaki Gopal Ac. 2.00 gts
	C. Prasanna. Ac. 1.00 gts
	C. Pratibha Ac. 1.00 gts
	N. Vikram Ac. 1.00 gts
	Rushender Babu Ac. 2.00 gts
	P. Mangayamma. Ac. 2.00 gts
	Total = Ac. 12.08 gts
2005-2006	R. Abhinandan Reddy Ac. 1.08 gts
	Vijay Ramnakrishna Ac. 1.00 gts
	Vijaya Lakshmi. Ac. 1.00 gts
	T. Devaki Gopal Ac. 2.00 gts
	C. Prasanna. Ac. 1.00 gts
	C. Pratibha. Ac. 1.00 gts
	N. Vikram Ac. 1.00 gts
	Rushender Babu Ac. 2.00 gts

	K. Rajshekar. Ac. 2.00 gts A. Rajendra Prasad. Ac. 1.00 gts Total = Ac. 13.08 gts
2007-2008 2008-2009 2011-2012 2013-2014 2015-2016	On perusal of Pahanis for these years the total extent of land in Sy. No. 50 in the name of different pattedars when added is equal to Ac. 13.08 gts for each year / for each different pahani.

From the above table with regard to extracts of Pahanis, Vijaypal Reddy is shown as the pattedar to the total extent of land which is Ac. 12.08 gts in Sy. No. 50 at situated at Murahipally. As noted above via Ex P12 to 21 and Ex P29 the total extent of land in Sy. No 50 has been sold by VijayPal Reddy to different vendors. However, names of these vendors started to reflect in the Pahanis only from the year 1993-1994. Pahanis for the years 1997 to 2004 reflects names of all the vendors and total extent of land to which they are pattedars adds up to Ac. 12.08 gts which is the actual extent of land in Sy. No 50 and owned by Vijaypal Reddy.

Pahani for the year 2005-2006 for the above mentioned land, in addition to the earlier pattedars, also shows A. Rajendra Prasad as one of the pattedar for an extent of Ac. 1.00 gts. With the addition of this new pattedar the total extent of land is adding up to to Ac. 13.08 gts, which is one acre more than the actual extent of land in the Sy. No. 50. i.e 12.08 gts. Similarly in the pahanis for the years 2007-2106, too the total extent of land i the names of different pattedars is adding upto Ac. 13.08 gts. It is evident that this extra one acre of land is shown after addition of A. Rajendra Prasad, who bought the land from P. Venkat Reddy who in turn purchased it from K. Raju and K. Shiva Kumar who purchased it from P. Vijay Pal Reddy as per the Pahani record in Sy. No. 50 of Muraharipally, via Ex. P 21.

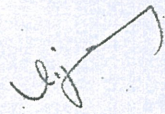
Further a perusal of Ex. P21, would reveal that in the first page the vendor is shown as P. Vidya Sagar Reddy S/o Papi Reddy, who is the owner of and possessor of agricultural land admeasuring 22 acre and 4 guntas in S. Nos. 51, (part), 52, 23 & 25 and that he has offered to sell One Acre of land from S. Nos 52. However in the subsequent pages of Ex. P21 the vendor name is P. Vijaypal Reddy and the land offers to be sold is one acre is in Sy. No. 50. Further Vijaypal Reddy was one of the attesting witness to this document. Therefore prima facie it is clear that, both Vijaypal Reddy and Vidya Sagar Reddy have deliberately executed a sale deed which they know is illegal and can not be enforced. Further once this fraud was pointed out by the defacto-complainant, both Vidya Sagar Reddy and Vijaypal Reddy have made a sham attempt undo their illegal act in the form of a Rectification deed dated 12th May, 2008, which is Ex. P25. By the deed of the rectification the duo, Vidya Sagar Reddy and Vijay Pal Reddy, have stated that the Vendor in the first page of Ex. P21 should be Vijaypal reddy and not Vidya Sagar Reddy and the correct Sy. No should 50 and not 52, therefore the name of Vijaypal Reddy should be added in the first page of Ex P21 in addition to the name of Vidya Sagar Reddy, and that Sy. No. 50 should be added as well. Through this deed of rectification it was once again confirmed that the subject matter land of Ex P 21 is that of Sv. No. 50. If that were the case this deed of rectification would not have any

effect of undoing the fraud committed by them, as by the date of this rectification deed, Vijaypal Reddy has no land to convey to the Vendee of Ex. P21, because by the date of deed of rectification the total extent in Sy. No. 50 that is Ac. 12.08 gts has already been sold to different vendees. This is also clear from the two table given above. In view of the same it is very clear that that this deed of rectification was deliberate attempt to induce the defacto complainant to enter into a sham sale deed without there being any land to be conveyed to defacto complainant.

5. Therefore from the above it is clear that both Vijaypal Reddy and Vidya Sagar Reddy have intentionally entered into a blatantly fraudulent sale deed i.e Ex. P21, and further created another sham deed of rectification despite knowing that there was no land to be conveyed, hence it is evident that deed of rectification was made only with the intention to induce innocent buyers to enter into sale deed for land that does not exist physically. These deliberate acts are offence punishable under Section 420, 468, 471 of IPC making them liable to be tried before a competent court.
6. It is submitted that the non-filing of this application earlier is neither willful nor wanton as the complicity of the proposed accused only came to surface when the PW2 deposed before the court about the illegal acts of the proposed accused, hence this application is being preferred now.
7. It is submitted that no prejudice will be caused to the respondents/accused, but on the other hand, it will pave way for adjudication of the case against all the accused, thus avoiding multiple litigations and unnecessary delay.
8. It is submitted that this Hon'ble Court has ample powers as held by the Constitution Bench of Supreme Court of India in *Hardeep Singh Vs State of Haryana*, reported as (2014) 1 SCC (Cri) 236, and confirmed by another Constitution Bench of the Supreme Court in *Sukhpal Singh Khaira vs. State of Punjab* reported as 2022 Livelaw SC 1009 to allow this application.

It is therefore prayed that this Hon'ble court be pleased to summon the proposed respondents/Accused and try the above case against them also, in the interest of justice.

Medchal
06.04.2023


Assistant Public Prosecutor

10/7/23

Judge

Pavan Kumar

P.P. VIJAYA KUMAR

Medchal D.C.P.

IN THE COURT OF THE HON'BLE IX ADDL
METROPOLITAN MAGISTRATE, MEDCHAL
MALKAJGIRI DISTRICT AT: MEDCHAL

CrI.M.P.No. of 2023

IN

C.C.No. 379 of 2016

Between:

The State of Telangana

... Petitioner / Complainant

A N D

Uppala Sridhar & others

... Respondents / Accused No.1 to 5

Vijay Pal Reddy & Vidya Sagar Reddy

... Proposed Respondents / Accused

PETITION FILED UNDER SECTION 319 OF Cr.P.C.

Filed on: 06-04-2023

Filed by: Assistant Public Prosecutor

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S.M. L. RAO P. P.