

SWORN AFFIDAVIT

I, Mr.L.Ramacharyulu s/o. Late Sri. L Raghavendra Rao, authorised signatory of the complainant, R/o. Hyderabad, do hereby solemnly affirm and state on oath as follows:

I am the ~~authorized signatory~~ of the complainant and as such I am well aware of the facts deposed hereunder:

- 1) The Complainant is the owner and possessor of Plot No. 900 in Sy.No. 218/1, admeasuring 350 Sq.yrds situated at Defence Colony, Malkajigiri Mandal, RR District., having purchased the same from the previous owners. The Complainant had applied and obtained permit for construction from GHMC for a residential complex consisting of 6 flats. The Accused approached the Complainant for purchasing one flat bearing No.301 on the third floor admeasuring 1110 Sqft. With a undivided share of land to an extent of 58.33 Sq.yrd., alongwith a parking area admeasuring 100 Sqft. In the stilt area. The complex is named as "AKAR". It was agreed that the total sale consideration would be for Rs.35,74,000/- which is exclusive of VAT, Service Tax, Misc. Charges, interest on delayed payments, Corpus Fund which comes to a sum of Rs.39,22,982/- and the Accused had paid an amount of Rs.32,30,300/-. The Accused was given a discount of Rs.2,78,000/- therefore after deducting all the payments made by the Accused till date she is still due and payable an amount of Rs.4,14,682/-. The Accused issued a cheque for Rs.71,000/- dtd.26.7.2016 bearing Cheque No.000083 drawn on HDFC Bank, Ravipuram Branch, Kochi, Kerala State towards part payment of the balance amount payable by the Accused to the Complainant towards the cost of the apartment purchased by the Accused.
- 2) The above cheque was received by the Complainant subject to realisation. The Complainant presented the said cheque for clearance through his banker Corporation Bank, Gunrock Enclave Branch, Secunderabad on 12.08.2016. To the utter surprise and dismay of the Complainant, the above said Cheque presented for realization was returned unpaid vide Cheque Return Memo dated 16.08.2016 for the reason "Funds Insufficient". The return of Cheque for the said reason is an offence punishable U/Sec.138 Negotiable Instruments Act and also amounts to cheating punishable U/s 420 of I.P.C. The Accused issued the cheque knowing very well that the said cheque will be dishonoured for want of funds with dishonest intention to cause wrongful loss to

the Complainant. Thus, the Accused has committed an offence punishable U/Sec.138 of Negotiable Instruments Act and U/s 420 of I.P.C.

- 3) The complainant got issued a notice dated 26.08.2016 as required under law and the said notice was received by the accused on 01.09.2016 and she has not chosen to give any reply. The Complainant submits that his bank wherein the cheque was presented for clearance is situated at Gunrock Enclave, Secunderabad which is within the territorial jurisdiction of this Hon'ble Court.
- 4) The accused by the dishonour of cheque for the reason "Funds Insufficient" has committed an offence punishable U/S 138 of N.I Act and also amounts to cheating punishable U/S 420 of I.P.C. Further, knowing very well that the said cheque will be dishonored when there is no sufficient funds, with dishonest intention to cause wrongful loss to the complainant.

The accused by the dishonour of cheque for the reason "Funds Insufficient" has committed an offence punishable U/S 138 of N.I Act and also amounts to cheating punishable U/S 420 of I.P.C. Further, knowing very well that the said cheque will be dishonored when there is no sufficient funds, with dishonest intention to cause wrongful loss to the complainant.

It is respectfully submitted that the accused is punishable under section 138 of N.I Act and this Hon'ble Court may be pleased to prosecute the accused.

COMPLAINANT

IN THE COURT OF THE HON'BLE XI ADDL CHIEF METROPOLITAN MAGISTRATE
: AT SECUNDERABAD

Crl.MP.No. OF 2016
 IN
C. C.SR. NO. 6392 Of 2016

Between:

L.Ramacharyulu

Petitioner/ Complainant

And

Mrs.M.Malini Menon

Respondant/Accused

AFFIDAVIT

I, Mr.L.Ramacharyulu S/o. Late Sri. L Raghavendra Rao, aged 53 years, R/o.Flat No.406, Sree Homes, Kotha Pet, Saroornagar, Hyderabad, Special power of Attorney holder of the complainant, do hereby solmenly affirm and state on oath as follows:

I am the Special power of Attorney holder of the complainant and as such I am well aware of the facts deposed hereunder:

I am representing the Complainant in the above complaint as his Special power of Attorney holder. The Complainant has given me the Special power of Attorney to represent ^{me} ~~him~~ in the above complaint on behalf of him.

I am filing the Special power of Attorney along with this affidavit.

I therefore pray that this Hon' ble Court that I may be allowed to represent the Complainant in the above complainant as the Special power of Attorney holder in the interest of justice.

Sworn and signed before me
on 4th November 2016.

Deponent.

Advocate/Secunderabad

