

Draft for appeal

IN THE COURT OF THE HON'BLE 11th METROPOLITAN
MAGISTRATE: C.C.C
AT: SECUNDERABAD
C.C.No. of 2017

BETWEEN:

Modi consultancy Services.,
Rep by its Authorised person
Sri.L.Ramacharyulu, S/o.L.Ragavender rao
a/a.54 Yrs., Occ: Employee,
off: 5-4-187/3 & 4, 2nd Floor,
Soham mansion, M.G.Road, Sec'bad.

Complainant

AND

1. Smt. Aparna Upreti, w/o. Sameer Kala
a/a.39 Yrs., Occ: House wife.
2. Sri. Sameer kala, S/o. Not Known
A/a.45 Yrs., Occ: Business
Both are R/o. Pl.No.116, Rd.No.14
Banjara Hills, Hyderabad

Accused No1 & 2



COMPLAINANT FILED U/s.200 OF CR.P.C

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| 1. Date of Offence | : On 4-11-2016 |
| 2. place of Offence | : At complainant office,
M.G.Road, secunderabad. |
| 3. Offences U/s. | : 406 & 420 of I.P.C |
| 4. Jurisdiction | : P.S. Ramgopal pet, Sec'bad. |
| 5. List of witnesses | : 1. Complainant
2. G. Eashwarnadh, S/o. Chennaiah
3. G. Dwarakanadh, S/o. G. Eashwernadh
V4, SOD, Cherlapally
both are R/o. 12-1-1034/2, Lalaguda,
Secunderabad.
3. Nagarajulu
4. Mahalingam |
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May it please your Honor,

1. It is submit that complainant is a consultancy services having partnership firm by name and style "**MODI CONSULTENCY SERVICES**", and rendering service to the customers of Modi group projects who want to resell the Flats/Bungalows And villas. Our services to the customers of Modi group projects who want to resell the flats/bungalows and Villas. Our services giving news paper advertisements on behalf of the seller to identify prospective purchasers.
2. It is further submitted that the complainant company will negotiate with the buyers and get a best price for their Flat/Bungalow and also dealing in renting the bungalows/flats of Modi group customers. They also help in preparing documentation and registration work related to their property to their customers.

3. The Complainant further submitted that the accused-2 by named Sri.Sameer Kala had purchased a Villa No.4 in the project known as Silver Oak Bungalows situated at Cherlapally, Hyderabad.Originally the property was purchased on the name of accused-1 by named Smt.Aparna Upreti who is the wife of Accused -2 herein. When A-1 wanted to resale the villa, accused-2 approached the complainant for a buyer. Immediately the complainant company released an advertisement in the news paper. A buyer by name G.Eashwarnath had approached the complaint's company and wanted to buy the above said villa. It is further submitting the complainant informed the same to the accused -2 regarding the terms and conditions including the consultancy fee of 3% On the total sale value of the property. A letter dated .01-3-2016 was addressed to Accused-2 mentioning all the terms and conditions.
4. It is further humbly submit that the accused -2 agreed for the same and confirmed by signing on the letter issued by the complainant and he has also sent an E-mail on the same day i.e.1-3-2016 confirming his willingness to go ahead with the deal. The accused-2 received the advance of the sale consideration on his wife name and took the same in the complainant's office from the buyer who is the L.W-2 herein. The complainant has negotiated the villa rate with the approval of Accused-2.
5. It is further submitting that after receipt of advance sale consideration the accused-2 stopped the lifting the complainant's phone calls to execute the contents of letter as stated for which A-2 He has completed the respective total sale transaction without the knowledge and consent of the complainant in favour of buyer i.e. L.W.-2 herein by ignoring the services rendered by complainant which were confirmed by his letter. When the complainant contacted him several times through e-mail also demanding him to pay the consultancy charges, finally the accused -2 refused to pay and said that we have not rendered services, for which the accused committed the offences at complainant's office i.e at M.G.Road, Secunderabad is within the Jurisdiction of this Hon'ble Court to entertain the matter.
6. It is submitted that in view of above it is very crystal clear that the acts of the accused is mischievous ,fraudulent, Unwarranted having malafide intentions and against the commitment made by the m as mentioned in their confirmation letter executed between th parties herein as such they committed the offences U/s.406 and 420 of I.P.C where the best efforts made by the complainant which led to heavy and irreparable loss to complainant for his services for which all this type of acts of accused are liable to be punished.
7. It is further submit that in these circumstances the complainant has been lodged a complaint before S.H.O., P.S. Ramgopalpet,M.G.road,Sec'bad by narrating the facts and offences committed by the accused (Copy enclosed herewith). But the concerned Police not acted upon for which they are in collusion with the accused person as per the version accused only. In these circumstances the complainant approaches this Hon'ble court for Justice having no other alternate for proper remedy.

Therefore it is prayed that this Hon'ble Court may be pleased to take the cognizance of the offence and refer the complaint to concerned S.H.O,P.S.Ramgopalpet, Secunderabad, Hyderabad U/s 156(3) of Cr.P.C for the offences committed by the both accused U/s.406 and 420 of I.P.C,and punish the Accused accordingly in the interest of Justice.

Counsel for complainant
Pl:Secuderabad
Dt: -1-2017.

Complainant

LIST OF DOCUMENTS

1. Letter addressed to A-2 dt.1-3-2016
2. Confirmation letter by A-2 to complainant dt.1-3-2016
3. Copy of complaint to S.H.O.,P.S.Ramgopal pet dt.30-11-16
4. *Authentic Sol Letter*
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Counsel for complainant
Pl:Secunderabad
Dt: -1-2017

Complainant