

06-02-2017

1. That, the Police Inspector of Central Crime Branch (F and M Squad), N.T.Pet, Bengaluru, has filed the Final report against the accused no.1 and 2 for the offence punishable under section 420 r/w section 34 of the Indian Penal Code and under section 192(A)(5) of the Karnataka Land Revenue Act.

2. That, the allegation of the prosecution is that both the accused with their common intention to make wrongful gain and to cheat the public in large have illegally opened the offices in the name and style of M/s Presidency Group and Aishwarya Project at no.895/1, Skanda, 14th cross, Mahalakshmi layout, Bengaluru, No.717, Purnashashi Complex, 2nd floor, Modi Hospital road, West of Chord road, Basaveshwarnagar, Bengaluru 79 and no.604, Vaishnavi Paradise, Sangam Circle, 8th block, Jayanagar, Bengaluru and made CWs1, 5 to 123 to believe that they are forming the various residential layouts in non-agricultural lands under various projects. It is further allegation of the prosecution that, CWs1, 5 to 123 believing the words of accused no.1 and 2 have deposited the amount towards the sites and for which the accused no.1 and 2 have issued receipts and

in all have collected more than five crores of rupees from them, but, thereafter, have failed to convert the said agricultural lands into non-agricultural lands and have also failed to provide the sites as assured by them to the investors and also failed to return their amount.

3. It is pertinent to note here that, the Learned counsel for accused no.1 and 2 has vehemently canvassed the arguments that the accused have not committed any offence as alleged by the prosecution. That, the Learned counsel for the accused has submitted before the Court the G.O's dated:-14.06.2006 and 20.03.2007 and submitted as the Government has refused to consider the proposals for conversion of agricultural lands into non-agricultural lands till the conclusion of Interim Master Plan in the areas of Anekal, Hoskote, Kanakapura, Magadi and Nelamangala, the accused have failed to seek the permission of the concerned authorities to convert the agricultural lands into non-agricultural lands.

4. That, the Learned Counsel for the accused has placed his reliance on following decision.

International Advanced Research Centre For Powder Metallurgy And New Materials(ARCI) And Others –vs- Nimra Cerglass Technics Private Limited and Another, reported in (2016) 1 Supreme Court Cases 348, wherein it has held that in order to bring a case for offence of cheating, it is not merely sufficient to prove that a false representation was made, but, it is further necessary to prove that the representation was false to the knowledge of accused and was made in order to deceive complainant.

(That, the accused have submitted the said G.O's and citation in C.C.NO.5473/2012).

5. It is pertinent to note here that, the prosecution has vehemently canvassed the arguments that from entire records it prima facie appears that the accused have committed the alleged offences and the truth will come out at the time of trial only.

6. It is pertinent to note here that, I have heard the arguments and perused the materials placed on record.

7. It is to be noted here that, on perusal of records it appears that there are sufficient grounds for framing the charge against the

accused no.1 and 2 for alleged offences and whether they have committed the alleged offences or not the truth will come out in the trial.

For charge by 27-02-2017.

(Hema Pastapur)
I Addl. C. M. M, Bengaluru.

1. That, the Police Inspector of Central Crime Branch (F and M Squad), N.T.Pet, Bengaluru, has filed the Final report against the accused no.1 and 2 for the offence punishable under section 420 r/w section 34 of the Indian Penal Code and under section 192(A)(5) of the Karnataka Land Revenue Act.

2. That, the allegation of the prosecution is that both the accused with their common intention to make wrongful gain and to cheat the public in large have illegally opened the offices in the name and style of M/s Presidency Group and Aishwarya Project at no.895/1, Skanda, 14th cross, Mahalakshmi layout, Bengaluru, No.717, Purnashashi Complex, 2nd floor, Modi Hospital road, West of Chord road, Basaveshwarnagar, Bengaluru 79 and no.604, Vaishnavi Paradise, Sangam Circle, 8th block, Jayanagar, Bengaluru and made CWs1, 4 to 80 to believe that they are forming the various residential layouts in non-agricultural lands under various projects in surrounding areas of Ramanagar Taluk and District and Chikkballapur Taluk and District. It is further allegation of the prosecution that, CWs1, 4 to 80 believing the words of accused no.1 and 2 have deposited the amount towards the sites and for which the accused no.1 and 2 have

issued receipts and in all have collected more than three and half crores of rupees from them, but, thereafter, have failed to convert the said agricultural lands into non-agricultural lands and have also failed to provide the sites as assured by them to the investors and also failed to return their amount.

3. It is pertinent to note here that, the Learned counsel for accused no.1 and 2 has vehemently canvassed the arguments that the accused have not committed any offence as alleged by the prosecution. That, the Learned counsel for the accused has submitted before the Court the G.O's dated:-14.06.2006 and 20.03.2007 and submitted as the Government has refused to consider the proposals for conversion of agricultural lands into non-agricultural lands till the conclusion of Interim Master Plan in the areas of Anekal, Hoskote, Kanakapura, Magadi and Nelamangala, the accused have failed to seek the permission of the concerned authorities to convert the agricultural lands into non-agricultural lands.

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