

IN THE COURT OF THE IV ADDITIONAL CHIEF METROPOLITAN
MAGISTRATE ,BANGALORE

C.C.No. 12724/2008

DEPOSITION OF : Seetharam PW.1

FATHER'S NAME : Seethaiah

AGE : 45 years

OCCUPATION : Tailor

RESIDENCE : Mahalakshmi Layout, Bangalore

DULY SWORN ON: 09.09.2010

EVIDENCE BEFORE CHARGE: by S.S.M. advocate

I know the accused No.1 to 3 and also one Sonne Gowda C.N, and Mariyappa. The accused No.3 N. Ranganath was the President of Sri. Dayalan Housing Co-operative Society, The accused No.2 Ramakrishna was the Secretary of the said Society. The said Sonne Gowda C.N, and Mariyappa were the Directors of the Society. The accused No.1 Honna Gangaiah is the friend of other accused persons. The object of Dayalan Housing Co-operative Society was to provide to sites to the siteless members of the Society. I was also one of the member of the Society.

In the year 1986 our society purchased 15.14 accers of land in survey No. 31, 32 and 33 of Yaswanthpura Hobli, Bangalore North Taluk, to form a layout. The land was purchased for forming a layout to the members. The layout was formed. The accused No.2 Ramakrishna was the secretary was given GPA by the land owner. He inturn sold the said lands as a GPA holder, to the accused No.1 Honna Gangaiah. The

accused persons were illegally selling the sites to non-members and their family members. The lands are still standing in the name of accused No.1. I had applied for a 30 X 40 site and paid Rs. 88,000/-. However, the accused did not allot a site to me inspite of several notices. The accused No.2 approached the Government for the De-Notification of land. I had issued notices by RPAD to all the accused persons. The accused No.1 to 3 deliberately avoid the service of RPAD letter. It was served on other Directors. There after the accused No.2 Ramakrishna ask me to come to his office along with the documents. When I went to the office with all the documents, the accused No.2 demanded additional Rs. 2lakhs. However, I did not meet his demand. After about one month the accused No.5 Mariyappa sent the allotment letter by RPAD. The site No.8 of Survey No. 33/3 was allotted to me. They were demanding more money from me. However, the accused did not execute absolute sale deed in my favour. I lodged a complaint against the accused persons before the Registrar of Co-operative Societies. On 01.08.2006 the accused called a meeting of the Society. When I went to attend the meeting from the accused persons abused me in vulgar language and threatened me that no site will be allotted to me, if I lodge any complaint against any of them. There after I lodged the complaint before the Janabharathi Police. However, the Police did not take any action.

The accused have not allotted sites to the members of the Society. The accused persons with the help of accused No.1 are illegally selling

the sites to their relatives and non-members of the Society. I have produced relevant documents in this regard. One member by name Jakaula Khan, approached the consumer court and thereafter the accused allotted him a site. The illegal act of cheating by the accused persons was reported in the Bangalore Mirror Dairy. Hence I pray for taking necessary action against the accused.

FURTHER EVIDENCE BEFORE CHARGE: DEFFEREED

(Typed to my dictation in the open Court)

ROI&AC

IV ACMM

WITNESS RECALLED AND DULY SWORN ON 03.01.2011
FURTHER EVIDENCE BEFORE CHARGE: by S.S.M. advocate

The property was purchased for the benefit of members of the society. I was also one of the member of the said society. The accused No.2 had taken the GPA of the landowners who had agreed to sell the land to our Society. However, the accused No.2 was selling those lands to accused No.1 behind the back. The accused No.1 & 2 were doing the real estate business with these lands. The accused No.2 has got the sites registered in the name of his wife and sons. Several sites have been allotted to the family members of the others also. Even as on this date the accused No.2 is doing the same business. The accused No.2 is selling the property of the society to other persons.

I have produced the following documents

1. Copy of legal notice is marked as Ex.P1.

2. Ten postal receipts pertaining to the said notice are commonly marked as Ex.P2.
3. Four postal acknowledgements for having served the said notice as are marked as Ex.P3 to Ex.P6.
4. Three RPAD's returned un served are marked as Ex.P7 to Ex.P9.
5. The reply notice of accused No.2 dated: 07.08.2006 as Ex.P10 and its cover as Ex.P10 (a)
6. True copy of the receipts dated 15.10.1990 as Ex.P11
7. Receipt dated 20.11.1990 as Ex.P12
8. Receipt dated 05.11.2001 as Ex.P13
9. The allotment letter dated 14.02.2006 as Ex.P14 and postal cover through which the allotment letter was sent as Ex.P14 (a).
10. The office copy of the letter sent by me dated 08.03.2006 as Ex.P15.
11. Postal receipts for having sent the letter are commonly marked as Ex.P16.
12. Two postal acknowledgements for having received the notice are marked as Ex.P17 & 18.
13. The certified copy of complaint lodged by Padma K.Bhat against the accused society as Ex.P19.
14. The certified copy of FIR in crime No. 405/2010 of Janabharathi P.S. as Ex.P20
15. The accused have allotted sites to their family members and in this regard the certified copy of sale deed executed in favor of one Honnagangaiah is marked as Ex.P21.
16. The certified copy of sale deed executed by G. Ramakrishna in favor of his wife Ansuya is marked as Ex.P22.
17. The certified copy of sale deed executed by G. Ramakrishna in favor of Mr. N. Bharath Reddy is marked as Ex.P23.
18. The intimation letter dated 10.10.2001 as Ex.P24.

19. The certified copy of complaint lodged by us dated 21.07.2006 as Ex.P25.
20. The certified copy of complaint lodged by us dated 06.04.2006 as Ex.P26.
21. The certified copy of order of Hon'ble III addl. Bangalore Urban District Consumer disputes redressal forum in Consumer complaint No. 1895/2007 dated 19.02.2008 as Ex.P27
22. True copy of the notice dated 16.11.2004 as Ex.P28
23. True copy of the complaint lodged by accused No.5 Mariyappa against the society as Ex.P29.

FURTHER EVIDENCE BEFORE CHARGE: DEFFEREED

(Typed to my dictation in the open Court)

ROI&AC

IV ACMM

WITNESS RECALLED AND DULY SWORN ON 15.02.2011
FURTHER EVEIDENCE BEFORE CHARGE: by S.S.M. advocate

24. General body meeting notice, dtd:23.8.1995 is marked as Ex.P.30.
25. Certified copy of the sale deed executed by Accused-2 in favour of accused-1 is marked as Ex.P.31
26. Certified copy of sale deed dtd:3.6.2004 executed by accused-1 infavour of accused-2 as Ex.P.32.
27. Certified copy of sale deed dtd:19.6.2006 executed by accused-1 & 2 in favour of the daughter of Accused-5-Mariyappa as Ex.P.33

28. Certified copies of photographs furnished by the accused to Registrar of cooperative societies are commonly marked as Ex.P.34.
29. Certified copy of complaint lodged with the Registrar of cooperative societies as Ex.P.35, the postal acknowledgment is as Ex.P.35(a).
30. The police receipt, dtd:6.8.2006 as Ex.P.36.
31. Certified copy of letter of accused-2 to the Dist. consumer disputes redressal forum. dtd: 27.3.2008 as Ex.P.37.
32. The Bangalore Mirror daily newspaper, dtd:25.8.2007 is marked as Ex.P.38. The relevant article pertaining to the offence committed by the accused persons appearing on Page-12 is marked as Ex.P.38(a).

Further sworn statement deferred on request.

(Typed to my dictation in the open Court)

ROI&AC

IV ACMM

WITNESS RECALLED AND DULY SWORN ON 01.07.2013

CROSS EXAMINATION; SRI R.M.D.R. ADVOCATE

It is false to say that, I have lodged complaint in this case against Dayanand Housing Society. I have actually lodged complaint against the three accused persons who are presented in this court. I have grievance against Dayananda Housing society, because the accused persons by claiming to represent the said society have played fraud on me. I have not made the said society an accused in this case. The said society is

not a registered one but they make false claim that it is registered. I have filed a RTI application to know if the above society has been registered, but so far I could not get copies. I will produce documents to show that I have filed RTI application. From 1987 I am acquainted with the societies transactions because then I became a member of the said society. I have not produced bylaws of the society in this case. I have not produced resolutions, which were periodically passed in the said society because they have not maintained the same. Till 2001 I have attended the general body of meetings of the society. Subsequent to 2001 they are not holding general body meetings. I have produced the documents in the case as to during which period the accused were office bearers of the society and also the position held by them in that capacity. The second accused Ramakrishna was a permanent office bearer holding the office of Secretary in the Society.

FURTHER CROSS-EXAMINATION DEFERRED ON REQUEST.

(Typed to my dictation in the open Court)

ROI&AC

IV ACMM

WITNESS RECALLED AND DULY SWORN ON 16.08.2011
FURTHER EVIDENCE BEFORE CHARGE: by K.D.K. advocate

I have produced the endorsement issued by the B.D.A. dated: 31/3/2011, to the effect that the sites were not distributed to any members of the society, it is marked as Ex.P.39.

The accused had changed my site number by creating forged documents and sold it to third person. The accused have cheated me. Hence I pray for taking necessary action.

Cross Examination : deferred: on request.

(Typed to my dictation in the open Court)

ROI&AC

IV ACMM

WITNESS RECALLED AND DULY SWORN ON 26.07.2013

CROSS EXAMINATION; SRI R.M.D.R. ADVOCATE

I have produced documents to show that the second accused was a secretary. That documents had been given by the accused No.2 himself. I have not produced any documents from joint registrar or other authority from co-operative department in that regard. Because though I asked them to issue documents they refused to give the same. I have lodged a complaint against the Joint Registrar and Registrar to the Government and I have also issued a notice to them for not issuing document pertaining to the second accused working as secretary. I have

produced some documents pertaining to the compliant I have given. I will produce remaining documents later. It is false to say that, I have not produced any documents in that regard. I have not produced documents to show how many members were there in Dayananda Society. Ex.P.24 is the document, which was given by the society stating that sites will be allotted to all the registered members. It is false to say that, in Ex.P.24 there is no mention that sites will be allotted to all members. I have not obtained any documents to show that accused No.1 was not a member of the society. I have produced document to show that the society purchased land in the name of first accused. I have again say that I have not produced any documents to show that society purchased in the name of accused No.1 but I have produced documents to show that the land was purchased in the name of accused No.2. It is false to say that, I have not produced such documents. I have produced xerox copy to show that the accused No.2 has approached to Government, BDA for denotification of the said land. I have sent notice marked at Ex.P.1 on 10.01.2006, but the notice is dated 09.01.2006. I have produced the documents to show that I am a member of the society. It is false to say that, I have not produced any documents to show that I am a member of the society. I made payment to accused No.2 and the accused got me receipt as per Ex.P.11 by getting the same signed from one of the Director by name Ramdas. Accused No.2 did not give written documents for having given authorization to Ramdas to collect money from me but he orally authorized in my presence. I have not produced the original of Ex.P.11. It is false to say that, Ramdas and I have colluded forged Ex.P.11 in collusion. I have not verified documents to find out if the amount paid under Ex.P.11 had been accounted in the Registrar of the society. It is false to say that, receipt number 21 mentioned in Ex.P.11 has actually been issued to Swarnalatha. It is false to say that, in Ex.P.13 in the date written as 05.11.2001, one in 2001 has been over written. It is false to say that,

receipt number 29 stands in the name of one K. Ravindra. It is false to say that, I have not produced original of Ex.P.13, Ex.P.13 is itself original and the second accused has himself signed the said receipt. It is false to say that, I have forged the signature in Ex.P.13 and it is not the signature of the second accused. It is false to say that, I have fabricated Ex.P.13. Accused No.5 has signed Ex.P.14. I have not produced documents to show that the directors had authority to receive money, sign receipt and allotment letter. It is false to say that, Ex.P.14 is also a fabricated document. I have seen the signature of the Ranganath and I can identify his signature. The signature in Ex.P.17 is that of Ranganath only. He has affixed his small signature in Ex.P.17. It is false to say that, Ranganath had not affixed the said signature. It is false to say that, the signature in Ex.P.18 is not that of second accused. It is true that, I have obtained Ex.P.19 & Ex.P.20 subsequent to filing of this case. It is true that, I am not a party in Ex.P.19 & 20. It is true that, I am not a party in Ex.P.21, but I have produced the said document to show that the accused have illegally sold property belonging to society. I have verified as to whether Phaneendra Kumar is a member of the society or not. I have produced Ex.P.21 sale deed to show that Phaneendra Kumar is not a member of the Society. It is true that, I am not a party in Ex.P.22 but the land comprised in the said sale deed belongs to the Society. The second accused has sold society property to his wife under the said sale deed. His wife is not a member of the society. . It is true that, I am not a party in Ex.P.23 but the land comprised in the said sale deed belongs to the Society. Bharath Reddy has sold society property to one Bharath Reddy who is the son of Narayan Reddy a director of the society under the said sale deed. Bharath Reddy is not a member of the society. It is false to say that, Bharath Reddy, Ansuya and Phaneendra Kumar are all members of the Society. It is false to say that, Ex.P.21 to 23 have been executed in accordance with law. I do not have the original of Ex.P.24 document. Because the secretary of the society took the

original and did not return it. I have lodged complaint to the police in that regard.

It is false to say that, I have not disclosed in my complaint about lodging complaint to police. It is false to say that, I have not disclosed in my complaint about the secretary taking the documents and not returning it. The police did not take any action on my complaint in respect of Ex.P.25 & 26. The society allotted site in favour of T. Zakaulla Khan subsequent to the order as per Ex.P.27 was passed. It is false to say that, I have fabricated Ex.P.28. It is false to say that, the registrar has given endorsement to me in respect of Ex.P.29. Accused No.4 has signed Ex.P.30. He has signed as secretary in the said document, but he was not the secretary of the society, he was a Director. It is false to say that, I have forged the said document and accused No.4 has not signed there in. It is true that, I have not produced original photographs. It is true that, I have not produced the negatives of the photographs. No action was taken on Ex.P.35 by the official concerned. It is false to say that, I have myself got written the contents of the Ex.P.38.

There are no cases against me in any of the police station at present. From 1990 onwards there were about 10 to 12 cases filed against me. They were all filed subsequent to I lodged a complaint against Assistant Commissioner of Police, Inspector of Police, Sub Inspector and Constable. The case I had lodged is still pending. It is false to say that, I am still a rowdy sheeter. But they had listed me in rowdy sheet and the same was quashed by the Hon'ble High Court of Karnataka in CrI. Petition NO. 1640/1995. It is false to say that, even now about 50 cases pending against me in police stations of Bangalore City on the basis of complaint lodged by public. It is false to say that, there are cases of Dakayti, attempt to rape, attempt to murder and theft against me. It is true that, Lankesh Patrike weekly had published an article describing me a psychopath Seetharam, but I have filed a defamation case against the people of the said paper in CC No.

11370/2006 and it is still pending before the Hon'ble VII ACMM. I was not in judicial custody in those cases. It is true that, as an advocate in the bar counsel. While enrolling as advocate there was no cases against me and therefore I have stated accordingly before the bar counsel. It is false to say that, I am a habitual complainer. It is false to say that, extorting money is my profession. It is false to say that, even though I was not a member I was pressurizing Dayananda Society to allot a site to me. It is false to say that, the joint registrar has adjudicated that I am not a member of the society. It is false to say that, I have lodged false complaint with a view to obtain a site.

RE-EXAMINATION: NIL

(Typed to my dictation in the open Court)

ROI&AC

IV ACMM

WITNESS RECALLED AND DULY SWORN ON 09.03.2017
CROSS EXAMINATION; SRI R.M.D.R. ADVOCATE

Now I see the copy of the legal notice sent to the Registrar of Co. Op. Society and Joint registrar of Co. Op. Society. The copy of the said document is marked as Ex.P.40. I have sent the said notice by RPAD. Now I see the RPAD postal receipts and the same are marked as Ex.P.41 and Ex.P.42. The said notice is duly served on the Registrar and Joint registrar. Now I see the postal acknowledgements, the same postal acknowledgements are marked as Ex.P.43 and 44. Accused no.2 have filed private complaint before 3rd ACMM and later on it was transferred to 9th ACMM. I have produced the certified copy of the said private complaint and the same is marked as Ex.P.45. The police have submitted B report to the said complaint. Now I see the certified copy of the B report and the same is marked as Ex.P.46. Now I see the orders passed by the Hon'ble High Court of Karnataka, Bangalore in W.P.26985/14 and the same is marked as Ex.P.47. Now I see the passbook produced by me and the same is marked as Ex.P.48. I have paid Rs.500/- in the year 2010 and the relevant entry is marked as Ex.P.48(a).

Further chief examination is deferred on request.

(Typed to my dictation in the open Court)

ROI&AC

IV ACMM