

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

PCR No. 8800/2015

CW: 1

Name : Vinay Kempaiah
Father's name : M.Kempaiah
Age : 37 years
Occupation : Business
Residence : Mahalakshmi Layout, Bangalore.
Duly sworn on : 19.01.2017.

SWORN STATEMENT BY THE COMPLAINANT

Me and my partner by name K.M.Surendra i.e., accused no.1 known each other from 2005. In the year 2006 I entered into Real estate housing society to make sites and deliver it to the members. We planned to do something in Bangalore. In the end of October 2006, we orally discussed that a firm has to be registered and planned to make a project. In the year 2007, with my contacts we went to an agreement with Karnataka State Class D employees House Building Co. Op. Society, Bangalore. We registered a firm in the name of SUVI Infrastructure. On 03.02.2007 we got a project from Karnataka State Class D employees House Building Co. Op. Society to make a layout and give their members sites in the villages Donnenahalli, Byalalu, Kurubarapalya, Tavarekere Hobli, Bangalore south Tq. Initially at the time 07.02.2007 we

received a firm PAN card. We opened two bank joint accounts. And accordingly agreement was entered into between our firm and Karnataka State Class D employees House Building Co. Op. Society and we received a cheque for Rs.2,00,01,501/- . On 13.02.2007 we got firm registered and gave it to bank and the amount was realized. Thereafter the business of procuring the lands and all the process started. Simultaneously from 03.02.2007 to August 2007 Karnataka Class D employees House Building Co. Op. Society released an amount of Rs.8 Crores and in this amount we were suppose to buy lands and to follow the other processes. During this time SUVI Infrastructures had two partners i.e., me and accused no.1. Both of us and the firm cannot purchase the agriculture lands in our name. Accused no.1 brought accused no.2 Mahesh Gowda who is from the agricultural background and so that he can purchase the agricultural land. SUVI transferred all the funds to the accounts of accused no.1 and 2 to buy agricultural lands in the name of accused no.2. In the first 6 months, 03.02.2007 to August 2007 we bought about 27 Acres 31 guntas of land in the name of A2. In the month of 26.10.2007 accused no.1 floats his own private limited company in the name of KNS Infrastructure i.e., accused no.3. On 20.12.2007 accused no.2 gives us an agreement and GPA in the name of SUVI Infrastructure that all the lands bought from 03.02.2007 to August 2007, all these lands bought from the funds of SUVI Infrastructure.

Further sworn statement deferred on request.

(Typed to my dictation in the open Court)

ROI & AC

(Roopa R.Kulkarni)

IV ACMM

WITNESS RECALLED AND DULY SWORN ON 16.09.2017
FURTHER SWORN STATEMENT OF THE COMPLAINANT:

After a lot of pressure from me and society, on 13.10.2010 Mr.Surendra gives a letter from SUVI Infrastructure that all the survey numbers in the agreement 2007-09, he has applied for NOC from Pollution control board. After this in 03.08.2012, we go for another agreement with class D society to give them 125 sites in different survey numbers. The survey mentioned in this agreement are all different from the survey numbers mentioned in the agreements mentioned in 2007-09. In 15.03.2013 Mr.Surendra goes with an agreement with Karnataka Co-operators and co-operatives house building co-operative society to do a layout with all the survey numbers mentioned in 2009 agreement of SUVI Infrastructure. A1 to A3 have used all the survey numbers of 2007, 2009 and 2012 agreements with class D society to avail huge loans from 2008 from Karnataka Apex Bank, Tumkur grain merchants Co-operative bank and other banks.

On 05.05.2014 and 11.12.2014, I have sent the legal notice to the accused but no reply from them. I have attached all the relevant documents. So, I prayed to take necessary

legal action against the accused persons by setting aside the B report.

(Typed to my dictation in the open Court)

ROI & AC

(Roopa R.Kulkarni)

IV ACMM

WITNESS RECALLED AND DULY SWORN ON 17.02.2018
FURTHER SWORN STATEMENT OF THE COMPLAINANT:

I have produced the certified copy of the partnership deed and the same is marked as Ex.C.1. I have also produced the certified copy of the registration of the firm document and the same is marked as Ex.C.2. I have also produced the notarized copy of the bank statement and the same is marked as Ex.C.3. I have also produced the notarized copy of the agreement and general power of attorney and the same is marked as Ex.C.4 and 5 respectively.

I have also produced the certified copies of the 17 sale deeds dated 17.08.2007, 19.07.2007, 16.07.2007, 08.08.2007, 17.08.2007,, 30.04.2007, 20.06.2007, 17.01.2008, 23.07.2009, 28.07.2009 and the same are marked as Ex.C.6 to Ex.C.21. I have also produced the certified copy of the audit report and the same is marked as Ex.C.22.

I have also produced the certified copy of the audit report of Vinayak Co.-Op.Society for the yar 2007-08 and the same is marked as Ex.C.23. I have also produced the copy of the legal notice dated 05.05.2014 and the same is marked as Ex.C.24. I have also produced the postal acknowledgment and the same is marked as Ex.C.25. I have also produced the copy

of the legal notice dated 11.12.2014 and the same is marked as Ex.C.26.

(Typed to my dictation in the open Court)

ROI & AC

(Roopa R.Kulkarni)

IV ACMM

WITNESS RECALLED AND DULY SWORN ON 07.12.2019

Application filed U/s. 311 allowed. FURTHER SWORN STATEMENT OF THE COMPLAINANT:

I have produced certified copy of form 1 certificate of incorporation and memorandum of association, articles of association, appointment of managing director and they are marked as Ex.C.27 to 30 respectively.

(Typed to my dictation in the open Court)

ROI & AC

IV ACMM