भारतीय गैर न्यायिक

भारत

दस रुपये

TEN RUPEES

Rs.10

सत्यमेव जयते

INDIA

INDIA NON JUDICIAL

2-856 28/3/2009

ANNEXURE IX-C

D.S R. Choudary S/o Balakotaiah

R/o Bodhan

Before the Returning officer for election to the Lok Sabha. (Member of parliament constituency Nizamabad).

Affidavit.

I,Duddempudi Sambasiva Rao Choudry s/o Bala-kotaiah ,aged 62 years, Occup: Agriculture & Business, r/o: H.No.1-3-428, Gunj Road Bodhan Town,Dist:Nizamabad, do hereby solemnly affirm and sincerely state on oath as follows:

1. That I submit that I am not accused of any offence punishable with imprisonment for two years or more in any where in India, also there is no case since 5 years against me, but there is a private complaint case bearing C.C.No.81/02 on the file of the Judicial First Class Magistrate at Bodhan ,Nizamabad Dist which is purely private and civil nature litigation, and also which is pending for trial, the private complaint copy and the status of the case by the counsel attached.

2. That I submit that there is a pending of criminal appeal before the Hon'ble High court as Crl.R.C.No.1042/01 against the order of in CC.No.128/01 of J.F.C.M.court Bodhan and the order of above court we have preferred appeal in the

con ..2nd

D.S.R.Choudary

भारतीय गैर न्यायिक

दस रुपये

TEN RUPEES

Rs.10

INDIA

INDIA NON JUDICIAL

2857 28/3/2009

ANDHRA PRADESH Rs.10 5AA 272252

D.S.R. Choudary S/o Balakotaiah

self R/o Bodhan

court of the VII Addl. Dist & Sessions Judge Nizamabad, at Bodhan, on 25-8-2003 the appeal was disposed bearing Crl.A.No.17/03, Aggrieved by the Order said appellate court, again I have preferred the appeal in the Hon'ble High court of A.P. Crl.A.No.17/03 vide Crl.RC.No.1042 of 2004 which is still pending. The said appeal pending case papers and its Status is filed herewith.

3. The above said case concern papers are enclosed herewith

1) Crl.R.C.No.1042/04 in Crl.Appeal.No.17/03 in CC.128/01
2) C.C.81/02 copy of Pvt complaint.
3) Information with regard to pending case information given by the counsel of the applicant (deponent)

Hence this affidavit.

Verification:

I the above named deponent do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed & thereby verified at Bodhan on

DSR Choudary
Deponent.

DSR Choudary
Duddempudi Sambasivarao Choudary.

Sl. No.62
Receipt No.

Sworn and Signed before me 30th March 2009.
30 day of March 2009. DSR Choudary Deponent.
BODHAN
Dist Nizamabad

G. Shyam Rao
B.Com. LL.B.
Advocate & Notary
Appointed by Govt. of A.P.
BODHAN.
Phone: (R) 72664 (O) 70-58

NOTARY
Appointed by Govt. of A.P.
BODHAN

ANNEXURE-I

2858 28/3/2009

D.S.R. Choudary S/o Balakotaiah

R/o Bodhan

Sel

Before the Returning officer for election to the Lok Sabha (member of Parliament constitency Nizamabad)

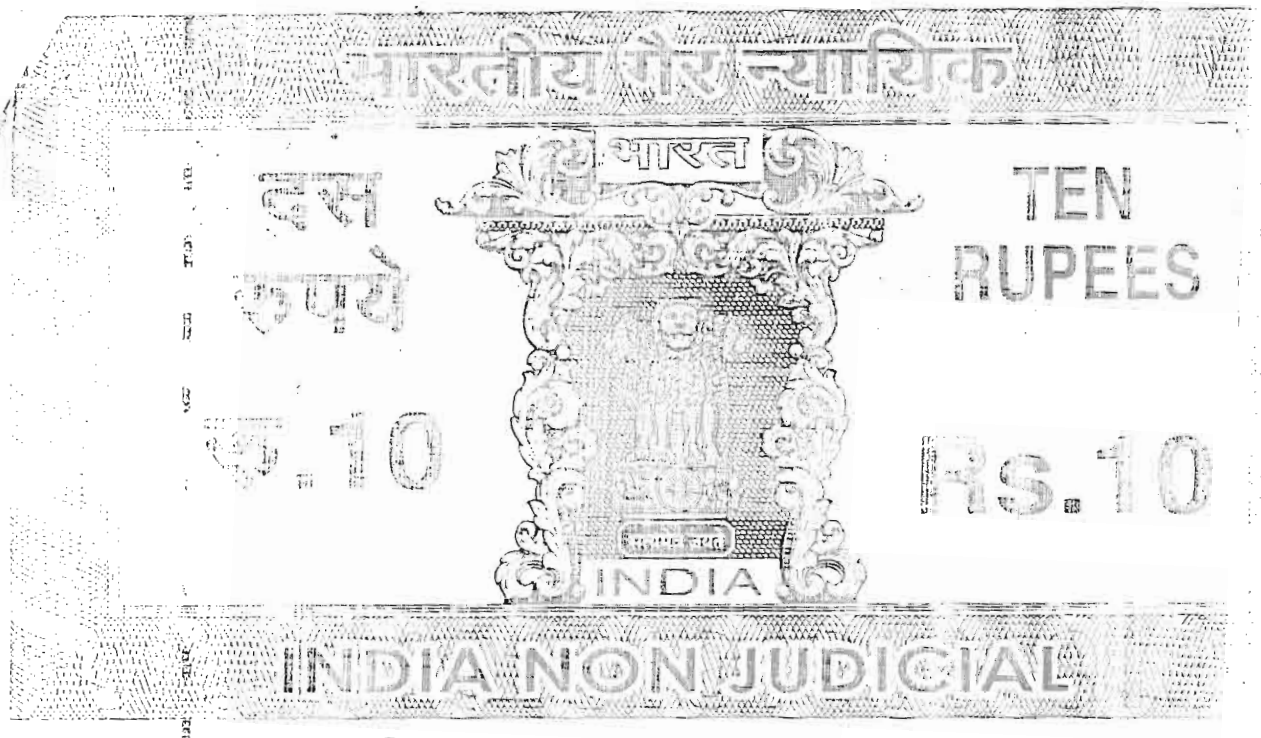
Affidavit.

I, Duddempudi Sambasiva Rao Choudary s/o Balakotaiah, aged 52 years, Occup: Agriculture & Business R/o H.No.1-3-428, Gunj Road Bodhan Town, Dist: Nizamabad, do hereby solemnly affirm and sincerely state on oath as follows:

1. That I submit that the details of myself and my family members property particulars are made as Annexures "A","B" & "C".

D.S.R. Choudary

con..2nd page



2859 28/3/2009 STATE: ANDHRA PRADESH

D.S. R. Choudary s/o Balakotaih

Self R/o Bodhan

I submit that which are immoveable, moveable and liabi[illegible] those are attached to this affidavit as per the form[illegible] in the Nomination Faram.

Enclosures:- Those Annexures A, B and C certi[illegible] details shown in the enclosed list annexed to this [illegible]

Verification Hence this affidavit.

I the above named deponent do here by verify and declare That- The content of the affidant are True and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed there in verified at Bodhan on 30th March, 2009.

D.S.R. Choudary
Deponent.

D.S.R. Choudary

Doddempudi Sambasiva Rao
D.S.R. Choudary.

Sl. No. 64 Receipt No. 64

G. Shyam Rao
B.Com. LL.B.
Advocate & Notary
Appointed by Govt. of A.P.
BODHAN.
Phone : (R) 72564
(O) 70469

Sworn and Signed before me on this 30 day of March 2009
BODHAN
Dist Nizamabad

NOTARY
Appointed by Govt. of A.P.
BODHAN.

		A,DETAILS OF MOVABLE ASSETS		in Rs
SL NO	DESCRIPTION	SELF	SPOUSE	TOTAL
		(PAN NO. AFGPD 2042 G)	NAME (PAN NO. AFCPD [illegible])	
I	Cash	715,689	354,597	1,070,286
II	Deposits in Banks, Financial institutitons and non banking financial companies	3,028	2,533	5,561
III	Bonds, debentures and shares in companies	-	-	-
IV	Other financial instruments NSS, postal savings, LIC Policies etc			
	LIC Policy Value	500,000	500,000	1,000,000
V	Motot Vehciles			
	1994 Make Mahindra jeep	50,000	-	50,000
	Maruthi Alto Car 2003 make		100,000	100,000
VI	Jewellery			
	220 gms of jewellery	-	330,000	330,000
VII	Other Assets	-	-	-
	Total Rs	1,268,717	1,287,130	2,555,847

Deponent

B DETAILS OF IMMOVABLE ASSETS

Sl No	Description	Self (PA No. AFGPD 2042 G)	Spouse Name (PA No. AFGPD 18	Total
I	Agricultural lands:			
	Self:			
	Sy No. 265/1,2,3 at Srinivasa Camp, Bodhan Mandal Dist Nizamabad Ac. 4-31 gts	900,000	-	900,000
	Sy No. 727/1, 728/1, 760 and 762, Bellal Tharfa, Bodhan, Dist Nizamabad Ac. 2-31 gts	3,000,000	-	3,000,000
II	Non Agricultural land			
	One open plots measuring 800 sqyards at Patancheru Dist Ranga Reddy	500,000	-	500,000
	One open plot measruing 400 sq yards Near Ramoji Film City, Ranga Reddy Dist	300,000	-	300,000
III	Buildings:			
	House No. 1-4-1121 & 1122 LBS Nagar, Bodhan	1,000,000	-	1,000,000
	House No. 6-47/1/1, Kukatpally Hyderabad	2,000,000	-	2,000,000
	House no. 1-3-430,431,432 and 433, Gunj Road, Bodhan	1,000,000	-	1,000,000
	House No. 10-55 at Saloora Camp, bodhan mandal, Dist Nizamabad	300,000	-	300,000

contd. 2

DSRChundary
Deponent.

House No. 6-54/1, Kukatpally Hyderabad	500,000	-	500,000
Flat No. 106, Phase I, Jaya Bharathi Gardens, Kukatpally Hyderabad	-	1,000,000	1,000,000
House No. 1-4-786 at LBS Nagar, Bodhan	-	300,000	300,000
Total	9,500,000	1,300,000	10,800,000

Deponent

C DETAILS OF LIABILITIES

No	Description	Name and address of the bank/ financial institution departments	Amount outstanding as on 28.03.09
a	i) Loans from banks	SBI, Koti Branch Educational Loan	939,089.00
		UBI, Begumpet Branch Housing loan of wife Smt. D seetha Chowdhary	378,000.00
	ii) Loans from financial institutions		-
	III) Government dues		
	a) Dues to deparments dalin with government accommodation		-
	b) dues to departments dealing with supply of water		-
	c) dues to departments dealing with supply of electricity		-
	d) dues to departments dealing with telephones		-
	e) dues to departments dealing with government transport (including aircrafts and helicopters)		-
	f) Other dues:		
	Sri Ram Chits Group No. NFL 9/28		337,000.00
	Group No. IMX/4/39 (both under dispute in court)		775,000.00
	Municipal taxes		67,800.00
			2,496,889.00

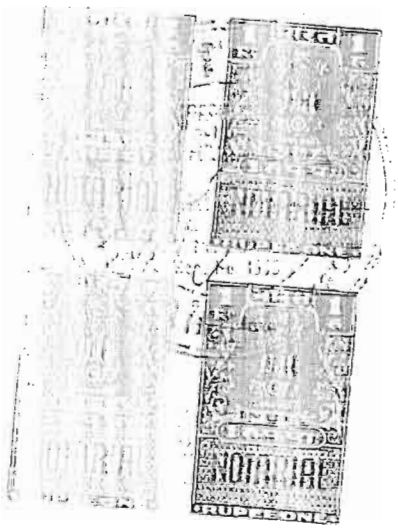
DSL Chowdary
Deponent

I The deponent above named, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

Verified at Bodhan this the 30th day of March 2009.

Deponent.
D. sambasivarao chundru

NOTARY
Appointed by Govt of A.P.
BODHAN.



To.

The Election officer
Nizamabad Dist.

Date: 25/03/20
Bodha

Sir,

Mr. Duddempudi Samsashivarao chou
s/o Balakotaiah, 62 years, occ: Busines
agriculture R/o H.no 1-3-428, Azamgunj
Bodhan Town, Nizamabad Dist. is m
client, CC 81/02 on the file of JF
at Bodhan, U/s 416, 419, 463, 464 a
468 of IPC is pending, which is
private Complaint filed by one
B. Pulla Reddy s/o Ramireddy R/o Salamp
Bodhan (M), still it is pending for
trial and no trial is open against
my client. Hence this informates-

Yours
Sincerely

Sign

V. Sangeeta
B.Com., LL.B.
ADVOCATE
H.No. 1-4-179, Saraswathi Nagar,
BODHAN - 503 185, Dist. Nizamabad

IN THE COURT OF THE JUDL.FIRST CLASS MAGISTRATE AT BODHAN.

C.C.No. 81/02 of 1998.

Between:-

B.Pulla Reddy s/o B.Rami Reddy, Hindu, aged 45 years, Occup: Agriculture r/o:Salampad village in Bodhan Revenue Mandal, Dist:Nizamabad.

:Complainant.

V/s.

1. D.Sambashiva Rao Chowdary s/o BalaKotaiah,aged about 48 years, Occup:Agriculture, r/o:Bodhan.,
2. Professor D.X., s/o D.Sambashiva Rao Chowdary, Student, aged about 25 years,r/o:Bodhan.

:Accused.

Date time of offence : 5-11-1992.
Place of offence. : Bodhan Town.
Nature of offence : U/s: 416,419,463,464 and 468 of IPC.,
police station. : Bodhan P.S.,
List ofwitnesses : 1) B.Pulla Reddy S/o Ramireddy R/o Salampad
2) G.Radha Krishna Murthy R/o Bodhan
3) D.Chandr S/o Lakya R/o Bodhan
4) Parvatha Reddy Venkateshwarlu, S/o Venkatiah R/o Gudepad (V) Bagpalli

COMPLAINT FILED UNDER SECTION 190 OF CR.P.C.,

May it please your Honour:

The complainant submits as under:

1. The accused No-1 and the complainant are partners in Rice Mill known as M/s:Chandra Industries Lakmapoor Sivar of Salampad village in Bodhan Mandal.The accused No-2 is the sonof accused No-1.

2. The firm known as M/s.Chandra Industries Lakmapoor has purchased a thatched roof house No.1-25 raised in open plot of 640 Sq yards in Survey No.30 of Lakmapoor Sivar from its owner Parvathareddy Venkateshwarlu in the year 1982 for the purpose of Rice Mill for Rs.5,000/-.The said plot is infront of the said rice mill.The rice mill drivers used to stay in the house of that plot.The plot of 640 sq yards in Sy.No.30 belongs to the Rice Mill.

con.2nd Page

A. Sriram Rao B.Com.LL.B ADVOCATE BODHAN

2. That the accused No-1 has filed a false suit against this complainant(who is thepartner in M/s Chandra Industries) in Sub-Court Bodhan in O.S.No. 135/93. Similarly the accused No-1 has filed false suits against his partners of Rice Mill known as Scientific paddy processors Bodhan and Krishna Modern Rice Mill Saloora in O.S.No.23/94 and O.S. No.136/93 respectively in Sub-Court Bodhan and later on got them transferred to Sub-Court Nizamabad, where all the three suits are pending. In all the 3 suits, the accused No-1 herein is trying to set up his title against the interests of other partners.

3. The accused No-1 herein has setup a false plea of Dissolution of partnership of M/s.Chandra Industries Lukmipoor by creating false document and by committing forgery. The accused No-1 got transferred the licence of Krishna Modern Rice Mill in his name in the year 1993 by making misrepresentation. The accused No-1 tried to get the licence transferred of the Rice Mill scientific paddy processors by making false representation. Thus the accused No-1 is in the habit of committing forgery and mischief.

4. The accused No-1 created a false Registered sale deed No.7932 dated 5-11-1992 in the name of accused No-2 who is his son with an intention to grab the Rice Mill land of M/s.Chandra Industries. Both the accused committed cheating by impersonation and committed forgery in creating the above said Registered sale deed. The said Registered sale deed is a forged document and it is not a genuine document. Kuryatha Reddy Venkateswarlu has not executed the

con.3rd P

TC

Sri. Shyam Kumar B.Com.,L.L.B ADVOCATE BODHAN

said registered sale deed. The said Parvatha Reddy Venkateshwarlu has deposed to this fact in the court of Junior civil Judge on27-7-1998 in O.S.No.101/94. The certified copy of the Deposition of Parvatha Reddy Venkateshwarlu is submitted herewith.The accused persons have created the Registered sale deed and filed false suit with an intention to grab the land. The certified copy of the plaint,certified copy of the-written statement filed in O.S.No.101/94 and the deposition of complainant and accused No-1 are submittedherewith.The registered sale deed which was forged is available in suit file of O.S.No.101/94 onthe file of Junior civil Judge Bodhan.

5. The accused persons filed the suit in O.S.No.101/94 in the court of Junior civil Judge Bodhan on 7-9-1994 on the basis of forged document. The complainant filed his written statement in the suit on 10-2-1995 denying the contention of the accused herein and stating that the suit document is a forged document.The complainant has suggested to accused No-1 in cross examination stating that he has created the suit document by forfery. The complainant has given deposition in O.S.No.101/94 x on 21-7-1998 that the registered sale deed is a forged document.Parvathareddy Venkateshwarlu has also given deposition in court on 27-7-98 stating that he has not executed the registered sale deed in favour of accused No-2. The fact of forgery came to light on 27-7-1998 when Parvatha Reddy Venkateshwarlu gave a deposition in court in O.S.No.101/94 denying the execution of Registered sale deed infavour of accused No-2.

con..4th Page

T.C

Sri. Shyam Rao
B.Com,L.L.B
ADVOCATE
BODHAN

In view of the forgoing facts it is clear that the registered sale deed No.7932 dated 5-11-1992(Ex A1 in O.S.No.101/94) is a forged document. Both the accused are responsible for creating a false document to grab the land. The admitted thumb impression of Parvathareddy Venkatewharlu is available in court on his deposition dated 27-7-1998 inO.S.No.101/94 on the file of Junior civil Judge court Bodhan and the forged document registered sale deed(Ex A1) which contains the ~~xx~~ disputed thumb impression also available in the file in O.S.No.101/94 on thefile of Junior civil Judge court Bodhan. The witnesses cited abovealso will speak to the facts of the case.

It is therefore prayed,

that this Hon'ble court may be pleased to punish the accused as per law in the interest of the justice and equity.

Dated: 10-9-98. Complainant.

Through: TC

(B.Pulla Reddy)

Advocate-Bodhan.

TC

....

G. Shyam Rao
B.Com,L.L.B
ADVOCATE
BODHAN

MEMORANDUM OF CRIMINAL REVISION CASE
(Under Section 397 & 401 of Cr.P.C.)

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, BODHAN

C.C.NO.128 OF 2001

IN THE COURT OF VII ADDL. DISTRICT AND SESSIONS JUDGE, NIZAMABAD

CRL. A. NO. 17 OF 2003

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT :: HYDERABAD

CRL.R.C.NO. 1042, OF 2004

Between:
D.Sambasiva Rao Chowdary
S/o Late D. Balkotaiah, aged : 52 Yrs
Occ: Business & Agriculture R/o
L.B.S.Nagar, Bodhan, District Nizamabad

....Petitioner/Appellant/Accused

And

The State of A.P. rep. by its Public Prosecutor,
High Court of A.P. Hyderabad.

...Respondent/Respondent/Complainant

The address for service of all notices and process on the above named petitioner is that of his counsel M/s. ~~RAGHAVESHWAR RAO (4710)~~ BALRAJ R. prabhakar BODHANKAR, Advocates, C/o ~~Flat NO.205, A.K. Enclave, Road No.3, Banjara Hills, Hyderabad.~~ Sandeep Apts, Akbarbagh, Malakpet, Hyd

This Criminal Revision Case is being filed aggrieved by the Judgment dated 25/8/2003 in Crl.Appeal No.17/2003 on the file of VIIth Addl. District and Sessions Judge, Nizamabad at Bodhan confirming the Judgment dt.20/2/2003 in C.C.No.128/2001 on the file of Judicial Ist Class Magistrate, Bodhan for the following among other:

GROUNDS

1. The Judgment of the court below is contrary to law, weight of evidence and against the principles of natural justice.

T. Shyam Kumar
B.Com,L.L.B
ADVOCATE
BODHAN

2. In the facts and circumstances of the case and on the basis of the evidence on record, the learned Sessions Judge ought to have allowed the Appeal and dismissed C.C.No.128/2001.

3. That the learned Addl. Sessions Judge failed to see that the prosecution has not investigated the matter properly and filed the charge sheet in a mechanical way and that they have not produced any proof to substantiate their charge.

4 Both the courts below failed to appreciate in their Judgment the ingredients of offence under sec.353 of I.P.C. and sentence the Revision Petitioner to pay a fine of Rs.1000/- in default to suffer S.I. for (3) months. The petitioner/accused deposited a fine of Rs.1000/- in the court of the J.F.C.M. Bodhan on 20/2/2003.

5. Both the courts below failed to appreciate the fact that there is no evidence on record that on the date of offence the special party has inspected the house of the petitioner along with other and found the faulty meter and having noticed the same the accused came to the office and committed the alleged offence.

6. Both the courts below failed to appreciate that there is motive for the commission of the alleged offence for the petitioner/accused on account of inspection of his house or houses and there found some fault and same was within the notice and knowledge of the accused and due to the said reason the accused became violant and committed the alleged offence.

7. Both the courts below has no appreciated the evidence on record and thus arrived at wrong conclusion which resulted in miscarriage of justice.

8. Both the courts below failed to see that there is no sufficient evidence to base the conviction against the accused and the accused was entitled for acquittal.

9. Both the courts below has failed to see that the prosecution has no placed credit worthy evidence to prove the alleged offence against accused, as such the accused was entitled for acquittal.

10. Both the courts below has failed to see that the prosecution has no placed credit worthy evidence to prove the alleged offence against accused, as such the accused was entitled for acquittal.

11. Both the courts below ought to have seen that all the witnesses examined by the prosecution are interested witnesses and no independent witnesses were examined to prove the incident and their evidence has to be discarded.

12. Both the courts below has committed blunder in not discussing the evidence of each witnesses in detail with regard to material particulars of the offence, because there are several discrepancies and contradictions even in the testimonies of the interest witnesses examined by the prosecution.

13. Both the courts below failed to appreciate that out of the (6) witnesses i.e. PW-1 to PW-6 besides PW-7 (I.O.). PW-4 alone alone alleged to have been very much present besides the statements of PW-1 at the place of incident was declared hostile and the remaining witnesses who were interested in victim PW-1 i.e. PW-2, 2,3,5 & 6 have contradicted each other and there are lot of infirmities in their statements. Further PW-6 in the nature of statements given by him is not any eye witness because he has stated that he went to the scene of offence after the incident and he has not seen the actual incident. There remained the testimonies of PW-2,3 and 5 in order to correborate PW-1. PW-1 and PW-5 only have given the actual words of abuse alleged to have been used by the accused against PW-1 and the other two witnesses i.e., PW-2 & PW-3 did not state the words of abuses. Even such words or abuses given by PW-1 & PW-5 are inconsistent and contradictory to each other. While PW-1 stated "Donga Lanja Koduka, Entha Diryamura Neeku 65% Slow Ani Rasukonaru" and PW-5 stated, in the cross-examination that accused said, "Eera Donga Na Koduka casu Enduku Pettinavu." It is not clear from the evidence on record who informed the accused regarding this and how the accused came to know said meter reading regarding the slow moving etc., so as to alleged motive for the said crime immediately before the ckecking etc., in the office so as to alleged the crime is not explained by the prosecution as such the accused is entitled for the acquittal.

T. Shyam Kumar
B.Com.L.L.B
ADVOCATE
BODHAN

14. Both the courts below failed to appreciate and consider the important and material aspect of the case that the facts the prosecution did not examine any of the members of the staff of E.R.O. Office (besides PW-4 who was declared hostile), where the incident was alleged to have taken place, although PW-1 has stated that the staff of E.R.O. present at the time of incident which lasted for 15 to 20 minutes. PW-2 did not speak to the presence of PW-3 at the time of incident, in the court and he ahs admitted in the cross-examination that he has not stated the police under Sec.161 statement about the presence of PW-5 and PW-6, thus he has thrown a doubt about the presence of the so called correborating witnesses i..e. PW-3,5 & 6. Similarly PW-3 did not say that the accused caught hold of the collar of PW-1 and though he stated in the cross-examination that the consumers will be visiting E.R.O. office i.e., the place of the incident for payment of arrears, none of them were examined PW-5 has also not stated that PW-2,3 and 6 were present and thus there arose a doubt about their presence of PW3. Similarly PW-6, has not spoken to the presence of PW-3. Inspite of all these inherent infirmities in the evidence of prosecution both the courts below erroneously convicted the accused without any basis.

15. Both courts below were very much prejudiced against the accused and was led away by the fact that PW-1 was an Electricity Department employee like PW-2 to 6 and without attributing any motive for the crime and without credible evidence convicted the accused.

16. Both the courts below did not consider the important aspect that there were disputes between the accused and the complainant with respect to back billing prior to the incident though the civil suits are pending bearing O.S.NO.45/98; O.S.No.125/98; filed by the accused against the complainant department and there is every reason for foisting a criminal case against the accused in the circumstances to harass the accused at the instance of the superior this possibility cannot be denied and this important factor is totally ignored by the both the courts below by saying that the suits are filed subsequent to the alleged offence carries no meaning as such in the circumstances the accused is entitled for acquittal.

17. The other grounds will be urged at the time of hearing.

It is therefore prayed that this Hon'ble court be pleased to allow the revision by setting aside the Judgment dated 25/8/2003 in Crl.A.No.17/2003 on the file of the VIIth Addl. Dist & Sessions Judge, Nizamabad thus confirming the Judgment dated 20/2/2003 in C.C.NO.128/2001 passed by the J.F.C.M. Bodhan and pass such other order or orders as this Hon'ble court may deem fit and proper in the in the interest of Justice.

Place: Hyderabad
Dated: 18.3.2004

Counsel for the Petitioner

Deponent

B. Shyam Rao
B.Com, L.L.B
ADVOCATE
BODHAN

NIZAMABAD :: DISTRICT

HIGH COURT OF A.P. HYDERABAD

CRL.R.C.NO. 1042 OF 2004

AGAINST

(Crl. Appeal No.17/2003 on the file of VIIth Addl. District and Sessions Judge, Nizamabad at Bodhan)

MEMORANDUM OF CRIMINAL REVISION CASE

Filed on:

Filed by:

~~VASHVESHWAR RAO (4710)~~

M/S. BALRAJ BODHANKAR (6518)

COUNSEL FOR THE PETITIONER

A.P. HIGH COURT
CASE STATUS INFORMATION SYSTEM

PENDING

STATUS OF : CRLRC 1042 of 2004 **STAGE : INTERLOCUTORY**
D.SAMBASIVA RAO CHOWDARY, V/S THE STATE OF A.P., REP BY ITS P.P.,
PET.Advocate : PUBLIC PROSECUTOR
RES.Advocate : . **SR-Number: /**
District: NIZAMABAD **Lower Court Number : CC 128/2001**
Subject : CRIMINAL MISC. MATTERS
Last Time Listed On : 21-Jun-2004 **Next Date Of Listing : 22-Jun-2004**
Misc. Petitions filed : **CRLMP 2540/2004 CRLMP 4579/2004**
Connected Matters :

Site Hosted by NATIONAL INFORMATICS CENTRE, AP State Unit,HYDERABAD

HOME BACK

Dsrchandy
Deponent.
TC
Sri Shyam Rao
B.Com,L.L.B
ADVOCATE
NIZAMABAD