

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36976 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to direct the respondents to combine all cases i.e., Crime No.22 of 2014, before the Principal District and Sessions Judge-cum-Special Court to try the Cases of A.P. Protection of Depositors of Financial Establishments Act, 1999, Vizianagaram, Vizianagaram District and Crime Nos.12 of 2014, 19 of 2014, 13 of 2014 and 22 of 2014 before the learned Sessions Judge, Srikakulam, in Srikakulam District, in different FIRs in different Districts of State of Andhra Pradesh and conduct trial of all cases against the petitioners in the Court of Metropolitan Sessions Judge-cum-I Additional District & Sessions Judge-cum-Special Judge to try cases under A.P.P.D.F.E. Act, Visakhapatnam, as already Crime No.18 of 2014 (III Town Police Station, Visakhapatnam) is more advanced stage in the above said Court.

Heard and perused the material available on record.

The brief facts of the case are as follows:

The petitioners are the founder Managing Director and Directors of the Bommarillu Farms & Villas India Private Limited, Visakhapatnam, registered under the Companies Act in the year 2011, for the business of Real Estate and collected a huge amount of about Rs.85 crores from the public and failed to refund the amounts to the depositors as promised subsequently and thus, cheated the depositors by inducing the public under various schemes. In view of the above, several complaints were lodged by the affected persons/depositors at different places, basing on which six cases were registered at different places in the State of Andhra Pradesh i.e.,

- 1) Crime No.18 of 2014, on the file of the III Town Police Station, Visakhapatnam
- 2) Crime No.19 of 2014, on the file of Kasibugga Police Station, Srikakulam District,
- 3) Crime No.16 of 2014, on the file of Narasannapeta, Srikakulam District,
- 4) Crime No.12 of 2014, on the file of II Town Police Station, Srikakulam Town,
- 5) Crime No.13 of 2014, on the file of Tekkali Police Station, Srikakulam District and
- 6) Crime No.22 of 2014, on the file of I Town Police Station, Vizianagaram District under Sections 120-B, 406, 419 & 420 read with 34 IPC and Section 5 of the A.P. Protection of Depositors and Financial Establishment Act, 1999.

The present writ petition is filed by the petitioners for clubbing the above said cases and conduct trial of all the cases against the petitioners in the Metropolitan Sessions Judge-cum-I Additional District & Sessions Judge-cum-Special Judge to try cases under A.P.P.D.F.E. Act, Visakhapatnam, where Crime No.18 of 2014, which is pending in the above said Court, is already in advanced stage.

The main ground on which the petitioners sought for clubbing of all above said cases and investigate the same is that all the above said cases, which are lodged against the petitioners, are same in nature, but the complaints are given by different persons.

Learned Assistant Government Pleader filed counter on behalf of the respondents. It is submitted in the counter affidavit that even though the allegations are one and the same in all the above said cases, but the complainants are different and the cases were registered in different Districts like Visakhapatnam, Srikakulam and Vizianagaram. It is further submitted that during the investigation, most of the accused were arrested and the seized hard disks were forwarded to FSL,

Hyderabad, for retrieving the data and that the petitioners herein obtained anticipatory bail in Crime No.18 of 2014 and surrendered at CID, Regional Office, Visakhapatnam, on 30.06.2014 and investigation is pending in the above said case. It is further submitted that in Crime No.22 of 2014, except the petitioners herein, all the other remaining accused have been arrested and the learned District Judge, Vizianagaram, made absolute of the movable properties vide CrI.M.P.No.355 of 2016 and in Crime Nos.12, 13, 16 & 19 of 2014 also, except the petitioners herein, all the other accused have been arrested and the learned Sessions Judge, Srikakulam, made absolute of the movable properties vide CrI.M.P.Nos.383 & 384 of 2016 and that all the above said cases are pending for arrest of the petitioners herein.

Considering the said facts and circumstances, even though this Court is not inclined to club all the above said cases for the purpose of investigation, the concerned Station House Officers, who registered the above said cases, are directed to complete investigation in all the above said cases, as expeditiously as possible, and file final reports, if any, either way in accordance with law, without arresting the petitioners. The petitioners are directed to report before the concerned Station House Officers daily between 10.00 a.m. and 5.00 p.m. for a period of one (1) month. The petitioners are further directed to appear before the concerned Station House Officers as and when required for the purpose of investigation. The concerned Station House Officers are directed to inform the petitioners the date from which the petitioners have to appear before the concerned Station House Officers where the above said crimes are registered. On such information, the petitioners are directed to appear before the concerned Station House Officers. If there is any failure on the part of the petitioners to appear before the concerned Station House Officers and co-operate with the investigation, the

respondents are at liberty to issue notice under Section 41-A of Cr.P.C. and to proceed thereafter, in accordance with law.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 1st December, 2016

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