

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE No.3273 of 2017

ORDER :

The petitioner-Chalasani Satya Bhaskar is A.1 among three accused. Leave about Crl.R.C.No.172 of 2017 insofar as that of A.2-Yeleti Gopalakrishna and A.3-V.L.Jayaprada Devi allowed by this Court on 09.02.2017, which is out come of the common order of the learned trial Judge (XII Additional Chief Metropolitan Magistrate, Hyderabad), in the pending C.C.No.180 of 2016 taken cognizance for the offences punishable under Sections 385 and 506 read with 34 IPC, from the discharge application filed by the accused persons in Crl.M.P.No.4789 of 2016 so far as A.2 and A.3 and Crl.M.P.No.931 of 2017 so far as A.1, by order, dated 03.11.2017. The 2nd respondent is the *de facto* complainant, by name, S.Srinivasa Rao, Chief Financial Officer of M/s.Kakinada SEZ Pvt. Limited, on whose report Crime No.232 of 2015 was registered by the Cyber Crime Police Station, CCS, DD, Hyderabad, on 16.07.2015, for the said offences against the three accused and police after investigation by referring to several documents and 11 witnesses including LW.11-Investigating Officer, LW.10-Scientific Officer, LWs.8 and 9-panch witnesses to the seizure and LWs.2 to 7-circumstantial witnesses, besides LW.1-*de facto* complainant, filed the police final report. It is from the police final report in the form of charge sheet the cognizance was taken. Subsequently, impugning the same after appearance of the accused filed the discharge applications that were ended in dismissal.

2. Coming to the present revision grounds in impugning the dismissal of the said discharge application of the petitioner/A.1 in Crl.M.P.No.931 of 2017, dated 03.11.2017, the contentions are that the learned trial Judge's order of dismissal of the discharge application is illegal, improper, incorrect even none of the offences that attracts to the investigation material and not even the Court seen properly the averments made in the charge sheet that discloses a false implication of the petitioner with no basis and with oblique motive and ought to have seen that the total acquired land is 8,236.50 acres from the farmers during the year 2006-2007 out of 2500 each, totaling 5000 acres and rest of the land is domestic tariff area and there is nothing wrong in the petitioners seeking for the sale or lease, the trial Judge should have seen that after due diligence and after obtaining legal opinion, the petitioner came to know that the land supra was mortgaged to L.I.C. and I.C.I.C.I. Bank and obtained a loan of 2,000 crores and diverted the same to the complainant's other companies, the trial Judge should have seen that after coming to know about the said land given as collateral security to the complainant's to other companies, the petitioner/A.1 requested the APIIC for identification of suitable land and accordingly on 25.04.2015 the Zonal Manager, APIIC, has identified the land of 750 acres out of 810 acres of Rameshampeta Village, Peddapuram Mandal, East Godavari District. It is also the contention vis-à-vis the grounds in the revision petition against the discharge dismissal application that LW.6-Surya Narayana

filed P.I.L.No.274 of 2014 before the High Court in his capacity as Secretary, K.S.E.Z. Vytirekaporata Samithi, being well educated person with degree in law and enrolled as Advocate and LW.6 in the habit of filing P.I.Ls. and even prior to filing of P.I.L.No.274 of 2014, K.S.E.Z. Vytirekaporata Committee addressed letter to the D.G.P., A.P., stating he colluded with K.S.E.Z. and mislead and the learned Judge ought to have seen the allegations that the petitioner/A.1 colluded with his father-in-law/A.2 and maternal grand aunt/A.3 filed P.I.L.No.84 of 2016 before the High Court and said allegations set aside by the Court in Crl.R.C.No.172 of 2017 and the learned Judge ought to have seen that K.S.E.Z. Vytirekaporata Committee filed W.P.No.28056 of 2008 before the High Court, wherein LW.6-Surya Narayana and by order, dated 22.12.2014, the writ petition was dismissed. It is further averred and contended of the learned trial Judge should have seen that the farmers filed W.P.No.680 of 2007 and batch before the High Court, which observed no hesitation to hold that the purpose of acquisition in 'formation of a Special Economic Zone' (SEZ) is a public purpose under Section C(f) (vii) of the Act and SEZ authority under Section 31 of the Act would amply satisfies the test of local authority under Section 3(aa) of the Land Acquisition Act, 1894 and convinced that the 5th respondent is not obtaining a proprietary right on the acquired land and as per the rules under the SEZ Act, and there is a prohibition on the developer from alienating the land and the learned Judge ought to have seen that the petitioner/A.1 is

unnecessarily roped to harass and thereby the revision to be allowed by setting aside the dismissal order of the discharge application.

3. Sri T.Pradyumna Kumar Reddy, learned counsel for the petitioner, in the course of hearing reiterated the same and drawn attention of the Court including to the reply to the counter of the 2nd respondent to the revision petition averments and drawn attention of the Court to the two expressions, particularly on the scope of Section 383 and 384 IPC, the expression of the Apex Court in **ISAAC ISANGA MUSUMBA AND OTHERS V. STATE OF MAHARASHTRA AND OTHERS**¹ and that the Single Judge expression of this Court in **Lanka Hanumantha Rao and others v. State of A.P. and others**².

4. Where as it is the submission of the learned Public Prosecutor in supporting the contentions of the learned counsel for the *de facto* complainant/2nd respondent contended in the counter and what is reiterated in the course of hearing by drawing distinction between the role of A.3 and A.2 when compared that of the petitioner/A.1 and merely because rightly or wrongly not challenged the order in Crl.R.C.No.172 of 2017 passed by this self same Court on 09.02.2017 that is not a ground for the petitioner as A.1 to invoke the aid of that order that too when the order specifically speaks role of them is different to that of the role of A.1 if at all to survive the accusation and thereby sought for dismissal of the revision petition saying

¹ (2014) 15 SCC 357

² 2005 (1) ALD (Crl.) 986 (AP)

nothing to interfere with the impugned dismissal order of the discharge petition of the petitioner/A.1.

5. Heard both sides and perused the material on record.

6. The sum and substance of the accusation right from the report in registration of the crime, leave about A.2 and A.3 and their role which is not germane herein, insofar as the petitioner/A.1 concerned, including from the police final report in substance is that the petitioner/A.1 played the trick of criminal extortion in the attempt to seek delivery of valuable property allotted to the SEZ from the entity represented by the *de facto* complainant in several methods by using several people in cause filing Public Interest Litigations or Writ Petitions or in addressing the officials to cancel the allotment if possible including by brining on record the so-called political party Lok Satha and the members therein. Now, the revision is against the dismissal order of the discharge petition of the petitioner/A.1.

7. It is necessary to reproduce the said order of the learned trial Judge in dismissal of the discharge petition of the petitioner/A.1, dated 03.11.2017, running in 19 paras, reads as follows:

“The petitioner/A1 filed this petition U/s.239 Cr.P.C. to discharge the petitioner/Accused No.1 in the above case.

2. The petitioner submitted that A.1 is Director of Delta Group Company and he approached M/s.K.S.E.Z., i.e., Kakinada SEZ Pvt Ltd for allotment of land for setting up an Agri-Park.

3. Petitioner submitted that, the total acquired land is 8,236.50 acres from the farmers in the year 2006-2007, out of which 2500 each, total 5000 acres and the rest of the land is

domestic terrific area. Therefore, the petitioner on the representation of the farmers requested them to sell the property. Therefore, there is no nothing wrong in the petitioner seeking for sale of lease.

4. On 29.07.2014 he requested the Government of Andhra Pradesh for allotment of land for Agri-Park. After due diligence and after obtaining a legal opinion, he came to know that the land on 8,236.50 acres of land was mortgaged to L.I.C. and I.C.I.C.I. bank and obtained a loan of Rs.2000 crores and diverted the same the complainant's and other companies. After coming to know about the said land given as collateral security to the complainant's other companies, the petitioner requested the APIIC for identification of suitable land. Accordingly on 25.04.2015 the Zonal Manager, APIIC has identified a land of 750 acres out of 810 acres in Rameshampeta village, Peddapuram Mandal, East Godavari dist. Therefore, the petitioner has no reason to put pressure or give any threat to attract section 385 or 506 IPC.

5. The petitioner further submits that the entire report filed by the respondent U/s.173 Cr.P.C. i.e., Charge sheet does not disclose any offence against the petitioner and he is falsely implicated in this case. The allegation that the petitioner put undue pressure for allotment of Ac.3.00 from K.S.E.Z. is totally false and there is no material to say that the petitioner threatened the complainant company to harm its promoters by resorting to communications.

6. The petitioner submit that even if entire allegations are taken to be true for a moment though not admitting the same, no prima-facie case is made out and therefore any trial will be an exercise in futility and therefore the charges against the accused is groundless, hence the petitioner is entitled to be discharged.

7. The learned Sr.APP filed counter on behalf of Respondent/Complainant, and argued that:

8. The Discharge Petition filed by the petitioner is not maintainable under law. During the investigations on the charge sheet, the investigating officer found prima facie evidence from the incriminating material seized during the raid on the accused No.1's office and premises, which were sent to forensic department and their report has also been filed before this court and only on a thorough trial and in consideration of this trial and the facts of the case can be derived and more importantly and the contention of the commission of coercion and extortion are the irrefutable evidence to attempt to commit so can be established.

9. The Hon'ble High Court once again reiterated the Prima facie case being made out against first accused, in its order in Criminal revision case No.172/2017. The tone and tenor of order categorically disclosed that there is prima facie case against first accused, but however granted relief of A2 and A3 as the hon'ble High Court was opinion that sufficient evidence of their collaboration with first accused was not available.

10. Further the averment of the petitioner in respect of the Domestic Tariff Area is totally false and only rules of SEZ permit processing and non-processing area and there was no domestic tariff area to be sought by the petitioner. The petitioner had sought the land for sale and later on lease with shifting stands at various stages in his own terms. On denial, he chooses to write mails with false accusations to various statutory authorities and investors in KSEZ and cast mud on the promoters of the group.

11. Further stated that there is no detail of the land sought by him from other authority nor the loans of the company are relevant to the issue. No evidence exists in respect of KSEZ forcing the petitioner to obtain the land as it is ludicrous for KSEZ to hurt their own commercial interest. The details mentioned by the petitioner in respect of KSEZ Vyathireka porata committee and PIL 274 indicate his connivance in the crime.

12. Further stated that the Hon'ble Supreme Court observed that in the criminal cases in para 19 of the Judgment in Dinesh Tiwari vs. State of U.P. that "At the initial stage of framing of a charge, the Court is concerned not with proof but with a strong suspicion that the accused has committed an offence, which, if put to trial, could prove him guilty. All that the court has to see is that the material on record and facts would be compatible with the innocence of the accused or not. The final test of guilt is not to be applied at that stage. We may refer to the well-settled law laid down by this court in state of Bihar V. Ramesh Singh (SCC pp.41-42, para4)" 4. Under section 26 of the code while opening the case for the prosecution the prosecutor has got to describe the charge against the accused and state by what evidence he proposes to prove the guilt of the accused". Hence, prayed court to dismiss this discharge petition.

13. The point that arise for determination whether there are any sufficient grounds to discharge the accused.

14. In this matter for discharge of the accused from the allegations leveled against him the only point for consideration is the accused has to show that even if, entire record filed by the prosecution is admitted, there is no material to frame any charge against the accused Section 239 Cr.P.C. is very clear so far as the exercise of powers of discharge, at the stage of framing of charges the trial court can only see whether there is a prima facie case regarding the charges leveled against the accused or not. Charges framed will be proved or not can be determined only after the trial of the case. On perusal of the entire case record including 161 Cr.P.C. statements of the prosecution witnesses there is a prima facie case to proceed against the accused.

15. The learned counsel for the accused relied upon a citation reported in 2013 SAR (Criminal) 28 reported in Sheoraj Singh Ahlawat and others vs. State of and another wherein it was observed that:

16. “The court is not expected to go deep into the probative value of the material on record. What needs to be considered is whether there is a ground for presuming that the offence has been committed and not a ground for convicting the accused has been made out. At that stage, even strong suspicion founded on material which leads the court to form a presumptive opinion as to the existence of the factual ingredients constituting the offence alleged would justify the framing of charge against the accused in respect of the commission of that offence.”

17. As per the complaint contents, charge sheet and statements of witnesses, the accused approached the defacto complainant, for allotment of 300 acres for agri-park. He started dictating terms, and blackmailed the defacto complainant by filing many petitions and sent mails to statutory authorities to damage the reputation of defacto complainant. From the material available on record it cannot be straight away said there is no case to frame charge against the petitioner.

18. For the above reasons, I am of the considered opinion that there are no sufficient grounds to discharge the petitioner for the offence leveled against him.

19. In the result petition is dismissed.”

8. Now coming to the scope of the order of this Court so far as A.2 and A.3 in setting aside their dismissal of the discharge application by its allowing in Crl.R.C.No.172 of 2017, dated 09.02.2017, at page No.40, reads as follows:

“Heard. Perused the material on record.

The order of the learned Magistrate in dismissing the discharge application and in taking cognizance, there is no whisper by discussing any material. Even the E-Mail communication from the statement of the witnesses show correspondence between KSEZ of GMR and A1 only. There is nothing to show A2, A3 under their control or A1 got filed

through them and there is no direct witness to speak A3 or A2 corresponding with complainant entity or approached under the guise of the PIL for any benefit to A1, even to say any of their complicity to the crime. But for if at all any material against A1 from the above, there is nothing against A2 and A3. In the absence of which, mere filing of PIL cannot make them to be roped as co-accused with A1; that too in the year 2014, there were two PILs filed by KSEZ Vyathireka Porata Committee consisting of five or six persons and also by another person including LW6 and when they are not implicated, merely because A3 happened to be a distant relative to A1, there is no basis, but for if at all to say, A2 happened to be father-in-law of A1 and that is not even a basis to implicate A2 without any factual foundation to show his complicity to the alleged crime. Thereby the taking of cognizance is unsustainable so also in dismissing the discharge application. The earlier filing of the quash petition and direction for earlier disposal of the criminal case is different, that does not mean no charges can be framed or in the course of hearing charges, where there is no material, no discharge can be ordered.

Having regard to the above and in the result the revision is allowed, the order of the Magistrate dismissing the discharge application is set aside and the petitioners A2 and A3 are discharged from the final report and cognizance taken against them is set aside for no material to frame any charges against them to put them to trial, much less for the offences punishable under Sections 506 and 385 read with Section 34 of IPC, along with A1. There shall be no order as to costs.”

9. No doubt, from the respective hearing, the order clearly observes from what is reproduced supra of the operative portion of at best it makes out any case from the material against A.1 for the offences and not against A.2 and A.3. It is needless to discuss herein

the attention of the learned counsel for the *de facto* complainant/2nd respondent of even the observations in discharge in allowing the revision petition against dismissal of the discharge of A.2 and A.3 also not fully correct by drawing attention to the charge sheet averments and the statements of the witnesses, for the reason though there are certain omissions if at all it is not open to impugn herein so far as the allowing of revision of A.2 and A.3 concerned before this Court that too without review and that too without appeal or attack before any superior Court.

10. Thus, now confining to the present revision application impugning the discharge petition of A.1 concerned, the order of allowing the revision against dismissal of the discharge application of A.2 and A.3 no way comes in aid to A.1 therefrom without any further requirement of repetition of facts.

11. Before coming to the facts in the present revision, coming to the legal position mainly the two expressions placed reliance by the learned counsel for the revision petitioner/A.1 impugning the dismissal of the discharge application in saying ingredients of the offences under Sections 385 and 506 IPC have no application concerned, in Issac Isanga Musumba supra, the Court dealt only on the scope of Section 384 IPC, leave about Section 441 IPC and observed particularly in para 3 as can be seen even suffice to extract from the head note that contends in the body of the order that in complaint, no mention that pursuant to the demands, any amount was

delivered to accused by complainants and unless property is delivered to the accused pursuant to the threat, no offence of extortion is made out. Coming to the Single Judge expression of this Court in Lanka Hanumanatha Rao supra for the offence under Section 383 IPC, the observation at para 6 after reproduction in para 5 Section 383 IPC, is that if a person voluntarily delivers any property without there being any fear of injury, an extortion cannot be said to have been committed. Even the illustrations under Section 383 of IPC would reveal that the delivery must be pursuant to threat of injury to reputation, to the body or to the body of another person. If someone forces another person to deliver some property as alleged, without there being an element of dishonest intention to cause injury or the feeling of fear of injury in the deliverer, an offence of extortion cannot be made out.

12. There is no necessity to extract Section 383 IPC in toto, particularly the illustrations (a) to (d), but for the substance of the main section speaks, whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person, any property or valuable security or anything signed or sealed which may be converted into a valuable security, commits 'extortion'.

13. No doubt, if one considers the scope of Section 383 IPC, it speaks about putting a person or another person on his behalf fear of injury in dishonestly inducing the person so put in fear to deliver to

any person, any property or valuable security or anything signed or sealed that may be converted into a valuable security. However, coming to the very wording of Section 385 IPC, with which the accusation for the crime registered and the police final report from the investigation filed and the cognizance taken and the charge framed by the trial Court by dismissing the discharge application of A.1 which is present impugment supra, the wording of Section 385 IPC is as follows:

Whoever, in order to the committing of extortion, puts any person in fear, or attempts to put any person in fear, of any injury, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

14. Section 383 IPC punishable under Section 384 IPC is up to three years or fine or both. Whereas, Section 385 IPC which deals only with the even the attempt to commit extortion referred supra punishable only up to two years or fine or both. Nothing more is required to discuss on the scope of Section 385 IPC for even an attempts to put in fear in order to committing of extortion is enough. No accomplished act is contemplated there from. Thus, none of the two expressions, which are on the scope of Section 385 IPC cannot be extended to read the Section 385 IPC in view of the above. Now from this dismissal order of the learned trial Judge in Crl.M.P.No.931 of 2017 reproduced above, no way requires to be repeated, but for what it observed in para 17 incorporated supra of not detailed as to the complaint contents charge sheet, statements of witnesses, show the

accused approached the *de facto* complainant concerned, to consider from the charge sheet accusation with reference to the witnesses examined. LW.1-S.Srinivasa Rao, whose statement, in part material to the report registered as FIR no way requires reproduction, much less to discuss when it speaks of ingredients though can be contended as self serving in the absence of other corroboration from the investigation to support it. Leave about, several witnesses examined on behalf of the prosecution. Now mainly drawn attention of the Court to LWs.6 and 7. LW.6 is one I. Suryanarayana, a Social Worker and Secretary of KSEZ, Timmapuram Village. In his statement before the Investigating Officer what he stated is he is aware of the KSEZ setting up a port based multi-product SEZ in U.Kothapalli and Thondangi Mandals of East Godavari District, over 8,500 acres and they were carrying out agitations in the area in respect of land acquisition, yearly realization of projects to improve employment potential in the region. As part of their agitations they filed writ petitions and a PIL in AP High Court that was dismissed. During August and September 2014, one Yeleti Gopala Krishna (A.2), a resident of Kakinada, visited them and informed that he would help them in their agitation and filing of PIL against KSEZ and took him to his son-in-law/A.1/Chalasani Satya Bhaskar, who is the petitioner herein, residing at Hyderabad, who would help them in filing PIL and consequently he met Chalasani Satya Bhaskar/A.1/petitioner with A.2/Yeleti Gopala Krishna, father-in-law of A.1, at Hyderabad and

A.1 provided a guest house and car facility to LW.6 and took him to lawyers office, whom he introduced as Senior Lawyers and who would be drafting the PIL and when he enquired about various aspects of the PIL and large number of respondents, A.1 informed the LW.6 that it is necessary to bring pressure on KSEZ. Finally, in March 2015 the PIL was withdrawn without his (LW.6) consent and when he enquired A.1, he informed that it was necessary to withdraw the PIL as it would have got dismissed otherwise. Later on, LW.6 came to know that another PIL was filed on Smt. V.L. Jayaprada Devi (A.3) name and contents of the PIL were similar. He (LW.6) has not written any letters about the PIL to any authorities. LW.6 has no knowledge that A.1 was filing a PIL through them to have KSEZ cancelled while trying to get land from them. Later, LW.6 learnt that Mr.Bhaskar (A.1) and M.Yeleti Gopala Krishna (A.2) were trying to get land from KSEZ while using them (LW.6 and others) to file a PIL to get the KSEZ cancelled. This statement of the witness clearly speaks A.2, father-in-law of A.1, came to him and taken to A.1, A.1 cause filed the PIL and without even his consent it is cause withdrawn and when he questioned as it was otherwise going to be dismissed and with similar facts cause filed through A.3 another PIL and in his name representations even made for cancellation of PIL without his knowledge and the endeavour of A.1 is to get land from KSEZ while using the PIL and to get KSEZ cancelled. It is clearly revealing about

the attempt to extort KSEZ *de facto* complainant's entity by A.1 there from.

15. Now coming to the other statement drawn attention that of LW.7-Behara Yerram Raju, aged about 74 years, a consultant and economist, it is his statement that he was writing columns and books on finance and he is a consultant and economist. He knows the President of Lok Satha political party for last five years and in November/December 2014 while he was with him, one person Chalasani Bhaskar (A.1) got introduced to him through Jayaprada Devi. A.1 claimed himself operating NGO doing advocacy for education and later he used to call him regularly and informed about his business dealings with stressed assets and he also shared about an issue of GMR and that they are not developing KSEZ even after six years of their allotment and further added that GMR is ruthlessly grabbing the lands of farmers with nominal compensation, that the GMR company is pledging the lands to Banks and getting loans. One day, A.1 sent few papers of GMR Company and presented it to be on erroneous side and asked him (LW.7) to address a letter to the Director of RBI in the public interest. Considering it to be true, LW.7 wrote a e-mail to the RBI Governor that CAG report is against the GMR and proper investigation is to be done into the KSEZ and GMR on 31.12.2015. But later, on coming to know by LW.7 about A.1's role, LW.7 wrote in seeking the land from GMR in the KSEZ and A.1 is making use of LW.7 to get his things done, LW.7 again addressed a

letter to RBI that the CAG report is beyond his comprehension and hence RBI may take action as deems fit and before knowing the role of GMR, LW.7 when asked to be part of PIL against GMR and KSEZ and on learning the selfish and criminal intentions of A.1, LW.7 has given up the proposal. LW.7 asked A.1 not to involve into this and also sent a mail not to use his name anywhere either in his correspondence or in his reference. After January 2015, LW.7 not in contact with A.1 and A.1 used to contact LW.7 from his mail ID bhaskar@delta-aras.com to LW.7's mail ID and the contact also from A.1's phone No.9866655066 to the phone of LW.7 No.9885296111.

16. From this coming to the charge sheet internal pages 6 to 10, the investigation from LWs.1 to 7 statements with reference to FSL expert opinion of LW.10 supra as per charge sheet revealed A.1 in collusion with A.2 and A.3 supra, who are father-in-law of A.1 and maternal grand aunt of A.1, subjecting to Kakinada SEZ to criminal intimidation, commercial compulsion and extortion for allotment of land by filing PIL against KSEZ, to force it yield to his demands of land sale, the extent of land and the price dictated by him and LW.10-FSL expert, has given his opinion, mentioning there are number of mails bhaskar@delta-aras.com, bchalasani007@gmail.com, b_chalasani@yahoo.com, bhaskar@siaaenergy.com and messages and Whatsapp chat from GMR, KSEZ, PIL, BVN Rao, PIL filing on the KSEZ, GMR scam, Agri Park, etc., found in the seized Laptop and Mobile of him. A.1/Chalasani Satya Bhaskar of M/s.AVI Natural

Resources Pvt. Ltd., as per investigation, sought 300 acres of land from KSEZ on 29.07.2014 through his e-mail ID bhaskar@delta-aras.com to sudheer.yarlagadda@gmrgroup.in (LW.3) and LW.1 (*de facto* complainant) company officials assessed the accused request on 20.08.2014 and communicated that his project would need only 150 acres at maximum, but the accused irrationally sent another e-mail on the same day that he needs 300 and nothing less. Thus, while seeking land from KSEZ, a PIL 274 of 2014 was filed on 07.11.2014 in the name of LW.6-Surayanarayana, Secretary, KSEZ Vyatireka Porata Samithi with RTI data obtained in the name of A.3-Jayaprada Devi, maternal grand aunt of A.1, but LW.6 stated that the details of GMR group and RTI applications were included by A.1 and he had funded the filing of the PIL. He also mentioned that the PIL was withdrawn without his consent. Same is referred as covered by the statement of LW.6 during investigation referred supra. The charge sheet further speaks e-mail correspondence also reveal that A.1 is in touch with the Senior designated counsel and advocates on record of the PIL No.274 of 2014 filed against KSEZ and the mails have emanated from his e-mail id bhaskar@delta-aras.com to various individuals including the advocates to the PIL and A.2, father-in-law of A.1, and others. Some of the mail communications extracted as part of the material covered by charge sheet from pages 6 to 10, and it shows bhaskar@delta-aras.com is the e-mail used by A.1 that is also the communication sent to LW.7, whose statement contains e-mail id referred supra and of

which with that on 10.09.2014 mail sent to vijay@delta-aras.com saying RTI – 3 separate Vijay to send DC, VSEZ, Ministry of Commerce, Special Collector, Kakinada and on 18.12.2014 addressed in his with that e-mail ID to Yerram Raju-LW.7 to address for RBI letter time to name and shame KSEZ and GMR. Again from that e-mail ID of A.1 sent e-mail on 23.12.2014 to several including vijay@delta-aras.com besides LW.7-Yerram Raju for signator for PIL No.2 in showing the PIL he is cause filing and to name Kakinada SEZ in addressing letters through vijay@delta-aras.com and on 26.11.2014 to those persons and against marking copy to Yerram Raju by saying additions to PIL after meeting to add and against with that e-mail id of A.1 on 24.08.2015 besides vijay@delta-aras.com, shiva@avinatural.com and others in saying including A.2 gkyeleti@gmail.com in saying KSEZ revenge-I will not rest until we get what we want. Thus crystal clear of his attempt to the extortion from KSEZ.

17. From his e-mail Id supra to bchalasani007@gmail.com, belongs to him of GMR scam and PIL matter to be confidential with regard to the collected information and from his earlier e-mail id referred supra on 09.03.2015 with CC to Bhaskar Chalasani, by addressing praneeth@delta-aras.com, vijay@delta-aras.com of data of Jayaprada Devi (A.3) be sent to DL, VSEZ, RBI, Principal Secretary and from the above e-mail of him to vijay@delta-aras.com, on 03.12.2014 for printing leaflets against KSEZ and GMR in English 5000 and in

Telugu 10000 in the name of KSEZ porata Samithi. So it also clearly shows he cause printed the leaflets and pamphlets in English and Telugu for wide circulation in the name of LW.6 that is also without his consent as per the statement of LW.6. Without further reference to several of the instances covered by charge sheet that is brought to the notice of the Court of the attempt on the part of A.1 in trying to extort the KSEZ of the *de facto* complainant, but for to say the same is not reproduced in the order of dismissal of the discharge application of the petitioner/A.1 in Crl.M.P.No.931 of 2017 the order is sustainable though it is because not reproduced and the statements not drawn attention, the revision petition of A.2 and A.3 allowed by setting aside the dismissal discharge order of them.

18. Having regard to the above, for this Court, there are no grounds to allow the revision petition against the dismissal of the discharge application, but for left open any defences of the petitioner/A.1 to face trial.

19. With the above observations, the criminal revision case is dismissed.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

31st January 2019

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