

## BRIEF NOTES ON BACKGROUND AND ACTIVITIES OF

1. \_\_\_\_\_ was born on \_\_\_\_\_. He is \_\_\_\_\_ years old. He married \_\_\_\_\_ in \_\_\_\_\_. They have sons/daughters \_\_\_\_\_. \_\_\_\_\_ married on \_\_\_\_\_. \_\_\_\_\_ has a \_\_\_\_\_ in \_\_\_\_\_. \_\_\_\_\_ married \_\_\_\_\_. There was a separation with in a few months. Divorce was granted by the Court on \_\_\_\_\_ and \_\_\_\_\_ reside with and Smt. \_\_\_\_\_.
2. \_\_\_\_\_ father, \_\_\_\_\_, came to India in \_\_\_\_\_ on partition of the country. He was allotted a plot of land at \_\_\_\_\_, by the Government in lieu of the properties abandoned by him in Pakistan. On the death of his parents, inherited \_\_\_\_\_ the property. He sold this in \_\_\_\_\_.
3. \_\_\_\_\_ was employed since \_\_\_\_\_. He worked in a number of places including \_\_\_\_\_ for about \_\_\_\_\_, \_\_\_\_\_ for about \_\_\_\_\_ and later in \_\_\_\_\_ for \_\_\_\_\_. During this period he came in contact with several persons who were influential. He cashed in on this and worked as a tout getting small things done for several people. His break came when \_\_\_\_\_ (his friend \_\_\_\_\_) entrusted him with a big job. \_\_\_\_\_ was a \_\_\_\_\_ and \_\_\_\_\_ which had the following subsidiaries :—  
\_\_\_\_\_  
\_\_\_\_\_
4. \_\_\_\_\_ wanted some work done in the Company Law Board. For this purpose he was prepared to spend huge sums of money. The following extracts from the petition [ ] filed by \_\_\_\_\_ in the High Court of Delhi (Criminal Appellate Jurisdiction) for anticipatory bail are relevant :
  - “1. The petitioner is the Director-Chairman of \_\_\_\_\_ who are majority shareholders of \_\_\_\_\_, a company incorporated under the Companies Act, 1913 having its registered office, previously at \_\_\_\_\_, now changed to \_\_\_\_\_ and branch office at \_\_\_\_\_.
  2. The petitioner files this petition under section 438(1) of the Code of Criminal Procedure, 1973 as he has reason to believe that he may be arrested on an accusation of having committed a \_\_\_\_\_.
  3. That facts and sequence of events giving rise to the filing of the present petition are set out hereinafter.
  4. That in \_\_\_\_\_, by exchange of letters. (hereinafter referred to as \_\_\_\_\_) agreed to sell to \_\_\_\_\_ (hereinafter referred to as \_\_\_\_\_) and \_\_\_\_\_ agreed to purchase shares out of \_\_\_\_\_ shares held by \_\_\_\_\_ (hereinafter referred to as \_\_\_\_\_). The said agreement also provided option to said \_\_\_\_\_ to purchase from \_\_\_\_\_ the balance shares within \_\_\_\_\_.
  5. That various disputes arose between \_\_\_\_\_ and \_\_\_\_\_. These litigations culminated in the Supreme Court whose decision in this regard are reported in \_\_\_\_\_ and \_\_\_\_\_.
  6. That during the proceedings referred to above, \_\_\_\_\_ filed various civil cases against \_\_\_\_\_ and engineered false criminal cases against the petitioner with the sole purpose of retaining and grabbing the control of \_\_\_\_\_ and to deter \_\_\_\_\_ and the petitioner to prosecute the cases against then pending in \_\_\_\_\_ High Court and Supreme Court of India.
12. That the petitioner as \_\_\_\_\_ entrusted the management of the said \_\_\_\_\_ after conclusion of litigation in Hon'ble Supreme Court to \_\_\_\_\_.

who by fraudulent and deceitful means grabbed the control of the said company in respect of which \_\_\_\_\_ instituted proceedings before the Company Law Board which proceedings are pending. The petitioner understands that the said company have made several false complaints to various authorities in order to deter the petitioner from lawfully prosecuting the petition pending before the Company Law Board in which hearings have been fixed by the said Board.”

This was the set up in which \_\_\_\_\_ was required to operate. gave \_\_\_\_\_ substantial sums of money primarily to get round people. The work was more than what \_\_\_\_\_ limited clout could accomplish. Besides, the adversaries, namely, \_\_\_\_\_ were a powerful lot. When \_\_\_\_\_ could not deliver the goods was furious and demanded repayment of amounts given by him. A substantial portion was returned. However, in the meantime, to mount pressure on \_\_\_\_\_ got as many departments of government as possible, including the CBI, to act against \_\_\_\_\_ He filed a number of criminal complaints against Shri Patel accusing him of theft. He got the Customs people to book him for evasion of customs duty in bringing into the country \_\_\_\_\_ He got the FERA authorities to book him for violation of the Foreign Exchange Regulation Act. A photocopy of complaint dated \_\_\_\_\_ filed by \_\_\_\_\_ against \_\_\_\_\_ with SHO, \_\_\_\_\_ is enclosed. This is one of the several documents seized from \_\_\_\_\_ premises in the course of search conducted by the income-tax authorities.

5. The sequence of events from \_\_\_\_\_ is given below :

6. Since \_\_\_\_\_ chose to get \_\_\_\_\_ arrested and harass him and the womenfolk of his family relentlessly, \_\_\_\_\_ chose to hit back. He in turn sent petitions about \_\_\_\_\_ to different Government departments. His letter dated \_\_\_\_\_ sent to the Prime Minister was forwarded by the Under Secretary CBDT to \_\_\_\_\_ Commissioner of Income-tax, vide \_\_\_\_\_ dated \_\_\_\_\_

Besides complaining about \_\_\_\_\_ did not return about Rs. \_\_\_\_\_ which was still due to \_\_\_\_\_ This money which he still owes \_\_\_\_\_ was deposited in relatively small amounts from time to time in the bank accounts of himself and his family members. The money was also invested over a period of time in \_\_\_\_\_ and \_\_\_\_\_

7. In \_\_\_\_\_ went to \_\_\_\_\_ He continued to do liaison work even thereafter. No accounts were maintained for this business. The estimate of income made for each year is based primarily on the quantum of deposits made in the \_\_\_\_\_ companies.

8. \_\_\_\_\_ the \_\_\_\_\_ was well-acquainted with the \_\_\_\_\_ That was how the happened to start the two companies called \_\_\_\_\_ and \_\_\_\_\_ Both were actively engaged in establishing the business. Then \_\_\_\_\_ found that his \_\_\_\_\_ was cheating on him. There was a showdown. The extent to which \_\_\_\_\_ had siphoned off \_\_\_\_\_ money was quantified at Rs. \_\_\_\_\_ could not repay this. His resident of \_\_\_\_\_ agreed to make good the amount. That was how remittances came to be made from \_\_\_\_\_

in the name of \_\_\_\_\_ and figured as credit balance in the books of the company. This also explains the affidavit dated of \_\_\_\_\_ wherein he accepted that he owed Rs. \_\_\_\_\_ without stating when it was received.

9. \_\_\_\_\_ money of about \_\_\_\_\_ Rs. and the incomes earned by \_\_\_\_\_ went to \_\_\_\_\_ and \_\_\_\_\_ as and when required, either directly by cash or by way of cheques from bank accounts where in cash had been deposited earlier from time to time.
10. Besides the investment made in \_\_\_\_\_ and \_\_\_\_\_ and his family members do not have any assets other than articles of personal use and household articles. In \_\_\_\_\_ a plot was purchased in \_\_\_\_\_ direct from \_\_\_\_\_ in the name of \_\_\_\_\_ for Rs. \_\_\_\_\_. However, when money was required for the business of the companies, the allotment was surrendered to \_\_\_\_\_. On surrender of her rights she was paid Rs. \_\_\_\_\_ by the company. At present the family has no immovable property save the land and factory building of \_\_\_\_\_.
11. In constructing the factory building and purchase of machinery and plant did not make any investment of his own funds outside of the books of account. Whatever money was required was brought in to the books of the two companies in the name of one or more members of the family and then utilised for expenses. In this connection it may be stated that \_\_\_\_\_ was the main funding agency for constructing the factory building and purchase of machinery and plant. The loan taken from \_\_\_\_\_ was fully secured by way of first charge on all fixed assets of the company both present and future. Consequently, there was no scope for understating or overstating the cost of construction or cost of machinery and plant. All bills were checked by \_\_\_\_\_ and payments made direct to the suppliers.
12. Among the seized documents is a \_\_\_\_\_ from one to \_\_\_\_\_ wherein he states that he paid Rs. \_\_\_\_\_ to \_\_\_\_\_ on various dates for arranging permission for an \_\_\_\_\_ The actual amount received from \_\_\_\_\_ was only Rs. \_\_\_\_\_ of which Rs. \_\_\_\_\_ was intended for expenses and Rs. \_\_\_\_\_ was advance towards \_\_\_\_\_ fee. Before anything could be done there was a Supreme Court judgment relating to \_\_\_\_\_ That sounded the requiem for the proposal. Since no such amount as alleged in the letter was received by \_\_\_\_\_ he ignored the letter. It appears that \_\_\_\_\_ took the money from \_\_\_\_\_ who were interested in starting the \_\_\_\_\_ and wrote the letter only to safeguard his own position. Surprisingly, after the letter of \_\_\_\_\_ went unheeded, no FIR was lodged or any civil or criminal action initiated. In fact, not even a reminder was sent.

13. The peak credit of cash introduced in the companies was on [REDACTED]. The petition for settlement of case has been made taking into account the quantum of peak credit, estimated household expenses, etc.
14. It is not known if getting money, etc. from [REDACTED] a foreign national and repayment of Rs. [REDACTED] to him out of such money violates the provisions of the Foreign Exchange Regulation Act, 1973. Deposits of money in the [REDACTED] companies in the names of family members perhaps violates of the provisions of the Companies Act, 1956. In so far as the Income-tax Act, 1961 is concerned there has been infringement of its provisions. The petitioner having made a clean breast of all his financial affairs humbly requests that he, members of his family and the companies be granted immunity from prosecution under the provisions of the Income-tax Act, 1961, Foreign Exchange Regulation Act, 1973, Companies Act, 1956 and Benami Transactions (Prohibition) Act, 1988. The penalties imposable and interest chargeable under the Income-tax Act may also kindly be waived.
15. The petitioner has [REDACTED]. He is [REDACTED]. He has [REDACTED]. His own family members are estranged. Unfortunately, his younger [REDACTED] ended in [REDACTED]. The only asset owned by the family namely the factory land and building has been under attachment by the income-tax department for almost three years. The bank balances of the companies and family members have been appropriated towards tax under section 226(3) of the Act. A huge amount is due to the [REDACTED] by way of loan and interest. The interest burden is mounting daily. The business is virtually at a stand still as no bank or private party will give the petitioner any credit, let alone a term loan. In the absence of income-tax clearance certificate no big order can be secured. The petitioner and his family will be for ever grateful if a sympathetic view is taken and the present petition for settlement of case is accepted. Since the same amounts that have been disclosed in this petition figure also in the petitions submitted by the family members and companies, the amounts disclosed by the others may kindly be taken as covered by this petition.

(Applicant)