

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 04TH DAY OF DECEMBER 2020

BEFORE

THE HON'BLE MR. JUSTICE JOHN MICHAEL CUNHA

CRIMINAL PETITION NO.671 OF 2017

C/W

CRIMINAL PETITION NO.672 OF 2017

CRIMINAL PETITION NO.673 OF 2017

CRIMINAL PETITION NO.674 OF 2017

CRIMINAL PETITION NO.675 OF 2017

CRIMINAL PETITION NO.676 OF 2017

CRIMINAL PETITION NO.772 OF 2017

IN CRIMINAL PETITION NO.671 OF 2017

BETWEEN

SHRI. C.P. YOGESHWARA
S/O PUTTAMADEGOWDA
AGED 52 YEARS
MANAGING DIRECTOR
MEGACITY (BANGALORE) DEVELOPERS & BUILDERS LTD
NO.464, 1ST "G" CROSS
2ND PHASE, BSK 3RD STAGE
BANGALORE-560085

...PETITIONER

(BY SRI: KIRAN S. JAVALI, ADVOCATE A/W
SRI: CHANDRASHEKARA K, ADVOCATE)

AND:

SFIO (SERIOUS FRAUD INVESTIGATION OFFICE)
MINISTRY OF CORPORATE AFFAIRS
GOVERNMENT OF INDIA
II FLOOR, PARYAVARAN BHAVAN
CGO COMPLEX
NEW DELHI-110006

...RESPONDENT

(BY SMT: ANUPAMA HEGDE, ADVOCATE)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 CR.P.C. PRAYING TO SET ASIDE THE ORDER DATED 27.2.2012 IN C.C.NO.30/2013 ON THE FILE OF THE SPECIAL COURT (ECONOMIC OFFENCES), BANGALORE AS NOT MAINTAINABLE.

IN CRIMINAL PETITION NO.672 OF 2017

BETWEEN

1. SHRI. C.P. YOGESHWARA
S/O PUTTAMADEGOWDA
AGED 52 YEARS
MANAGING DIRECTOR
MEGACITY (BANGALORE) DEVELOPERS & BUILDERS LTD
NO.464, 1ST "G" CROSS
2ND PHASE, BSK 3RD STAGE
BANGALORE-560085
2. Ms. MANJU KUMAR
D/O. NARAYANLAL
AGED ABOUT 48 YEARS
NO.4809, KONCEPT RESIDENCY
NANDI ENCLAVE, II CROSS
BSK 3RD STAGE
BANGALORE-560 085

...PETITIONERS

(BY SRI: KIRAN S. JAVALI, ADVOCATE A/W
SRI: CHANDRASHEKARA K, ADVOCATE)

AND:

SFIO (SERIOUS FRAUD INVESTIGATION OFFICE)
MINISTRY OF CORPORATE AFFAIRS
GOVERNMENT OF INDIA
II FLOOR, PARYAVARAN BHAVAN
CGO COMPLEX
NEW DELHI-110006

...RESPONDENT

(BY SMT: ANUPAMA HEGDE, ADVOCATE)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 CR.P.C. PRAYING TO SET ASIDE THE ORDER DATED 27.2.2012 IN C.C.NO.6907/2012 ON THE FILE OF THE I A.C.M.M BANGALORE AS NOT MAINTAINABLE.

IN CRIMINAL PETITION NO.673 OF 2017

BETWEEN

1. SHRI. C.P. YOGESHWARA
S/O PUTTAMADEGOWDA
AGED 52 YEARS
MANAGING DIRECTOR
MEGACITY (BANGALORE) DEVELOPERS & BUILDERS LTD
NO.464, 1ST "G" CROSS
2ND PHASE, BSK 3RD STAGE
BANGALORE-560085
2. SHRI C P GANGADHARESHWARA
S/O PUTTAMADEGOWDA
AGED 50 YEARS
WHOLE TIME DIRECTOR
MEGACITY (BANGALORE) DEVELOPERS BUILDERS LTD
NO 367, 1ST "E" CROSS, 2ND PHASE
BSK 3RD STAGE
BANGALORE - 560085
3. SHRI P MAHADEVIAIAH
S/O PUTTAMADEGOWDA
AGED 62 YEARS
DIRECTOR
MEGACITY (BANGALORE) DEVELOPERS BUILDERS LTD
NO 143, 5TH MAIN
BSK 3RD STAGE
BANGALORE - 560085
4. SHRI RAMESH H R
AGED 46 YEARS
DIRECTOR
MEGACITY (BANGALORE) DEVELOPERS BUILDERS LTD
NO 435 "G" CROSS
6TH BLOCK, BSK 3RD STAGE

BANGALORE – 560085

...PETITIONERS

(BY SRI: KIRAN.S. JAVALI, ADVOCATE A/W
SRI: CHANDRASHEKARA K, ADVOCATE)

AND

SFIO (SERIOUS FRAUD INVESTIGATION OFFICE)
MINISTRY OF CORPORATE AFFAIRS
GOVERNMENT OF INDIA
II FLOOR, PARYAVARAN BHAVAN
CGO COMPLEX
NEW DELHI – 110006

...RESPONDENT

(BY SMT: ANUPAMA HEGDE, ADVOCATE)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482
CR.P.C. PRAYING TO SET ASIDE THE ORDER DATED 23.02.2012 IN
C.C.NO.6414/2012 PASSED BY 1ST ACMM, BANGALORE AS NOT
MAINTAINABLE.

IN CRIMINAL PETITION NO.674 OF 2017

BETWEEN

SHRI C.P. YOGESHWARA
S/O. PUTTAMADEGOWDA
AGED 52 YEARS
MANAGING DIRECTOR
MEGACITY (BANGALORE) DEVELOPERS & BUILDERS LTD
NO. 464, 1ST "G" CROSS, 2ND PHASE
BSK 3RD STAGE
BANGALORE 560085

...PETITIONER

(BY SRI: KIRAN.S. JAVALI, ADVOCATE A/W
SRI: CHANDRASHEKARA K, ADVOCATE)

AND

SFIO (SERIOUS FRAUD INVESTIGATION OFFICE)
 MINISTRY OF CORPORATE AFFAIRS
 GOVERNMENT OF INDIA
 II FLOOR, PARYAVARAN BHAVAN
 CGO COMPLEX, NEW DELHI 110006

...RESPONDENT

(BY SMT: ANUPAMA HEGDE, ADVOCATE)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 CR.P.C. PRAYING TO SET ASIDE THE ORDER DATED 23.2.2012 IN C.C.NO.6414/2012 AS THE COMPLAINT WAS NOT MAINTAINABLE IN C.C.NO. 6415/2012 ON THE FILE OF THE I ACMM, BANGALORE.

IN CRIMINAL PETITION NO.675 OF 2017

BETWEEN

1. SHRI C.P. YOGESHWARA
 S/O PUTTAMADEGOWDA
 AGED 52 YEARS
 MANAGING DIRECTOR
 MEGACITY (BANGALORE) DEVELOPERS & BUILDINGS LTD
 NO. 464, 1ST "G" CROSS
 2ND PHASE, BSK 3RD STAGE
 BANGALORE - 560 085
2. SHRI C P GANGADHARESHWARA
 S/O PUTTAMADEGOWDA
 AGED 50 YEARS
 WHOLE TIME DIRECTOR
 MEGACITY (BANGALORE) DEVELOPERS & BUILDINGS LTD
 NO. 367, 1ST "E" CROSS
 2ND PHASE, BSK 3RD STAGE
 BANGALORE - 560 085

...PETITIONERS

(BY SRI: KIRAN.S. JAVALI, ADVOCATE A/W
 SRI: CHANDRASHEKARA K, ADVOCATE)

AND

SFIO (SERIOUS FRAUD INVESTIGATION OFFICE)
MINISTRY OF CORPORATE AFFAIRS
GOVERNMENT OF INDIA
II FLOOR, PARYAVARAN BHAVAN
CGO COMPLEX
NEW DELHI - 110 006

...RESPONDENT

(BY SMT: ANUPAMA HEGDE, ADVOCATE)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482
CR.P.C. PRAYING TO SET ASIDE THE ORDER DATED 23.2.2012 IN
C.C.NO.6416/2012 ON THE FILE OF I ACMM, BANGALORE AS NOT
MAINTAINABLE.

IN CRIMINAL PETITION NO.676 OF 2017

BETWEEN

1. SHRI C.P. YOGESHWARA
S/O PUTTAMADEGOWDA
AGED 52 YEARS
MANAGING DIRECTOR
MEGACITY (BANGALORE) DEVELOPERS & BUILDERS LTD
NO. 464, 1ST "G" CROSS, 2ND PHASE
BSK 3RD STAGE
BANGALORE 560085
2. Ms. MANJU KUMAR
W/O. SHRI. C.P. YOGESHWARA
AGED 45 YEARS
DIRECTOR
MEGACITY (BANGALORE) DEVELOPERS & BUILDERS LTD
NO. 464, 1ST "G" CROSS
2ND PHASE, BSK 3RD STAGE
BANGALORE 560085
3. SHRI P. MAHADEVAIAH
S/O. PUTTAMADEGOWDA
AGED 61 YEARS
DIRECTOR

MEGACITY (BANGALORE) DEVELOPERS & BUILDERS LTD
NO.143, 5TH MAIN, BSK 3RD STAGE
BANGALORE 560085

4. SHRI C.P. GANGADHARESHWARA
S/O PUTTAMADEGOWDA
AGED 50 YEARS
WHOLE TIME DIRECTOR
MEGACITY (BANGALORE) DEVELOPERS & BUILDERS LTD
NO.367, 1ST "E" CROSS
2ND PHASE, BSK 3RD STAGE
BANGALORE 560085
5. SHRI. RAMESH H.R
AGED 45 YEARS
DIRECTOR
MEGACITY (BANGALORE) DEVELOPERS & BUILDERS LTD
NO. 435, 1ST"G" CROSS
6TH BLOCK, BSK 3RD STAGE
BANGALORE - 560085
6. MR. M. SAMBASHIV RAO
NO.356, III FLOOR, BALAJI SILK COMPLEX
ANNADANAPPA LANE, AVENUE ROAD
BANGALORE 560002

...PETITIONERS

(BY SRI: KIRAN.S. JAVALI, ADVOCATE A/W
SRI: CHANDRASHEKARA K, ADVOCATE)

AND

SFIO (SERIOUS FRAUD INVESTIGATION OFFICE)
MINISTRY OF CORPORATE AFFAIRS
GOVERNMENT OF INDIA
II FLOOR, PARYAVARAN BHAVAN
CGO COMPLEX
NEW DELHI - 110006

...RESPONDENT

(BY SMT: ANUPAMA HEGDE, ADVOCATE)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 CR.P.C. PRAYING TO SET ASIDE THE ORDER DATED 23.2.2012 IN C.C.NO.6417/2012 ON THE FILE OF I ACMM, BANGALORE AS NOT MAINTAINABLE. THE PROVISIONS OF LAW INVOKED IN THE COMPLAINT WERE NOT APPLICABLE AND THE COMPLAINT NOT MAINTAINABLE.

IN CRIMINAL PETITION NO.772 OF 2017

BETWEEN

SHRI C P YOGESHWARA
S/O PUTTAMADEGOWDA
AGED 52 YEARS
MANAGING DIRECTOR
MEGACITY (BANGALORE) DEVELOPERS & BUILDERS LTD
NO.464, 1ST "G" CROSS,
2ND PHASE, BSK 3RD STAGE
BANGALORE - 560085

...PETITIONER

(BY SRI: KIRAN.S. JAVALI, ADVOCATE A/W
SRI: CHANDRASHEKARA K, ADVOCATE)

AND

SFIO (SERIOUS FRAUD INVESTIGATION OFFICE)
MINISTRY OF CORPORATE AFFAIRS
GOVERNMENT OF INDIA
II FLOOR, PARYAVARAN BHAVAN
CGO COMPLEX
NEW DELHI 110006

...RESPONDENT

(BY SMT: ANUPAMA HEGDE, ADVOCATE)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 CR.P.C. PRAYING TO SET ASIDE THE ORDER DATED 23.2.2012 IN C.C.NO.29/2012 ON THE FILE OF SPECIAL COURT (ECONOMIC OFFENCES), BANGALORE, AND QUASH THE COMPLAINT IN C.C.NO.29/2012 ON THE FILE OF HON'BLE SPECIAL COURT (ECONOMIC OFFENCES), BANGALORE, AS NOT MAINTAINABLE.

THESE CRIMINAL PETITIONS COMING ON FOR ADMISSION, THROUGH VIDEO CONFERENCE, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The relief claimed in Criminal Petition Nos.671/2017 and 672/2017 is to set aside the order dated 27.02.2012 in C.C.Nos.30/2013 and 6907/2012 passed by the Special Court (Economic Offences), Bangalore; Criminal Petition Nos.673/2017, 674/2017, 675/2017 and 676/2017 is filed seeking to set aside the order dated 23.02.2012 in C.C.Nos.6414/2012, 6415/2012, 6416/2012 and 6417/2012 passed by the IV ACMM, Bangalore; and Criminal Petition No.772/2017 is filed seeking to set aside the order dated 23.02.2012 in C.C.No.29/2012 passed by the Special Court (Economic Offences), Bangalore.

The impugned orders pertain to the cognizance and issuance of summons to the petitioners to face trial for the offences punishable under sections 177, 403, 404, 405, 406, 409, 415, 416, 418, 419, 420, 463, 464, 465, 468, 120(A), 120(B) of IPC and section 240(3) of the Companies Act, 1956.

2. Sri.C.P.Yogeshwara (accused No.1) is the common accused in all the aforesaid criminal cases. His wife Smt.Manju Kumari is accused No.2 in C.C.No.6907/2012 and C.C.6417/2012. Sri.Arun Charanthimath and his wife Smt.Sujatha Charanthimath are accused Nos.3 and 4 in C.C.No.6907/2012. Sri.C.P.Gangadhareshwar - brother of accused No.1, is accused No.2 in C.C.Nos.6414/2012, 6416/2012 and accused No.4 in C.C.No.6417/2012. Sri.P.Mahadevaiah and Sri.H.R.Ramesh are arraigned as accused Nos.3 and 4 in C.C.No.6414/2012 and accused Nos.3 and 5 in C.C.No.6417/2012 and one Sri.Sambashiv Rao is accused No.6 in C.C.No.6417/2012.

3. The contention of the petitioners is that the impugned orders are bad in law inasmuch as the complaints presented by the respondent do not disclose the material to take cognizance and to issue process to the petitioners. The allegations made in the complaints, even if uncontroverted, do not prima facie establish the ingredients of the offences alleged against the petitioners and therefore, the proceedings initiated

against the petitioners being obliquely motivated and abuse of process of court are liable to be set-aside.

4. Learned counsel appearing for respondent has filed statement of objections denying the contentions of the petitioners. In the objection statement, it is contended that the petitions are ulteriorly motivated and are filed with a view to harass the respondent and to drag on the proceedings before the Special Court (Economic Offences), Bangalore. The petitions are barred by time as the petitioners were required to approach this court within 90 days from the date of impugned orders. It is further stated that the petitioners had earlier challenged the very same orders before this Court by filing Criminal Petition Nos. 3393/2012, 3392/2012, 3394/2012, 3395/2012, 3396/2012 and 3397/2012 and on the submission of the learned counsel appearing for the petitioners, all the matters were directed to be listed before the I ACMM, Bangalore and accordingly, the cases were transferred to the Court of I ACMM, Bangalore and therefore, the instant petitions are an abuse of process of court and are liable to be dismissed solely on that ground. Further it is contended that the allegations made in the complaints prima

facie disclose commission of the offences by the petitioners and hence, there is no error or illegality in the impugned orders of taking cognizance and issuing summons to the petitioners.

I have considered the rival submissions and have carefully scrutinized the material on record.

5. Undisputedly, action was initiated against the petitioners by presenting private complaints under section 200 Cr.P.C. for the offences punishable under sections 177, 403, 404, 405, 406, 409, 415, 416, 418, 419, 420, 463, 464, 465, 468, 120(A), 120(B) of IPC and section 240(3) of the Companies Act, 1956 alleging forgery, making false document i.e., Director Identification Number by the petitioners. Learned counsel for respondent has produced the list of cases filed against the petitioners and the details of the orders passed by this Court in the respective criminal petitions, which discloses that in those petitions also the petitioners had sought for quashing the entire proceedings initiated against them on the ground that the allegations made in the complaints did not disclose the ingredients of the offences alleged against them. Copy of the

order dated 01.03.2013 in Criminal Petition Nos.3392, 3394, 3395, 3396 and 3397 of 2012 produced by learned counsel for respondent discloses that, petitioners had filed criminal petitions praying to quash the criminal proceedings initiated against them in C.C.Nos.6907, 6414, 6415, 6416 and 6417 of 2012. The relevant portion of this order reads as under:

"Though several grounds and contentions have been raised in support of the prayer for quashing the prosecutions, during the course of the argument, learned senior counsel did not press any one of them. He only submitted that having regard to the fact that the prosecution launched on the basis of the five complaints lodged by the respondent relate to one and the same project launched by MDBL and the facts alleged in all these cases are inter-linked, and though for the convenience of the prosecution, five different complaints have been filed by categorizing the offences, the prosecutions relate to the alleged acts relating to the project launched, therefore, it is just and necessary that all the cases should be tried by the same Presiding Officer, as such, the cases which are now pending the IV-ACMM be transferred to Court of the I-ACMM, where one of the complaints filed by the respondent in

C.C.No.6907/12 and the charge sheet filed by the COD, Bangalore, in C.C.No.10389/2010 are pending.”

Considering the said submission, the petitions were disposed of with a direction to transfer C.C.Nos.6414, 6415, 6416 and 6417 of 2012 to the Court of I ACMM, Bangalore for trial and dispose along with C.C.Nos.10389/2010 and 6907/2012 pending therein.

Likewise learned counsel for respondent has also produced the copy of the order passed by this court in Criminal Petition No.669/2017 dated 23.10.2019 whereby the petition filed by Sriyuths C.P.Yogeshwara, C.P.Gangadhareshwara and Sanjay under section 482 Cr.P.C. praying to set aside the order dated 23.02.2012 in C.C.No.27/2012 on the file of the Special Court (Economic Offences), Bangalore was disposed of, placing on record the submission of learned counsel for petitioners and the petition filed by Sri.C.P.Yogeshwara in Criminal Petition No.670/2017 seeking to set aside the order dated 23.02.2012 in C.C.No.28/2012 on the file of the Special Court (Economic Offences), Bangalore was also disposed of with similar direction.

6. From the above narration it is clear that the prayer made by the petitioners in the earlier petitions seeking quashment of the instant proceedings was given up and petitioners continued to participate in the proceedings before the Trial Court and after lapse five years have challenged the very same orders.

7. It is now a well crystallized that *whenever the petitioner is entitled or is claiming more than one relief, he must pray for all the reliefs. Under the provisions of the Code of Civil Procedure, 1908, if the plaintiff omits, except with the leave of the court, to sue for any particular relief which he is entitled to get, he will not afterwards be allowed to sue in respect of the portion so omitted or relinquished.* As held by the Hon'ble Supreme Court in *BHARAT AMRATLAL KOTHARI v. DOSUKHAN SAMADKHAN SINDHI & ORS, (2010) 1 SCC 234,*

30. Though the provisions of the Code are not made applicable to the proceedings under Article 226 of the Constitution, the general principles made in the Civil Procedure Code will apply even to writ petition. It is, therefore, incumbent on the petitioner to claim all reliefs

he seeks from the court. Normally, the court will grant only those reliefs specifically prayed by the petitioner.

32. Though a High Court has power to mould reliefs to meet the requirements of each case, that does not mean that the draftsman of a writ petition should not apply his mind to the proper relief which should be asked for and throw the entire burden of it upon the court.

The above principle is equally applicable to the present petitions under section 482 Cr.P.C. Since the petitioners have given up the relief claimed by them in the earlier petitions, petitioners are not entitled to maintain the instant petitions for the same relief and therefore, solely on that ground, the petitions are liable to be rejected.

8. Insofar as the contention urged by learned counsel for petitioners that the allegations made in the complaints do not prima facie disclose the ingredients of the offences charged against them under sections 177, 403, 404, 405, 406, 409, 415, 416, 418, 419, 420, 463, 464, 465, 468, 120(A), 120(B) of IPC and section 240(3) of the Companies Act, 1956 are concerned,

suffice it to note that in paras 25 and 26 of the complaint dated 21.02.2012 (C.C.No.30/2013), it is alleged that,

25. *The complainant submits that Shri C.P. Yogeshwara, MD of MDBL obtained above noted three DINs mentioning his and his father's name and addresses in three different manners because it was in his knowledge that he cannot be Director of any other company in view of Section 274(1)(g) of the Companies Act, 1956. Hence by changing his name, father's name and addresses in three different manners with the object & intention to obtain Directorship in other companies he obtained above three DINs and furnished false information to DIN Cell, MCA. Also Shri C P Yogeshwar in his written statement to SFIO on oath dated 08-02-2011 (ANNEXURE -11) when he was asked whether he ever changed his name, he replied that he has never changed his name and his present full name is Yogeshwara Chakkere Puttamadegowda which is false because as revealed above, he has changed his names three times and thereby committed offence under section 177 of IPC of Furnishing False Information to public servant (DIN Cell, MCA & SFIO).*
26. *The Complainant submits that Shri C.P. Yogeshwara, MD of MDBL has cheated by*

personation to DIN Cell, MCA by mentioning his three different names, his father's name and addresses in the applications submitted to DIN Cell, MCA and thus induced DIN Cell, MCA to issue three different DINs. From above facts, and evidences it is also revealed that by submitting false information regarding his name, father's name and address in the applications supported by affidavits/VAT papers bearing false information regarding his name, father's name and address submitted to DIN Cell, MCA, Shri C. P. Yogeshwara induced DIN Cell, MCA to issue him three DINs which are valuable security/capable of being converted into a valuable security for him. Thus, it is clear that Shri C.P. Yogeshwara, MD of MDBL obtained above noted DINs dishonestly by falsely mentioning his and his father's name and addresses in different manners because it was in his knowledge that he cannot be Director of any other company in view of Section 274(1)(g) of the Companies Act, 1956 with the DIN obtained for MDBL. Hence by changing his name, father's name and addresses in three different manners with the object & intention to claim Directorship in other companies, he obtained above three DINs as valuable security for him and as such, committed cheating. Later, he also used DIN No.01743266 (Date of

approval: 15/01/2008) in M/s Fashion Forum (India) Pvt. Ltd., Bangalore for the year ending 2009-10 as Director. Thus, it is clear that Shri C. P. Yogeshwara, MD of MDBL committed offence u/s 416 r/w 419 and 420 of IPC.

Likewise, in the complaints filed against other accused persons, clear allegations constituting the ingredients of the alleged offences are detailed and related documents are also produced which prima facie disclose the involvement of other petitioners. For example in C.C.No.6907/2012 at para 24 it is alleged as order:

24. The complainant submits that the accused No.1 to 4 namely, (1) Shri C.P.Yogeshara, Present M.D. of the Company (Chief Promoter) (2) Shri Arun Charanthimath, Ex-Chairman of the Company (3) Smt. Manju Kumari, Ex-Wife of Shri C.P. Yogeshwara, M.D. of the Company and (4) Smt. Sujata Charantimath, Wife of Shri Arun Charantimath, Ex-chairman of the Company, jointly launched the Vajragiri Project and published the said Brochures/Pamphlets mentioning the misleading information as stated above and have agreed to publish the wrong information in brochures/pamphlets which was an illegal act in furtherance of criminal

conspiracy, and as such, are liable to be punished under section 415,420,120A&B and section 177 of IPC.

9. As the allegations made in the complaint prima facie disclose the ingredients of the above offences, the contention urged by learned counsel for petitioners in this regard is also liable to be rejected. As a result, I do not find any good ground to interfere with the impugned orders in exercise of jurisdiction under section 482 Cr.P.C.

10. Having regard to the conduct of the petitioners in repeatedly approaching this Court, seeking the very same relief, in multifarious proceedings, the petitioners are required to mulcted with exemplary cost. Hence, the petitions are **dismissed** with cost of Rs.3,000/- (Rupees Three Thousand) in each petition.

In view of dismissal of the petitions, all the pending I.As. are also dismissed as the same do not survive for consideration.

**Sd/-
JUDGE**

Bss.Sv.