
In Lipetsk Region, perpetrators of a probe into swindling at shared construction of apartment buildings to stand trial

The Lipetsk Regional Investigative Department of the Investigative Committee of Russia completed an investigation into a criminal case against two former general directors of Eksstroy Mash OJSC, Sergey Tonkikh and Sergey Elchaninov, accused under Part 3 of Article 30, Part 4 of Article 159 (attempted theft of money on a large scale) and Part 4 of article 159 of the Criminal Code of Russia (fraud on a large scale).

According to investigation, the accused Sergey Tonkikh agreed with the Eksstroy Mash OJSC owner Mikhail Zakharov to steal monetary funds received from participants of shared construction of Evropeysky residential complex in Lipetsk. From September 2014 to March 2016, foreseeing the inevitability of the onset of socially dangerous consequences in the form of material damage to Eksstroy Mash OJSC, they entered into fictitious loan agreements with nominees and stole over 78 million rubles.

In addition, another attempt to withdraw 129 million rubles from the turnover of Eksstroy Mash OJSC by signing fictitious acts of acceptance of work performed under contracts for the provision of real estate services by an individual entrepreneur Olesya Zakharova, who allegedly undertook to sell real estate in three buildings under construction in the Evropeysky residential complex, was proven. It was planned to withdraw the full sum of money from the turnover of Eksstroy Mash OJSC, however, the entrepreneur received only a part of this sum - 1 million rubles. The investigation believes that the criminal intent to steal property could not be realized due to circumstances beyond the control of the perpetrators, since the OJSC was declared bankrupt.

The third episode of swindling is related to registration of fictitious transactions for the sale and purchase of a non-residential building and a land plot in the center of Lipetsk worth 65 million rubles, which were withdrawn from the assets of RBT OJSC. With help of Elchaninov, Zakharov re-registered the ownership of real estate to a firm under his control, thus giving a legitimate form to the ownership, use and disposal of the said property.

Thus, according to investigation, the accused stole the money and illegally acquired rights for property that didn't belong to them, inflicting damage of over 143 million rubles, and also attempted to steal monetary funds of 129 million rubles belonging to Eksstroy Mash OJSC.

In terms of the probe over 50 forensic examinations were carried out including 8 complex

construction engineering examinations that lasted over 1 year. Over 1200 persons were questioned as witnesses and almost 2000 persons were recognized as victims.

The probe materials amounting to about 100 volumes, with an approved indictment, are being prepared to be sent to court to be tried on the merits.

At the same time, the NCB of Interpol of the Federal Republic of Germany continues extradition proceedings against Zakharov, accused of five episodes of Part 4 of Article 159 (swindling on an especially large scale), Paragraph B of Part 4 of Article 174.1 (legalization (laundering) of other property acquired by a person as a result of a crime committed by him), Part 3 of Article 33, Paragraph A of Part 2 of Article 199 of the Criminal Code of Russia (tax evasion). His former wife, entrepreneur Olesya Zakharova is on the international wanted list, she was subject to pre-trial detention in absentia. Her actions were recognized as attempted swindling on an especially large scale (Part 3 of Article 30, Part 4 of Article 159 of the Criminal Code of Russia).

In order to secure compensation of the inflicted damage, the property of Zakharov and his company Eksstroimash OJSC totally worth 333 million rubles was arrested.

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