

**LAW OFFICE STANOJEVIĆ**

**Nikola B.Stanojević**

**Belgrade, 1 Vojvode Milenka Street**

**e-mail [advoknikolastanojevic@gmail.com](mailto:advoknikolastanojevic@gmail.com) tel/fax 011/2644-610 mobile 063/625-866**

**TO THE REPUBLIC PUBLIC PROSECUTOR'S OFFICE**

**Based on the Articles 66, 222 and 224 of the Law on Criminal Proceedings, and authorized by Ilija Dević from Belgrade, 9 Vile Ravijojle Street, Nikola Stanojević, lawyer from Belgrade, in accordance with the attached authorization is filing**

**CRIMINAL CHARGES**

**AGAINST:**

- 1. Nikola Lapčević, President of the Steering Board of *ATP Vojvodina AD Novi Sad* under bankruptcy,**
- 2. Nenad Čotranovački, member of the Steering Board of *ATP Vojvodina AD Novi Sad* under bankruptcy,**
- 3. Lazar Munižaba, member of the Steering Board of *ATP Vojvodina AD Novi Sad* under bankruptcy**
- 4. Nikola Pavlović, bankruptcy Trustee of *ATP Vojvodina AD Novi Sad* under bankruptcy**
- 5. Dragomir Zjalić, lawyer from Novi Sad**

**Criminals charges are filed against the abovementioned Nikola Lapčević, Nenad Čotranovački and Lazar Munižaba due to the fact that during March of the year 2012 they, being the persons in charge, - president and members of *ATP Vojvodina Novi Sad*, in accordance with the previously made agreement and**

acting together, took the advantage of their official positions and authorizations and exceeded the limits of their official authorization in order to harm the bankruptcy creditors and cause millions worth damage to the bankruptcy debtor ATP Vojvodina and to more than 400 bankruptcy creditors of ATP Vojvodina. They did that in such a way that at the 3rd Session of *ATP Vojvodina Novi Sad* Steering Board held on 6 March, 2012, they made the decision number 27/2012 which was repeated at the 5th Session of the Steering Board held on 22 March, 2012, in which they gave order to the plaintiff counsel of *ATP Vojvodina AD Novi Sad* in the case at the Commercial Court in Novi Sad 3 P.No. 4597/2010 against the respondent the City of Novi Sad in the proceedings for the damage compensation to withdraw the expanded and diversified requirement from the date 10 February, 2012, which was approved by the Court and enhanced on the basis of all forms of damage in accordance with the order given in the decision made by the Commercial Court of Appeal in Belgrade as follows:

1. On the basis of the loss in performing the activities in the form of the suffered damage for lost profit in the amount of 2.052.542.925,00 RSD for the period from 1 March, 2007 to 30 November, 2011 with the accrued interest and in accordance with the opinion of the expert, Radiša Pitulić. *ATP Vojvodina AD Novi Sad*
2. Due to losing position of the official representative of SETRA and service representative of EVOBUS for which the amount of damage is 493.876.975,00 RSD for the period from 1 March, 2007 to 30 November, 2011 with the accrued interest.
3. On the basis of the damage caused by stopping of the work of service for servicing and fixing SETRA and MERCEDES buses and coaches in the amount of 91.268.000,00 RSD for the period from 1 March, 2007 to 30 November, 2011 with the accrued interest.

4. Due to failure to execute the contract relating building of the mall with the car salon, building of a petrol station, hotel and super-market in the amount of 142.236.568, 00 RSD with the accrued interest.

The lawyer Dragomir Zjalić withdrew the already set and diversified statement of claim which had already been proved by the court at the hearings held on 20 March, 2012 contrary to the authorization and the order given by the Managing Director Mirko Vučinić, thus abusing the official position as well as trust of the bankruptcy creditors in representing their proprietary interest result of which was millions worth damage inflicted to the bankruptcy debtor and bankruptcy creditors; after that, the Prosecutor's Deputy refused to act in accordance with the written order given by the Managing Director for urgent acting and to withdraw the proposal given at the hearings held on 20 March, 2012. In this way, as co-perpetrators, they committed the criminal offense of abusing the official position from the Article 359, Paragraph 3 in relation to paragraph 1 of the Article 33 of the Criminal Law in concurrence with the criminal offense of inflicting damage to the creditors according to the Article 237, Paragraph 3. Besides, Dragomir Zjalić committed the criminal offense of abusing trust according to the Article 216, Paragraph 3, in relation with the Article 4 of the Criminal Law of the Republic of Serbia.

**I suggest you to**

**Check the facts stated in the criminal charges in the following way:**

- **Have insight into the case of the Commercial Court in Novi Sad No. 3 4597/10,**
  
- **Have insight into the attached photocopies of the Director's letter sent on 23 March, 2012, letter of the lawyer Dragomir Zjalić sent on 23 March, 2012, termination of contract relating job of the Director Vučinić on 23 March, 2012, demand for urgent plea sent to the Steering Board on 21 March, 2012,**
  
- **through the Internal Affairs Section check the facts relating the criminal charges by having information interview with the persons against whom the criminal charges have been filed, with the Director Mirko Vučinić, the authorized representative of the intervener-the lawyer Emir Jašarević from Belgrade and to have insight into the documentation of the company *ATP Vojvodina* from Novi Sad,**
  
- **To check the facts through hearing and to have an interview with the aggrieved party, Ilija Dević form Belgrade, No 9 Vile Ravijojle Street,**
  
- **To have insight into the records relating the case in the Commercial Court in Novi Sad,**
  
- **To have insight into documentation provided in the attachment,**

and to check all the other necessary element and, after that, to launch the demand for conducting an investigation against the persons included in the criminal charges.

### **E x p l a n a t i o n o f t h e s u g g e s t i o n**

The company *ATP Vojvodina AD Novi Sad* under bankruptcy pressed charges against the City of Novi Sad for compensation of the damage with the Commercial Court in Novi Sad. After making the first instance verdict which had been set aside, the Commercial Court of Appeal gave the order to the first instance court to, besides already set claim, define the amount of all forms of damage and losses suffered by the company *ATP Vojvodina* caused by the City as result of its non-fulfillment of the contract. At insistence of the intervener's authorized attorney, the authorized attorney of the claimant *ATP Vojvodina* diversified previously set statement of claim on 10 February, 2012 and demanded damage compensation for all forms of the damage. At the hearings held on 20 March, 2012, the Commercial Court allowed diversification as well as the court hearings in accordance with the diversified statement of claim and demanded the expertise relating the part of the damage which had not been covered in previous expertise. After this decision of the Court, the authorized attorney of the claimant-Dragomir Zjalić, in spite of opposition of the Director who had authorized him and without any additional authorization and opposite to the interests of the bankruptcy debtor, all bankruptcy debtors and contrary to the Reorganization Plan adopted by the Court, withdrew the demand for expanding the statement of compensation claim filed on 10 February, 2012. Contrary to his obligation to protect whole property of the bankruptcy debtor, the Steering Board members and the authorized lawyer Dragomir Zjalić acted contrary to the interests of the bankruptcy debtor and all the creditors; they acted contrary to the Provisions of the Articles 133 and 81 of the Law on the Bankruptcy Procedure and contrary to the Provisions of the Articles 3 and 9 of the Law on Litigation Procedure.

**Due to their acting in this way, there is a reasonable suspicion that the abovementioned persons have committed criminal acts stated in these criminal charges.**

**In Belgrade, 28 March, 2012**

**Authorized attorney of the  
aggrieved party  
Nikola Stanojević, attorney**