

IN THE HIGH COURT OF JUDICATE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. OF 2017

Yogesh Natwerlal Thakkar

..Petitioner

V/s.

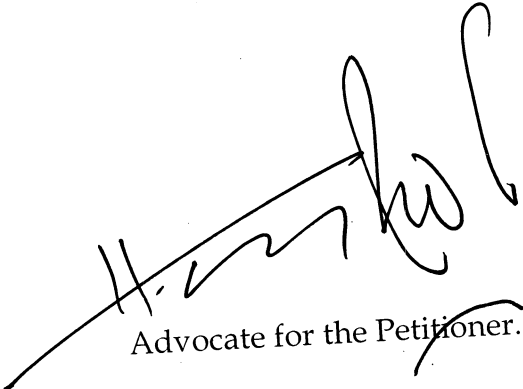
1. State of Maharashtra & Ors.

..Respondents

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Advocate for the Petitioner.

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..Petitioner

V/s.

1. State of Maharashtra & Ors.

..Respondents

SYNOPSIS

Sr. No.	Dates	Events
1.	Since 1979	Petitioner was associated being OSHO disciple, having worked for more than 35 years for OSHO, who were working for OSHO in the capacity as his secretaries, ex-trustees, care-takers, meditation camp leaders, therapists etc. and worked at the OSHO Ashram situated at Koregaon Park, Pune India and OSHO Meditation Centres around India and abroad.
2.	24.12.1997	Petitioner being self-less devotee of OSHO, donated his share in the Bungalow No.4 admeasuring about 5588 square meters situated at Lane No.1 Koregaon Park Pune to OSHO International Foundation by Deed of Endowment dated 24th December 1997.
3.		Accused No. 1 - 5 so also Accused No.10 to 14 [who are foreigners] who are responsible for transfer of Funds from Neo Sannyas Foundation (Formally known as Rajneesh Foundation), OSHO International Foundation to the two Private Companies, in India as

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		<p>well as Companies situated abroad with the permissions of Foreign Exchange Department, Reserve Bank Of India, Mumbai. Accused No.10, Mr. Michael Byrne (O'Byrne) @ Swami Anand Jayesh Ex Canadian and presently Ireland citizen, is the main BOSS and controller in charge of the entire Osho Empire spread over Rs.1500 Crores of properties in India and royalty income of millions of \$'s per year in India and abroad. Accused No.10 is also the present President of the "Inner Circle" which was a body of 21 members created by Osho formally known as Bhagwan Shree Rajneesh to manage the Osho movement all over the world including the ashram at Pune. The said Accused No.10 is a President of Osho International Presidium administering Osho's work in India and abroad. Mr. Michael Byrne (O'Byrne) alias Swami Anand Jayesh is very secretive and known as "A man of mystery", was a former property developer. The said accused being a Chairman/ President of Inner Circle is having supreme final control over the management and administration of the Properties, Valuable Articles and financial matters of the Trust Osho International Foundation in India as well as in Switzerland, Ireland, Europe and US.</p>
4.		Accused Nos. 1 to 5 are the present & past Trustees of

		<p><i>OSHO International Foundation</i> and are also Directors and shareholders of said <i>OSHO Multimedia and Resorts Pvt. Ltd.</i> The Accused Persons are occupying dual position ((i) Trustee of the Trust and (ii) Directors of the Pvt. Ltd. Companies) to perpetrate fraud & criminal breach of trust for last 15 years & are continuing to do so. The trustees of the Trust and Directors of the Private Company are one and the same and in collusion huge amounts i.e. several crores of rupees have been transferred to Zen Properties Pvt. Ltd. wherein the Accused Nos.1 to 3 are Directors. The accused are also systematically misused the T.D.R. in respect of Plot No.9, Koregaon Road, Pune.</p>
5.	15.2.1997	<p>By a Resolution passed in the Thirty First Meeting of OSHO Foundation International on 15.2.1997 the President of the Trust had informed to the members of the Trust that "he was constantly and Persistently following up with M/s. Spatio Land Development Pvt. Ltd. (now renamed as the said Zen), regarding the refund of the entire advance at an early date. He further informed the Governing body that the company was facing some financial problems and hence there was a delay in the refund. However the company has assured that they will pay the Foundation an adequate compensation for the same". This resolution dated 15.2.1997 itself exposes that the</p>

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		money which should be with the Public Charitable Trust has been syphoned off by the Accused Persons to their Private Companies.
6.		In addition to the said Osho Multimedia and Resorts Pvt. Ltd. and Zen Properties Pvt. Ltd. the Accused Nos. 1 to 5 are holding several companies, which are used as a vehicle to siphon the benefits of the Trusts.
7.	6.2.2017	Petitioner initially has lodged a complaint dated 6.2.2017 with the Sr. Inspector of Police, Cuffe Parade Police Station against 14 Accused Persons with copies to D.C.P., Zone-1 and ACP, Colaba Division for taking appropriate action against the Accused Persons.
8.	9.2.2017	The Sr. Inspector of Police, Cuffe Parade expressed her helplessness to register FIR as the amount involved is Rs.800 Crores and asked the Petitioner to lodge the same complaint with the Economic Offences Wing.
9.	9.2.2017	Petitioner lodged the very same complaint dated 6.2.2017 with the Respondent No.3 with a forwarding note.
10.	9.3.2017	Pursuant to Petitioner's complaint dated 9.2.2017 lodged with the Respondent No.3, the Petitioner was called to give his statement, Petitioner's statement was recorded for 3 days continuously and only on 9.3.2017 the 4 page statement came to be completed, which discloses serious offences committed by the Accused

		Persons.
11.		<p>Petitioner visited the office of Respondent No.3 on 30.3.2017 and personally met the Jt. CP [EOW] who said to be looking into the aspect as to why until date no FIR is registered. On 30th March after he met the Jt. CP [EOW] he cursorily went to meet Police Inspector Mr. Rajesh Nagvade while he was in his chamber, Petitioner saw Mukesh Kantilal Sarda [<i>Alias Swami Mukesh Bharti</i>] along with his lawyer who were sitting in his chamber and chatting as friends and it appeared to the Petitioner that the practice indulged into by the Respondent No.3 [EOW] is to meet the Accused Persons and know as to why FIR should not be registered against them. It is shocking to know that the procedure adopted by Respondent No.3 is in contravention of the provisions of the Law, so also the directions passed by the Hon'ble Apex Court.</p>
12.		<p>All the Accused Persons have thus committed offences punishable u/s- 406 [<i>Criminal Breach of Trust</i>], 409 [<i>Criminal Breach of Trust by Public Servant, or by banker, merchant or agent</i>], 420 [<i>Cheating & Dishonestly inducing delivery of Property</i>], 120-B [<i>Punishment for Criminal Conspiracy</i>] r/w 34 of the Indian Penal Code, which are of serious nature, offences which are cognizable & non-compoundable in nature. Accused Persons have</p>

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		misappropriated huge amount of over Rs.800 Crores & continuing to do so unabated, until date, hence the present petition.
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POINTS TO BE URGED:

- a) That the Accused Persons have committed offences, being non-bailable, cognizable & non-compoundable, in nature and these offences against the State and Society, the Respondents have failed to register FIR against the Accused Persons pursuant to the Petitioner's complaint / statement of facts dated 9.2.2017 for the reasons not far to seek.
- b) That, unless the competent court has convicted or acquitted, the offences which are cognizable, non-bailable and non-compoundable, cannot be absolved by the Law Enforcing Agencies without registering FIR, investigating, charge-sheeting the Accused Persons and the Courts to decide as per Legal Provisions.
- c) That the Accused Persons have misappropriated huge amount of over Rs.800 Crores & continuing to do so unabated, until date and the documentary evidences such as accounts books, ledger, receipt books are in possession of Accused Persons and are required to be seized and taken into custody so as to ensure that the Accused Persons do not destroy, mutilate or fudge the records.

ACTS:

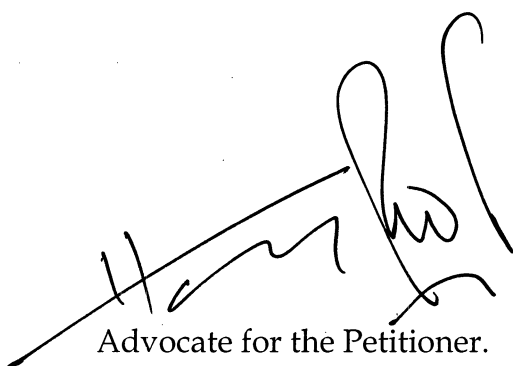
- 1) Constitution of India.
- 2) Indian Penal Code

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- 3) Cr. P.C.
- 4) Companies Act.
- 5) Foreign Exchange Management Act.
- 6) Trademark Registration Act.
- 7) And any other relevant acts.

AUTHOROTIES:

To be cited at the time of arguments.



Advocate for the Petitioner.

32/63
7/11/17

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION


CRIMINAL WRIT PETITION NO. OF 2017

In the matter of Article 226 of the
Constitution of India;


And

In the matter of Fraud, Cheating, Criminal
Breach of Trust committed by 14 Accused
Persons amounting to offences being non-
bailable, cognizable & non-
compoundable, in nature and these
offences against the State and Society;

And

In the matter of Accused Persons having
created fabricated documents &
submitting forged audited reports; 

And

 In the matter of Respondent No.2 not adhering to the directions passed by the Hon'ble Apex Court in the matter of Lalita Kumari v/s. Govt. of U.P reported in (2014) 2 SCC 1 on the Statement of Facts dated 9.2.2017 lodged by the Petitioner.

Yogesh Natwerlal Thakkar,)
 An Adult, Senior Citizen, Indian Inhabitant,)
 Residing at Residing at Flat No.11, Anand Park,)
 368, Behind Koregaon Park Police Station,)
 Koregaon Park,Pune-411 001.) ..Petitioner

Versus

1. The State of Maharashtra,)
 Through its Additional Chief Secretary [*Home*])
 Mantralaya, Mumbai.)

2. Police Commissioner, Mumbai,)
 Having office at Police Head Office,)
 Opp. Crawford Market, Mumbai-400 001.)

3. Economic Offences Wing)
 Through its Joint Commissioner of Police,)
 Having office at Crime Branch, C.I.D.,)
 Brihan Mumbai, Ground Floor,)
 Annexe 2 Building, Police Commissioner Office)
 Crawford Market, Mumbai-400 001.) ..Respondents

TO:


THE HON'BLE THE CHIEF JUSTICE
 AND OTHER PUISNE JUDGES OF THE 

 HON'BLE HIGH COURT OF JUDICATURE
AT BOMBAY

**THE HUMBLE PETITION OF THE
PETITIONER ABOVE NAMED**

MOST RESPECTFULLY SHEWETH:

1. The Petitioner is a citizen of India staying at the address mentioned in the title of the Petition. The Petitioner came to Bhagwan Shree Rajneesh Ashram at Pune in 1979 to get Diksha and initiated in Sannays by OSHO formally known as Bhagwan Shree Rajneesh. The Petitioner states that he had lived and worked in the Osho Ashram till 1993-94. The Petitioner was associated being OSHO disciple, having worked for more than 35 years for OSHO, who were working for OSHO in the capacity as his secretaries, ex-trustees, care-takers, meditation camp leaders, therapists etc. and worked at the OSHO Ashram situated at Koregaon Park, Pune India and OSHO Meditation Centres around India and abroad. The Petitioner states that he being self-less devotee of OSHO, donated his share in the Bungalow No.4 admeasuring about 5588 square meters situated at Lane No.1 Koregaon Park Pune to OSHO International Foundation by Deed of Endowment dated 24th December 1997.

2. The Respondent No.1 is the State and are responsible to enforce the Law of the Land thro' their Law Enforcing Agency, i.e. Respondent No.2 & 3. Respondent No.2 is the Police Commissioner under whom the Respondent No.3 functions with respect to Economic Offence where the criminal proceeds exceeds 3 Crores & above. Respondent No.3 are the Economic offences Wing who have failed to register FIR on the Petitioner's complaint dated 9.2.2017 

addressed to them. The Petitioner is compelled to move this Hon'ble Court under Article 226 of the Constitution of India as the Respondent No.3 have failed to register FIR on the complaint dated 9.2.2017 lodged by the Petitioner under Section.154 of the Cr.P.C.

3. Petitioner initially has lodged a complaint dated 6.2.2017 with the Sr. Inspector of Police, Cuffe Parade Police Station against 14 Accused Persons viz. 1. Ms. Vidya Khubchandani [*Alias Ma Vidya Bharti*], 2. Mukesh Kantilal Sarda [*Alias Swami Mukesh Bharti*] 3. Devendra Singh Surendra Dewal [*Alias Swami Devendra*], 4. Anand Kumar Avasthi [*Alias Swami Anand Satyarthi*] 5. Lal Pratap Singh [*Alias Swami Yog Pratap*], 6. Mrs. Sadhna Bepalurkar [*Alias Ma Amrit Sadhna*], 7. Bimal R. Desai [*Chartered Accountant*], 8. Ketan S. Patel [*Chartered Accountant*], 9. Dhanesh Joshi [*Alias Swami Dhaynesh Bharti*], 10. Mr. Michael Byrne (O'Byrne) [*Alias Swami Anand Jayesh*] 11. D'Arcy O'Byrne [*Alias Swami Yogendra / Anand Raj*], 12. Philip Toelkes [*Alias Swami Prem Niren*], 13. Dr. John Andrews [*Alias Swami Amrito*], 14. Klaus Steeg [*Alias Pramod*], as the aforementioned Accused Persons no. 1 to 8 have issued fabricated and illegal audited reports and sensitive information deliberately by not disclosing these to the Charity Commissioner Offices, Corporation Bank and also the Registrar of Companies. The Accused Persons have committed fraud in conspiracy with each other and have siphoned off amounts and properties worth as per today's market value to the extent of Rs.800 Crores, which is public fund. The Petitioner's complaint dated 6.2.2017 is also addressed to D.C.P., Zone-1 and ACP, Colaba Division for taking appropriate action against the Accused Persons. The Petitioner personally met the Sr. Inspector of Police, Cuffe Parade Police Station requesting her to

register F.I.R. against the above said 14 Accused Persons. The Sr. Inspector of Police, Cuffe Parade expressed her helplessness to register FIR as the amount involved is Rs.800 Crores and it would be blemish on her Police Station if the amount is not recovered and asked the Petitioner to lodge the same complaint with the Economic Offences Wing, which seemed to be logical as investigating fraud case above Rs.3 Crores vests with Respondent No.3. However the Sr. Inspector of Police, Cuffe Parade could have lodged FIR as 00 and transferred the same to Respondent No.3, which is the omission on the part of Sr. Inspector of Police, Cuffe Parade Police Station.

4. Brief facts of the case are as under :

- a) Accused No. 1, 2 , 3, 5 and 6 are Trustees of *OSHO International Foundation* and Directors / Partners of *OSHO Multimedia & Resorts Private Limited*, and also *Zen Properties Pvt. Ltd.*, Accused No.4 & 5 are Ex trustees of Osho International Foundation and Shareholders and beneficiaries of all the 3 entities, Accused No.6 is the Trustee of OSHO International Foundation who has aided & abated illegal transfer of Funds & Proprieties of the Trust into Private Companies i.e. OSHO Multimedia& Resorts Private Limited and Zen Properties Pvt. Ltd. Accused No. 7 & 8 are Auditors for all the 3 entities, Accused No.9 is the co-conspirator who has aided & abated the offenses amongst other Accused Persons. Along with Accused No. 1 -5, the Accused No.10 to 14 are foreigners, who are responsible for transfer of Funds from Neo Sannyas Foundation (Formally known as Rajneesh Foundation), OSHO International

Foundation to the two Private Companies, in India as well as Companies situated abroad with the permissions of Foreign Exchange Department, Reserve Bank Of India, Mumbai.

- b) **Accused No.10, Mr. Michael Byrne (O'Byrne) @ Swami Anand Jayesh** Ex Canadian and presently Ireland citizen, is the main BOSS and controller in charge of the entire Osho Empire spread over Rs.1500 Crores of properties in India and royalty income of millions of \$'s per year in India and abroad. The said accused has till date successfully managed to siphon off Properties and Articles of Osho from India to Switzerland, US, UK and Ireland. The said accused is the President of Osho International Foundation, Zurich since 5.12.1990 until date and he is the Executor/ beneficiary in the Forged Will of Osho. The investigations into Forgery of Will is pending before the Hon'ble High Court of Bombay bearing Criminal Writ Petition No. 2150 of 2016. Petitioner shall rely upon the proceedings in the said Cri. WP when produced. **Accused No.10, Mr. Michael Byrne (O'Byrne) @ Swami Anand Jayesh** is also the present President of the "Inner Circle" which was a body of 21 members created by Osho formally known as Bhagwan Shree Rajneesh to manage the Osho movement all over the world including the ashram at Pune. The said accused is a President of Osho International Presidium administering Osho's work in India and abroad. Mr. Michael Byrne (O'Byrne) alias Swami Anand Jayesh is very secretive and known as "A man of mystery", was a former property developer. On March 2, 1987, an Alberta Court

~~AD~~ issued a default judgment against O'Byrne for non-payment of a series of Bank of Montreal demand loans totaling \$.1,318,069.96/-. By the time the bank lawyers and private eyes had traced him to Oregon, US but O'Byrne could not be found. The said accused being a Chairman/ President of Inner Circle is having supreme final control over the management and administration of the Properties, Valuable Articles and financial matters of the Trust Osho International Foundation in India as well as in Switzerland, Ireland, Europe and US.

- c) OSHO International Foundation is the owner of OSHO Guest House (*also known as OSHO Dharmshala*) consisting of 30 rooms, which fetch income of Rs.5 crore per year, however the said income goes to the account of OSHO Multi Media and Resorts Private Limited and thus the income of OSHO International Foundation is misappropriated by the Accused Persons in clandestine manner. Such transfer has been done continuously for the last several years and has continued till this date.
- d) Accused Nos. 1 to 5 are the present & past Trustees of *OSHO International Foundation* and are also Directors and shareholders of said *OSHO Multimedia and Resorts Pvt. Ltd.* The Accused Persons are occupying dual position ((i) Trustee of the Trust and (ii) Directors of the Pvt. Ltd. Companies) to perpetrate fraud & criminal breach of trust for last 15 years & are continuing to do so. The trustees of the Trust and Directors of the Private Company are one and the same and in ~~AD~~

~~Collusion~~ huge amounts i.e. several crores of rupees have been transferred to Zen Properties Pvt. Ltd. wherein the Accused Nos.1 to 3 are Directors. The accused are also systematically misused the T.D.R. in respect of Plot No.9, Koregaon Road, Pune. Accused Persons Nos. 7 to 14 are aiding and abetting in the offenses.

- e) A prime plot admeasuring 7485.54 Sq. Meters owned by the same Public Charitable Trust Osho International Foundation is situated at plot No.9 Koregaon Road, Pune. An FSI attached thereby of **8,496.515 Square Meters = 91,422 Square Feet** rightfully belonging to Public charitable Trust namely Osho International foundation is siphoned by the trustees in their Private Company namely Zen Properties Pvt. Ltd. Thus valuable immovable properties of the said public charitable trust are allegedly illegally siphoned by accused trustees in their private companies. As on today the Market value of 91,422 SFT @ Rs.25,000/- Per Sq. Feet is estimated as Rs.280,27,34,000/-.
- f) By a **Resolution** passed in the Thirty First Meeting of OSHO Foundation International on 15.2.1997 the President of the Trust had informed to the members of the Trust that *"he was constantly and Persistently following up with M/s. Spatio Land Development Pvt. Ltd. (now renamed as the said Zen), regarding the refund of the entire advance at an early date. He further informed the Governing body that the company was facing some financial problems and hence there was a delay in the refund. However the company has assured that they will pay*

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the Foundation an adequate compensation for the same". This resolution dated 15.2.1997 itself exposes that the money which should be with the Public Charitable Trust has been syphoned off by the Accused Persons to their Private Companies.

- g) In addition to the said Osho Multimedia and Resorts Pvt. Ltd. and Zen Properties Pvt. Ltd. the Accused Nos. 1 to 5 are holding several companies as set out in the notice dated 9.2.2017, which are used as a vehicle to siphon the benefits of the Trusts.

Hereto annexed and marked as **Exhibit-A** is the copy of the Petitioner's Statement of Facts u/s.154 of the Cr.P.C. dated 6.2.2017. In order to avoid repetition of the same, the averments / statements u/s. 154 of the Cr.P.C. made in the complaint dated 6.2.2017 be read as part and parcel of the present petition.

5. The Petitioner states that after lodging his complaint dated 6.2.2017 with the Cuffe Parade Police Station, he personally met the Sr. Inspector of Police, Cuffe Parade Police Station on 9.2.2017 and enquired about the status of his complaint when it was told to the Petitioner that Cuffe Parade Police Station does have the manpower and the expertise to handle such big offences committed by the Accused Persons and therefore the said complaint be lodged with the Economic Offences Wing, who will look into the same and take appropriate action against the Accused Persons. The Petitioner states that accordingly on the very same day i.e. 9.2.2107 he lodged the very same complaint with the Respondent No.3 with a forwarding note. Hereto annexed *AP*

and marked as **Exhibit-B** is the copy of the Petitioner's forwarding note dated 9.2.2017 along with the Statement of Facts u/s.154 of the Cr.P.C. dated 6.2.2017 which the Petitioner had submitted with the Cuffe Parade Police Station. The Petitioner states that pursuant to his complaint dated 9.2.2017 lodged with the Respondents, the Petitioner was called to give his statement, Petitioner's statement was recorded for 3 days continuously and only on 9.3.2017 the 4 page statement came to be completed and the Petitioner signed the same, one Police Inspector of the Respondent No.3, (Mr. Rajesh Nagvade), A.C.B. Ward 9, Mumbai appears to be the Investigating Officer. Hereto annexed and marked as **Exhibit-C** is the copy of the Petitioner's statement recorded by the Respondents on 9.3.2017, which discloses serious offences committed by the Accused Persons.

6. The Petitioners state that few of the Accused Persons are foreigners, hence Petitioner has addressed communication dated 22.3.2017, investigating FERA issue in Criminal Writ Petition No.2150 of 2016 that, *"As you are also aware that all the Accused Persons in the aforementioned FIR are Foreigners, except Mr. Mukesh Kantilal Sarda [NRI] shall be taking advantage of they being Non-Indians and flee the Country if you delay the Investigations on the additional information provided by the Petitioner vide dossier on 17.10.2016 and it shall be most difficult for you to get these Accused Persons back to India through rigorous process of repatriation. And you may know that these Accused Persons shall get to hideouts, few other Countries which do not have repatriation treaties with India and your Investigations be frustrated, so also your endeavor under FEMA to retrieve back OSHO's transferred valuable properties back to our Country"*

AD

Hereto annexed and marked as Exhibit-D is the copy of the communication addressed to the Enforcement Directorate dated 22.3.2017, the contents of the same be read as part and parcel of this Petition. The Petitioner states that the Enforcement Directorate is investigating the siphoning of OSHO's Intellectual Properties and valuable articles of the said two Trusts outside India which are generating revenues worth millions of \$ per Annum outside India. Thus the Accused No. 10- 14 have been adding, abetting and conspiring with Accused No. 1-9 are siphoning properties and articles rightfully belonging to the said Trust in the private companies of the Accrued No. 10 - 14 outside India. The details of these companies situated in to Switzerland, Europe, US and UK is enclosed to the memo of the said Complaint lodged on 6.2.2017. Whereas the present FIR to be registered is with respect to movables and immovable within India with respect to siphoning of properties of *OSHO International Foundation* to that of *OSHO Multimedia & Resorts Private Limited*, and also *Zen Properties Pvt. Ltd.*

7. The Petitioner states that he visited the office of Respondent No.3 on 30.3.2017 and personally met the Jt. CP [EOW] who said to be looking into the aspect as to why until date no FIR is registered. The Petitioner states that on 30th March after he met the Jt. CP [EOW] he cursorily went to meet Police Inspector Mr. Rajesh Nagvade while he was in his chamber, Petitioner saw Mukesh Kantilal Sarda [*Alias Swami Mukesh Bharti*] along with his lawyer who were sitting in his chamber and chatting as friends. The Petitioner states that it appeared to the Petitioner that the practice indulged into by the Respondent No.3 [EOW] is to meet the Accused Persons and know as to why FIR should not be registered against them. The Petitioner states that it is

shocking to know that the procedure adopted by Respondent No.3 is in contravention of the provisions of the Law, so also the directions passed by the Hon'ble Apex Court. The Petitioner states that when Accused Persons have committed offences punishable u/s- 406 [*Criminal Breach of Trust*], 409 [*Criminal Breach of Trust by Public Servant, or by banker, merchant or agent*], 420 [*Cheating & Dishonestly inducing delivery of Property*], 120-B [*Punishment for Criminal Conspiracy*] r/w 34 of the Indian Penal Code, which are of serious nature, offences which are cognizable & non-compoundable in nature, should the Accused Persons be called by Respondent No.3, interview them and ask their suggestion & objections as to why FIR ought not to be registered against them, in spite of IO knowing that the Accused Persons no. 2 and 11- 14 are Foreign nationals and NRIs. Such information revealed to them would surely provide comfortable safe passage for Accused Persons to escape and exit India.

8. The Petitioner states that Accused Persons have misappropriated huge amount of over Rs.800 Crores & continuing to do so unabated, until date. The Petitioner states that the documentary evidences such as accounts books, ledger, receipt books are in possession of Accused Persons and are required to be seized and taken into custody so as to ensure that the Accused Persons do not destroy, mutilate or fudge the records which they have maintained and this can be prevented on when the Respondents investigate the said offences with due diligence and without informing the Accused Persons about registration of FIR. The Petitioner states that although Respondent No.3 have recorded the statement of the Petitioner regarding the cognizable offences committed by the Accused Persons, they have not

~~AD~~ registered any complaint / FIR against the Accused Persons, thereby the Respondents have deliberately failed to take any action on the Petitioner's complaint dated 9.2.2017 and there appears to be political influence on Respondent No.3 to not register FIR.

9. The Petitioner states that all the Accused Persons have thus committed offences punishable u/s- 406 [*Criminal Breach of Trust*], 409 [*Criminal Breach of Trust by Public Servant, or by banker, merchant or agent*], 420 [*Cheating & Dishonestly inducing delivery of Property*], 120-B [*Punishment for Criminal Conspiracy*] r/w 34 of the Indian Penal Code, which are of serious nature, offences which are cognizable & non-compoundable in nature. The Petitioner states that Accused Persons have misappropriated huge amount of over Rs.800 Crores & continuing to do so unabated, until date. The Petitioner states that the documentary evidences such as accounts books, ledger, receipt books are in possession of Accused Persons and are required to be seized and taken into custody so as to ensure that the Accused Persons do not destroy, mutilate or fudge the records which they have maintained and this can be prevented on when the Respondents investigate the said offences with due diligence. The Petitioner states that the income transferred in the accounts of *OSHO Multimedia & Resort Pvt. Ltd.* has been again transferred to the individual accounts of accused. It is also necessary to obtain relevant records relating Income Tax Returns Filed by *OSHO International Foundation, OSHO Multimedia & Resorts Pvt. Ltd* as well as Zen Properties Pvt. Ltd. so also the audit work done by the same C.A. Firm M/s. Chhotalal H. Shah & Co. (Regd) as the said Audit Reports are signed by Accused Nos.7 and 8. The Petitioner states that the offences committed by the Accused are cognizable offences and ~~AD~~

~~AP~~ very serious offences as the amount misappropriated is enormous and is public fund.

10. The Petitioner states that he is filing the present petition on the following grounds:

GROUND S:-

- i. That the Respondents have failed to register FIR on the Statements of Facts furnished by the Petitioner lodged on 9.2.2017 with them respectively.
- ii. That the Accused Persons cited hereinabove have committed offences, being non-bailable, cognizable & non-compoundable, in nature and these offences against the State and Society, the Respondents have failed to register FIR against the Accused Persons for the reasons not far to seek.
- iii. That, as per the directions passed in Lalita Kumari's judgment by the Hon'ble Apex Court and *and as per DGP's Standing Order No. 20/2012 dated 26.9.2012 with respect to Prompt registration of Complaint and directives dated 11.12.2012 bearing No. DGP/23/54/FIR/283/2012*, it is the obligation of the Law Enforcing Agency to register FIR after preliminary inquiry is done, however in the present matter the Petitioner's statement came to be recorded by the Respondents in detail, the Respondents have not proceeded with the same, thereby they ~~AP~~

~~AP~~ have utterly failed in performing their duties and taking appropriate action against the accused;


- iv. That, unless the competent court has convicted or acquitted, the offences which are cognizable, non-bailable and non-compoundable, cannot be absolved by the Law Enforcing Agencies without registering FIR, investigating, charge-sheeting the Accused Persons and the Courts to decide as per Legal Provisions.
- v. That on 30th March after Petitioner met the Jt. CP [EOW] he cursorily went to meet Police Inspector Mr. Rajesh Nagvade while he was in his chamber, Petitioner saw Mukesh Kantilal Sarda [*Alias Swami Mukesh Bharti*] along with his lawyer who were sitting in his chamber and chatting, it appeared to the Petitioner that the practice indulged into by the Respondent No.3 [EOW] is to invite the Accused Persons and know as to why FIR should not be registered against them, it is shocking to know that the procedure adopted by Respondent No.3 is in contravention of the provisions of the Law, so also the directions passed by the Hon'ble Apex Court.
- vi. That the Accused Persons have misappropriated huge amount of over Rs.800 Crores & continuing to do so unabated, until date and the documentary evidences such as accounts books, ledger, receipt books are in possession of Accused Persons and are ~~AP~~

~~SP~~ required to be seized and taken into custody so as to ensure that the Accused Persons do not destroy, mutilate or fudge the records which they have maintained and this can be prevented on when the Respondents investigate the said offences with due diligence, whereas by Respondent No.3 inviting the Accused Persons to know their objection for registration of FIR against them is like giving them enough opportunity to destroy all records against them, this act on the part of Respondent No.3 is not only deplorable, but is an illegal modus-operandi adopted by them.

11. The Petitioner has not filed any other proceedings before this Hon'ble Court or any other court arising out of the subject matter of the present petition.

12. The Petitioner is residing at Pune, and some of the accused are having their office in Mumbai City and offence is committed in Mumbai hence complaint has been registered in Mumbai Police Stations. Therefore, this Hon'ble Court has the jurisdiction to entertain, try and dispose of the present petition.

13. The Petitioner has paid the necessary court fees of Rs. _____ on ~~SP~~ the present Criminal Writ Petition. ~~SP~~



14.  The Petitioner has no other efficacious and alternative remedy, except approaching this Hon'ble Court by filing the present Criminal Writ Petition.

15. The Petitioner craves leave to add, alter and modify the above said grounds with the leave of this Hon'ble Court.

16. The Petitioner shall rely upon the documents, a list whereof is annexed hereto.

17. The Petitioner therefore prays:-

a. That this Hon'ble Court be pleased to direct the Respondents to register an FIR on the Petitioner's detailed complaint dated 9.2.2017 [*Exhibit-B*] [*annexing Statement of Facts dated 6.2.2017 Exhibit-A*] in compliance with Hon'ble Supreme Court's Judgment dated 12th November, 2013 in the matter of Lalita Kumari v. Govt. of U.P. reported in (2014) 2 SCC 1 in Writ Petition (Cri.) No.68 of 2008 and further investigate the offences committed by all the Accused Persons thoroughly under this Hon'ble Court's Supervision;

b. That this Hon'ble Court be pleased to direct the Respondent  No.3 ~~to~~ ^{to} not allow the Accused Persons Nos. 2 & 10 to 14 to leave India until the investigations in the complaint dated 9.2.2017 [*Exhibit-B*] [*annexing Statement of Facts dated 6.2.2017 Exhibit-A*] is completed. 

c. That interim and ad-interim reliefs in terms of prayer clause (a) above be granted.

d. Any other and further reliefs as may be just and necessary in the facts and circumstances of the present case may kindly be granted.

Mumbai,

Dated this 7th day of April, 2017.

[Handwritten signature]
Advocates for the Petitioner

[Handwritten signature]
PETITIONER

VERIFICATION

I, Yogesh Natwerlal Thakkar, Age: 56 years the Petitioner above named, residing at the above said address, do hereby solemnly affirm and declare that whatever is stated in Para nos. 1 to 9 of the Criminal Writ Petition is true to my own knowledge and whatever is stated in remaining paragraphs are legal submissions and which I believe the same to be true and correct.

Solemnly declared at Mumbai)

Dated this 7th day of April, 2017)

Before me, *[Handwritten signature]*
Assistant Master/ Associate,
High Court, Bombay.

Interpreted & explained and
Identified by me, *[Handwritten signature]*
Advocate for the Petitioner.
Identified by me
[Handwritten signature]

Solemnly affirmed before me
by Yogesh Natwerlal Thakkar
who is identified before me
by Mayur S. Dandekar, Clerk
whom I personally know
This 7th day of April, 2017
High Court, Appellate Side,
Bombay

[Handwritten signature]
Assistant Registrar
High Court, Appellate Side
Mumbai

3718 PAN CARD/AADHAAR CARD/DRIVING LICENCE
MH12 SEEN & RETURNED
20040461189
Read over in Department

o/c

Exh-A

19

1

Yogesh Natwerlal Thakkar,
Residing at Flat No.11,
Anand Park, 368, Behind
Koregaon Park Police Station,
Koregaon Park,
Pune-411 001.

Mobile No. +91 90494 55099
Email: sosyogesh@gmail.com

Dated 6th February 2017

To:

Ms. Rashmi R. Jadhav [9819228105]
The Sr. Inspector of Police,
Cuffe Parade Police Station,
Near World Trade Center,
Sadhu TL Waswani Marg,
Cuffe Parade, Colaba,
Mumbai - 400 005.

प्रत मिळाली दिनांक
06/02/17
बारनिशी कारकून
कफ परेड पोलीस टाणे
मुंबई 06/02/17
16:50

Reg: To register FIR against Accused Persons, [Directors / Partners of OSHO International Foundation, OSHO Multimedia & Resorts Private Limited, Zen Properties Pvt. Ltd. having its registered address as 608, Maker Chambers V, Nariman Point, Mumbai Maharashtra India 400021, Mumbai - 400021, Maharashtra, India.]

1. Ms. Vidya Khubchandani, [Alias Ma Vidya Bharti]
2. Mr. Mukesh Kantilal Sarda, [Alias Swami Mukesh Bharti]
3. Mr. Devendra Singh Surendra Dewal [Alias Swami Devendra]

[All 3 entities related to all Accused Persons herein, have one common office at 608, Maker Chambers V, Nariman Point, Mumbai Maharashtra-400021, Maharashtra.]

& 11 other accused persons [named below] u/s. 406, 409, 420, 120-B r/w 34 Indian Penal Code:

4. Anand Kumar Avasthi [Alias Swami Anand Satyarthi]
5. Lal Pratap Singh [Alias Swami Yog Pratap]
6. Mrs. Sadhna Bepalurkar [Alias Ma Amrit Sadhna]

7. Bimal R. Desai [*Chartered Accountant*]

8. Ketan S. Patel [*Chartered Accountant*]

9. Dhanesh Joshi [*Alias Swami Dhaynesh Bharti*]

In connivance with Accused Persons who are Foreigners :

10. Mr. Michael Byrne (O'Byrne) [*Alias Swami AnandJayesh*],

11. Mr. D'Arcy O'Byrne [*Alias Swami Yogendra / Anand Raj*],

12. Mr. Philip Toelkes [*Alias Swami Prem Niren*],

13. Dr. John Andrews [*Alias Swami Amrito*],

14. Mr. Klaus Steeg [*Alias Pramod*],

Detail addresses & contact numbers of the Accused Persons & their whereabouts is being furnished separately

Complainant's Statement of Facts u/s 154 of the Cr.PC. 1973

1. OSHO Multimedia & Resorts Private Limited was registered at Registrar of Companies Mumbai on 1st October, 2001 and is categorized as Company limited by Shares and an Indian Non-Government Company. OSHO Multimedia & Resorts Private Limited's Corporate Identification Number (CIN) is U85110MH2001PTC133524 and Registration Number is 133524. OSHO Multimedia & Resorts Private Limited has its registered address as 608, Maker Chambers V, Nariman Point, Mumbai Maharashtra- 400021, Maharashtra, India. OSHO Multimedia & Resorts Private Limited currently has Accused No. 1, 2 & 3 are Trustees of OSHO International Foundation and Directors / Partners of OSHO Multimedia & Resorts Private Limited, and also Zen Properties Pvt. Ltd., Accused No.4 & 5 are Shareholders and beneficiaries of all the 3 entities, Accused

No.6 is the Trustee of OSHO International Foundation who has aided & abated illegal transfer of Funds & Proprieties of the Trust into Private Companies. Accused No. 7 & 8 are Auditors for all the 3 entities, Accused No.9 is the co-conspirator who has aided & abated the offenses amongst other Accused Persons. Accused No.10 to 14 are foreigners are responsible for transfer of Funds from OSHO International Foundation to the two Private Companies, in India as well as Companies situated abroad. Whereas, the Accused Persons have been siphoning funds by cheating, fraud, misappropriation amongst other offences as defined under the Indian Penal Code.

2. The Accused Nos. 1 to 8 are Directors, Shareholder & Beneficiaries of Companies viz. Zen Properties Pvt. Ltd. [*Formally known as Spatio Land Development Pvt. Ltd*] and Osho Multimedia and Resorts Pvt. Ltd. The Zen Properties Pvt Ltd is a Private incorporated on 26 July 1993. It is classified that both these companies are Non-govt company and limited by shares is registered at Registrar of Companies, Mumbai. It is involved in Real estate activities with own or leased property. [*This class includes buying, selling, renting and operating of self-owned or leased real estate such as apartment building and dwellings, non-residential buildings, developing and subdividing real estate into lots etc. Also included are development and sale of land and cemetery lots, operating of apartment hotels and residential mobile home sites. (Development on own account involving construction is classified in class 4520).*] Zen Properties Pvt Ltd's Annual General Meeting (AGM) was last held on N/A and as per records from Ministry of Corporate Affairs (MCA), its balance sheet was last filed on N/A Zen Properties Pvt Ltd.'s

Corporate Identification Number is (CIN) U70102MH1993PTC073150 and its registration number is 73150. Its registered address is the same as OSHO Multimedia & Resorts Private Limited.

3. **Brief Facts of the Complaint is as under:**

- i. I came to Bhagwan Shree Rajneesh Ashram at Pune in 1979 to get Diksha/ initiated in Sannyas by OSHO formally known as Bhagwan Shree Rajneesh. I had lived and worked in the Osho Ashram till 1993-94. I am selfless devotee of OSHO. I am associated being OSHO disciple, having worked for more than 35 years for OSHO, who were working for OSHO in the capacity as his secretaries, ex-trustees, care-takers, meditation camp leaders, therapists etc. and worked at the OSHO Ashram situated at Koregaon Park, Pune India and OSHO Meditation Centres around India and abroad.
- ii. I am also a donor of another property viz. my share in the Bungalow No.4 admeasuring about 5588 square meters situated at Lane No.1 Koregaon Park Pune to OSHO International Foundation by Deed of Endowment dated 24th December 1997.
- iii. I am conversant with the facts and events happened in relation to the management of the popularly known Rajneesh Ashram. I was also interested in the welfare and development of the Trust. I was a regular visitor to Rajneesh Ashram for participated in OSHO's Samadhi and meditations. Bhagwan Shree Rajneesh known as OSHO left his body (died) on 19th January 1990. However I continued to work actively as a volunteer as several other OSHO Sannyasins who were working in the Ashram. I am therefore

conversant with the facts and misdeeds of Accused Persons who have committed serious offences, and have continued doing so even now.

- iv. Since 2012 myself & others are trying to protect the interest and welfare of the said trust by bringing to light, several misdeeds and offences committed by the Accused persons. I filed Applications u/s '41- E' of the Bombay Public Trust Act, but the Accused Persons continued with their nefarious activities. I made further investigation and learned that the Accused Persons are Siphoning off the money rightfully belonging to the said Trust OSHO International Foundation in their own companies illegally and dishonestly and thus, causing wrongful gain for themselves and wrongful loss to the said OSHO International Foundation which is a public Charitable Trust.
- v. **The Modus Operandi :-** OSHO International Foundation is also owner of "OSHO Guest House" also known as "OSHO Dharmshala". The said OSHO Dharmshala is situated on the Plot No.9 of Koregaon Road Pune. The construction of "OSHO Dharmshala" was completed in or about the year 2001. There are about 30 rooms in the said guest house, which was constructed with the object of providing accommodation facility to the devotees of OSHO who come to visit OSHO Samadhi and do the meditations. The devotees of OSHO come from various cities from India and Foreign countries. The occupiers of the said rooms are required to pay charges for the same on daily basis. The said rooms are Double Rooms i.e. two persons can share the room on twin sharing basis. the estimated gross income for the said 30 rooms amounts to about Rs.1,25,000/- [*Rupees One Lac Twenty-five Thousand*] Per Day, which

comes to about Rs.4,56,25,000/- [Rs. Four Crores Fifty six Lakhs Twenty-five Thousand] per year.

- vi. That Now it is revealed that the income received from the said OSHO Guest House is not deposited/transferred in the account of OSHO International Foundation but the same is illegally, fraudulently & dishonestly misappropriated and siphoned to the accounts of the Trustees who are Directors and shareholders of "OSHO Multi Media and Resorts Private Limited" for their own wrongful gain. The said OSHO Multimedia & Resorts Pvt. Ltd has been created fraudulently with the sole object of siphoning off and misappropriating the income received from OSHO Guest House. The income received from "OSHO Guest House" right fully belongs to OSHO International Foundation. The said OSHO Multimedia & Resorts Pvt. Ltd. is a 'utility- vehicle' for siphoning the income of the trust to the said OSHO Multimedia & Resorts Pvt. Ltd., of which the accused are the directors and Shareholders. The Accused are also trustees of OSHO International Foundation. In short, the OSHO Multimedia and Resorts Pvt. Ltd. is created only as a front, but the real beneficiaries are the Accused Persons. Thus the income of OSHO International Foundation is misappropriated by the Accused Persons in this clandestine manner. The total amount of income misappropriated by the accused as from 2005 to 2015 amounts approximately to Rs.70,00,00,000/- [Rupees Seventy Crores]. The turnover figures from the year 2002 to 2004 are not available & which needs through investigation by the Law Enforcing Agency.
- vii. **Respective Role of Accused Persons** : The Accused Person No. 1 to 5 are the present & past Trustees of OSHO International Foundation and are also Directors and shareholders of said OSHO Multimedia and Resorts Pvt. Ltd. The Accused Persons are occupying dual

position to perpetrate fraud & criminal breach of trust for last 15 years & are continuing to do so. The Accused Persons Nos. 7 to 14 are aiding and abetting in the offenses.

4. **Identity of Accused Persons :**

a. **Vidya Khubchandani** [*Alias Ma Vidya Bharti*] is a director & a shareholder of *OSHO multi Media & Resorts Pvt. Ltd.*, and *Zen Properties Pvt. Ltd.* is benefiting from the said fraud. Over the years She is holding dual positions as trustee of *OSHO International Foundation & Neo Sannyas Foundation* [formally known as *Rajneesh Foundation*] as well as She is fully involved illegal siphoning of Funds and properties of the trust and has complete knowledge of the said fraud & shares the common intention with other accused has participated with the other Accused Persons.

b. **Mukesh Kantilal Sarda** [*Alias Swami Mukesh Bharti*] is a Green Card Holder of US. He is residing since 7 years, most of the time in Hotel Tajmahal, Mumbai. He is a right hand for Indian Operations of Mr. Michael Byrne whose identity is explained in the following para. Mr. Mukesh Kantilal Sarda has been with Osho from the early 70's in the Pune Ashram. Hails from a middle class family from Mumbai and used to work as a milk delivery boy in Mumbai and later in 1978 as a courier boy traveling between Mumbai and Pune doing odd jobs as per Ma Yoga Laxmi's instructions. Laxmi at that time was the personal secretary to Osho. In 1981-1982 he followed Osho to Rajneeshpuram, US and was working in community kitchen. In 1987 he returned to Pune and worked in the accounts department taking care of cash managements and government related jobs. Being the blue eyed boy of Accused No.10, Mr. Michael O'Byrne he was made the managing

trustee of Osho International Foundation in Mumbai and Zurich, Switzerland as well as in Neo Sannyas Foundation formally known as Rajneesh Foundation, Mumbai, and he is director of Osho Multimedia and Resorts Pvt.Ltd and Zen properties Pvt. Ltd. These companies are limited by shares registered under Companies Act in Mumbai, are special vehicles created mainly to siphon off funds and properties of the said public charitable trusts into their personal kitty. Mukesh Sarada has a permanent suite booked in Hotel Taj Mahal in Mumbai, travels all over the world and stays in five star hotels just like Accused No.10, Michael O'Byrne. The life styles of both is out of unimaginable proportions, out of their known source of income.

c. **Devendra Singh Dewal** [*Alias Swami Devendra*] is a present trustees of "*OSHO International Foundation*" & also present directors & shareholders of "*OSHO Multimedia & Resorts*" as well as Zen Properties Pvt. Ltd. which is used as a Vehicle to fraudulently transfer funds and properties of the Trust. He is also a right hand of Mr. Michael Byrne and D'Arcy Byrne for illegal Indian Operations.

d. **Anand Kumar Avasthi** [*Alias Swami Anand Satyarthi*] is the ex-and present trustees of the *OSHO International Foundation & Darshan Trust situated at new Delhi*. He is also present shareholders of the said *OSHO Multimedia & Resorts Pvt. ltd* to park and utilise illegal transfer of the income and properties of the trust is fraudulently divested.

e. **Lal Pratap Singh** [*Alias Swami Yog Pratap*] is the Trustee of Osho International Foundation and shareholder of *OSHO Multimedia & Resorts Pvt. Ltd* & beneficiary of misappropriated amount.

f. **Sadhana Belapurkar** [*Alias Ma Amrit Sadhna*] is the trustee of *OSHO International Foundation* is directly involved in the offence as the conspirator to the fraud as aforesaid & is intentionally conspiring & supporting the fraudulent & dishonest transfer of funds belonging to the trust of which she is trustee.

g. The Accused Nos.7 and 8 are auditors and represented by M/s. Chotelal Shah & Co. having their office at Mumbai as specifically provided in the attached sheet of contact details of all the accused.

h. The Accused No.9 Mr. Dhanesh Joshi @ Swami Dhyanesh Bharti is effectively aiding and abetting the crimes as specified hereunder at the instructions of accused persons. However he is not holding official position in the trust and private companies and as the trustees Mr. Dhanesh Joshi is fully involved in hiding and abetting sensitive information of the crimes done by all accused persons, therefore he is required to be interrogated for aiding and abetting the crimes.

i. **Mr. Michael Byrne (O'Byrne)** [*Alias Swami Anand Jayesh*] *Ex Canadian and presently Ireland citizen, is the main BOSS and controller in charge of the entire Osho Empire spread over Rs.1500 Crores of properties in India and royalty income of millions of \$s per year in India and abroad. He is has till date successfully managed to siphon off Properties and Articles of Osho from India to Switzerland, US, UK and Ireland. These Articles and Properties worth Millions of \$s are rightfully belonging to Indian trusts namely Rajneesh Foundation (Neo Sannays Foundation) and Osho International Foundation, Mumbai. He is the President of Osho International Foundation, Zurich since 5.12.1990 until date and he is the Executor/ beneficiary in the Forged Will of Osho. The investigations in to Forgery of Will is pending before the Hon'ble High Court of Bombay bearing Criminal Writ Petition No. 2150/2016. He is also the present*

President of the "Inner Circle" which was a body of 21 members created by Osho formally known as Bhagwan Shree Rajneesh to manage the Osho movement all over the world including the ashram at Pune. He is a President of Osho International Presidium administering Osho's work in India and abroad. Mr. Michael Byrne (O'Byrne) alias Swami Anand Jayesh is very secretive and known as "A man of mystery", was a former property developer. On March 2, 1987, an Alberta Court issued a default judgment against O'Byrne for non-payment of a series of Bank of Montreal demand loans totalling \$1,318,069.96. By the time the bank lawyers and private eyes had traced him to Oregon, US but O'Byrne could not be found. Being a Chairman/ President of Inner Circle, Michael Byrne is having supreme final control over the management and administration of the Properties, Valuable Articles and financial matters of the Trust Osho International Foundation in India as well as in Switzerland, Ireland, Europe and US.

j. Mr. D'Arcy O'Byrne [*Alias Swami Yogendra / Anandraj*] is the younger brother of Mr. Michael Byrne (O'Byrne) [*Alias Swami Anand Jayesh*]. Both are members of Osho International Foundation, Zurich Switzerland [*Previously known as Neo-Sannyas International Foundation Zurich, Switzerland*]. Mr. D'Arcy O'byrne is involved in the management and administration of Osho International Foundation, Mumbai and Osho Commune, Koregaon Park, Pune.

k. Philip Toelkes [*Alias Swami Prem Niren*] deposed as witnesses before Administrative Trademark Judges of the Trademark Trial and Appeal Board of the United State Patent and Trademark Office in the matter Osho Friends International Vs. Osho International Foundation wherein Osho International Foundation sought to register on the principal register the marks, "Osho Active Meditations, Osho Zen Tarot, Osho... Etc."

l. **Dr. John Andrews [Alias Swami Amrito]** The accused no.13, an English trained physician who specialized originally in cardiology, neurology and internal medicine and had a public practise under the auspices on the National Insurance in England in South East London. He joined the Rajneesh ashram at Pune in 1977, followed Rajneesh to Rajneeshpuram where he was licensed to practise medicine in the State of Oregon. He is the Vice Chairman of Osho International Foundation, Zurich, Vice Chairman of The Osho Inner Circle and Vice Chairman of Osho International Presidium. He is involved in many companies and corporations, which were specifically created to siphon off funds and assets of the trust/ foundation worldwide. From 1979 till Osho's death in January 1990 he was the personal physician of Osho. He claims to be the only person besides accused no. 1 Michael O'Byrne to be present when Osho died on 19 January 1990 and also claims that virtually Osho's last words were to Jayesh, "I leave you my dream". Thus from his own admissions it is clear that being the personal physician of Osho not only was he nearest to Osho but also to accused no. 1 O'Byrne. Being a Vice Chairman/ Vice President of Inner Circle, John Andrew is having considerable control over the management and administration of the Properties, Valuable Articles and financial matters of the Trust Osho International Foundation in India as well as in Switzerland, Europe and US. Notably he is a witness of the Forged Will of Osho as well as a beneficiary of Osho properties worth millions of \$s outside India

m. **Mr. Klaus Steeg [Alias Pramod]**, a German citizen now living in New York, USA and a frequent visitor to the Osho Ashram at Pune. He came to Osho in early 80's and was part of the commune in Dusseldorf, Germany which merged with the Koln Commune where he stayed till 1996 and then moved to Pune. He is a member of Osho International Foundation, Zurich since 17.12.1996 and takes care of the publishing of

Osho's books and contracts with publishers and licencees working with Michael Byrne in the field of publication all over the world. He is involved in all the companies in US and UK were created to siphon off Income of millions of \$ per annum generated from the sales of books and royalties earned by licenseing Osho's Intellectual Properties of the Indian Trust namely Neo Sannyas Foundation (*aka Rajneesh Foundation*) registered under Bombay Public Trust Act, 1950.

It is therefore clear that all the Accused Persons are conspirators of Criminal Conspiracy for committing fraud & have committed criminal breach of trust by siphoning funds which rightfully belongs to a Public Charitable Trust *OSHO International Foundation in Private Limited Companies in India as well as abroad.*

5. I am in possession of three receipts issued by *OSHO Dharmshala/OSHO Guest House* which is evident that the amount paid by the customers of *OSHO Guest House* is deposited in the account of *OSHO Multimedia and Resorts Pvt. Ltd.* The additional information and clinching evidences of the same are attached herewith and collectively marked as:

- A. Over Rs.800 Crores : Summary of amounts siphoned by the Accused in their private companies. Annexure - 1
- B. Schedule-1 issued by Office of the Hon'ble Charity Commissioner Mumbai which shows that Plot No. 9 is owned by *OSHO International Foundation Trust*. The copy of the Schedule-1 is attached here with and marked as Annexure - 2.

C. The Search Reports of the names of directors & shareholders of *OSHO Multimedia & Resorts Pvt. Ltd.* It is marked as **Annexure - 3.**

D. The Search Reports of the names of directors & shareholders of *Zen Properties Pvt. Ltd.* It is marked as **Annexure - 4**

6. I am in possession of the audited reports of the said Zen Properties Pvt. Ltd. formally Spatio Land Development Pvt. Ltd. Few of these audited reports available to us, are attached herewith marked as **Annexure - 5.** These audited reports are issued by issued M/s. Chhotalal H Shah & Co. Chartered Accountants [Accused Nos. 7 & 8]. The said audited reports from the financial year 1994-95 has record an entry of Rs.5,51,58,905/- which is in the year 1995-96 is increased over Rs.6 Crores and the same is recorded in the Financial year 1996-97 as increased to Rs.6,97,55,926/-

A. Copy of resolutions passed in the meeting of the Trust dated 15.2.1997, is enclosed herewith and marked as **Annexure - 6.**

B. Balance Sheets of Spatio Land Development Pvt. Ltd. (now known as Zen Properties Pvt. Ltd.) is enclosed herewith and marked as **Annexure - 7.**

C. Agreements executed by Spatio Land Development Pvt. Ltd. Acquiring land at M/S Podar Silk and Synthetics Ltd. situated at C S no. 592 (part) of Mazgaon, Mumbai. **Annexure - 8.**

The Zen Properties Pvt. Ltd. formally known as Spatio Land Development Pvt. Ltd. is held by trustees Mukesh Sarda and others as directors. Herein refer to as Zen. The Zen purchased land belonging to M/s. Podar Silk and Synthetics Ltd. situated at C.S. No. 592 (part) of Mazgaon reserved for the extension of V.J.B. Udyan, Byculla, Mumbai. The benefit factors attached to the said land in respect to TDR for 1,80,000 Sq. Ft is solely enjoyed by the trustees laundered from the funds and assets of the trust to their Private Companies. By a resolutions passed in the Thirty First Meeting of OSHO Foundation International on 15.2.1997 the President of the Trust had informed to the members of the Trust that *"he was constantly and Persistently following up with M/s. Spatio Land Development Pvt. Ltd. (now renamed as the said Zen), regarding the refund of the entire advance at an early date. He further informed the Governing body that the company was facing some financial problems and hence there was a delay in the refund. However the company has assured that they will pay the Foundation an adequate compensation for the same"*. This resolution dated 15.2.1997 itself exposes that the money which should be with the Public Charitable Trust has been syphoned off by the Accused Persons to their Private Companies.

7. A prime plot admeasuring 7485.54 Sq. Meters owned by the same Public Charitable Trust Osho International Foundation is situated at plot No.9 Koregaon Road, Pune. An FSI attached thereby of 8,496.515 Square Meters = 91,422 Square Feet rightfully belonging to Public charitable Trust namely Osho International foundation is siphoned by the trustees in their private Company namely Zen Properties Pvt. Ltd. Thus valuable immovable properties of the said

public charitable trust are allegedly illegally siphoned by accused trustees in their private companies. As on today the Market value of 91,422 SFT @ Rs.25,000/- Per Sq. Feet is estimated as Rs. 280,27,34,000/-.

- A. The Order of the Charity Commissioner Mumbai for allowing Zen to consume commercial FSI 5265.64 sq. Meters. **Annexure - 9.**
- B. The Certificate issued by Mr. AJ Bayan, Govt. approved valuer for the FSI consumed by Zen as per the sanctioned plans of Pune Municipal Corporation **Annexure - 10.**
- C. Copy of a registered agreements of sales executed by Accused Mukesh Sarada in a capacity of the trustee and director of Zen Properties Pvt. Ltd. **Annexure - 11.**

8. I say that the Accused Persons have hatched the conspiracy on the crimes committed within India as stated hereinabove. And the Accused Persons have transferred valuable Articles and Properties from India to that of Switzerland, US, UK, Ireland and Europe, which investigation is being carried out by the Enforcement Directorate under the orders passed by Hon'ble High Court in Criminal Writ Petition No.2150 of 2016.

9. Thus through their Mumbai office in India, the accused have committed various offences including offence of cheating, criminal breach of trust, etc. under IPC and hence the detailed investigation in the matter is essential including custodial interrogation. Other Companies that has been floated by the Accused Persons wherein transactions that have taken place are, hereunder:

10. In addition to the said Osho Multimedia and Resorts Pvt. Ltd. and Zen Properties Pvt. Ltd. the Accused Nos. 1 to 5 are holding following companies which are used as a vehicle to siphon the benefits of the Trusts. Hence thro investigations are required to be carried out in the following companies as well. All the following companies registered address is same as 608, Maker Chambers V, Nariman Point, Mumbai - 400 021 (Except for Organization No. 6 as tabled below).

	Organisation	Registration number	Director / Trustee
1	Soleri Land Development Pvt. Ltd.	U70101MH1985PTC037186	Mukesh Sarda Devendra Singh Dewal
2	Ami Industrial leasing and Holding Pvt. Ltd.	U65910MH1983PTC031564	Mukesh Sarda Devendra Singh Dewal
3	Zen Foundation	U85100MH2011NPL220023	Mukesh Sarda Vidya Khubchandani
4	Zen Agro Pvt. Ltd.	U01110MH1995PTC093257	Mukesh Sarda Devendra Singh Dewal
5	Adaptive Natural Biometrics India Pvt. Ltd.	U72900MH2008PTC177364	Mukesh Sarda Vidya Khubchandani
6	Darshan Trust	Address: A-34, Defense Colony, New Delhi 110024 AND 1006-7, Rohit House, C/O Renukay Sound Studios, 3, Tolstoy Marg, New Delhi 1	Vidya Khubchandani Anand Kumar Avasthi

11. NOTABLY, none of the Trustees and Directors are genuinely doing any business in the said companies. Their only purpose is to siphon off money of the Trusts as per the directions of the within named foreigners who claims to be President / Vice President and members of Osho Trusts.

12. All the Accused Persons have thus committed offences punishable u/s- 406 [*Criminal Breach of Trust*], 409 [*Criminal Breach of Trust by Public Servant, or by banker, merchant or agent*], 420 [*Cheating & Dishonestly inducing delivery of Property*], 120-B [*Punishment for Criminal Conspiracy*] r/w 34 of the Indian Penal Code, which are of serious nature, offences which are cognizable & non-compoundable in nature. The Accused Persons have misappropriated huge amount of over Rs.800 Crores & continuing to do so unabated, until date. The documentary evidences such as accounts books, ledger, receipt books are in possession of Accused Persons and are required to be seized and taken into custody so as to ensure that the Accused Persons do not destroy, mutilate or fudge the records which they have maintained and this can be prevented on when Police machinery investigates the said offences with due diligence and which any favour to the Accused Persons. The income transferred in the accounts of *OSHO Multimedia & Resort Pvt. Ltd.* has been again transferred to the individual accounts of accused. The names of said Banks and the numbers of said accounts is also known to Accused Persons. Only during detailed Police Investigation can such information be obtained from the Accused Persons. It is also necessary to obtain relevant records relating Income Tax Returns Filed by *OSHO International Foundation, OSHO Multimedia & Resorts Pvt. Ltd* as well as

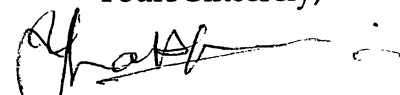
Zen Properties Pvt. Ltd. The audit work of both *OSHO International Foundation & OSHO Multimedia & Resorts Pvt. Ltd.* has been done by the same C.A. Firm M/s. Chhotalal H. Shah & Co. (Regd) Mr. Bimal R. Desai & Ketan S. Patel for the relevant period and the said Accused are co-conspirators in the offences committed by the other Accused Persons. The Audit Reports are signed & issued by the *Bimal R. Desai & Ketan S. Patel*. It is more than obvious that without the help of the said Accused/Auditors who are aware of the law that the income belonging to the trust *OSHO International Foundation* cannot be transferred or misappropriated to the accounts of Trustees directly or routed through Private Limited Companies of the Trustees, yet the said Accused Nos.7 and 8 have deliberately indulged in the Criminal Conspiracy. Since over 15 years both the Auditors/Accused know about the entire financial affairs of the aforesaid Trust as well as aforesaid company. They have full knowledge of the offences and have aided & abetted Accused Persons in commission of said offences and have issued audited reports which are used to further avail huge loans from Corporation Bank, Camp Br. Pune. They have issued fabricated and untrue audited reports and sensitive information deliberately by not informing the same to the Charity Commissioner offices, said Corporation Bank and registrar of Companies about the same to aid & abate the other Accused Persons. The offences committed by the Accused are cognizable offences and very serious offences as the amount misappropriated is enormous and also it is public fund. It is therefore necessary in the interest of justice to register FIR against all the Accused Persons and investigate the same as,

- a. To unearth the fraud;
- b. To inspect and take into custody the records of Zen Properties Pvt. Ltd. *OSHO International Foundation* as well as *OSHO Multimedia & Resorts Pvt. Ltd.*;
- c. What illegal method Accused Persons have adopted to syphoning funds to the Private Company and the documents created by them;
- d. The documents used while committing the offence are required to be recovered;
- e. Who else from *OSHO International Foundation* as well as *OSHO Multimedia & Resorts Pvt. Ltd.* And *Zen properties Pvt. Ltd.* are hands in gloves with the Accused Persons;
- f. How much money is wrongfully gained by each of the Accused Persons amongst others;

Therefore I call upon you to register FIR [*First Information Report*] on the Statement of Facts which we have furnished under Section 154 of the Criminal Procedure Code, 1973 as per directions passed by the Hon'ble Supreme Court in the matter of Lalita Kumari v/s. Govt of U.P. reported in (2014) Supreme Court Cases at Page 1 AND transfer the investigation to the Economic Offences Wing & the Enforcement Directorate [*under Prevention of Money Laundering Act*] as the land which vests with the Trust under the Bombay Public Charity Act, is worth hundreds of Crores of Rupees and the Accused Persons ought to be sternly dealt with in accordance with the LAW of the LAND.

Thanking You,

Yours Sincerely,

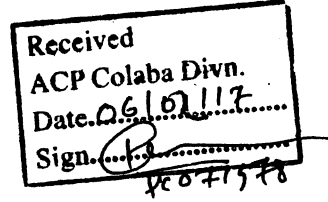

Yogesh Natwerlal Thakkar

Copy To:

[For Information & record, calling upon you all to direct Senior Inspector of Police, Cuffe Parade Police Station to register FIR as directed by the Hon'ble Supreme Court of India in Lalita Kumari v/s. Govt of U.P. reported in (2014) 2 SCC at Page 1 and as per DGP's Standing Order No. 20/2012 dated 26.9.2012 with respect to Prompt registration of Complaint and directives dated 11.12.2012 bearing No. DGP/23/54/FIR/283/2012]

✓ 1. Shri. Manoj Kumar Sharma, [DCP Zone-1],
Deputy Commissioner of Police, Zone-I,
109, Valchand Hirachand Marg,
1st Floor, Opp. G.P.O., Fort, Mumbai 400 001.

2. Shri. Rajendra Kashinath Chavan [ACP, COLABA DIVISION]
ShahidBhagat Singh Marg,
Electric House, Colaba,
Mumbai-400 039.



स्विकारले

स्वाक्षरी :
दिनांक : 06.07.17

प्रोलास उब-आयुक्त
परिमंडळ-१, मुंबई
याधिकरीता.

DETAIL ADDRESSES & CONTACT NUMBERS OF THE ACCUSED PERSONS

Accused	Name	Nationality	Address	Contact details
1.	Vidya Khubchandani Alias Ma Vidya Bharti	Indian National	Osho Commune International 17, Koregaon Park, Pune - 411 001	<vidya@osho.net> Phone: 02066019705 Mobile: +919850122124
2.	Mr. Mukesh Kantilal Sarda Alias Sw. Mukesh Bharti	NRI Green Card holder USA	i) Osho commune International Koregaon Park, Pune - 411 001 ii) 608, Maker Chambers V, 6 th Floor Nariman Point Mumbai - 400 021	<mukesh@osho.net> Mobile #: +919820101930 Landline #: 02066019804
3.	Devendra Singh Dewal Swami Devendra	Indian National	Osho Commune International 17, Koregaon Park, Pune - 411 001	<devendra@osho.net> Phone: 02066019955 Mobile: +919890177767
4.	Anand Kumar Avasthi Alias Swami Anand Satyarthi	Indian National	Osho Commune International 17, Koregaon Park, Pune - 411 001	<satyarthi@osho.net> Phone: 0206601s9963 Mobile: +919823042365

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DETAIL ADDRESSES & CONTACT NUMBERS OF THE ACCUSED PERSONS

5.	Lal Pratap Singh Alias Sw. Yog Ptatap	Indian National	Osho Commune International 50, Koregaon Park, Pune - 411 001	Phone: 022066019999
6.	Sadhna Bepalurkar Alias Ma Amrit Sadhna	Indian National	Osho Commune International 17, Koregaon Park, Pune - 411 001	sadhana@osho.net Phone: 02066019940 Mobile: +919822027153
7.	Bimal R. Desai	Indian National	M/s. Chhotalal H. Shah & Co., C.A., Damodar Mansion, 1 st Floor, 15 A.K. Naik Marg, Fort, Mumbai-400 001.	Chshah co@bsnl.net Phone: 02222011787 02222019193
8.	Ketan S. Patel	Indian National	M/s. Chhotalal H. Shah & Co., C.A., Damodar Mansion, 1 st Floor, 15 A.K. Naik Marg, Fort, Mumbai-400 001.	Chshah co@bsnl.net Phone: 02222011787 02222019193
9.	Dhanesh Joshi Alias Dhaynesh Bharti	Indian National	Osho Commune International 17, Koregaon Park, Pune - 411 001	<dhaynesh@osho.net> Phone: 02066019888 Mobile: +919049496000 +919823061622

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DETAIL ADDRESSES & CONTACT NUMBERS OF THE ACCUSED PERSONS

<p>10.</p>	<p>Mr. Michael Byrne (O'Byrne) Alias Swami Jayesh</p>	<p>Ireland National passport no. Passport No: <LB004005 7></p>	<p>i) Osho Commune International 17, Koregaon Park, Pune - 411 001 ii) Oberoi Towers / Trident Nariman Point Marine Drive, Mumbai 400021 iii) Osho International Foundation Bahnhofstrasse 52 8001 Zurich Switzerland</p>	<p>i) <mwbyrne@csi.com> ii) <michael@mwbyrne.com> And iii) <oshointernational@oshoint ernational.com> Phone: 02066019999</p>
<p>11.</p>	<p>Mr. D'Arcy O'Byrne Alias Swami Raj / Yogendra</p>	<p>Canadian Stays in USA</p>	<p>Osho Commune International 17, Koregaon Park, Pune - 411 001</p>	<p><darcy@darcyobyrne.com> Landline #: 020 66019902 Mobile #: +919764672233</p>
<p>12.</p>	<p>Philip Toelkes Alias Swami Prem Niren</p>	<p>US National</p>	<p>Osho Commune International 17, Koregaon Park, Pune - 411 001 And: 90, Baywood Village Road #51 Sequim, WA US</p>	<p><toelkes1@gmail.com> Phone: +18888525744 Mobile: +13607758482</p>

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DETAIL ADDRESSES & CONTACT NUMBERS OF THE ACCUSED PERSONS

Page 4 of 4

13.	Dr. John Andrews, alias Dr. George Meredith Alais Swami Amrito UK Passport no. <800473294>	British National	i) Osho Commune International 17, Koregaon Park, Pune - 411 001 ii) Flat 1, 13 Palmeira Ave Hove, East Sussex BN3, 3GA, UK	<amrito@osho.net> Phone: 020 66019804 020 66019801
14.	Mr. Klaus Steeg Alias Swami Pramod	German National staying in USA	i) Osho Commune International 17, Koregaon Park, Pune - 411 001 ii) 410, Park Avenue, 15th floor New York NY 1022 US	<klaus.steeg@oshointernational.com> Phone: +1.212-231-8437 Mobile: +1.917.755 0225 eFax: +1.212.658.9508 - Skype: pd_nyc

ANNEXTURES

1. Summary of amounts for over Rs.800 Crores siphoned by the Accused in their private companies along with receipts issued by OSHO Dharamshala evidencing the siphoning Income of the Trust in favour of Osho Multimedia and Resorts Pvt. Ltd.
2. Schedule-1 issued by Office of the Hon'ble Charity Commissioner Mumbai
3. ROC Search Reports of the names of directors & shareholders of *OSHO Multimedia & Resorts Pvt. Ltd.*
4. ROC Search Reports of the names of directors & shareholders of *Zen Properties Pvt. Ltd.*
5. Audited reports of the said Zen Properties Pvt. Ltd. (formally Spatio Land Development Pvt. Ltd.) and *OSHO Multimedia & Resorts Pvt. Ltd.*
6. Copy of resolutions passed in the meeting of the Trust dated 15.2.1997
7. Balance Sheets of Spatio Land Development Pvt. Ltd.
8. Agreements executed by Spatio Land Development Pvt. Ltd.
9. Order of the Charity Commissioner Mumbai
10. Certificate issued by Mr. A.J. Bhyani, Govt. approved valuer for the FSI consumed by Zen
11. Copy of a registered agreements of sales executed by Accused Mukesh Sarda in the capacity of a trustee of OSHO International Foundation & on behalf of the said Companies.

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Within India:
Description of the Properties and Funds belonging to Charitable Trusts transferred by Trustees in their private companies +-+
Adding up on daily basis

#	Particulars	Amount Rs.	From Holding Trust	Shipping to
1	Property Godrej Millennium plot no. 9, Koregaon Road, Pune. Today's Market value of 91,422 SFT @ Rs.25,000/- Per Sq Feet	2,802,734,000	Osho International Foundation	Zen Properties Pvt. Ltd.
2	Podar Synthetic Mills C S no. 592 (part) of Mazgaon Mumbai 91,422 SFT Today's Market value of 1,80,000 SFT FSI/ TDR in respect to	4,500,000,000	Osho International Foundation	Zen Properties Pvt. Ltd.
3	Income of Osho Dharmshala siphoned	700,000,000	Osho International Foundation	Osho Multimedia and Resorts Pvt. Ltd.
4	Payment of TDR access to permission granted by Hon'ble Charity Commissioner	9,526,500	Osho International Foundation	Various persons
	* Total unfolding every day (Rs. Eight hundred Crores)	8,012,260,500		
* (a) Figures stated above are based on the information extracted from available sources of the balance sheets, Registrar of Companies and office of the Charity Commissioner, Mumbai				
* (b) The details of siphoning of funds and properties only two companies are mentioned here. The two companies are Zen Properties Pvt. Ltd. and Osho Multimedia and Resorts Pvt. Ltd. However, we have no information on the alleged siphoning of funds in other companies as stated in the Companies List provided herewith.				

E

Exh-B
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1

Yogesh Natwerlal Thakkar,
Residing at Flat No.11,
Anand Park, 368, Behind
Koregaon Park Police Station,
Koregaon Park,
Pune-411 001.

Mobile No. +91 90494 55099
Email: sosyogesh@gmail.com

Dated: 9th February 2017

To:

Shri P. S. Salunkhe, IPS
Jt. Commr. of Police (Eco. Offence Wing)
Crime Branch, C.I.D., Brihan Mumbai.,
Ground Floor, Annexe 2 Building,
Police Commissioner Office,
Crawford Market, Mumbai - 400001

Received
HC 30/1/02
Disputes Officer,
Economic Offences Wing,
Mumbai

Reg: Complaint dated 6th February 2017 lodged with the The Sr. Inspector of Police, Cuffe Parade Police Station, with respect to registering FIR against 14 Accused Persons, [Directors / Partners of OSHO International Foundation, OSHO Multimedia & Resorts Private Limited, Zen Properties Pvt. Ltd. having its registered address as 608, Maker Chambers V, Nariman Point, Mumbai Maharashtra India 400021, Mumbai - 400021, Maharashtra, India.] u/s. 406, 409, 420, 120-B r/w 34 Indian Penal Code and the amount involved is over Rs.800 Crores.

Sir,

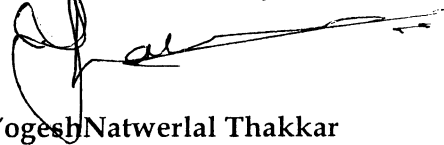
Annexed here to is the Complaint dated 6th February 2017 lodged with the Sr. Inspector of Police, Cuffe Parade Police Station, with respect to registering FIR against 14 Accused Persons, [Directors / Partners of OSHO International Foundation, OSHO Multimedia & Resorts Private Limited, Zen Properties Pvt. Ltd. having its registered address as 608, Maker Chambers V, Nariman Point, Mumbai Maharashtra India 400021, Mumbai - 400021, Maharashtra, India.] u/s. 406, 409, 420, 120-B r/w 34 Indian Penal Code and the amount involved is over Rs.800 Crores. The same be read as Part and Parcel of the present Complaint to the Economic Offences Wing, Mumbai as I personally met Ms. Rashmi R. Jadhav, The Sr. Inspector of Police of Cuffe Parade Police Station on 9th February

2017, where it has been given to understand that the Cuffe Parade Police Station does not have the manpower and the expertise to handle offenses committed of such a magnitude, hence called upon me to lodge the very same complaint with the EOW, Mumbai.

I am hence furnishing you the very same complaint to the Economic Offences Wing, Mumbai which is my Statement of Facts u/s 154 of the Cr.PC. 1973, I request you to register FIR [*First Information Report*] on the Statement of Facts which we have furnished under Section 154 of the Criminal Procedure Code, 1973 as per directions passed by the Hon'ble Supreme Court in the matter of LalitaKumari v/s. Govt of U.P. reported in (2014) Supreme Court Cases at Page.1 & the Enforcement Directorate [*under Prevention of Money Laundering Act*] to can investigate the same as hundreds of Crores of Rupees is syphoned off by the Accused Persons and they ought to be sternly dealt with in accordance with the LAW of the LAND.

Thanking You,

Yours Sincerely,



Yogesh Natwerlal Thakkar

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जबाब

दि. ०९.०३.२०१७

श्री योगेश नटवरलाल ठक्कर, वय - ५६ वर्ष, व्यवसाय - रियल इस्टेट, रा. ठि. - फ्लॉट नं. ११, आनंद पार्क, ३६८, कोरेगांव पार्क पोलीस स्टेशनच्या मागे, कोरेगांव पार्क, पूणे - ४११ ००१. मो.नं. ९९९०४९४ ५५०९९ Email - sosyogesh@gmail.com

मी वर नमुद केल्या प्रमाणे असून वर नमुद ठिकाणी गेल्या १६ वर्षांपासून माझ्या कुटुंबामह रहातो. मी रियल इस्टेट व्यवसाय करत असून मालमत्ता खरेदी-विक्री चे व्यवहार कमिशन तत्वावर करतो.

मी आर्थिक गुन्हे विभाग, मुंबई येथे ओशो इंटरनॅशनल फाउंडेशन, ओशो मल्टीमिडीया अँड स्ट्रॉट प्रा.लि., झेन प्रॉपर्टीज प्रा.लि. कार्यालय क्र. ६०८, मेकर चेंबर्स, व्ही. नरीमन पॉइंट, मुंबई - ४०० ०२१, महाराष्ट्र च्या संचालक/भागीदार व इतरांच्या विरोधात केलेल्या तक्रार अर्जाच्या अनुषंगाने खालीलप्रमाणे जबाब देत आहे.

मी सन १९७९ साली भगवान श्री रजनीश यांच्या पुणे येथील आश्रमात दीक्षा/संन्यास घेण्यासाठी प्रवेश घेतला. ओशो यांना पूर्वी भगवान श्री रजनीश या नावाने ओळखत असत. मी ओशो यांच्या आश्रमात १९९३-९४ पर्यंत राहिलो. मी ओशो यांचा सच्चा भक्त असून त्यांच्या सेवेत गेल्या ३५ वर्षांपेक्षा अधिक काळ कार्यरत आहे. मी ओशो यांच्या कोरेगांव पार्क आश्रमातील सचिव, माजी सचिव व इतर पदाधिकाऱ्यांबरोबर काम केलेले आहे. मी लेन क्र. १ कोरेगांव, पुणे येथील ५५८८ चौ. मीटर क्षेत्रफळाचा बंगला क्र. ४ मधील माझा हिस्सा ओशो इंटरनॅशनल फाउंडेशन या संस्थेला दान कराराने २४ डिसेंबर १९९७ रोजी दान केलेला आहे.

ओशो इंटरनॅशनल फाउंडेशन या संस्थेची नोंदणी, संस्था नोंदणी अधिनियम १८६० अन्वये सहाय्यक निबंधक, बृहन्मुंबई यांचेकडे दिनांक १५/०२/१९९१ रोजी झालेली आहे. सदर संस्था मुंबई पब्लिक ट्रस्ट अॅक्ट १९५० प्रमाणे धर्मादाय आयुक्त, मुंबई यांच्या अधिपत्त्याखाली काम करते. सदर संस्थेचे विश्वस्त १) श्री. मुकेश कांतिलाल सारडा उर्फ स्वामी मुकेश भारती, २) श्री. देवेंद्र सिंग सुरेंद्र देवल उर्फ स्वामी देवेंद्र, ३) श्रीमती साधना बेलापूरकर उर्फ माँ अमरित साधना, ४) श्री. लालप्रताप सिंग उर्फ स्वामी योग प्रताप हे आहेत. सदर ट्रस्टची उद्दिष्टे पुढीलप्रमाणे आहेत. १) शिक्षणाचा प्रसार करणे, २) कला, विज्ञान आणि मनुष्यबळाचा विकास करणे, ३) योग, मानसशास्त्र, प्राचिन औषधे व ध्यानधारणा पध्दती यांचा प्रसार करणे. ओशो इंटरनॅशनल फाउंडेशन चे मुख्य कार्यालय क्र. ६०८, मेकर चेंबर्स, व्ही. नरीमन पॉइंट, मुंबई - ४०० ०२१ येथे आहे. ओशो इंटरनॅशनल फाउंडेशन या संस्थेचा आश्रम व ओशो समाधी ही कोरेगांव पार्क, पुणे येथे आहेत. सदर आश्रमामध्ये देश-विदेशातील लोक ध्यानधारणाकरीता आणि ओशोची प्रवचने ऐकण्याकरीता येतात.

ओशो इंटरनॅशनल फाउंडेशन यांच्या मालकीचे प्लॉट क्र. ९, कोरेगांव पार्क, पूणे येथे गेस्ट हाऊस असून ते धर्मशाळा म्हणून ओळखले जाते. त्यामध्ये साधारण ३० खोल्या आहेत व त्यांचा उपयोग आश्रमात येणाऱ्या लोकांना राहण्यासाठी केला जातो. भक्तगण सदर आश्रमात समाधी व आत्मचिंतन याकरीता येत असतात. ओशो आश्रमात भारतातील तसेच भारता बाहेरील वेगवेगळ्या शहरामधून भक्तगण येत असतात आश्रमात राहणाऱ्या भक्तगणांना प्रत्येक खोलीकरीता सुमारे ३५०० ते ४५०० रुपये दर दिवसाला भाडे

ऑईसीओ प्रोपर्टी मधील रमणीयतेला लागू झालेले दर १,२५,०००/- (एक लाख पंचवीस हजार
 ०००) एवढे असून इतर बांधकाम कामे झालेले र. ४,५०,२५,०००/- (चार लाख पंचवीस हजार
 हजार २५०००) एवढे आहे.

नमूद धर्मशाळा नगरीयपालन जमलेल्या मालकीकडे मला दि. २९.०८.२०१२ रोजीची र. २०००/-, दि. ११.०८.२०१४ रोजीची र. १२५००/- व र. ३२२०/- आणी दि. ०९.०८.२०१३ रोजीची र. २०००/- अशा एकूण ३२९६०/- रकमेच्या मागे मर्यादा पावत्या मिळालेल्या आहेत. सदर रकम ऑशो इंटर्नॅशनल फाऊंडेशन मध्ये जमा होणे आवश्यक होते, परंतु सदर रकमेच्या पावत्या ऑशो मल्टीमिडीया अँड म्झिटि प्रा.लि. या नावाने देण्यात आल्या आहेत. त्यामुळे सदर रकम ऑशो मल्टीमिडीया अँड म्झिटि प्रा.लि. या कंपनीमध्ये जमा होत असल्याचे मला विरून आले. त्यापूर्वी धर्मशाळेला प्राप्त होणारी रकमेचावतच्या पावत्या माझ्याकडे राहिली. परंतु ऑशो मल्टीमिडीया अँड म्झिटि प्रा.लि. या कंपनीचे वर्षाचे अडिटेड रिपोर्टचे अचलोकन केले असता सदर कंपनीच्या अडिटेड रिपोर्टमध्ये खाली नमूद रकमांच्या नोंदी आहेत.

- Year 2010 - Guest House Room Rent - Rs. 3,08,96,550/-
- Sale of Food snacks & Beverages Rs. 2,88,09,018/-
- Sale of alcohol - Rs. 13,56,146/-
- Year 2011 - Guest House Room Rent - Rs. 2,77,28,975/-
- Sale of Food snacks & Beverages Rs. 3,85,07,383/-
- Sale of alcohol - Rs. 11,31,753/-
- Income from Resort Facility - Rs. 26,63,775/-
- Year 2012 - Income from Residential Facility - Rs. 1,59,73,091/-

सदर रकमा या ऑशो इंटर्नॅशनल फाऊंडेशन यांच्या मालकीचे गेस्टहाऊस (धर्मशाळा) च्या उपन्यासमधील असल्याचे मी सदर वॉल्यूम शिट व रिपोर्टच्या आधारे सांगत आहे. त्यानंतरच्या ऑशो मल्टीमिडीया अँड म्झिटि प्रा.लि. या कंपनीचे वार्षिक अडिटेड रिपोर्टमध्ये इन्कम फ्रॉम रेव्ह्यू व चार्जेस फ्रॉम रीझिडेन्शियल फॅसिलीटी या सदराखाली काही रकमा दर्शवण्यात आल्या आहेत सदर रकमा या गेस्टहाऊस (धर्मशाळा) च्या उपन्यास असल्याचे मी नमूद करता आहे. सन २०१३-१४ आणि सन २०१४-१५ चे वार्षिक अडिटेड मूल्या सोबत जोडले आहेत.

दि. १५.०२.१९९७ रोजीच्या ऑशो इंटर्नॅशनल फाऊंडेशनचे सदस्य व गव्हर्निंग बॉडीच्या बैठकीचे प्रिन्सिपलमध्ये सरकारीज ट्रस्टी श्री. विश्वबन्धू शुकला यांनी असा मुद्दा मांडला की, मे. स्पॅशीओ लॅंड डेव्हलपमेंट प्रा. लि. (मद्यार्ची अँड प्रॉपर्टीज प्रा.लि.) या कंपनीला दिलेल्या अडिटेड रकमेचावत ते सतत पाठपुरावा करत असून त्या कंपनीमध्ये पिशाच्या बऱ्याच अडिटेड आहेत व त्यामुळे पैसे परत मिळण्यास वेळ लागत आहे. परंतु कंपनीने आग्र्यासन दिले आहे की, त्याचावत मंडळाला ते योग्य ती मांडवला देतील. मला प्राप्त स्पॅशीओ लॅंड डेव्हलपमेंट प्रा ली कंपनीच्या वॉल्यूम शीटमध्ये Loans & Advance या सदराखाली दि. ३१.०३.१९९५ रोजी एकूण र. ५,१०,१६,१८८/- एवढी रकमा दर्शवली आहे. नंतरच्या वर्षांमध्ये सदर रकमेत वाढ झाली

०९-०३-१२
०३-१५-१२

(सुनील शिवाजी)
को-वॉल्यूम निरीक्षक
आ. सु. शा. फौज-६,
मुंबई.

आहे. सदर पुर्ण रक्कम ही स्पॅशीओ लॅंड डेव्हलपमेंट प्रा लि. कंपनीला ओशो इंटरनॅशनल फाऊंडेशनकडूनच आलेली असावी हे मी सदर बॅलन्स शीटच्या आधारे नमुद करत आहे. स्पॅशीओ लॅंड डेव्हलपमेंट प्रा ली कंपनीचे सद्याचे नाव झेन प्रॉपर्टीज प्रा. लि. आहे. सदर कंपनीचे १. श्रीमती विद्या खूबचंदाणी (उर्फ मॉ विद्या भारती), २. श्री. मुकेश कांतीलाल सारडा (उर्फ स्वामी मुकेश भारती), ३. श्री. देवेंद्रसिंग सुरेंद्र देवल (उर्फ स्वामी देवेंद्र), ४. आनंदकुमार अवस्थी (उर्फ स्वामी आनंद सत्यार्थी), ५. लाल प्रताप सिंग (उर्फ स्वामी योग प्रताप) हे संचालक आहेत. झेन प्रॉपर्टीज प्रा. लि. ने दि. ०९.११.१९९३ रोजी सर्वे क्र.५९२ (पार्ट) माझगांव, मुंबई येथे असलेली १२,५०३.९ चौ.मी. जमीन एकूण रु. ४,१९,२५,०००/- रक्कमेला विकत घेतली. सदर जमिन ओशो इंटरनॅशनल फाऊंडेशनने झेन प्रॉपर्टीज प्रा. लि. कंपनीला दिलेल्या रक्कमेतून घेतली असल्याचे मला खात्रीशीर वाटते. ट्रस्टचे ट्रस्टी व कंपनीचे संचालक एकच असून त्यांनी संगनमत करून ओशो इंटरनॅशनल फाऊंडेशनची रक्कम ते संचालक असलेल्या झेन प्रॉपर्टीज प्रा. लि. कंपनीकडे वर्ग केली. सदर जमीन जिजामाता उद्यान, भायखळा याच्या विस्तारामध्ये गेल्याने या जमिनीतील १,८०,००० चौ. फुट टीडीआर झेन प्रॉपर्टीज प्रा. लि. कंपनीला मुंबई महानगर पालीकेकडून मिळाला. सदर टि. डी. आर. चा वापर झेन प्रॉपर्टीज प्रा. लि. कंपनीने स्वतःच्या उपयेगाकरीता केला. सदर टि. डी. आर. चा संपुर्ण लाभ झेन प्रॉपर्टीज प्रा. लि. कंपनीने घेतला. वास्तविक पाहता सदर जमिन खरेदी करण्याकरीता ओशो इंटरनॅशनल फाऊंडेशनची रक्कम वापरण्यात आली परंतु सदर जमिनीच्या टी.डी.आर. मधून प्राप्त झालेल्या कोणत्याही लाभाची रक्कम ओशो इंटरनॅशनल फाऊंडेशनला मिळाली नाही. याप्रमाणे ट्रस्टींनी सदर रक्कम व त्यापासून मिळालेला लाभ त्यांच्या कंपनीमार्फत स्वतःसाठी वापरल्याचे दिसून येते.

तसेच ओशो इंटरनॅशनल फाऊंडेशन या धर्मादाय संस्थेच्या नावे प्लॉट नं. ९ कोरेगांव रोड, पूणे येथे ७४८५.५४ चौ. फुटाचा मोक्याच्या ठिकाणी भुखंड आहे. सदर भुखंडाचा एफ.एस.आय. ८४९६.५१५ चौ. मी. (९१४२२ चौ.फुट) हा ओशो इंटरनॅशनल फाऊंडेशन या धर्मादाय संस्थेच्या नावाने आहे. सदर प्लॉटवर धर्मशाळा व मेडीटेशन सेंटर बांधण्यासाठी ट्रस्टींनी आवश्यक असलेली परवानगी घेण्याकरीता धर्मादाय आयुक्त, मुंबई यांचेकडे सन १९९८ मध्ये क्रमांक जे/४/४१-९८ अन्वये अर्ज केला होता. धर्मादाय आयुक्त यांनी सदर जमिनीवर नमुद बांधकाम करण्यास व त्याकरीता आवश्यक असलेला निधी उभा करण्याकरीता सदर जमिनीच्या एकूण क्षेत्रफळापैकी ३१४५ चौ.मी. क्षेत्र बांधकामासाठी वापरण्यास व त्यापैकी ५२६५.६४ चौ. मी. बिल्ट अप एरिया व्यावसायीक तत्वावर विकण्यास परवानगी दिली. परंतु सदर जमिन ट्रस्टची असतानाही सदर बांधकाम ट्रस्टींनी त्यांचे झेन प्रॉपर्टीज प्रा. लि. या कंपनीच्या नावाने केले. सदर बाब त्यांनी धर्मादाय आयुक्त, मुंबई यांचेकडे केलेल्या अर्जांमध्ये नमुद न करता लपवली आहे. तसेच त्यांनी ट्रस्टचे ट्रस्टी व झेन प्रॉपर्टीज प्रा. लि. या कंपनीचे संचालक एकच असल्याचे देखिल धर्मादाय आयुक्त, मुंबई यांचेपासून लपवले आहे. तसेच धर्मादाय आयुक्त, मुंबई यांनी एकूण ५२६५.६४० चौ.मी. बांधकाम करण्यास परवानगी दिली असताना त्यावर एकूण ८४९६.५१५ चौ.मी. बांधकाम केले. अशा प्रकारे त्यांनी धर्मादाय आयुक्त, मुंबई यांनी दिलेल्या परवानगीपेक्षा ३२३१.८७५ चौ.मी. बांधकाम अतिरीक्त केले. अशा प्रकारे अतिशय किंमतीचा व मोक्याचा भुखंड धर्मादाय संस्थेकडून लबाडीने ट्रस्टींनी त्यांच्या खाजगी कंपनीत वर्ग केला आहे. सदर जागेचा आजच्या बाजार भावाप्रमाणे रु.२५,०००/- प्रति चौ.फुट प्रमाणे ९१,४२२ चौ.फुट बांधकामाची किंमत अंदाजे रु.२८०,२७,३४,०००/- एवढी आहे. तसेच धर्मादाय आयुक्त, मुंबई यांनी नमुद जागेवर बांधकाम करण्याकरीता ट्रस्टला त्यांचे भावशांमधील मुद्दा क्र. ६ मध्ये नमुद केल्याप्रमाणे अतिरीक्त २७००

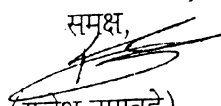
चौ.मी. चा टी.डी.आर. श्री जयंत माणीकलाल लुनावत यांचेकडून रु. २२,२४,०००/- इतक्या किंमतीस खरेदी करण्याची परवानगी दिली होती. सदर टी डी आर चा कमर्शियल बांधकाम करण्याकरीता वारंवार प्रारणाने यावा असे सदर आदेशात नमुद केले आहे. परंतू ट्रस्टने सदर टी.डी.आर. खरेदी करण्यासाठी एकुण रु. १,१९,४८,५००/- एवढी रक्कम श्री जयंत माणीकलाल लुनावत व त्यांचे कुटुंबिय आणि श्री अतुल चोरडीया यांना दिली आहे. यानुसार धर्मादाय आयुक्त, मुंबई यांनी सदर आदेशामध्ये दिलेल्या परवानगीपेक्षा रु. ९५,२६,५००/- एवढी अतिरिक्त रक्कम टी.डी.आर. खरेदी करण्याकरीता अदा करून ट्रस्टचे नुकसान केले आहे.

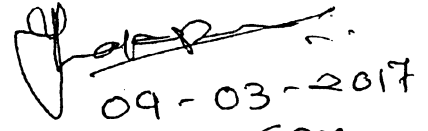
वर नमुद ट्रस्टच्या प्लॉटवर होणाऱ्या बांधकामाचे काम झेन प्रॉपर्टीजला दिले व कमर्शियल बांधकाम करण्याकरीता झेन प्रॉपर्टीज ने गोदरेज प्रॉपर्टीज अॅन्ड इन्वेस्टमेंट लि., फिरोजनगर, इस्टर्न एक्सप्रेस हायवे, विक्रोळी, मुंबई ४०००७९ या कंपनीबरोबर करार केला. सदर नोंदणीकृत करारनाम्यांवर ट्रस्टच्या वतीने ट्रस्टी म्हणून व झेन प्रॉपर्टीजच्या वतीने संचालक म्हणून श्री मुकेश सारडा यांनी सहया केलेल्या आहेत. त्यांची एक प्रत मी सादर करित आहे. अशा प्रकारे बरेच करार झाले असून त्यांच्या प्रती मी नंतर सादर करेन.

अशा प्रकारे वरील इसमांनी ओशो आश्रम, पुणे येथे असलेल्या मौल्यवान वस्तू आणि मालमत्ता भारता बाहेर म्हणजे स्वित्झर्लंड, अमेरीका, इंग्लंड, आर्यलॅंड आणि युरोप येथे नेल्या आहेत व त्याची अंमलबजावणी संचालनालय यांच्या तर्फे तपास करण्याचा आदेश मुंबई उच्च न्यायालयाने क्रिमीनल रिट पिटीशन न.२१५० ऑफ २०१६ मध्ये दिलेले आहेत.

तरी ओशो इंटरनॅशनल फाऊंडेशन चे ट्रस्टी व झेन प्रॉपर्टीजचे संचालक श्रीमती विद्या खुबचंदाणी (उर्फ माँ विद्या भारती), श्री. मुकेश कांतीलाल सारडा (उर्फ स्वामी मुकेश भारती), श्री. देवेंद्रसिंग सुरेंद्र देवल (उर्फ स्वामी देवेंद्र), आनंदकुमार अवस्थी (उर्फ स्वामी आनंद सत्यार्थी), लाल प्रताप सिंग (उर्फ स्वामी योग प्रताप) यांनी अशा प्रकारे ओशो इंटरनॅशनल फाऊंडेशन व नियो संन्यास फाऊंडेशन (जुने नाव रजनीश फाऊंडेशन) चे ट्रस्टींनी ते संचालक असलेल्या त्यांचे कंपनीमार्फत ट्रस्टचा एकुण अंदाजे रु. ८०० कोटी इतक्या रक्कमेचा अपहार केला व ट्रस्टची फसवणूक केली. तसेच लाल प्रताप सिंग (उर्फ स्वामी योग प्रताप), श्रीमती साधना बेपालुरकर (उर्फ माँ अमरीत साधना), बिमल आर. देसाई (लेखा तपासनीस), केतन एस. पटेल (लेखा तपासनीस), धनेश जोशी (उर्फ स्वामी धनेश भारती) व परदेशी आरोपीसह श्री. मायकेल ब्रायन (ओ ब्रायन) (उर्फ स्वामी आनंद जयेश), श्री. डी'आर्की (ओ ब्रायन) (उर्फ स्वामी योगेंद्र /आनंदराज), श्री. फीलीप तोलकेस (उर्फ स्वामी प्रेम निरेन), डॉ. जॉन अँड्रयुज (उर्फ स्वामी अमरीतो) व श्री. क्लॉस स्टिंग (उर्फ प्रमोद) यांनी त्याकरीता सहाय्य केले म्हणून माझी त्यांचेविरुद्ध तक्रार असून कायदेशीर कारवाई होणेस विनंती आहे.

माझा वरील जबाब मराठीत संगणकावर टंकलिखित केले असून तो मी वाचून पाहिला असता तो माझे सांगण्याप्रमाणे बरोबर आहे.

समक्ष,

 (राजेश नागवडे)
 पोलीस निरीक्षक,
 आ.गु.शा. कक्ष ९, मुंबई


 09-03-2017
 03.55 PM

STATEMENT

Date: 9.3.2017

Shri YogeshNatwerlal Thakkar, Age 56 years, occ. Real Estate, R/o. Flat No.11,
Anand Park, 368, Behind Koregaon Park Police Station, Koregaon Park, Pune-411
001. Mob. No.919049455099. E-mail-sosyogesh@gmail.com

I am as stated above and reside at the above address since last 16 years with my family. I am carrying out business of Real Estate and do buying and selling of properties on commission basis.

I am submitting my statement in connection with complaint filed with Economic Offence Wing against the Trustees/ Directors/partners of Osho International Foundation, Osho Multimedia & Resort P. Ltd., and Zen Properties Pvt. Ltd. having office at 608, Maker Chambers, V. Nariman Point, Mumbai-400 021, Maharashtra, as follows:

I had come to Rajneesh Ashram of Bhagwan Shri Rajneesh at Pune in the year 1979 in order to take Diksha/Sannyas. I stayed in Osho Ashram till 1993-1994. I am an honest devotee of Osho and working in his service for last more than 35 years. I have worked with the Secretary, Ex-Secretaries and several office bearers of Osho situated at Koregaon Park (Pune). I have gifted my share in Bunglow No.4 admeasuring 5588 sq. metres in Lane No.1, Koregaon, Pune to OSHO International Foundation by a Gift as Deed Of Endowment dated 24th December 1997.

The registration of Osho International Foundation Society was done under Society's Registration Act 1860 with the Assistant Registrar, Mumbai on 15.2.1991, which is now governed Bombay Public Trust Act 1950. The Trustees of the said Trust are 1) Shri Mukesh Kantil Sardar alias Swami Mukesh Bharti 2) Shri Devendra Sing Surendra Deval alias Swami Devendra, 3) Smt. Sadhana Belapurkar alias Maa Amrit Sadhana 4) Shri Lalpratap Singh alias Swami Yog Pratap. The main object of the said Trust are 1) To spread education 2) to develop art, Science and manpower 3) to spread Yoga, psychology, old medicines and meditation procedure. The Head Office of the Osho International Foundation is at 608, Maker Chambers, V. Nariman Point, Mumbai-400 021. The Ashram of OSHO International Foundation and Samadhi of Osho are at Koregaon Park, Pune. In the said Ashram public from within country and foreigners visit in order to do medication and listen Discourses of OSHO. The devotees visiting Ashram and choose to stay in Osho Dharmshala (also known as Osho Guest House) has to pay daily rent for per

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room to the tune of Rs. 3,500/- to Rs. 4,500/-. Thus from renting all 30 rooms fetches a sum of Rs.1,25,000/- (Rupees One lakh twenty five thousand only) per day. The yearly calculation of this income is approximately amounts to Rs.4,56,25,000/- (Rupees Four crores fifty six lakhs twenty five thousand only).

I have received receipts from the devotees who visited Ashram on 27.8.2012 and paid Rs.8,220/-, on 11.4.2014 who paid Rs.12,5000/- and Rs.3,220/- and on 19.4.2013 Rs.8,220/- thus aggregating to Rs.32,160/-. The said amount should have been deposited with Trst-OSHO International Foundation, however the said receipts have been issued by OSHO Multimedia & Resort PO. Ltd. Therefore I have observed that the said amount is being deposited in the Company of OSHO Multimedia & Resort P. Ltd. I do not have in my possession receipts for amount received by Dharmshala in the past. However, when the audit of OSHO Multimedia & Resort Pvt. Ltd. is observed, it is noticed that there are entries of following amounts showed in the audit report of the Company.

Year 2010	-	Guest House Room Rent -	Rs.3,08,96,550/-
		Sale of Food snacks & Beverages	Rs.2,88,09,018/-
		Sale of alcohol -	Rs.13,56,146/-
Year 2011	-	Guest House Room Rent -	Rs.2,77,28,975/-
		Sale of Food snacks & Beverages	Rs.3,85,07,383/-
		Sale of alcohol -	Rs.11,31,753/-
		Income from Resort Facility -	Rs.26,63,775/-
Year 2012-			
		Income from Residential Facility	Rs.1,59,73,091/-

These amounts are out of the earning from the said Osho Guest House (Dharmashala) owned by OSHO International Foundation and I say that this on the basis of Balance Sheet and receipts issued by Osho Multimedia and Resorts Pvt. Ltd. Thereafter, these amounts have been shown under the head of Income from Revenue and charges from residential facility in the company audit report of OSHO Multimedia & Resort Pvt. Ltd. I hereby state that the said amounts are out of earning from Guest House (Dharmshala).

I am attaching herewith copy of the Balance Sheets of the said Osho Multimedia and Resorts Pvt. Ltd. for the years 2013-14 and 2014-15.

On 15.2.1997 in the meeting of the governing body of the OSHO International Foundation and the then Trustee Shri Vishbandhu Shukla raised the point that they are constantly pursuing for the advances given to M/s. Spacio Land Development P. Ltd. (presently known as Zen Properties Pvt. Ltd) The Minutes of the said meeting further records that, due to financial difficulties in the Company there is delay in returning money, however, the Company assured that they will give proper compensation to the Company for the amount earlier advanced by us. In the Balance Sheet received by me from Spacio Land Development Pvt. Ltd. in Loans & Advance column as on 31.3.1995 amount shown is of Rs.5,70,16,788/-. Thereafter there is an increase in the said amount. I claim on the basis of Balance Sheet that the said amount is fully received by Spacio Land Development Pvt. Ltd. from OSHO International Foundation. The name of Spacio Land development P. Ltd. is at present Zen Properties P. Ltd. The Directors and Share holders of the said Company are 1) Smt. Vidya Khubchandani (alias Maa Vidya Bharti) 2) Shri Mukesh Kantilal Sardar (alias Swami Mukesh Bharti) 3) Shri Devendrasing Surendra Deval (alias Swami Devendra) 4. Anandkumar Avasthi (alias Swami Anand Satyarthi), 5. Lal Pratap Singh (alias Swami Yog Pratap). The Zen Properties P. Ltd. has purchased land in Mumbai viz. Land bearing S. No. 592 (Part), admeasuring 19,503.9 sq. metres situated at Mazgaon, Mumbai on 9.11.1993 for the total consideration of Rs.4,19,25,000/-. I firmly believe that the said property is purchased by the Zen Properties P. Ltd. out of the money given by OSHO International Foundation. The Trustees of the Trust and Directors of the Company are one and the same and in collusion the said amounts in possession of OSHO International Foundation is just transferred to Zen Properties P. Ltd. wherein they are Directors and Shareholders. As the said property is reserved for development of Jijamata Udyan, Byculla the Mumbai Municipal Corporation gave benefit of 1,80,000 sq. ft. TDR to Spacio Land Development Pvt. Ltd. (now Zen Properties P. Ltd.). In furtherance, the Zen Properties P. Ltd. has taken benefit of the total T.D.R. for their personal gains. It therefore appears that Trustees have used the said profit for their own and for Companies benefit by depriving the income of the Public Charitable Trust.

Similarly there is a plot admeasuring 7485.54 sq. ft. at a prime location being Plot No. 9, Koregaon Road, Pune owned by OSHO International Foundation, a Charitable Trust. The F.S.I. of said plot of 8496.515 sq. metres (91422 sq. ft) is in the name of OSHO International Foundation, Charitable Trust. The trustees had filed Application bearing No. J/4/41-98 in the year 1998 before the Charity Commissioner, Mumbai. This Application was filed for obtaining necessary permission for construction of Osho Dharmshala and Osho Meditation

Auditorium on the said plot of the Trust. The Charitable Commissioner granted permission transfer portion on the said land viz plot no. 9 of Koregaon Road, Pune; a portion admeasuring 3145 sq. meters enabling the Trust to transfer a commercial Built up area admeasuring 5265.64 sq. metres built up area to the Zen Properties Pvt. Ltd. to facilitate funds for the said purpose to built Osho Dharmshala and an Auditorium. However, though the said land was owned by Trust, the commercial structure was carried out in the name of Zen Properties P. Ltd. Similarly it is also concealed by the Trustees before the Charity Commissioner that Trustees of the Trust and Director of Zen Properties P. Ltd. Company are one and the same. Though the Charity commissioner, Mumbai granted permission for constructing of 5265.640 sq. meters, the actual construction as per the plans admeasuring 8496.515 sq. meters is constructed on the said portion of the land. Thus, the excess construction of 3231.875 sq. meters access to the permission granted by the Charity Commissioner, Mumbai. Thus the Trustees have transferred valuable and prime location plot and its benefits of the Charitable Trust to their Company. The valuation of the said construction of 91,422 sq ft. at today's Ready Recknoer market rate of Rs.25,000/- per sq. ft. amounts to Rs.280,27,34,000/-.

Similarly the Charity Commissioner, Mumbai in his order granting construction to the Trust at para 8 also granted permission to purchase T.D.R. from Shri Jayant Manikrao Lunavat for Rs.22,24,000/-. It was stated in the said order that the said T.D.R. be used for commercial construction. However, the trust has paid Rs.1,19,48,500/- to Shri Jayant Maniklal Lunavat and his family and Shri Atul Chordia for purchase of said T.D.R. Therefore, an excess of Rs.95,26,500/- has been incurred for purchase of T.D.R. than the order passed by the Charity Commissioner, Mumbai and caused loss to the Trust.

The construction work to be carried on the Plot of the Trust was allotted to Zen Properties and for commercial construction Zen Properties entered into agreement with the Godrej Properties & Investment Ltd., Phiroznagar, Eastern Express Highway, Vikhroli, Mumbai-400 079. By observing the sales agreements it is oblivious to see that Shri Mukesh Sarda has signed dual capacity as on behalf of Trust as a Trustee and as a Director of zen Properties Pvt. Ltd. I am submitting copy of the said sales agreement herewith. Such several Agreements have been executed and I will submit copies of them later on.

Also valuable articles and properties lying in Osho Ashram, Pune have been taken out of India i.e. Switzerland, America, England, Ireland and Europe by the said persons and the Hon'ble High Court at Bombay in Criminal Writ Petition No.



2150 of 2016 has passed an order to make investigation of such transactions through the Enforcement Directorate.

Therefore the Trustees of OSHO International Foundation, Neo Sanyas Foundation (Formally known as Rajneesh Foundation) and the Directors and Shareholders of Zen Properties Smt. VidyaKhubchandani (alias MaaVidya Bharti, Shri MukeshKantilalSarda (alias Swami Mukesh Bharti), Shri DevendrasingSurendraDeval (alias Swami Devendra), AnandkumarAvasthi (alias Swami AnandSatyarthi), LalPratap Singh (alias Swami YogPratap) have cheated and misappropriated the trust approximated of Rs.800/- crores. I have evidences that others as stated above as LalPratap Singh [*alias Swami YogPratap*] Smt. SadhanaBepalrkar [*alias MaaAmritSadhana*], Bimal R. Desai [*Auditor*], Ketan S. Patel [*Auditor*], Dhanesh Joshi [*alias Swami Dhanesh Bharti*] and foreign accuse Shri Mychael Brian [*O'Brian, alias Swami AnandJayesh*], Shri D'Arki [*O'Brian alias Swami Yotendra/Anandraj*] Shri Philip tolkes [*alias Swami PremNiren*], Dr. John Andrews [*alias Swami Amrito*] and Shri Claus Sting [*alias Pramod*] who assisted and it is requested to take legal action against them.

MY above statement was written on computer in Marathi, I read the same and it is true as I have stated.

Witness,

Sd/-

sd/-Yogesh Thakkar

9.3.2017 at 3.55 PM

(Rajesh Nagvade)
Police Inspector,
(A.C.B. Ward 9, Mumbai)

o/c

Ex-1 56

P.M. Havnur
B.A., LL.B.

Advocate, High Court

Correspondence:
171, B.S.O.A.
Near Jain Temple,
Kherwadi Road,
Bandra (East), Mumbai 400 051.
Ph. No. (O) – 2647 7961
Cell No. +919820095500

22nd March, 2017

To,

The Enforcement Directorate,
4th Floor, Kaiser I - Hind Building,
Currimbhoy Road, Ballard Estate,
Mumbai 400 001.

Reg: **High Court (Criminal Appellate Side)**
Criminal Writ Petition No.2150 of 2016

Yogesh Natwerlal Thakkar ..Petitioner

V/s.

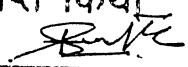
1. State of Maharashtra & Ors. ..Respondents

Kind Attention of Shri. H.S. Mandlekar, IO in Cri. W.P No. 2150 of 2016 on
behalf of the Enforcement Directorate.

Sir,

On behalf of the Petitioner in the aforementioned Criminal Writ Petition, under the directions of the Hon'ble High Court the Petitioner on 17.10.2016 has furnished you information, a dossier of over 1,000/- Crores of transfer of OSHO's valuable properties out of India by the Accused Persons against whom FIR No.149/13 is registered on 8.12.2013 with Koregaon Park Police Station under Sections 465, 467, 471, 120(B) of I.P.C. in connection of offences committed by accused persons for forging Will of Osho, who are as under:

1. Mr. Michael Byrne (O'Byrne) alias Swami AnandJayesh,
2. Mr. D'Arcy O'Byrne alias Swami Yogendra / Anandraj,
3. Mr. Philip Toelkes alias Swami PremNiren,
4. Dr. John Andrews alias Swami Amrito,
5. Mr. Mukesh Kantilal Sarda alias Swami Mukesh Bharti,
6. Mr. Klaus Steeg alias Pramod,

प्रवर्तन निदेशालय आंचलिक कार्यालय-II मुंबई
दिनांक. 22 MAR 2017
प्राप्त किया
हस्ताक्षर 

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As you are aware the Hon'ble High Court is monitoring the Investigations by the Koregaon Park Police Station and your Investigating Officer Shri. H.S. Mandlekar has been attending the Court dates religiously.

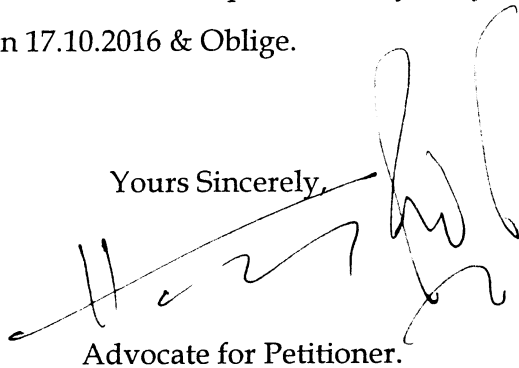
As you are also aware that all the Accused Persons in the aforementioned FIR are Foreigners, except Mr. Mukesh Kantil Sardar [NRI] shall be taking advantage of they being Non-Indians and flee the Country if you delay the Investigations on the additional information provided by the Petitioner vide dossier on 17.10.2016 and it shall be most difficult for you to get these Accused Persons back to India through rigorous process of repatriation. And you may know that these Accused Persons shall get to hideouts, few other Countries which do not have repatriation treaties with India and your Investigations be frustrated, so also you endeavor under FEMA to retrieve back OSHO's transferred valuable properties back to our Country.

However, for your benefit and record, the Petitioner seeks to furnish you with the Photographs of the Accused Persons, so as to enable you to circulate the same to all the Airports and exit points, if in case the said Accused Persons are to leave our Country.

Hence kindly take a note of the above and furnish me the Case Register number issued by the Enforcement Directorate on the information provided to you by the Petitioner vide dossier furnished to you on 17.10.2016 & Oblige.

Thanking you,

Yours Sincerely,

A handwritten signature in black ink, appearing to be 'H. S. Mandlekar', written over a horizontal line. The signature is stylized and cursive.

Advocate for Petitioner.

Photographs of the Accused

1. Mr. Michael Byrne (O'Byrne) Alias Swami Jayesh



2. Mr. Mukesh Kantilal Sarda Alias Swami Mukesh Bharti



3. Mr. D'Arcy O'Byrne Alias Swami Raj (Yogendra)



4. Dr. John Andrews, alias Dr. George Meredith, Alias Swami Amrito



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5. Mr. Klaus Steeg, Alias Swami Pramod



6. Philip Toelkes (Mr. Prem Niren)



I am not a member of Welfare Fund, therefore stamp of Rs.2/- is not affixed hereto.

IN THE HIGH COURT OF JUDICATE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. OF 2017

Yogesh Natwerlal Thakkar,)
 An Adult, Senior Citizen, Indian Inhabitant,)
 Residing at Residing at Flat No.11, Anand Park,)
 368, Behind Koregaon Park Police Station,)
 Koregaon Park,Pune-411 001.) ..Petitioner

Versus

1. The State of Maharashtra,)
Through its Additional Chief Secretary [Home])
 Mantralaya, Mumbai.)

2. Police Commissioner, Mumbai,)
 Having office at Police Head Office,)
 Opp. Crawford Market, Mumbai-400 001.)

3. Economic Offences Wing)
Through its Joint Commissioner of Police,)
 Having office at Crime Branch, C.I.D.,)
 Brihan Mumbai, Ground Floor,)
 Annexe 2 Building, Police Commissioner Office)
 Crawford Market, Mumbai-400 001.) ..Respondents

To:

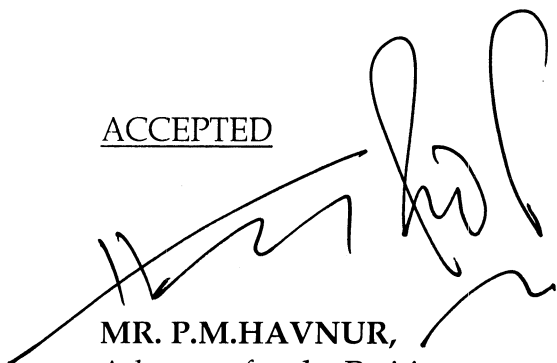
The Learned Registrar,
 High Court (Cri. A.S.),
 Bombay.

I HEREBY appoint MR. P.M. HAVNUR, Advocate, High Court, Bombay, to act, appear and plead for me and on my behalf as my advocate in the above matter.

IN WITNESS WHEREOF I have set and subscribed my hands to this writing on this 7th day of April, 2017.

WITNESSES

ACCEPTED

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the left.

MR. P.M.HAVNUR,
Advocate for the Petitioner,
e-filing Reg. No. I 2884.

PETITIONER

OFFICE : B.S.O.A. 171, Kherwadi Road,
Bandra (East), Mumbai-400 051.

IN THE HIGH COURT OF JUDICATE AT
BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. OF 2017

Yogesh Natwerlal Thakkar

..Petitioner

V/s.

1. State of Maharashtra & Ors.

..Respondents

CRIMINAL WRIT PETITION

Dated this 7th day of April, 2017

MR. P.M.HAVNUR,
Advocate for the Petitioner,
B.S.O.A. 171, Kherwadi Road,
Bandra (East), Mumbai-400 051.
e-filing Reg. No. I 2884.
e-mail ID : pradeephavnur@gmail.com